

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	363	Press ~~Mis~~
7576*		
Dated	8-3-	1862.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
for the month of March 1860.*

No. 75. Read the following Proceedings of the Board of Revenue, dated 6th March 1860, No. 1140.

Read letter from the Collector of Chingleput, dated 1st March 1860, No. 59.

(In Con. 3rd March 1860, No. 1000.)

No. 12 of 1859 on the file of the Principal Sadr
Amin of Chingleput.

Plaintiff.

Subramania Mudali of Káranai, Sydapet taluq.
Versus.

1. C. J. Shubrick, Esq., Collector of Chingleput.
2. Sami Naidu, Tahsildár.
3. Annasami Setti, Merchant.

In the above letter the Collector reports the institution of a Suit against himself, the Tahsildár of Sydapet and another, for the recovery of a building site, &c.

2. From the plaint and answer the Board gather that Plaintiff originally possessed the site sued for, on which buildings then stood, that about 7 or 8 years ago, the buildings went to ruin, that the land has since remained unoccupied and that no assessment was ever paid on it.

3. Last year the site was made over to the 3rd Defendant on his application, as unoccupied waste at the disposal of Government.

4. The suit is brought to reverse this order and recover the land.

5. The Collector pleads that Government are not interested in the issue of the suit and that Plaintiff's right in the land had determined.

6. The Board recommend that the Collector may be authorized to file the draft answer omitting paragraph 4, and defend the Suit on the usual conditions at the public expense.

7. The Board propose the omission of paragraph 4, because there is nothing to shew that plaintiff was ever called upon to pay assessment or that the site was unoccupied in the sense of being absolutely abandoned. He avers in his plaint that he originally purchased the land and it is admitted that he was the acknowledged owner some years ago. The Collector might have demanded assessment if the land is liable to it, but the Board do not consider that the Revenue authorities could treat it as "unoccupied" and make it over to a 3rd party at pleasure. The Plaintiff declares that he protested against the transfer, but the Collector in his letter and draft answer is silent on the point. There was no obligation on Plaintiff's part to keep up the buildings and no apparent object in asserting the right of Government to the land, nor does 3rd Defendant appear to have had any particular claim. For these reasons the Board recommend the omission of paragraph 4 from the defence, which will then consist of a disavowal of interest in the subject matter of the suit and an explanation of the circumstances which led to the grant of the land to 3rd Defendant. It will be for the Court to decide on the claims of the real disputants.

8. The Board, however, request the Collector to explain more fully the points above noticed and to state, whether 3rd Defendant pays any assessment for the disputed land.

9. The period for filing the answer expires on the 10th instant. The case should have been submitted for orders at an earlier period, or if this was impracticable additional time should have been applied for.

10. Resolved that a copy of these Proceedings be submitted for the consideration and Orders of Government.

(A true Extract.)

(Signed) J. D. SIM, Secretary.

No. 76. ORDER THEREON, 8th March 1860, No. 363.

The Honorable the Governor in Council sanctions the defence, in the first instance at the public expense, of Suit No. 12 of 1859 instituted in the Principal Sadr Amin's Court of Chingleput by Subramania Mudali against the Collector and others; but will determine, when a copy of the Decree is submitted, whether the costs, if any be adjudged against the Officers of Government shall be borne by them or by the State. The proposed draft answer will be filed, omitting paragraph 4, as recommended by the Board of Revenue.

2. The Board will call the attention of the Collector to the necessity of more promptitude in applying for orders in cases of this nature.

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

pays any assessment for the disputed land.

9. The period for filing the answer expires on the 10th instant. The case should have been submitted for orders at an earlier period, or if this was impracticable additional time should have been applied for.

10. Resolved that a copy of these proceedings be submitted for the consideration and orders of Government.

/s/ Alue E. E. E.

J. S. M.
Secretary.

To J. P. E. E.
Chief Secretary to Government.

Coupled
J. P. E. E.

