Revenue Department

G. O. No 710

Dt 27th May 1859

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

No. 55. Read the following Extract from the Proceedings of the Board of Revenue, dated 11th May 1859, No. 1710.

Read letter from the Acting Sub-Collector in charge of Masulipatam, dated 4th May 1859, No. 69.

(In Con. 9th May 1859, No. 2087.)

In the above letter Mr. T. A. N. Chase, the Acting Sub-Collector in charge of the Masulipatam District, reports the institution of a suit against the Collector and others under the following circumstances.

2. A ryot of the village of Goodlavalairoo applied for land within the nuttrum or village site, for building purposes. A spot was assigned to him, but the villagers objected on the plea that their cattle were stabled on it during the rains. Another vacant spot which had been unoccupied for years was then assigned to the applicant. The Plaintiffs in the present suit claim this as their hereditary property and have brought this action for its recovery.

3. Mr. Chase proposes simply to demur to the jurisdiction of the Court, but the Board doubt whether the plea, as set forth in his draft answer would hold good. They therefore propose to meet the claim on its merits and append an answer drawn up accordingly.

4. Mr. Chase has omitted to state whether any other spot equally eligible but unclaimed was available. But as the village site is exempted from all assessment and intended merely for the dwellings and out-houses of the ryots, the Government can justly claim the right of disposing of vacant spots, as they think fit, for the convenience of the people, and it is of some consequence that this right should be upheld.

5. The time for filing an Answer will expire on the 26th proximo.

(A true Extract.)

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

DRAFT ANSWER.

1. The village site consists of land set apart by Government for the dwelling of the villagers and generally allowed free of assessment, when so occupied by cultivating ryots. Government are consequently free to dispose of unoccupied spots therein at their pleasure.

2. Whatever rights Plaintiffs may formerly have possessed to the site sued for, have lapsed by lengthened non-occupancy.

3. Plaintiffs have neither puttah nor other valid document showing either recent occupancy or payment of assessment in support of their claim.

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

No. 56. ORDER THEREON, 26th May 1859, No. 710.

The Government sanction the defence in the first instance at the public expense of the suit No. 9 of 1859 instituted by certain ryots in the Civil Court of Masulipatam against the Collector of that District and others, 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.

The draft answer drawn up by the Board will be filed by the Collector.

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

thing, but will —
determine

In Con. 9th May 1859, No. 2087.

From T. A. N. CHASE, Esq., Acting Sub Collector in charge of MASULIPATAM,
dated Masulipatam, 4th May 1859, No. 69.

1. I have the honor to submit for the orders of the Board Translate of a Plaint brought against the Collector of this District, the Tahsildar and six Royts (O. S. No. 9 of 1859) in the Civil Court of Masulipatam by Saparala Lukshmenaraniah and two others, Ryots of the Village of Goodlavalairoo, Talook Goodewadah.

2. The circumstances which have led to this suit are briefly as follow;—The 3rd Defendant, a considerable Ryot and a man of large family, petitioned* to have some ground of the village site granted to him to build on, selecting a vacant ground for the purpose on the deserted Malapully site marked C, in the plan filed with the Plaint. The villagers objected to the grant of this ground because Malapully site was now used as a sort of common ground of the village for the stabling of cattle in the rainy weather. As this appeared to be the case, and as the ground was also far from the present house of the 3rd Defendant, the Tahsildar, on a personal inspection of the locality, recommended* that a part marked B of the vacant grounds adjoining his house should be granted him instead. The Collector issued orders accordingly. The object of the present suit is to get this order set aside.

* 29th October 1858.

* 27th December 1858. 4th January 1859.

3. In July 1857 the question of the right of Ryots to waste and unoccupied grounds in this village was brought before the Collector on the occasion of taking an account of the backyards in the District. The Collector acting under the orders of Government 11th July 1856, refused to acknowledge any such right which was not founded on any document such as a Puttah. This order affected 24 grounds or sites which, on the testimony of the Moonsiff, Curnum and Villagers, had been left waste unenclosed and unoccupied in any manner from a very long time though they were alleged to have been according to tradition, their Tobacco gardens at some remoter period. The grounds marked A and B now sued for, are among these 24, and were declared in that order along with the rest, to be such as could not thenceforward be encroached upon or enclosed by any Ryot, without the previous authority of the Circar Officers.

4. There are no longer Tobacco gardens on them, nor have they been ever since included in the Puttahs of the Royts or in any manner paid for or owned by them. The fact of their being known by the names of their old owners when cultivated with Tobacco, cannot of itself establish the right of the Ryots, who by their own admission never, within their memory, cultivated, or in any manner occupied them. I do not believe that lands of this sort can be properly made the subject of a civil suit against the Collector, whose orders regarding them could be appealed from only to the Board of Revenue and Government, and I therefore propose to answer the suit by demurring to the jurisdiction of the Court.

5. The Plaintiffs cite a Razeenamah of the Court, dated 1823, in which mention is made of the wall of their ground, as a boundary between their ground and that of another party, disputed, to shew that at that time they were owners. But even admitting that there was a wall at that time, it does not establish their title to the ground in question at present, they having ceased to pay for it and remained out of possession from a very long time.

6. I beg to submit a draft of answer which I propose putting in and request to be favored with instructions at an early date. The Court have been applied to for extension of time which will expire on the 16th of June next.

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Enc. 1.

Original Suit No. 9 of 1859.

Complaint presented by the Plaintiffs (Royts).

1. Chaparala Lukshmenarrainah ; 2, do. Venkanah ; and 3, do. Sashanah, inhabitants of Goodlavullaroo, in the Vinnacottah Purganah against the Defendants.

1. William Knox, Esq., Collector of this Zillah residing in Masulipatam.

2. Vinjamoory Venkutrow Puntooloo, present Tahsildar of Goodewadah, inhabitant of Goodewadah.

3. (Ryots) Yanegallah Runganah ; 4, do. Gopanah ; 5, do. Sayennah ; 6, do. Kristamah ; 7, do. Samulroydoo ; 8, do. Aukunah ; 9, do. Lukshmanah, inhabitants of Goodlavullaroo in the Vinnacottah Purganah.

1. The plot of ground marked A and B in the plan herewith filed, situated in the said village of Goodlavullaroo, having been by right of succession under the occupation of three families from time immemorial, we also stored straw heaps, &c. in the same and kept it under our occupancy.

others, but will
determine

Rev. Depart.

No. 710.

Proceedings of the Madras Government

Under date the 26th May 1859.

Read the following

Extract from the Pro-

-ceedings of the Board

of Revenue

(Here enter 11th May 1859

No. 1710)

The Government

sanction the defence

in the first instance

at the public expense

of the suit No. 90 of 1859

instituted by certain

ryots in the Civil

Court of Masulipatam

against the Collector

of that District and

others, but will

determine

Extract Copy of Proceedings of the Board of Revenue dated 11th May 1859. No. 2085.

From the Sr. Sub Collector

in Charge of Masulipatam

To the Secretary to the

Board of Revenue

(Mr. Ford Secretary)

Wt. Dft. 4 Sheets & 1850

Boat 2 pp. - - - 1850

Abs. Cav. 9 Sheets 1850 D 931/Sr.

Buc. £ 3 1 6 £ 3. 0 3

Submitting for the orders of the Board a Plaint against the Collector & Dist. &c. in O.S. No. 90 of 1859 in the Civil Court of Masulipatam by the undermentioned Ryots & requesting to be favored with the Board's authority to defend the suit.

Ryots

Mr Boyd No. 1710 of 1859.

determine when a copy
of the Decree is submit-
ted, whether the costs,
if any be adjudged
against the Collector,
shall be borne by that
officer or by the Govern-
ment.

The draft answer
drawn up by
~~which~~ the Board ~~have~~
~~drawn up to the above~~
~~point~~ will be filed
by the Collector.

3 Copies to the Bd. of Revs. Dup. 2d.

List

Revenue 1859 Deptt.
Cons 27th May.
No 710.

Pro: of the Madras Govt:
Dt 26th May 59.

Govt Office
Copy

Defence at public
Cost of Suit No 9 of 1859 in-
stituted by certain ryots
in the Civil Court of
Masulipatam against the
Collector and others, enclosed,
Draft answer prepared
by the Board to be filed.

No 5546.

B