M.R.O. 14—10,000—21-4-22

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1777 — Press ~~Mis.~~

52-53

Dated 3 - 10 - 1860.

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

No. 52. Read the following Proceedings of the Board of Revenue, dated 11th September 1860, No. 4,119:—

Read the following letter from the Collector of Tanjore, dated 28th July 1860, No. 223.

(In Cons., 31st July 1860, No. 3,741.)

1. Ordered to be submitted to Government with reference to their Proceedings, No. 1,162, Revenue Department, dated 13th July 1860, requiring to know under what Regulation the lands of one Kodanda Rámaiyan were sold in realisation of a Revenue arrear in 1831.

*In Cons., 14th July* 1860, *No.* 3,427.

2. The Collector reports that no Regulation is quoted in the records connected with the matter, but Regulation XXVII of 1802 was applicable, and Clause 18 of that Regulation prescribed the course to be followed in such cases as that of the Memorialist.

3. If any informality be pleaded by Memorialist as tending to invalidate the sale of his lands, the correspondence that passed about the time in question on the general subject of sales of land for arrears of revenue in Raiyatwári Districts, shows that even the formalities which were usually adopted were not legally imperative.

4. The Board would request a reference on this point to the correspondence marginally noted, and it may further be mentioned that the Court of Sudder Adalat decreed that certain sales of land which the Government had annulled about this time on the grounds of informality in sale and improprieties in purchase were valid, and compelled the restoration of the lands to the purchasers.

*From Govt., to Board, No.* 438, *R. D., dated* 11*th, in Diary Cons.,* 20*th July* 1826.
*Procs. Board of Revenue, dated* 26*th November* 1829, *No* 2,057.
*From Govt., No.* 938, *R. D., dated* 21*st, in Cons.,* 28*th Oct.* 1830.
*To Government, dated* 3*rd February* 1831, *No.* 244.
*From do. dated* 11*th, in Cons.,* 14*th February* 1831, *No.* 146.
*To do. dated* 19*th December* 1831, *No.* 2,157.
*From do. dated* 30*th December* 1831, *in Cons., 2nd January* 1832, *No.* 1,230.

5. The Board are not fully informed of the reason for the present reference, but presume that the Memorialist attempts to prove that the sale was illegal and informal.

6. On the latter point it would seem that no amount of informality could in the state of the law at the time have invalidated the sale, and as to its legality the Board understand that the lands were distinctly pledged to Government as security for the fulfilment of the terms of the lease of certain villages for the renter of which the Memorialist along with two others had become Securities and executed Security Bonds.

7. The Renter failed, and Government came upon the Securities of whom Memorialist alone attempted to evade responsibility, and the result was that eventually his lands were sold.

8. The Board cannot doubt that the lands having been distinctly specified and pledged in the Security Bond, the sale in question was perfectly legal under the Regulation cited above, but even had they not been so pledged the Board consider that their sale as part of Memorialist's property would have been legal, the demand against him being essentially of the nature of a Revenue arrear, the securities for renters being in point of fact sharers in the lease to all intents and purposes, and the law not requiring any formalities in the realisation of Revenue arrears in Raiyatwári Districts, which were not observed in the present case.

9. The Board see no reason to believe that the Memorialist has suffered any injustice or hardship.

10. The delay in submitting these Proceedings resulted from the necessity of searching in the Board's Records for the correspondence bearing on the point which they understood to be really at issue.

(A true Extract.)
(Signed) W. HUDLESTON, *Sub-Secretary.*

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No. 53. ORDER THEREON, 3rd October 1860, No. 1,777.

Ordered to be recorded.

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

No. 4,119.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th September 1860.



IN CON. 31ST JULY 1860, No. 3,741.

From W. M. CADELL, Esq., Collector of TANJORE,
dated Vallum, 28th July 1860, No. 223.

With reference to the Proceedings of the Board of Revenue, dated the 19th instant, No. 3,296, conveying the Government Order under date the 13th instant, No. 1,162, calling for information regarding the Regulation under which the property therein alluded to was sold, I have the honor to state that on referring to the former correspondence on the subject, I find that no Regulation is therein quoted. However, the landed property in question appears to have been formally sold by public auction for the arrears of Revenue under the general authority vested in the Collector by Regulation XXVIII of 1802 and V of 1822 and according to the orders of the Board of Revenue.

Exd. J. Tulloch.

No. 4,119.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th September 1860.

Read the following letter from the Collector of Tanjore, dated 28th July 1860, No. 223.

(In Cons., 31st July 1860, No. 3,741.)

1. Ordered to be submitted to Government with reference to their Proceedings No. 1,162, Revenue Department, dated 13th July 1860, requiring to know under what Regulation the lands of one Kodunda Ramayen were sold in realisation of a Revenue arrear in 1831.

In Cons., 14th July 1860, No. 3,427.

2. The Collector reports that no Regulation is quoted in the records connected with the matter, but Regulation XXVII of 1802 was applicable, and Clause 18 of that Regulation prescribed the course to be followed in such cases as that of the Memorialist.

3. If any informality be pleaded by Memorialist as tending to invalidate the sale of his lands, the correspondence that passed about the time in question on the general subject of sales of land for arrears of revenue in Ryotwari Districts, shows that even the formalities which were usually adopted were not legally imperative.

4. The Board would request a reference on this point to the correspondence marginally noted, and it may further be mentioned that the Court of Sudr Adalat decreed that certain sales of land which the Government had annulled about this time on the grounds of informality in sale and impropriety in purchase were valid, and compelled the restoration of the lands to the purchasers.

From Government, to Board, No. 438, R. D., dated 11th, in Diary Cons., 20th July 1826.
Proceedings Board of Revenue, dated 26th November 1829, No. 2,057.
From Government, No. 938, Revenue Department, dated 21st, in Cons., 28th October 1830.
To Government, dated 3rd February 1831, No. 244.
From do. dated 11th, in Cons., 14th February 1831, No. 146.
To do. dated 19th December 1831, No. 2,157.
From do. dated 30th December 1831, in Cons., 2nd January 1832, No. 1,230.

5. The Board are not fully informed of the reason for the present reference, but presume that the Memorialist attempts to prove that the sale was illegal and informal.

6. On the latter point it would seem that no amount of informality could in the state of the law at the time have invalidated the sale, and as to its legality the Board understand that the lands were distinctly pledged to Government as security for the fulfilment of the terms of the lease of certain villages for the renter of which the Memorialist along with two others had become Securities and executed Security Bonds.

7. The Renter failed, and Government came upon the Securities of whom Memorialist alone attempted to evade responsibility, and the result was that eventually his lands were sold.

8. The Board cannot doubt that the lands having been distinctly specified and pledged in the Security Bond, the sale in question was perfectly legal under the Regulation cited above, but even had they not been so pledged the Board consider that their sale as part of Memorialist's property would have been legal, the demand against him being essentially of the nature of a Revenue arrear, the securities for renters being in point of fact sharers in the lease to all intents and purposes, and the law not requiring any formalities in the realisation of Revenue arrears in Ryotwari Districts, which were not observed in the present case.

9. The Board see no reason to believe that the Memorialist has suffered any injustice or hardship.

10. The delay in submitting these Proceedings resulted from the necessity of searching in the Board's Records for the correspondence bearing on the point which they understood to be really at issue.

(A true Extract.)

*Sub-Secretary.*

To J. D. Bourdillon, Esq., Secretary to Government, R. D.

Copy to W. M. Cadell, Esq., Collector of Tanjore.

Exd. J. Wright.

Kodanda Ramayen
Ryotwari Sudder

Por. of Govt. for July 1860 Nos. 150 & 157
& G. for 1859 Nos. 135-136
J.S.

A Revenue 1860 Department
Proc.s of Govt. for Octr
1913

Proceedings of the Board
of Revenue.

Dated 11th
Desp.d 12th } September 1860.
Rec.d 13
Ex.d

No. 4119)

Submitting a letter from the
Collector of Tanjore with re-
ference to the Proceedings of
Government dated 13th July
1860 No. 1162 R. D. requiring
to know under what Regula-
tion the lands of one Kodum-
da Ramayen were sold
in realisation of a Revenue
arrear in 1831. Fo. 1777

Recorded
3 October 1860.

No. 252453.

Q 21 P. September Rec.d