

Madras Record office.

Government of Madras.

Revenue Department.

G. O. no. 569.

Dated 29. 4. 1859

Not to be folded or roughly handled

*Fort Saint George, Revenue Consultation of 29th April 1859.*

No. 34. Read the following Extract from the Proceedings of the Board of Revenue, dated 21st April 1859, No. 1441.

Read letter from the Collector of Ganjam, dated 11th April 1859, No.—.

(In Con. 21st April 1859, No. 1798.)

The Collector reports that one R. Lutchmenarrian has instituted two suits against him and certain other parties in the Zillah Court of Chicacole for the recovery of lands now in the possession of the latter.

2. The Plaintiff states that these lands belonged to his father, on whose death, ten years ago, Plaintiff's mother made them over to the Defendants (the Collector expected) on their verbal promise to restore them to Plaintiff when he should attain his majority. The Defendant, refused to give up the lands on Plaintiff's demand, and he then applied to the Acting Collectors who could not disturb such lengthened possession. Plaintiff then appealed to the Board who referred him to the Civil Court, and he now brings his action against the parties in possession including the Collector as 1st Defendant.

3. The Board recommend that the Collector may be authorized to file the following answer which sufficiently meets his case. Both suits are alike, so far as he is concerned, and the same reply will do for both.

4. The time allowed for filing answers will expire on the 6th proximo; but the Collector has applied for an extension of three weeks.

(A true Extract.)

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

*Answer of the Collector of Ganjam in Suit Nos. 4 and 5 of 1859 on the file of the Zillah Court of Chicacole.*

1. The lands in question having, as Plaintiff admits, been made over to Defendants (from 2nd to 7th) by his mother and guardian, and having been held by them on puttah for several years without objection on the part of Plaintiff or his mother, the Collector had not legal authority to disturb Defendant's possession without the order of a competent Court.

2. The Collector's predecessors having acted in good faith and in the due discharge of their duty, and Government being in no way interested in the subject matter of dispute, the Collector prays that the suit, as against him, may be dismissed with all costs.

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

No. 35. ORDER THEREON, No. 569; dated 25th April 1859.

The Honorable the Governor in Council grants authority for the defence in the first instance at the public expense of original Suits Nos. 4 and 5 of 1859, instituted by R. Lutchmenarrian in the Zillah Court of Chicacole, against the Collector of Ganjam and others, but will determine when copy of the Decree shall be furnished whether the costs, if any be adjudged against the Collector, shall be borne by that officer or by the Government. The answer prepared by the Board of Revenue, being sufficient the Collector will be instructed to file it.

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

From

G. S. Forbes Esqre

To

Collector of Ganjam

J. D. Sim Esqre

Secretary to the Board of Revenue  
Fort Saint George

Sir,

I have the honor to report that one Ravi  
Lutchmenarain has filed a suit in the Chinnole  
Court in which the Collector is included as a de-  
fendant together with the ryots of certain Villages  
in the Nchapore Talook. The object of the suit  
is to recover certain puttah lands which Plaintiff claims  
as having been in his father's enjoyment about 10 years  
ago.

Copies of the plaint and my proposed  
Answers are herewith submitted and I request the  
Board will obtain the permission of Government  
to conduct the suit at the public expense. The latest  
date for filing the Answers is 6<sup>th</sup> May next.

and I have however desired the Government  
to feel to apply for an extension of 3 weeks.

Gajum District } I have the honorable  
Collectors Office } Sir,

Chettipore 11<sup>th</sup> April } Your Most Obedient Servant  
1859.

E D Davis  
Collector

Pl. Defendants Answer.

The lands claimed by Plaintiff passed into the possession of Defendants from 2<sup>d</sup> to 16<sup>th</sup> after the death of Plaintiffs father about 10 years ago and patta has been ever since issued in their names. The Plaintiff states that a verbal agreement was made to the effect that this should be a temporary arrangement and that the land should be restored to him but no written document was executed.

The Plaintiff after the lapse of some years during which the aforesaid Defendants were in undisturbed possession petitioned the Collector to deprive them of the lands But that Officer acting in bonafide and in the proper exercise of his functions refused to oust the other Defendants and the Plaintiff having appealed to the Board of Revenue was referred to a Civil suit.

It is clear therefore that the 1<sup>st</sup> Defendant as representing the Acting Collector who passed this decision has been improperly included

Deputy Collector  
of District  
Dumraon  
19<sup>th</sup> Dec 1880

1880  
The Collector  
Dumraon

29<sup>th</sup> Dec 1880  
Deputy Collector  
Dumraon

Deputy Collector  
Dumraon  
1880

Deputy Collector  
Dumraon

Deputy Collector  
Dumraon  
1880

as a Defendant and that the Plaintiff's claim  
turns upon the nature and validity of the alleged  
Agreement in virtue of which his Mother made over  
the lands to the remaining Defendants. He therefore  
prays that the Court in passing judgment on this claim  
will declare the 1<sup>st</sup> Defendants to have been improperly included  
in the plain.

B. O. Nelson  
Collector

Translation of a Plaint in Cause No. 5 of 1859 on the  
file of the civil court of Chicacole.

Plaintiff.

Defendants.

Ravi Lutchmenaraina 1. G. L. Forbes Esq. collector of Ganjam  
a Ryot of Itchapoor. 2. Gota camoodoo.

3. Gota Kristnamah.

4. Kucha Appegadoo.

5. Blaka Lutchmoodoo.

6. Goomari Barebahara.

7. Goomari Comelegadoo.

Ryots of  
Mornebha-  
dra of Itcha-  
pore Talook.

1 The Plaintiff's father was in the uninterrupted  
enjoyment of 29  $\frac{1}{4}$  of putta land in the village  
of Mornebhadra in the above Talook paying the whole  
of the Govt. Cist annually. He laid out money on the  
lands but before he could enjoy the benefit derived  
from them he died on the 6<sup>th</sup> decreasing moon of  
Asweja of the year Plananga.

2 As the Plaintiff was only a minor and his  
mother who was his guardian was ignorant of  
public affairs, the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> & 7<sup>th</sup> defendants  
prevailed upon his mother to allow them to  
cultivate the putta land of his father and pay  
to Govt. the annual Cist of Rs 41-5-4, promising to  
restore back the land to the plaintiff as soon  
as

Dec: 16 1928 of 1909  
Lut: 21 of 1909  
Dec: 16 1929 of 1909

as he attains his majority. They also made up matters with the then Sahasildar of Itchapoor so that he might not question his mother on the subject & took possession of the land in July 1258, procured <sup>the</sup> puttahs in their names, and are enjoying up to the present time.

3 The Plaintiff on attaining his majority having claimed from the above defendants the puttah land of his father they agreed to restore it to him in the presence of respectable persons but subsequently refused to do so.

4 The Plaintiff then presented an <sup>objec</sup> to the late Acting collector on the 27<sup>th</sup> September 1856 which was referred to the Sahasildar of Itchapoor, who instituted an enquiry into the matter & submitted his proceedings to the Principal Assistant collector. From the enquiry instituted by the Principal Asst. collector it appeared to him that there were sufficient grounds to warrant the restoration of the land to the Plaintiff and the Principal Asst. collector recommended its restoration in his <sup>order</sup> to the collector dated the

9<sup>th</sup> March 1857, but the collector through an oversight issued an Endorsement to the effect that the land cannot be restored to the Plaintiff as neither he nor his relatives claimed it since the death of his father. From this order the Plaintiff appealed to the Board of Revenue. As they were pleased to cancel the order issued by the collector & favor the Plaintiff with an Endorsement under date the 2<sup>nd</sup> June 1858 referring him to the Civil Court & as the collector deprived the Plaintiff of his land on the mere report made by the then Sahasildar without questioning the Plaintiff's mother on the subject of her having made over the puttah land of his father to the defendants, the Plaintiff presented an <sup>objec</sup> to the collector on the 28<sup>th</sup> September 1858 stating that he would include him as one of the defendants in this suit but the collector having issued an Endorsement on the 11<sup>th</sup> October last to the effect that the Plaintiff was at liberty to bring a law suit against him the collector was made first defendant in this suit.

5 The Plaintiff therefore begs that the Court will recover from the defendants Rs 100. being the profit derived from the above land during the last ten Pussies viz. from July 1258

1258 the year in which the defendants took possession of the land to July 12 67 at Rs 10 per annum (after deducting the Govt. dist) together with the puttah land and mango garden measuring 29 <sup>4</sup>/<sub>10</sub> - 11 <sup>3</sup>/<sub>4</sub> & yielding Rs 41-5-4 a year & the costs.

21<sup>st</sup> December

1858.

(Signed) S. Ramasastri  
Pleader.

True Translation

S. Ramasastri  
Collector.

Recd. by 1798/10  
Julian 21<sup>st</sup> 1858  
Recd. by 1798/10

Translation of a Plaint in Cause No 4 of 1859 on the file of the Civil Court of Chicacole. -

Plaintiff

Ravi Lutchmenaraina  
a ryot of Itchapoor.

Defendants -

- 1 G. S. Forbes Esq. Collector of Chicacole.
- 2 Lunda Daloo -
- 3 Gadala Yendu
- 4 Dooka Jogooloo -
- 5 Burri Gorravadoo -
- 6 Burri Akari -
- 7 Varapati Venku
- 8 Burri Jagannadum -
- 9 Patarla Poti
- 10 Londa Doyados
- 11 Doompam Ramoodoo -
- 12 Patarla Sarasi -
13. Commari Bojjadoo -
- 14 Dayala Doji -
- 15 Ali Gazendoodoo
- 16 Dayala Madadoo -

Ryots of  
Mundapilly  
in the  
Itchapoor  
Talook

1 The Plaintiff's father was in the uninterrupted enjoyment of 239 <sup>acres</sup> - 2 <sup>1</sup>/<sub>10</sub> of puttah land in the village of Mundapilly in the above Talook paying the whole of the Government <sup>dist</sup> annually. He laid out money on the land but before he could enjoy the benefit he died on the 5<sup>th</sup> decreasing moon of Asweya of the year Plavanga. -

2 As the Plaintiff was then only a minor and his mother who was his guardian was ignorant of

public affairs the 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> 5<sup>th</sup> 6<sup>th</sup> 7<sup>th</sup> 8<sup>th</sup> 9<sup>th</sup> 10<sup>th</sup>  
11<sup>th</sup> 12<sup>th</sup> 13<sup>th</sup> 14<sup>th</sup> 15<sup>th</sup> & 16<sup>th</sup>. Defendants prevailed  
upon his mother to allow them to cultivate the  
puttah land of his father and pay to Government  
the annual cist of Rs. 298 - <sup>promising to</sup> - 4 restore back  
the land to the plaintiff as soon as he attains  
his majority. They also made up matters with the then  
Sasildar of Itchapoor so that he might not question his  
mother on the subject and took possession of the land in  
July 1258, procured the puttahs in their names and are  
enjoying it upto the present time. The plaintiff on  
attaining his majority having claimed from the above  
defendants the puttah land of his father, they agreed  
to restore it to him in the presence of the respectable  
persons but subsequently refused to do so. -

3 The plaintiff then presented an Arjer to the late  
H. Collector on the 27<sup>th</sup> September 1856 which was  
referred to the Sasildar of Itchapoor who instituted  
an enquiry into the matter and submitted his  
proceedings to the Principal Assistant Collector.  
From the enquiry instituted by the Principal Asst.  
Collector it appeared that there were sufficient  
grounds to warrant the restoration of the land to the  
plaintiff and the Principal Assistant Collector re-  
commended its restoration in his yodi to the Collector  
dated the 9<sup>th</sup> March 1857 but the Collector through  
an oversight issued an endorsement to the effect

that the above land cannot be restored to the  
plaintiff as neither he nor his relations claimed  
it since the death of his father. From this order  
the plaintiff appealed to the Board of Revenue.  
As they were pleased to cancel the order issued  
by the Collector and favour the plaintiff with  
an endorsement under date the 2<sup>nd</sup> June 1858.  
referring him to the Civil Court and as the Collector  
deprived the plaintiff of his land on the mere report  
made by the then Sasildar without questioning the  
plaintiff's mother on the subject of her having  
made over the puttah lands of his father to the  
Defendants the plaintiff presented an Arjer to  
the Collector on the 26<sup>th</sup> September 1858 stating that  
he would include him as one of the defendants  
in this suit but the Collector having issued an  
endorsement on the 11<sup>th</sup> October last to the effect  
that the plaintiff was at liberty to bring a law-  
suit against him, the Collector was made first  
defendant in this suit. -

4 The Plaintiff therefore begs that the Court  
will recover from the defendants Rs. 457-15-8  
being the profit derived from the above  
land

Rev. Dep<sup>y</sup>

No 569.

# Extract from the Minutes of Consultation

Under date the 25<sup>th</sup> April 1859.

Read the following Extract  
from the Proceedings of the  
Board of Revenue.

[There enter 21<sup>st</sup> April 1859.]

The Honorable the

Governor in Council grants  
authority for the defence in  
the first instance at the  
public expense of original  
suits Nos 4 & 5 of 1859, insti-  
tuted by Re. Lutchmenarayan  
in the Zillah Court of  
Chicacole, against the  
Collector of Ganjam &  
others, but will determine  
when copy of the Decree  
shall be furnished whether  
the costs, if any be adjudged  
against the Collector, shall  
be

WV

LL

WV

land during the last ten fushies Vizt from fushy  
1258 the year in which the defendants took  
possession of the land to fushy 1267 at 50 Rupees  
per annum after deducting the sum of Rs 48-0-4  
which the plaintiff relinquished being unable  
to pay the stamp duty together with the puttah  
land of 239-<sup>a</sup> 2-<sup>b</sup> 11 yielding annually Rs 348-0-4  
and costs.

5 The lands now claimed being scattered in  
..... in many places their boundaries  
are not given but the plaintiff begs to say  
that a list will be presented afterwards.

21<sup>st</sup> December 1858.. Signed) S. Camasastry  
Pleader.

(True Translation)

E O Evans

Collector

Rev: Ho 12/1/59

Let to 17/1/59  
Lufan 21/1/59

he borne by that officer  
or by the Govt. The  
answer prepared by  
the Board of Revenue  
being sufficient the  
Collector will be instructed  
to file it.

JH

Copy to the Board of Revenue Resp. 25/4/59.  
2 Ptd do. - to No. 528

Revenue 1859 Sept. 11.  
20<sup>th</sup> to Jan 29<sup>th</sup> April

1856.

Contracting Co.

25<sup>th</sup> April 1859.

10<sup>th</sup> of the 1<sup>st</sup> of the 1<sup>st</sup>

10<sup>th</sup> of the 1<sup>st</sup> of the 1<sup>st</sup>

21<sup>st</sup> of the 1<sup>st</sup> of the 1<sup>st</sup>

The Collector of Gangam  
authorised to deposit at the  
public expense the D. 1. 1859  
of 1859 instituted by D. 1. 1859  
memorandum in the 1<sup>st</sup> of the 1<sup>st</sup>  
of the 1<sup>st</sup> of the 1<sup>st</sup> of the 1<sup>st</sup>  
others also to file the memorial  
prepared by the Board.

Ms 34. 435