

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1840	<u>Press</u> <u>Mis.</u>
177-178	
Dated 11-20 -	1860 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
11th October 1860.*

No. 177. Read the following Proceedings of the Board of Revenue, dated 9th October 1860,
No. 4,596 :—

Read the following letter from P. GRANT, Esq., Collector of Malabar, to J. D. SIM, Esq.,
Secretary to the Board of Revenue, Fort Saint George, dated Calicut, 29th September
1860, No 187 :—

SIR,

* No. 439 of 1860, before the District Munsif
of Tellicherry.
Kotteyagatha Vira Varma, Rájá of Keyekokove-
lagom.

Versus.

1. P. Grant, Esq., Collector of Malabar.
2. Oochamel Ramootty.
3. Manan Ambootty.
4. Padavathy Canan.
5. Oochoma Tholan Cootty.
6. Padavathy Kanoth Coonchambo.
7. Poolambil Karinjen.

1. I have the honor to submit translate
of a Plaint* filed against me and the parties
named in the margin, by Vira Varma, Rájá of
Kottayam; together with the Draft of my pro-
posed answer, and to request, that the sanction
of Government may be obtained for defending
the Suit at the public expense.

2. The Rájá, it will be observed, seeks
for a recognition of his alleged proprietary right
to a piece of land granted on Cowle to five of
the other Defendants.

3. The land was part of the bed of a
river; but as it was capable of reclamation, it
was let on Cowle in last Fasli.

The Rájá possesses no right to it at all, the soil of rivers being, by *Jus coronæ* and local
custom, the property of Government.

It is true that the land lies on the southern side of one appertaining to the Rájá, but this
does not, in the slightest degree, favor his pretensions.

4. A Patta was granted for his land just mentioned 10 years ago, exempting it from tax
for a certain period, and the accounts then framed show, that the latter land had the river for its
southern natural boundary.

It was this part of the river which then covered the land which he now claims; and which,
I may add, is in its present state, bounded on the north by the Rájá's land above adverted to,
and on the other three sides by the river. Had it been his property, nothing could have pre-
vented him from letting it at that time to the party to whom he then assigned his own land,
and they would not have failed to reclaim and manage it with that land.

5. I deem it proper to mention, that other lands similarly situated, in the same locality,
and of larger dimensions, were also let on Cowle in last Fasli, and the Rájá raised his objec-
tions, claiming the lands as his property, but his objections were not, and could not be attended
to for the reasons now assigned. The Rájá, apparently conscious of the weakness of his cause,
brought no action for any of these lands, but has thought it wise to sue for the one now in dis-
pute, which is far less in extent and inferior in value. His object is obviously to obtain a decree
in his favor in reference to this land, and, should he succeed in this, to sue for the other lands
on the strength of such decree.

I need hardly say how careful we should be to guard against this result.

6. I moved the Civil Court of Tellicherry, through the Government Vakíl, to have the
Suit transferred to that Court, but no transfer was then directed, and the Vakíl was referred to
the provisions of Act VIII of 1859. A second motion was subsequently presented to the Court,
explaining more fully the necessity for such transfer, and the answer given is, that "as the
number of Suits on the Principal Sudder Amín's file is small, the prayer is complied with."

Under this order, the Suit in question will of course be transferred to the Principal Sudder
Amín's Court, but as the ground assigned in it for permitting the transfer in the present instance,
is solely the paucity of cases on the file of that Court, I see no reason to expect that such course
will be allowed in regard to any future Suits. But the interests of Government require that it
should be followed in all and every Suit in which the Collector or his subordinates are concerned;
and I propose, therefore, placing 'ere long before the Board a detail of the various grounds on
which I deem it indispensably requisite, in view to some effectual steps being taken to ensure
the attainment of the object desired.

Proceedings of the Madras Government, Revenue Department,
11th October 1860.

7. The period allowed for the filing of the answer to the present Suit, expires on the 30th proximo; and I solicit that the sanction of Government requested in paragraph 1 may be obtained at an early date.

O. S. No. 439 of 1860.

Kotteyagatha Vira Varma, Rájá
of Keyekokovelagom,
Versus.

} Plaintiff.

1. P. Grant, Esq., Collector,
2. Oochamel Ramootty,
3. Manan Ambootty,
4. Padavathy Canan,
5. Oochooma Tholan Cootty,
6. Padavathy Kanath Coonchambo,
7. Poolambil Karinjen,

} Defendants.

1. The Collector of Malabar reports the institution of a Suit against him and six others by the Rájá of Kottayam for the recovery of a piece of land let out by him (the Collector) on Cowle, but claimed by the Rájá as his Jenum property.

2. The land formed part of the bed of a river and as such by local usage belongs to the State. Moreover, before it was let out on Cowle the Rájá was invited to set forth his claim, but did not avail himself of the opportunity offered to him.

3. As the Collector is confident of the strength of the claim of Government and as the Suit appears to be tentative and will be followed, if successful, by a similar claim to certain other lands of greater value, the Board recommend that the Collector be authorized to defend the Suit in the 1st instance at the expense of Government.

4. The subject of paragraph 6 of the Collector's letter will be considered when his promised report on it is received.

5. The time for filing the answer in this Suit will expire on the 30th instant.

(A true Extract and Copy.)

(Signed) J. D. SIM, Secretary.

No. 178.

ORDER THEREON, 11th October 1860, No. 1,840.

The Honorable the Governor in Council sanctions the defence, in the first instance at the public expense, of Suit No. 439 of 1860 instituted against the Collector of Malabar and others in the Court of the District Munsif of Tellicherry by Vira Varma Rájá of Kottayam; but he will determine, when a copy of the decree shall be submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that Officer or the Government.

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

To The Court of District Munsiff
of Tellicherry.

Answer of Vakeel
on behalf of P. Grant Esq^r Collector of
Malabar, 1st Defendant in O. S. No. 439 of
1860.

1. The land under litigation
is not the Jenum property of the Plaintiff
Raja, neither is it connected with the other
land (adverted to in the plaint). From
time immemorial, the spot in question was
never, in any way, managed by any party
whatever. It was always under water and
formed part of the River. Such lands
belong to the Sovereign of the Country and
according to justice and usage, are the
property of Government.

2. When the land was about to
be given on Cowle, the Plaintiff Raja was,
on several occasions, duly informed of the
same, in view to his producing any evidence
He

he might have, in support of his claim,
and a notice, allowing time for the purpose
was sent to him. He adduced no evidence,
but remained silent, and has now, in
collusion with the remaining Defendants,
brought this Suit.

I pray that it may be dismissed
with Costs.

Signed P. Grant.
Collector.

(True Copy)

[Signature]

Secretary.

N^o 437 of 1860

To
The Court of District Munsiff
of Tellicherry.

The Bill of Plaint of Veerabharma
Raja of Keyeke Kovilagom in Kotteyom.

The following is my Bill of Plaint
against 1st P. Grant Esq^r, Collector of Malabar,
2nd Cochamel Ramotty of Pinaroy Umshom,
Paduakara Deshom, 3rd Manan Ambotty,
4th Padavathy Cannan, 5th Cochooma Tholan
Cotty, 6th Padavathy Kanath Coonthambo,
and 7th Palambil Karingem.

The waste land, the boundaries
and particulars of which are specified
hereunder, forming the Southern Division
of the Ahma Paduak and Copoo Paduak
(Salt Pans), the joint property of my
Keyeke Kovilagom, situated in the
Paduakara Deshom, Pinaroy Umshom
of the Cotteyom Talug, was, on the 15th Soolam
30th October
1031
1853, assigned by me to the 7th Defendant
for the purpose of Cultivation. Subsequently
thereto,

thereto, he (the 7th Defendant), with the view of obtaining a remission of the tax, applied for a Patteyom, when the Salug Officials came and inspected the ground and submitted an account, in which they stated that the land was covered with water during high tide. Relying on this statement, the 1st Defendant, in Gushi, ¹²⁶⁹_{1839/40} granted a Patteyom, N^o 195, to the 2nd to 6th Defendants, as if the land is the Jemur property of the Sircar.

2. The Spot in question is not the Jemur property of the Sircar. It is connected with the said Ahma Paduah Land, which is my Jemur property, and there was no reason to grant it on Cause to the 2nd to 6th Defendants, as if it is the Jemur property of the Sircar;

3. I therefore pray, that the Defendants may be summoned and examined, the Cause granted by the 1st to the 2nd to 6th Defendants for the aforesaid Spot of ground, the Jemur value of which amounts to 50 Rupees, Cancelled; my

Jemur right thereon confirmed, and the Costs of the Suit recovered and paid.

Dated 14th Mithunom 1035
27th June 1860

The Marospatam Deed executed by the 7th Defendant is herewith produced. As the 7th Defendant should have managed the land agreeably to the Marospatam Deed, he has also been included as a Defendant.

Dated as above.

Number	Name of the Property	Measure ment by a Roll of 6 feet		Boundaries			
		East to West	South to North	East	South	West	North
1.	Southern Division of the Ahma Paduah and Kopoo Paduah	60.	22.	Kaypadum River attached to the Salt Pan		Kaypadum River attached to the Ahma Paduah River	Ahmad Paduah and Kopoo Paduah

I do hereby declare that what is stated above is true to the best of my information and belief

Date as above.

(True Translation)

Signed / P. Grant.

Collector

(True Copy)

[Signature]

Secretary.

Enclosure No 2 in the
Proceedings of the Board
of Revenue to the Secretary
to Government R.P. dated
9th October 1860 A. 14596.

P 22/1/60.

Draft of the
proposed answer to
a suit referred to in
the above letter.

Dec. 11/60 11/11/60

Dec 11/60 11/11/60

Dec. 1866 *Delaware*
No. of Gov for 1867
No. 2211

Proceedings of the
Board of Revenue

Dated 9th
Sept. 9th } October 1866
Dec. 10th

Enc. 2.
No. of the No. 28th March 1861.
Case 992 infra.
No. 1598.

In writing a letter from
the Collector of Malabar, with
the Board's recommendation,
that the Collector be authorized
to stop and in the first instance
at the Public Expense, the
suit brought by the Agents
of the Government for the recovery
of a piece of land let out
as a public but claimed as
his private property. -
No. 1840. 11th Oct 67
Withm order

No. 1840. 1840
The Government, the Governor

in Council, mentioned the copies, in the
first instance at the public expense, of
about 1500 of 1860 in addition against
the bills of Malabar and others in the
Court of the District. Members of the
Cherry by the Government Agents of Malabar
but he will otherwise, when a copy
of the decree shall be made that, in
whether the case, if any be acquired
against the Malabar, shall be done
by that officer as the Government.

That 3rd Dec 11th Oct 67
1860
12 Copies
To
The Secy of Revenue
Calcutta
Jen-Jon