248/89 R11

M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2189 Press ~~Mis.~~

346-347

Dated 20—11— 1869.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
20th November 1860.

No. 346. Read the following Proceedings of the Board of Revenue, dated 16th November 1860, No. 5,353 :—

Read the following letter from the Collector of Madras dated 14th November 1860, No. 456.

(In Cons., 16th November 1860, No. 5,916.)

In Cons., 9th April 1859, *No.* 1,588.

1. Ordered that the above letter be submitted to Government with reference to their Proceedings dated 9th April 1859, No. 489, Revenue Department, and with the Board's recommendation that the Collector be authorized to file the proposed defence to the Appeal Suit. The 23rd instant has been fixed for the hearing.

2. It will be observed that the original Decree was in favor of the Defendants among whom the Collector was included.

3. The Board fully concur in the observations contained in paragraph 10 of the Collector's letter.

4. Persistence in the course adopted by the Court in this case and that of the Tuluvúr Suit this day submitted to Government, is likely to prove very detrimental to the public interests.

5. Should the orders of Government not reach the Collector in time he will please to act as proposed in his letter in regard to instructing the Government Vakíl.

(A true Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 347. ORDER THEREON, 20th November 1860, No. 2,189.

1. Under the circumstances the Government approve of the Board having instructed the Collector to defend, on the grounds given in the draft answer which accompanied his letter dated 24th March 1859 No. 78, the Appeal Suit instituted by Sreenevassa Charry and other inhabitants of Colatoor in the District of Madras against the Collector and others.

2. The remarks of the Board in paragraph 4 will be communicated to the Court of Sudder Adálat through the Judicial Department.

3. The Board will in due course forward copies of the Decrees when it will be decided as to who should bear the costs *if any* are awarded to Plaintiff.

(Signed) J. D. SIM,

Acting Secretary to Government.

No. 5,353.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 16th November 1860.

Read the following letter from B. CUNLIFFE, Esq., Collector of Madras, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Saidapet, 14th November 1860, No. 456 :—

1. The Board, on the 12th April 1859, No. 1,289, communicated the sanction of the Government to defend at the public cost, the suit No. 30 of 1858, instituted by Srinivasa Varada Chari and other inhabitants of Kalattur against the late Collector and others.

2. This suit, which was preferred in the Court of the Principal Sudder Amin of Chengleput, was decided in favor of the Defendants, on the 31st of March 1860, and this fact was communicated to this Office by the Government Vakil on the 7th of May.

3. The Record Department was directed to produce the prior correspondence, which it has not done until a few days ago; meantime, the circumstance escaped notice, and no report of the passing of the decree was furnished to the Board.

4. On the 26th ultimo, the Government Vakil informed us that an appeal had been preferred to the Civil Court, and the 14th instant fixed for the hearing.

5. On the date of receipt, we applied for an extension of two months, which was refused, and further time granted only to the 23rd instant.

6. In this case, as in that of Toluvur, forming subject of my letter to the Board of this date, No. 455, translation of the decree and of the appeal had to be made, and were completed only on the 12th instant, and are now forwarded.

7. The draft of the proposed answer in the Original Suit forms enclosure to the late Collector's letter of the 24th March 1859, No. 78, and replied to on the 5th April, No. 1,207.

8. The arguments adduced in the answer, appear to me good and sufficient, and I propose to instruct the Government Vakil to bring them again to the notice of the Court, and these together with the reasons given in the judgment of the Court below, will, I hope, procure a dismissal of the Appeal Suit with costs.

9. The vernacular evidence produced on the part of the Defendants, before the Principal Sudder Amin, is with the Government Vakil, and though applied for, has not been furnished, and there is no time to further await its arrival.

10. In suits in which the Government are concerned, and the higher authorities are to be consulted, I think that the Judge should be instructed to allow reasonable time, and not, as in the present instance, a few days merely, as it may often happen that a press of business in the Office, and other circumstances may prevent the immediate assumption of the matter.

ENCLOSURE No. 1.

ABSTRACT.—Translation of an Appeal Memorandum filed in the Civil Court of Chingleput.

ENCLOSURE No. 2.

ABSTRACT.—Translation of an Original Decree, No. 30 of 1858, on the file of the Principal Sudder Amin of Chingleput.

R. D.

№ 2189.

Proceedings of the Madras Govt.
Under date the 20th Novr 1860.

Read the following
Pro of the Bd of Revr

Hereunder 16th Nov/60
№ 5353.

Under the cir-
-cumstances the Govt
will approve of the Bd
having instructed
the Collr to defend,
on the grounds given
in the draft answer
which accompani-
-ed his letter d/-
21st

Rec. 1860 Dec. 6
Proc. of Govt for Revr
№ 2529.

Proceedings of the
Board of Revenue

Dated 16th
Read 4 10 Nov. 1860
Rec. 4 Dec.
Encl. Draft Answer
2 Enclosures
№ 5353.

№ 2189. 20th November
Submitting a letter
from the Collector of
Madura relative to
the institution of
a Civil Suit in the
Court of Principal Sudr
Ameen by the decidenor of
the Principal Sudr
Ameen in
O. S. № 230 of 1858 on the file
of the Court, praying that he
may be authorized to file the
accompanying draft answer
on behalf of Government.

Ans 31/6.

Rec'd 12th April 1859 Re 21-22

Ltr

24th March 1839 No 48, in the Appeal Suit instituted by Sree-neva Jee Chuny and other inhabitants of Calcutta in the Dist of Midnapore against the Collr & Others. —

The remarks of the Bd in Para 4 will be communicated to the Court of Sudder Adalut thro' the Jud. Dept.t —

The Bd will give in the cause ~~to be forwarded~~ forwarded

x copies of the Dec
when it will be dec
-ded as to who shou
bear the costs. if an
are awarded to Pl

J. D-S.

12 Copies. Board of Revenue with 3 Encls Disp. 20
3 " Judicial Department No. 21
1 — Colr of Bradwan 20

Note.

The answer must be in by the 23d. It will perhaps be best to leave all questions connected with the case till the decree is reported & we can then more clearly show the Appeal to be defective as the Original action was. JD-

Revenue 1860 Dep.t

Pro: of Govt for Nov.r

№2189.

Suit against the Collector of Madras

27-28

12-4-57

Pro: of the Madras Govt.

Dy 20.th Novr 60.

Approving of the Bds instructions to the Collector of Madras to defend the a suit instituted by Sreenevasa Chary and others of Colatoor against him and others.

№ 346 & 347.