

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	<i>462</i>	Press Mis.
Dated	<i>2 - 4 - 18 59</i>	

Not to be folded or roughly handled

462

10

Fort Saint George, Revenue Consultation of 5th April 1859.

No. 6. Read the following Petition from SOOBBAHYA Naicker, Nattamaygar of Tom-
bacoolum in Streevelypootoor Talook, Tinnevely.

*Appealing against the decision of the Collector
and Board of Revenue in a disputed case res-
pecting shares in a certain village.* } (Here enter 23d December 1858.)

No. 7. ORDER THEREON, No. 462; dated 2nd April 1859.

This is a dispute respecting shares in a village Meeras and Enam; it was first decided by the Sub-Collector on a report by the Tahsildar, without, as it seems, any proceedings before himself; and this decision was reversed by the Collector, also, as it appears, without any personal proceedings. In the opinion of Government, this is a wrong course. Regulation VI. of 1831 took cases of this description out of the jurisdiction of the Courts, and substituted investigation and decision by Collectors; and it is the opinion of Government that the proceedings of those officers under this Regulation should be judicial in character. Clause III. Section IV. of that Regulation empowers Collectors indeed to refer claims of this nature to "the Native assessors for investigation," being those spoken of in the preceding clause; but the practice of a decision by the European officer on evidence taken and reported on by a Native officer, is nowhere sanctioned by the Regulation, and the Government consider it to be illegal as well as inexpedient. The Board will cause a stop to be put to it; and this will be the more easy because the Collectors are now about to be provided with Deputy Collectors competent to perform all the duties of a Covenanted Assistant.

2. The case of the present petition will be disposed of in conformity with this order.

(Signed) W. C. SIM,
Acting Deputy Secretary to Government.

Petition

N^o 39 of 1859

From Subbaya Naicker
Kattamaygar of Tambacolum
in Sivvelly pottar Talook
Tinnevely.

Appeals that the
Collector petitioned by his
opponents, unjustly reversed
the order of the Sub Collector
by ordering one third to be enjoyed
by him, and two thirds by his
opponents. Encloses the orders
of the Collector and the Board
of Revenue. Prays for enquiry
and to render him justice.

The Endorsement of the
Board of Revenue dated
9th April 1858 ^{is} approved.

This is part one of
more cases that shall be
dealt on evidence for a
formal decree under Reg^{VI} 1851
Here the collector reverses the
decision of his officers on
the report of a Taluk - in
case involving the possession
of landed property

Dept

462
Extract from the Minutes of Consultation
Under date the 2nd April 1859.

Read the following Petition
from Soobahya Naicker
Nattamaygar of Tombacor-
lum in Arcot District
Tahsil Tinnivelly.

(Here enter 23 December 1859)

[Handwritten signature/initials]

[Handwritten initials]

This is a dispute
respecting shares in a
Village Meeras and Enam;
it was first decided by
the Sub Collector on a re-
port by the Tahsildar,
without, as it seems any
proceedings before himself,
and this decision was
reversed by the Collector,

also

2/2 March

also, as it appears, without
any personal proceedings.

In the opinion of Govt.

This is a wrong course.

Regulation VI of 1831 took

cases of this description

out of the jurisdiction of

the Courts, and substituted

investigation and decision

by Collectors; and it is

the opinion of Government

that the Proceedings of

those Officers under this

Regulation should be

judicial in character.

Clause third Section IV

of that Regulation emp.

-powers Collectors indeed

to refer claims of this

nature to the Native

officers for investigation, being those ~~to be~~ spoken of in

~~but in the opinion of Govt.~~ the preceding clause; but

~~this is a plain question~~

4.
~~the~~ the practice of a
decision by the European
Officer on evidence taken
and reported on by a
Native Officer, is nowhere
sanctioned by the Regu-
lation, and the Govt
consider it to be illegal
as well as inexpedient.
The Board will cause
a stop to be put to it;
and this will be the more
easy because the Collectors
are now about to be
provided with Deputy
Collectors competent to
perform all the duties
of a Covenanted Assistant.

2. The case of the
present petition will be
disposed of in conformity

3 Copies to the D^o of Rev. D^o with this order.
1 B. to the D^o of Rev. D^o with this order.
1 B. to the D^o of Rev. D^o with this order.

JAH

Revenue 1859 Sept.
To Cms: 5th April

No 462.

Contract of Cms:
23^d April 1859.

The B. to put a stop to
the illegal practice of a decision
by the European Officer on
evidence taken and reported
on by a Native Officer and
to cause the present dispute
respecting shares in a
certain village in Cms.
to be disposed of in con-
formity with this order.

No 647.

6th March 1851