

Revenue Department

No 199

Dated 14-2-1859

Fort Saint George, Revenue Consultation of 15th February 1859.

No. 54. Read the following Extract from the Proceedings of the Board of Revenue, dated 9th February 1859, No. 479.

Read letter from the Acting Collector of Salem, dated 24th January 1859, No 16.

(In Con. 27th January 1859, No. 347.)

As the Curnum appears to have obtained a Puttah for the lands by misrepresentation and originally took them up without sanction, the Board recommend that sanction may be granted for the defence of the Suit in the usual manner.

2. The Board conclude that the Acting Collector has obtained an extension of the period for filing his answer as prescribed in P. 108 of C. O. B. of 1856. on the Board's Circular Order, dated 10th November 1856.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 55. ORDER THEREON, No. 199; dated 14th February 1859.

The Right Honorable the Governor in Council grants authority for the defence, in the first instance, at the public expense, of O. S. No. 12 of 1858 instituted in the Subordinate Court of Salem against the Collector of the District, but will determine when a copy of the decree is furnished whether the costs, if any be adjudged against the Collector, shall be borne by that officer or by the Government.

2. The draft answer proposed to be filed in this suit seems to the Government to need some correction. The meaning of paras. 2 and 3 is not quite clear. It should be stated, if it is the case, that Plaintiff had no interest in the waste land taken up for cultivation by the defendants, and no right to assume the power of landlord in respect to it.

(Signed) J. D. BOURDILLON,
Secretary to Government.

In CON. 27TH JANUARY 1859, No. 347.
From A. HATHAWAY Esq., Acting Collector of SALEM,
dated Ahtoor, 24th January 1859, No. 16.

I have the honor to forward the abstract of a plaint, filed by Vencat Roya Pillay of Ootungaray, in O. S. No. 12 of 1858, on the file of the Subordinate Court of Salem, with the draft of a proposed answer.

2. As, *prima facie*, the circumstances of the case seemed in favor of the Plaintiff, I endeavoured to induce him to compromise.

3. He at first consented to withdraw his claims; but subsequently resolved to continue the suit.

4. If the Board see no objection to the proposed answer; I request that sanction may be accorded, for carrying on the suit at the public cost.

5. The time for filing the answer expires on the 5th Proximo.

ENC. 1.

Abstract of Plaint in O. S. No. 12 of 1858, on the file of the Subordinate Court of Salem, preferred by Vencata Roya Pillay, a cultivator by profession, and of the Vellala caste; residing in the village of Congoo Vambie, in the Talook of Tengericottah, against (1) Chemmonjee Perooman, son of Barber Taden, residing in the Village of Vadaputty, attached to the amany Moottah of Ganapathy Putty in the same Talook; (2) Coollun; and (3) H. A. Brett Esq., Collector of Salem.

The Plaintiff sues for possession of 5 plots of Mulgoozary Nunjah land, (specified below) yielding an annual produce, worth Rupees 10, and assessed at Rupees 3-13-8; for recovery, from the Defendants, of the produce of the said land, for the year Pingala, 1857-58, valued at Rupees 22-1-2; and for the issue, in his name, instead of that of the 1st and 2nd Defendants, of a Puttah for it.

2. Plaintiff, in Fusly 1266, having taken up, without any formal application, the lands in dispute, which were Podoogal waste, gave them for cultivation, on warum tenure, to the first two defendants, and Poongavanum Chetty, in the Chittry season of that year; received from them his share of produce; paid the assessment, and obtained a Puttah for the land.

3. Meanwhile, the 2nd Defendant, having claimed the lands before the Tahsildar; an investigation was held, during which the first two Defendants, and the curnum, fully acknowledged Plaintiff's right.

4. Upon this, the 2nd Defendant withdrew his claim; but subsequently, in concert with the 1st preferred a verbal complaint before the 3rd Defendant who, in contravention of the Hookoomnamah and Cowlenamah, gave them a puttah for Fusly 1267.

5. He is therefore included as a Defendant.

6. As regards the produce for Fusly 1266, Plaintiff has filed a suit in the Darampoory Moonsiff's Court.

7. The lands in dispute are as follows:

	Extent.			Assessment.		
	A.	G.	A.	Rs.	A.	P.
Wodden Nunjah, No. 63.....	0	12	3	0	15	0
Pullun Nunjah. No. 64.....	0	7	8	0	9	6
Do. Poonjah No. 88.....	0	7	8	0	9	6
Ramazee well Nunjah No. 98.....	0	10	3	0	13	0
Do. Pullun Nunjah.....	0	11	5	0	14	3

The whole 5 plots together making acres 1-8-13 assessed at Rupees 3-13-8. These lands are situated in the Madumputty Village, to the North of Podoogal Nunjah, to the west of Pyecary Tittoo, to the South of Culliputtum Tottum, and to the east of Commien Nunjah. These lands are now entered in puttah in the names of the 1st and 2nd Defendants. Presented on the 12th October 1858. Filed on the 19th October 1858.

ENC. 2.

Draft of an answer, proposed to be filed, in O. S. No. 12 of 1858, on the file of the Subordinate Court of Salem, by A. Hathaway Esq., Acting Collector of Salem, on behalf of H. A. Brett Esq., Collector of Salem, and 3rd Defendant in the above suit, against Plaintiff Vencata Roya Pilly, of Congoo Vambie, in the Tengericottah Talook.

Rev. Dep^t

No 199

Extract from the Minutes of Consultation
Under date the 14th February 1859

Read the following
Extract from the Proceed-
ings of the Board of Revenue.

(Here enter 9 Feb/59)

The Right Honourable
the Governor in Council
grants authority for the
defense, in the first in-
stance, at the public
expense, of O.S. No 12
of 1858 instituted in
the Subordinate Court
of Salem against the
Collector of the District,
but will determine
when a copy of the
decree

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H. all

1. The 3rd Defendant, acknowledging, in the main, the correctness of the Plaint, maintains the validity of the late Collector's order, on the following grounds :
2. The Plaintiff asserted, that he cultivated the land in Fusly 1266 "Apkhud," or "of his own authority," but this is not the fact.
3. In ignorance of this damnable fact, a Puttah was given him in Fusly 1266.
4. During the Jumabundy of Fusly 1267, the actual cultivators appeared ; and proved the cultivation of the land by themselves.
5. The 3rd Defendant therefore, taking this into consideration, and being satisfied that the Plaintiff, who is a Curnum, and an influential person, had imposed upon the other Defendants, who are ignorant people, to withdraw their complaint from before the Tahsildar, transferred to them, as the actual cultivators, and in possession of the land, the Puttah, which the Plaintiff had obtained under a false impression.
6. The 3rd Defendant on the above grounds prays that the suit as regards himself may be dismissed with costs.

22/2/59
C. S. No 12/59

199
2003/59

decree is furnished
whether the costs, if
any be adjudged against
the collector, shall be
borne by that Officer
or by the Government.

2. The draft answer
proposed to be filed in
this suit seems to the
Government to need
some correction. The
meaning of Paras 2
and 3 is not quite
clear. It should be
stated, if it is the case,
that Plaintiff had
no interest in the
waste land taken
up for cultivation
by the Defendants,
^{and no}
~~was~~ ^{had} any right
to

to assume the power of
landlord in respect
to it. The Board and
~~therefore instruct the~~
~~collector to amend~~
~~the draft answer to~~
~~the above effect before~~
~~filing it.~~

Copies to the B. of Rev. Dated 15th

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Revenue 1857 29th
D^o to Cons: 15th February.

1859.

Richard Ellis & Co:-
24th February 1859.

Pro: of the B² of No: 912 of 1859
Cor: 945 in No: 21 of 1859.

Granting authority for
the defence in the first instance
at the public expense of B² of
1859 of 1858 and stated in the
subordinate Court of Appeal
against the Collector and stating
that the Government will be
responsible when a copy of the
decrees is furnished whether
the costs of any be adjudged
against the Collector, should
be borne by that officer or
by the Gov^t of B².

No 374 1855.

14th Feb 1854