M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2281 Press
~~Mis.~~

524-525

Dated 30 — 11 — 18 60.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
30th November 1860.

No. 524. Read the following Proceedings of the Board of Revenue, dated 20th November 1860, No. 5,400 :—

Read the following letter from Æ. R. McDONELL, Esq., Officiating Collector of Trichinopoly, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 10th November 1860, No. 160.

SIR,

Referring to my letter of 30th ultimo, No. 152, I have the honor to forward herewith copy of the decision passed by the Principal Sudder Amín in Suit No. 23 of 1859, instituted by one Kulandai Kónan against the Collector of Trichinopoly and others.

1. Ordered to be submitted for the information of Go-
In Cons., 21*st January* 1860. vernment, with reference to their Proceedings, dated 21st January 1860, Revenue Department, No. 111.

2. The decision declares that the Collector was improperly included as a Defendant and awards him his costs.

(A true Copy and Extract.)

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

No. 525. ORDER THEREON, 30th November 1860, No. 2,281.

Ordered to be recorded.

(Signed) J. D. SIM,
Acting Secretary to Government.

L. S.

Decree of the Principal Sudr Amin of Trichinopoly.

C. S. No. 23 of 1859.

Plaintiff.	Vers.	Defendants.
Kul Andi Konan.		1. Amin Sahb Bibi & another
Vakil		and guardians of Raja
Thristnaimgan.		Modni, a minor.
		2. Akbar Saib.
		3. John Bird Esq:
		Collector of Trichinopoly.

1st Defendant's Vakil C. V. Soobbaiyan

3d Defendant's Vakil C. P. Soobbaiyan.

1. This suit was brought by Plaintiff to establish his right to the Kudivaram possession of the village of Achinyakampatti yielding an annual revenue of Rs 2520. 2-11. and for the cancelment of a Patta issued by the Collector of Trichinopoly, the 3d Defendant, to the 1st Defendant, as Inamdar of the said village.

2. The Plaintiff states that the village in dispute descended to him from his ancestor, that the Kudivaram of it was held by 1st Defendant's husband, on whose death the village was granted by the Circar, & a Patta was issued to Plaintiff's brother,

and

and that this Patta was subsequently can-
celled by the Collector, the 3rd Defendant, and
another issued by him to the 1st Defendant,
Plaintiff's remonstrance against which elicits
an order referring him to the Court.

3. The 1st Defendant in her answer
asserted her exclusive right to the village
in dispute as held by her late husband
from his ancestors who had it in gift a
hundred years ago from the Poligar Ramna-
-Nayakar. She states that when the Country
was assumed by the Company, the Govern-
-ment renewed the gift. And the 2nd De-
-fendant asserts the truth of 1st Defendants
answer, and prays that as he has no concern
in the suit he may be excluded from it.

4. The 3rd defendant put in an answer
contending that the acts complained of by
Plaintiff were acts done by him in his
official capacity and for which the Plaint-
-iff could have no right of action against
him.

5. The following points were recorded.

For the Plaintiff.

Prove your right to the village in dispute.

For the 1st Defendant.

Prove your right to the village in dispute.

6. The following documents were filed

and

witnesses examined.

Plaintiff's documents.

A. No 36. Copy of an order issued by the Collector of Trichinopoly to the Tasildar of Conad on the 28th February 1855 directing him to attach the village of Achinayakumpatti.

B. No 37. Copy of a Sawalpatti dated 8th April 1856 by two Goomastahs and Cannaven, casting to whom the Patta for Achinayakum-
-patti is to be issued, with the answer of the Collector directing that it be issued in the names of the Raiyats.

C. No 38. Copy of a deposition given by Soobra-
-monia Mudali before the Peishcar of Dhara-
-puram Conad under date the 31st October 1856 stating that Nallatombi Conan & Kallandi Conan have had possession of the lands in Achinayakumpatti for the last 30 years as Kudi Kaniachis.

D. No 39. Copy of a deposition given by Thi-
-rumdiya Pillai before Do dated Do stating Do

E. No 40. Copy of an order of the Acting Head assistant Collector of Trichinopoly dated 17th August 1857 on a Petition presented by Natan and others, holding lands under the Inamdar of the village of Achinaya-
-kumpatti complaining of interruption from

the

the Village & Amsi. Kattagudi Kuttandy Conan in which the Ag Head Assistant Collector refused to distrub Kullandi Conan who is proved to be in possession.

F. Ex 41 Copy of an order of the Collector of Trichinopoly dated 29th July 1857 on a Petition presented by 1st Defendant complaining of Kullandi Conan having forcibly carried away the produce of the lands in Achinayakumputti, in which the Collector confirms a previous order of the Acting Head Assistant Collector respecting the Petitioner to a civil action.

G. Ex 42. Copy of an order passed by the Head Assistant Magistrate on the 16th December 1857 fining the 2d Defendant & others for interfering with Kullandi Conan in the cultivation of his land in Achinayakumputti, in opposition to former orders of 29th July and 17th August 1857.

H. Ex 93. Copy of an order of the Head Assistant Magistrate dated 16th January 1857, fining 2d Defendant 50 Rs & 3 others 3 Rs each for assaulting Plaintiff and his people while cultivating their lands in Achinayakumputti.

I Ex 100 Copy of a Petition to the Collector by Toppan Kudumbam, Arumooga Pullan, Palani Pullan, Kattan Pullan, Pondaiyan Pullan, Kakaiyan Sheroi, Velan Pullan, Sherwan Pullan, Chinna Aran Pullan, Pullo Chinna Velan, and Arumuga Pullan, dated 8th April 1856, stating that tho' the Iravalan obtained the village of Achinayakumputti from the Poligar Kamachi Nayakan in Samanamiyam, they have held the Kudiwaram right since the assumption of the Country by the Company, and praying that this right may be restored to them.

J. Ex 101. Receipt dated 19th October 1858, given by Jivam Rao, Treasury Gomastah and Soobramonea Chetty, Shroff, for Rs 161-7-0 balance of Jenmam for Fusly 1267 on Achinayakumputti paid by Kullandi Conan under orders of the Collector tho' a Patta was issued in 1st Defendants name.

1st Defendants Documents.

I. Ex 15. Copy of a Summons by the Collector of Trichinopoly to the Tasildar of Conad dated 9th July 1856 directing him on a Petition from Ekatan and others to make over to the Cultivators of the lands in Achinayakumputti their Varums or share for Fusly 1265.

II. Ex 16. Copy of a Receipt dated 15th July 1856 by

by Plaintiffs Pondaiyan, & Vallatambi Kone &c to the Paskeam of Ilpm in Conacd for their Rs: :divasions shaw of the produce of the lands in & Chinnayakumputti.

III. & Ex: 17. Copy of a Summad by the Collector of Trichinopoly to the Tasildam of Conacd dated 9th August 1856, recognizing the title of 1st Defendant to the village of & Chinnayakum. putti and directing the issue of a Puttah for it in her name.

IV. & Ex: 20. & Copper plate deed of gift dated 3d Aswini of Prabavee or 1747 by Shama :chi Nayaken to Agam Hamad Levi Alvar Jeeyar, granting him the village of & Chinn. :yakampatti for religious charities.

V. & Ex: 83. Copy of an order of the Head Assts Collector to the Tasildar of Conacd dated 23d June 1858, directing on a Petition from 1st Defendant, complaining of Kullandi Conan's interference, that as the Board have recognized the right of 1st Defendant to the village of & Chinnayakumputti, and referred Kullandi Conan to the Court, he should be prevented from interfering with the lands.

VI. & Ex: 84. Cowle on & Chinnayakumputti by Cadensaib, the lessee, to Alagan Kaladi [father of the 4th Witness] dated 27th Chittirai of Vivadiendra corresponding with 1852.

VII & Ex: 86. Ds: Ds: by Samiyan [1st Defendant's husband] to Rangan Kaladi [father of 4th Witness] dated 28th Vyasi of Khodi or 9th June 1844.

VIII. & Ex: 88. Ds: Ds: by Do: dated 17th Avi of Viswavasso or 26th June 1845.

IX. & Ex: 90. Cowle on & Chinnayakumputti by Cader said, the lessee, to all the Raiyats dated 14th Arpesi of Pramadicha or 28th October 1853.

X. & Ex: 97. Copy of a Lease agreement by Kader Sah Rowther to 1st Defendant's husband, agreeing to pay the latter Rs 80-1-4. a year, both for Allowance & Endowement of the village in question dated 18th July 1851.

XI. Ex: 98. Copy of a decree of the Conacd Munsif in O.S. Ex: 630 of 1852, recognizing the genuine: ness of the aforesaid Lease agreement.

Plaintiff's witnesses.

1. Ramaiyan.
2. Soobramonea & Mudali.
3. Govinda Aiyan.
4. Ramaiyan.

1st Defendant's witnesses.

1. Kattan.

2. Vivamalai.
3. Palani.
4. Alagiri.
5. Kerewu.
6. Katayan.

Judgment.

7. The Plaintiff's possession of the Kudi: waram right to the Inam village of Achinayakum Cutti for the last 30 years is established by the evidence of his witnesses, three of whom, the 1st, 3d, and 4th were Kinnans, and one, the 2d, the Maneagan of the village; and the documents B to K. show that the Revenue authorities rec: :cognized this right in the years 1856 and 1857.

8. The 1st Defendant's plea of title to the village rests mainly on a deed of gift executed on a Copper plate IV № 20. In this deed the village is given to the Ancestors of her late husband Virasawa Moniem; but the fact of the sequestration of the village by the Government proves that this deed was not produced before them at any time, or that it was not recognized by them as a genuine doc: :ument. It is therefore discredited by the Court.

9. The testimony of the witnesses ex: :amined for the 1st Defendant relative to her husband and his ancestors having enjoyed the Kudiwaram as well as the Melwaram of the village is open to distrust from three of them having in a Petition to the Collector, a copy of which is filed by Plaintiff in I № 100, claimed the Kudi: waram right as their own.

10. The 3d Defendant has been most unnecessarily included in this suit. So also has the 2d Defendant.

11. The Kudiwaram right to the village of Achinayakumputti is hereby decreed to Plaintiff. The costs of suit to be paid by 1st Defendant, with the exception of the costs of 2d and 3d Defendants which the Plaintiff is adjudged to pay.

Compd. H. Griffiths

1859 [illegible]

No. 5,400.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th November 1860.

Read the following letter from Æ. R. McDONELL, Esq., Officiating Collector of Trichinopoly, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 10th November 1860, No. 160:—

Referring to my letter of 30th ultimo, No. 152, I have the honor to forward herewith copy of the decision passed by the Principal Sudder Amin in Suit No. 23 of 1859, instituted by one Kulandai Kónan against the Collector of Trichinopoly and others.

ENCLOSURE No. 1.

ABSTRACT.—Decree of the Principal Sudder Amin of Trichinopoly.

In Cons., 21st January 1860.

1. Ordered to be submitted for the information of Government, with reference to their Proceedings, dated 21st January 1860, Revenue Department, No. 111.

2. The decision declares that the Collector was improperly included as a Defendant and awards him his costs.

(A true Copy and Extract.)

Acting Secretary.

To J. D. Sim, Esq., Acting Secretary to Government, R. D.

Copy to Æ. R. McDonell, Esq., Officiating Collector of Trichinopoly.

Exd: J. Wright.

Rev. 1800 Department
Pro: of Govt for Govr
No. 2694.

Proceedings of the Board
of Revenue

No. 2281

To be Recorded

Dated 20.
Dep.d 22d.
Rec.d 23d. } November 1800
E. I Orig.l

£5400.

From Fort St George
30th Nov.r 1803

Submitting for information
a letter from the Acting Collector
of Trichinopoly forwarding copy of
the Decision passed by the Principal
Sudder Ameen in Suit No. 23 of
1859 instituted by one Kulandi
Rowan against the Collector & others.

No. 524 & 525.