Roorkee Foundation

No 696

Dated 21st May 1859

Proceedings of the Madras Government, Revenue Department, from 18th to 27th May 1859.

No. 27. Read the following Extract from the Proceedings of the Board of Revenue, dated 20th May 1859, No. 1842.

Read letter from the Collector of Canara dated 13th May 1859, No. 76.

(In Cons. 19th May 1859, No. 2265.)

No. 1 of 1859. In the above letter the Collector reports the institution of a suit against him and another person in the Sub Court of Mangalore and requests permission to defend it at the public expense.

2. The Plaint is lengthy and the answer follows it in detail. The main features of the case are as follows :

3. The Plaintiff declares that the land was purchased for his Convent from the then Proprietrix from whom a Moolguenny Chit and deed of sale in favor of the Convent were obtained, that the members of the Convent have hitherto enjoyed the land, that when a portion of it was required for a public road the litle of the Convent was admitted by the Collector that on 2nd Defendant's elder brother then claiming the land, the Sub-Collector (in 1845-6) referred both parties to a Civil suit, that in March 1857, 2nd Defendant as heir of his brother who had intermediately died, compromised the dispute by conceding Plaintiff 2 annas out of the 15, at which the ground was valued, and that the Collector (1st Defendent) rejected this compromise and claims the land for Government. The Collector maintains that the person from whom the land is said to have been bought, never possessed and could not sell it, that it is immemorial Government waste, that the alleged possession of the members of the Convent is untrue, that the title was never recognized by the Collector, that more than 12 years elapsed since the rival claimants were referred to the Civil Courts by the Sub-Collector and that the compromise between Plaintiff and 2nd Defendant was collusive and fraudulent.

4. The Collector answers the Plaintiff's claim on every point and the Board persume that he can adduce satisfactory evidence in support of several pleas. They resolve therefore to recommend that sanction be granted on the usual terms for the defence of the suit.

5. The period for filing the answer expires on the 23d Instant and unless the Court has granted an extension it is impossible for the orders of Government to reach the Collector in time.

6. Mr. Fisher should have explained why sanction was not sooner sought. The Board request that in future that he will give a brief statement of the case instead of leaving them to collect the facts from the pleadings. In the present case he ought to have explained what object there was in ejecting Plaintiff instead of simply assessing the land.

(A true Extract.)

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

No. 28. ORDER THEREON, 21st May 1859, No. 696.

The Honorable the Governor in Council sanctions the defence in the first instance at the public expense of suit No. 1 of 1859 instituted against the Collector of Canara in the Subordinate Court of Mangalore by Padre Columbino ; but will determine when a copy of the decree is submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that officer or by the Government.

2. The orders issued by the Board of Revenue in para. 6 of the above Proceedings are approved. The Board will call upon the Collector for an explanation as to his delay in applying for sanction to defend the suit, and also as to his ejectment of Plaintiff, and will submit that explanation with their opinion for the information of Government.

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

Rev. Dept.

No. 696.

...s of the Madras Government
Under date the 21st May 1859

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

(Recd. after 20th May 1859
No. 1842)

The Honorable
the Governor in Coun-
-cil sanctions the defend-
in the first instance at
the public expence of the
suit No 1 of 1859 instituted
against the Collector of
Canara in the Subordi-
-nate Court of Mangalore
by

by Padre Columbing, but will determine when a copy of the decree is submitted, whether the Costs, if any be adjudged against the Collector, shall be borne by that officer or by the Govern-ment.

2. The orders issued by the Board of Revenue in para 6 of the above Proceedings are approved. The Board will call upon the Collector for an explanation as to his delay in applying for sanction to defend the ~~Wood~~ suit, and also as to his ejectment of plaintiff, and will submit that explanation with their opinion for the inform-ation of Government.

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N.S.
Copy to the Bd of Rev with 3 Encls Dis[illegible] 21st
2 Old Spare Copies to Dr. V 26 Immediate Today

Revenue 1859 Sept.
Cons 27th May.

No. 696.

Pro: of the Madras Govt.
Dy 21st May 59.

From the Secy to the Board of Revn.
Dy 9th June 59 & No. 1052 Inclosures

Defence at public
cost of Suit No 1 of 1859 in-
stituted by Padre Columbino
against the Collector of
Canara in the Sub Court
sanctioned -

Nos 27 & 28.

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