

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	862	Press Mis.
Dated	1st July	1859

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
from 25th June to 1st July 1859.*

No. 48. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudr Udalt; to THOMAS PYCROFT, Esq., Chief Secretary to Government; dated Madras, 25th June 1859, No. 77.

In continuation of my letter of the date and number noted in 12th March 1859, No. 36. the margin, I have the honor to enclose for the information of the Honorable the Governor in Council a copy of the order passed by the Court of Sudr Udalt under date the 12th March 1859 in A. S. No. 120 of 1858.

Extract from the Proceedings of the Sudder Udalt under date the 12th March 1859.

Before the Civil Judge of Masulipatam, Original Suit No. 114 of 1856.

Before the Court of Sudder Udalt, Appeal Suit No. 120 of 1858.

Appellants.

Respondents.

Choondoory Naruppa and others.

} Versus. { J. Fraser, Esq., Acting Collector, Masulipatam, and others.

The Plaintiffs represent that under the authorization of the Special Assistant Collector they, together with the 3rd, 4th, 5th, 6th, and 7th Defendants, were put in possession of certain land which they cultivated for three years, namely from 1853 to 1855, and that then the Collector, the predecessor of the 1st Defendant, on the strength of an agreement to relinquish the land entered into by the 2nd, 3rd, 4th, 5th, 6th, and 7th Defendants, assigned it to the remaining Defendants. The Plaintiffs allege that the said Defendants acted without authorization from them, and claim to be put in possession of the portion held by themselves, and they further demand expenses of cultivation incurred by them.

This Suit the Civil Judge has dismissed without taking the oral evidence of the parties, on the ground that the Defendants above referred to as having relinquished the land did so as principals of the village; that Plaintiffs should have objected to their act before it was carried out; and that the decision in the matter by the Collector was one against which an appeal lay to the Board of Revenue. The Civil Judge further more fined the Plaintiffs for bringing what he considered to be a frivolous and vexatious suit.

Against this decree the Plaintiffs have appealed, and have been met in answer by the 1st and other Defendants.

Ramanooja Iyer appeared for the Plaintiffs, Mr. Dale for the 1st Defendant, and Venkataroyloo Naidoo for the remaining contending Defendants.

Judgment.

The Sudder Udalt consider that the decision of the Civil Judge by no means meets the exigencies of the suit. It has to be ascertained whether the Plaintiffs were in possession of the land they speak of, and if so, whether the parties who signified to the Collector the relinquishment thereof were duly authorized by the Plaintiffs to give up the portion they possessed, without which authorization the said act, the Court observe, could in no way be binding upon the Plaintiffs.

The Court resolve consequently to set aside the decree appealed from in all its parts, and to remand the suit to the Civil Judge for decision afresh upon the aforesaid points.

The Court further observe that no grounds exist for including the 1st Defendant in the Suit. They resolve therefore to direct that his name be struck out, and that the Plaintiffs be charged with his costs.

The Court of Sudder Udalt direct that the Stamp duty paid to the Appellants on their brief Appeal Petition, being Rupees (16) sixteen, be re-funded to Appellants by the Civil Judge of Masulipatam.

	<i>Rs. A. P.</i>
1 Roll for Vakalat...	2 0 0
1 Do. for special grounds of appeal.....	4 0 0
$\frac{1}{2}$ of the Pleader's fee...	2 11 11
	<hr/>
	8 11 11

The Court further direct that the Civil Judge of Masulipatam be apprized that the costs of this regular appeal exclusive of the Stamp duty above referred to, which amount to Rupees 8-11-11 as shewn in the margin, are to be included in the costs chargeable to the parties in the revised decree.

no regular possession of the portion

Proceedings of the Madras Government, Revenue Department,
from 25th June to 1st July 1859.

Ordered that Extract from these Proceedings be sent to the Civil Judge of Masulipatam,
together with record, for his information.

No. 49. ORDER THEREON, 1st July 1859, No. 862.

Communicated to the Board of Revenue, with reference to the order No. 365 dated 11th
March 1859.

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

Extract from the Proceedings of the Sudder Uddalut
Under date the 12th March 1859.

Before the Civil Judge of Masulipatam, Original Suit
No. 114 of 1856.

Before the Court of Sudder Uddalut, Appeal Suit No. 110 of 1856.

<u>Appellants</u>		<u>Respondents</u>
Choondoor Narappa and others.	Versus.	J. Fraser Esq ^{re} , Acting Collector, Masulipatam, and others.

The Plaintiffs represent that
under the authorization of the Special and
Assistant Collector they, together with the
3rd, 4th, 5th, 6th & 7th Defendants, were put in
possession of certain land which they
cultivated for three years, namely from 1853
to 1855, and that then the Collector, the
predecessor of the 1st Defendant, on the
strength of an agreement to relinquish the
land entered into by the 2nd, 3rd, 4th, 5th, 6th & 7th
Defendants, assigned it to the remaining
Defendants. The Plaintiffs allege that
the said Defendants acted without
authorization from them, and claim
to be put in possession of the portion

heretofore

held by themselves, & they further demand
expenses of Cultivation incurred by them.

This Suit the Civil Judge has
dismissed without taking the oral evi-
dence of the parties, on the ground that
the Defendants above referred to as
having relinquished the Land did so as
principals of the Village, that Plaintiffs
should have objected to their act before
it was carried out, and that the
decision in the matter by the Collector was
one against which an appeal lay to the Board
of Revenue. The Civil Judge furthermore
found the Plaintiffs for bringing what
he considered to be a frivolous & vexatious
Suit.

Against this decree the Plaintiffs
have appealed, & have been met in answer
by the 1st & other Defendants.

Ramanooja Iyer appeared for the
Plaintiffs, Mr. Dale for the 1st Defendant,
and Venkataroyloo Naidoo for the remain-
ing contending Defendants.

Judgment

The Sudder Udalut consider that
the

the decision of the Civil Judge by no
means meets the exigencies of the Suit.

It has to be ascertained whether the
Plffs were in possession of the Land they
speak of, and if so, whether the parties
who signified to the Collector the relin-
quishment thereof were duly authorized
by the Plaintiffs to give up the portion
they possessed, without which authori-
zation the said act, the Court observe,
could in no way be binding upon the
Plaintiffs.

The Court resolve consequently
to set aside the decree appealed from in
all its parts, & to remand the suit to the
Civil Judge for decision afresh upon
the aforesaid points.

The Court further observe that
no grounds exist for including the 1st Def
in the suit. They resolve therefore to in-
direct that his name be struck out &
that the Plffs be charged with his costs.

The Court of Sudder Udalut

direct

direct that the Stamp duty paid to the Appellants on their brief Appeal Petition, being Rs. (16) sixteen, be refunded to the appellants by the Civil Judge of Masulipatam.

The Court further direct that the Civil Judge of Masulipatam be apprized that the Costs of this Regular appeal, exclusive of the Stamp duty above referred to, which amount to Rupees 8-11-11 as shown in the margin, are to be included in the Costs chargeable to the parties in the revised decree.

Ordered that Extract from these proceedings be sent to the Civil Judge of Masulipatam, together with record, for his information.

Ex. Ill.

Rs. 1189/59
1 doll for Valalut 2-11-11
120 for Sp. grounds of appeal 8-11-11
1/4 of the Pleader's fee 8-11-11

No. 117

From Clement Dale Esquire Govt. Pleader Sudr Udalut
To Thomas Dyce Esquire Chief Secretary to Government

Madras 25th June 1859

Sir,

In continuation of my letter of the 24th and 12th March 1859 Nos. 36. I have the honor to enclose for the information of the Honorable The Governor in Council a copy of the Order passed by the Court of Sudr Udalut Under date the 12th March 1859 in A. S. No. 120 of 1858.

I have the honor to be

Sir

Your most Obedient Servant

Wm. Dale

Govt. Pleader S. U.

Q 225 March 1859 No 53-54

Recd. 1859 April 15th
Received from your Secretary Mr
To Black Secretary to Govt
Dated 25th March 1859
Recd 27th April 1859

No 44
(With an enclosure)

Enclosure a copy
of the order of the day by the
Court of Justices under date
the 16th March 1859 in
No 1120 of 1858.

No 88449.

No 862. 1st July 1859
With an enclosure

No 862

Commence school to the
Board of Revenue with reference
to the order No 365 dated 11th
March 1859.

Dated 24th Decr
1st July 1859

W. L. L. L.

As per to the order of the
Court of Justices.