M.R.O. 14—10,000—21-4-22

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

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|---|---|
| G.O. No. 111 | Press ~~Mis.~~ |
| 23-24 | |
| Dated 21 — 1 — 1860. | |

***Not to be folded or roughly handled***

No. 23. Read the following Proceedings of the Board of Revenue, dated 9th January 1860,

No. 101.

Read the following letter from J. BIRD, Esq., Collector of Trichinápali; to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort St. George, dated 29th December 1859, No. 221.

I do myself the honor to bring to the notice of your Board, that a suit has been filed against me, as third defendant, in the Principal Sadr Amín's Court of this district, by an individual named Kallinándi Kónan, a Râiyat of the resumed village of Achináyakan patti in Kónád táluq, for the cancelment of a pattá issued by me in the name of the first defendant's son.

2. The subject matter of this suit has already been before the Board of Revenue in petition No. 2942 of 1857, when an order was passed upon my endorsement to the effect that, if the petitioner should not obtain what he seeks on a plaint regularly filed before the Collector, under Regulation V of 1822, he should take his case before the Courts. But this is no reason he should include me as a defendant. Rather let him establish his title to the village, if he can.

3. I furnish herewith translate of the plaint and draft of my proposed answer, in which I have met all the pleas set forth by the plaintiff, and I am of opinion the suit may be successfully defended.

I trust the Board will be pleased to obtain the sanction of Government, for defending the action, at the public expense, in the first instance.

4. The time allowed for filing the answer expires on the 24th February 1860.

Enc. 1.

From J. BIRD, Esq., Collector of Trichinápali, to the Principal Sadr Amín's Court, Trichinápali.

| Plaintiff. | Defendants. |
|---|---|
| Kallinándi Kónan, a cultivator and an inhabitant of Achináyakan patti, a hamlet of Tirunallúr, a village of the Kónád táluq. | 1st. Aminsa Bíbí, mother and guardian of Khája Mohyeddín, a minor.<br>2nd. Akbar Sáhib, Inámdar, and an inhabitant of Sringaratópu street in the Fort of Trichinápali.<br>3rd. John Bird, Esq., Collector of Trichinápali. |

This is a suit preferred against the defendants by Mr. J. H. Wilson, Vakíl in behalf of the plaintiff, for the cancelment of a pattá illegally issued, and for establishing a right for the village, ancestral property. His predecessors and himself constructed wet and dry lands, enjoying the produce thereof about a sum of Rupees 10,000, and cultivated with some others held by him, was with every privilege. The mélváram in lieu of its tíruva was paid to the first defendant's husband. On the death of this person, the village in dispute resumed under the orders of the Board issued in 1856. The third defendant in giving pattás in the names of the cultivators, issued that for the village under dispute in the name of the plaintiff's undivided brother Nalatambi Subbrámaniyan, who attended to the family transactions; and the assessment was continued to be paid by him. The second defendant, in connection with the first, preferred complaints, claiming the disputed village before the head Assistant Magistrate and táluq authorities; these, after enquiry, fined the second defendant and others, on various occasions, to the extent of Rupees 150, and gave orders prohibiting any interference, on their part, in the village under dispute.

3. The first and second defendants, without mentioning these transactions, deceitfully presented a petition to the third defendant, who thereupon cancelled the pattá granted to the plaintiff's brother and renewed it in the name of the first defendant's son, Khája Mohyeddín Sáhib, and issued orders to collect revenue from him in failure of payment of which the village was to be attached. I, therefore, presented a petition on the 1st November 1859, claiming the village as my own, setting forth the past circumstances, and requesting that the Government due may be collected from me for which I was unlawfully referred to the civil tribunal. This suit is brought against the three defendants to cancel the above order and the pattá given to the first defendant's son, to establish my right to the village in my possession and order the renewal of the pattá in my name.

4. The boundaries and the value of the village of Achináyakan patti.

5. It is bounded on the north by the bed of the Thirnellúr tank, on the east by a field named Vella vurani Papan vayal, on the south by the dry field of Pichakon Rettappa Náyaken, and on the west by Kaduvetti field.

6. It contains wet kánís 22, gúlís 50, yielding 337½ kalams, at 15 kalams per kání. Deducting therefrom half share or moiety according to the usage of the village, there remains kalams 168¾ valued at Rupees 253-2-0, at the rate of one Rupee and eight Annas per kalam.

7. Dry kánís 55, yielding 330 kalams of grain at 6 kalams per kání, deducting therefrom ⅓ds share, there remains 110 kalams, valued at 165 Rupees at Rupee 1-8-0 per kalam.

8. Waste including puramboku contains wet and dry kánís, 93 gúlís 49½ valued at Rupees 187, at 2 Rupees per kání.

| | | |
|---|---|---|
| A tank valued at ... ... ... ... ... | Rupees | 1,000 |
| 2 spring tanks valued... ... ... ... ... | " | 230 |
| 4 wells valued ... ... ... ... ... ... | " | 600 |
| And different kinds of trees valued ... ... | " | 85 |

9. I pray for the recovery of the above village, valued at Rs. 2,520-2-0.

MEMORANDUM.

On the reverse of this, a few letters are interlined in the 11th line.

REMARK.

The second defendant having obtained mukhtyár-náma from the first defendant, and preferred petitions to the Collector, he is also included as a defendant in this.

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ENC. 2.

Draft of an Answer proposed to be filed to suit No. 23 of 1859—Trichinápali Principal Sadr Amín's Court.

The plaint is incorrect. The plaintiff states that he has sued the third defendant also, because the pattá originally in his brother's name was cancelled and renewed in the name of the first defendant's son.

2. On the death of the first defendant's husband, the village of Achináyakan patti was resumed; and at the time of the settlement, whilst assessment was about to be fixed, one Saiyad Muhammad Sáhib, and one Pallakátan and several other cultivators, severally claimed the kudiváram right of the village. But as the settlement accounts had to be closed, the investigation of their respective claims was reserved for a subsequent period, and a pattá issued, as a temporary measure, in Fasli 1265 in the name of the principal cultivator, *viz.*, Jalatambi Kónan and others. This pattá was deposited with the village Karanam. After the completion of the settlement returns, a thorough enquiry was instituted into their respective claims, whereby the right of the first defendant to both kudiváram and mélváram, was established on documentary evidence. The pattá temporarily granted was accordingly cancelled, and a permanent one issued in the name of the first defendant's son, and which he continues to hold from Fasli 1265. The Board of Revenue have approved of this proceeding, and on the 22nd January 1858, passed an endorsement on the plaintiff's petition referring him to the civil tribunal to obtain redress, if he had any cause to complain.

3. The Karanam, with whom the temporary pattá had been lodged, was fined for having unauthorizedly given the pattá to the plaintiff.

4. The village of Shembat which the deceased Inámdar had also held, was dealt with, in accordance with the result of the investigation held in the case of that village. But this cannot be taken as a precedent to form a good ground for the plaintiff to base his claim upon for the disputed village of Achináyakan patti.

5. As the power of determining the holder of land is vested in the third defendant, he has upon the evidence elicited on enquiry, granted the pattá in the name of the first defendant's son, and collected the land tax from him. The plaintiff confesses that the land of the village in dispute is in his possession. He has, therefore, suffered no loss from the third defendant. Hence the third defendant ought not to be made defendant in this suit.

6. He, therefore, requests that that part of the plaint which concerns the third defendant may be dismissed.

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Submitted for the consideration and orders of Government, with the Board's recommendation, that the defence of the suit at the public expense be authorised, as they consider that the proposed answer meets the plaint.

2. The plaintiff sues for the cancelment of a pattá issued by the Collector to the first defendant, to whose husband petitioner admits that the mélváram had always been paid. The enquiry that was held after that person's death decided that he had the right to the kudiváram as well as the mélváram, and the pattá for the land was accordingly issued in his heir's name rather than in that of petitioner or his family, whose occupation, however, of the land as tenants, has not been disturbed.

3. The Board consider that the Collector's act can be defended, and that he is improperly included in the suit.

4. The time for filing this answer expires on the 24th February next.

(True Copies and Extract.)

(Signed) W. HUDLESTON, *Sub-Secretary.*

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No. 24. ORDER THEREON, 21st January 1860, No. 111.

The Honorable the Governor in Council sanctions the defence in the first instance at the public expense of suit No. 23 of 1859 instituted against the Collector of Trichinápali and others in the Principal Sadr Amíns Court by Kallinándi Kónan but will determine, when a copy of the decree is submitted, whether the costs, if any be adjusted against the Collector, shall be borne by that officer or the Government.

(Signed) T. PYCROFT,
*Chief Secretary.*

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**No. 101.**

**s of the BOARD of REVENUE, dated 9th January 1860.**

**n J. BIRD, Esq., Collector of Trichinopoli, to J. D. SIM, Esq., Secre-**
**venue, Fort St. George, dated 29th December 1859, No. 221.**

**bring to the notice of your Board, that a suit has been filed against**
**Principal Sudr Ameen's Court of this district, by an individual named**
**f the resumed village of Achinayaken putti in Conaud taluk, for the can-**
**me in the name of the first defendant's son.**

**of this suit has already been before the Board of Revenue in petition**
**order was passed upon my endorsement to the effect that, if the petitioner**
**eks on a plaint regularly filed before the Collector, under Regulation V of**
**before the Courts. But this is no reason he should include me as a**
**stablish his title to the village, if he can.**

**ranslate of the plaint and draft of my proposed answer, in which I have**
**the plaintiff, and I am of opinion the suit may be successfully defended.**
**pleased to obtain the sanction of Government, for defending the action,**
**first instance.**

**r filing the answer expires on the 24th February 1860.**

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ENC. 1.

**ctor of Trichinopoli, to the Principal Sudr Ameen's Court, Trichinopoli.**

**F.** DEFENDANTS.

**ator and an inhabi-** 1st. Aminsa Bibi, mother and guardian of
**hamlet of Tirunulur,** Khaja Mohadin, a minor.
2d. Akbar Sahib, Inamdar, and an inhabitant of Sringaratopu street in the Fort of Trichinopoli.
3d. John Bird, Esq., Collector of Trichinopoli.

**gainst the defendants by Mr. J. H. Wilson, Vakeel in behalf of the**
**f a pata illegally issued, and for establishing a right for the village,**
**subject to payment of revenue to Government.**

**tion, viz. Achinayakan pati, belongs wholly to the plaintiff as an ancestral**
**and himself constructed tanks and wells on an outlay of about a sum of**
**ed wet and dry lands, enjoying the produce thereof with every privilege.**
**eerva was paid to the first defendant's husband. On the death of this**
**with some others held by him, was resumed under the orders of the Board**
**defendant in giving patas in the names of the cultivators, issued that for**
**the name of the plaintiff's undivided brother Nalatambi Subramanyan,**
**ransactions; and the assessment was continued to be paid by him. The**
**ion with the first, preferred complaints, claiming the disputed village**
**agistrate and taluk authorities; these, after enquiry, fined the second de-**
**s occasions, to the extent of Rupees 150, and gave orders prohibiting any**
**the village under dispute.**

**d defendants, without mentioning these transactions, deceitfully presented a**
**nt, who thereupon cancelled the pata granted to the plaintiff's brother and**
**e first defendant's son, Khaja Mydeen Sahib, and issued orders to collect**
**of payment of which the village was to be attached. I, therefore, pre-**
**November 1859, claiming the village as my own, setting forth the past**
**ng that the Government due may be collected from me for which I was**
**vil tribunal. This suit is brought against the three defendants to cancel**
**given to the first defendant's son, to establish my right to the village in**
**renewal of the pata in my name.**

**l the value of the village of Achinayaken pati.**

5. It is bounded on the north by the bed of the Thirnellore tank, on the east by a field named Vella vurani Papan vayal, on the south by the dry field of Pichakon Rettappa Nayaken, and on the west by Kaduvetty field.

6. It contains wet cawnies 22, goolies 50, yielding 337½ callams, at 15 callams per cawni. Deducting therefrom half share or moiety according to the usage of the village, there remains callams 168¾ valued at Rupees 253-2-0, at the rate of one Rupee and eight Annas per callam.

7. Dry cawnies 55, yielding 330 callams of grain at 6 callams per cawni, deducting therefrom ⅓ds share, there remains 110 callams, valued at 165 Rupees at Rupee 1-8-0 per callam.

8. Waste including poramboke contains wet and dry cawnies, 93 goolies 49¼ valued at Rupees 187, at 2 Rupees per cawni.

| | | |
|---|---|---|
| A tank valued at ... ... ... ... | Rupees | 1,000 |
| 2 spring tanks valued ... ... ... ... | „ | 230 |
| 4 wells valued ... ... ... ... | „ | 600 |
| And different kinds of trees valued ... ... | „ | 85 |

9. I pray for the recovery of the above village, valued at Rupees 2,520-2-0.

MEMORANDUM.

On the reverse of this, a few letters are interlined in the 11th line.

REMARK.

The second defendant having obtained muktiár namah from the first defendant, and preferred petitions to the Collector, he is also included as a defendant in this.

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ENC. 2.

DRAFT of an ANSWER proposed to be filed to suit No. 23 of 1859—Trichinopoli Principal Sudr Ameen's Court.

The plaint is incorrect. The plaintiff states that he has sued the third defendant also, because the pata originally in his brother's name was cancelled and renewed in the name of the first defendant's son.

2. On the death of the first defendant's husband, the village of Achinayakum pati was resumed; and at the time of the settlement, whilst assessment was about to be fixed, one Syed Mahommed Saib, and one Pallakatan and several other cultivators, severally claimed the kudivaram right of the village. But as the settlement accounts had to be closed, the investigation of their respective claims was reserved for a subsequent period, and a pata issued, as a temporary measure, in Fasli 1265 in the name of the principal cultivator, viz. Jalatambi Konan and others. This pata was deposited with the village Karnam. After the completion of the settlement returns, a thorough enquiry was instituted into their respective claims, whereby the right of the first defendant to both kudivaram and melvaram, was established on documentary evidence. The pata temporarily granted was accordingly cancelled, and a permanent one issued in the name of the first defendant's son, and which he continues to hold from Fasli 1265. The Board of Revenue have approved of this proceeding, and on the 22nd January 1858, passed an endorsement on the plaintiff's petition referring him to the civil tribunal to obtain redress, if he had any cause to complain.

3. The Karnam, with whom the temporary pata had been lodged, was fined for having unauthorizedly given the pata to the plaintiff.

4. The village of Shembut which the deceased Inamdar had also held, was dealt with, in accordance with the result of the investigation held in the case of that village. But this cannot be taken as a precedent to form a good ground for the plaintiff to base his claim upon for the disputed village of Achinayakan pati.

5. As the power of determining the holder of land is vested in the third defendant, he has upon the evidence elicited on enquiry, granted the pata in the name of the first defendant's son, and collected the land tax from him. The plaintiff confesses that the land of the village in dispute is in his possession. He has, therefore, suffered no loss from the third defendant. Hence the third defendant ought not to be made defendant in this suit.

Thirnellúr Puramboka Saiyad
Kánis Mukhtyár-náma Muhammad Sáhib
Gúlés Kudiváram Kónan

6. He, therefore, requests that that part of the plaint which concerns the third defendant may be dismissed.

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Submitted for the consideration and orders of Government, with the Board's recommendation, that the defence of the suit at the public expense be authorised, as they consider that the proposed answer meets the plaint.

2. The plaintiff sues for the cancelment of a putta issued by the Collector to the first defendant, to whose husband petitioner admits that the Melvaram had always been paid. The enquiry that was held after that person's death decided that he had the right to the Kudivarum as well as the Melvaram, and the putta for the land was accordingly issued in his heir's name rather than in that of petitioner or his family, whose occupation, however, of the land as tenants, has not been disturbed.

3. The Board consider that the Collector's act can be defended, and that he is improperly included in the suit.

4. The time for filing this answer expires on the 24th February next.

(True Copies and Extract.)

J. Stuart Low

Sub Secretary.

To T. PYCROFT, Esq., Chief Secretary to Government.
Copy to Collector of Trichinopoli.

Exd. J. Wright.

Revenue 1860 Departt.
Pros: of Govt 31st January.

No 133.

Proceedings of the
Board of Revenue

Dated 9th
Desp. 19 } January 1860
Rec. 20th

No 101.

From Dt 8/20th Nov/60 21 to 26 94

No 111. 21st January 60

Submitting for consideration and orders a letter from the Collector of Trichinopoly reporting the institution of O.S. No 23 of 1859 in the Principal Sudr Ameens Court against the Collector and others by a Ryot named Pullavandi Konan for the cancelment of a Pottah issued in the name of the first Defendants son and recommending that the defence of the Suit at the public expense be authorized as they consider that the proposed Answer meet the plaints

With an order

No 23 & 24-

20th Jany

No 111

The Hon: the Govr in Council sanctions the defence in the first instance at the public expense of Suit No 23 of 1859 instituted against the Collector of Trichinopoly and others in the Principal Sudr Ameens Court by Pullandi Konan 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 the Govt.

Fort St. Geo:
21st Jany 1860.

10 Copies

To the Revd Board 21st