M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 679 Press ~~Mis.~~

152-153

Dated 28—4— 1860.

Not to be folded or roughly handled

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

No. 152. Read the following Proceedings of the Board of Revenue, dated 25th April 1860, No. 2,017 :—

Read the following letter from the Collector of Tanjore, dated 9th April 1860, No. 101 : —

(In Con. 23rd April 1860, No. 1,823.)

The Board resolve to forward the above letter to Government, with their recommendation that the Collector be authorized to defend the suit referred to in it.

Sub-Court of Combaconum, O. S. No. 26 of 1859.

Plaintiff

Ragávaien, Mirásadár residing in Ogupereyur village in Trivalúr Táluq,

versus

1. *W. M. Cadell, Esq., Collector of Tanjore.*
2. *Rámánuja Pillai, Tahsíldár of Trivalúr Táluq,*
3. *Kumáraswámi, Pandáram, Camam, residing in Shahajirazapuram village in the above Táluq.*

2. The Plaintiff seeks to enforce a remission of assessment on certain lands held by him, and the release of that portion of them attached for the arrears due. The Collector properly objects to the Court's jurisdiction.

3. Mr. Cadell has in his draft answer quoted laws which are inapplicable; the Board have therefore, struck them out. They propose, however, to quote the cases cited in their Circular Order Book,* in which similar objections to a Court's jurisdiction in question relating to remissions were successfully taken. Should the Government approve of the alterations proposed, the Collector will be instructed to file the answer as modified by the Board.

* *Volume I, page* 119, *Note* 4.

4. Mr. Cadell's attention will be drawn to the Board's Circular, dated 10th November 1856, requiring that the period fixed for filing answers to Suits should always be stated.

Circular Order Book for 1856, *page* 108.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 153. ORDER THEREON, 28th April 1860, No. 679.

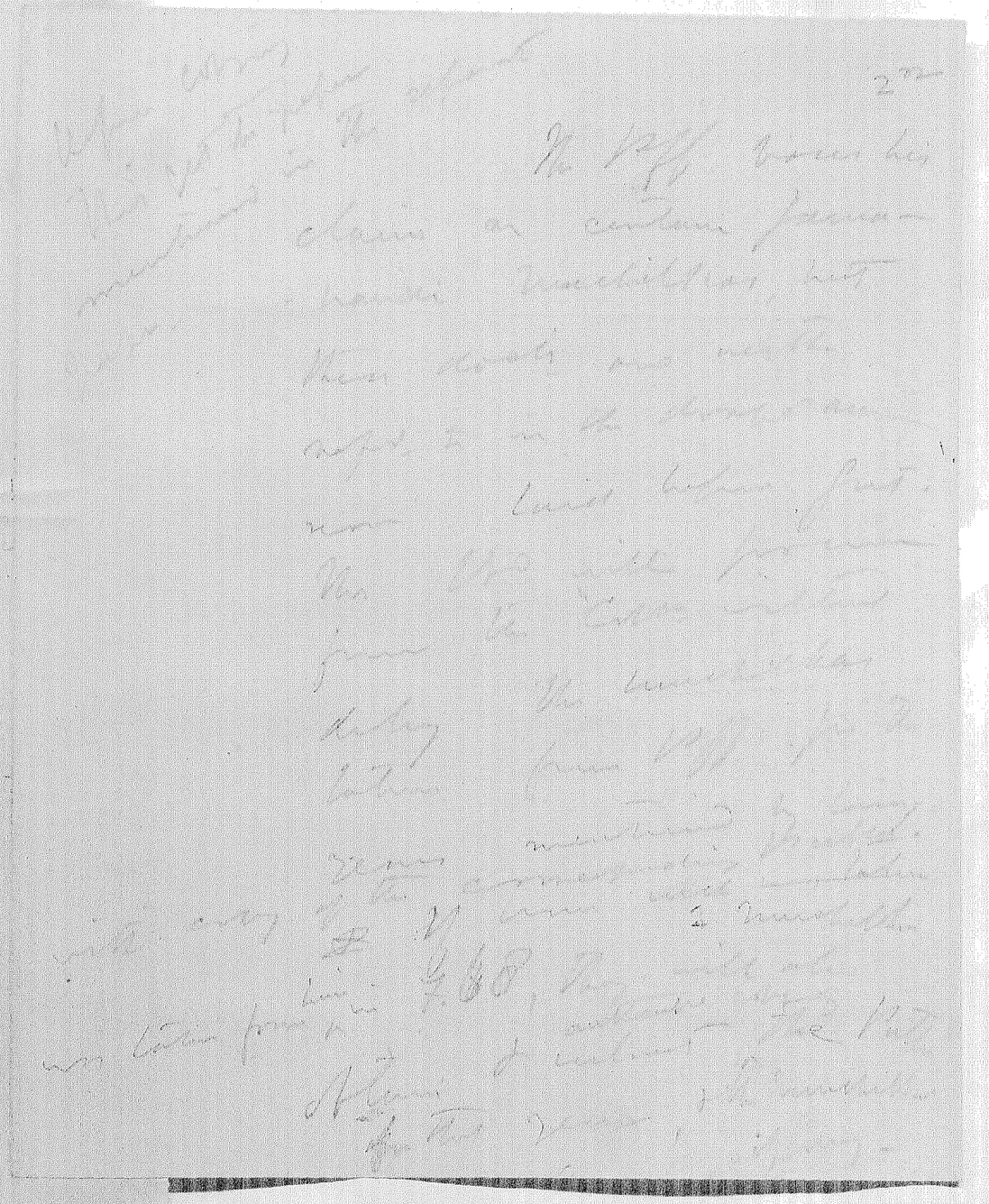
The Honorable the Governor in Council sanctions the defence, in the first instance at the public expense, of Suit No. 26 of 1859, instituted against the Collector of Tanjore and others, in the Sub-Court of Combaconum by Ragavaien, but will determine when a copy of the Decree is submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that Officer or the Government.

2. His Honor in Council remarks that in the enclosure A of the letter from the Board to the Principal Collector of Salem, dated 18th March 1833, being the answer filed successfully in a somewhat similar claim, a particular enactment was quoted, viz., Sections 38 to 40, Regulation II of 1803. It might be well to follow that precedent in the present case.

3. The Plaintiff relies on a certain Muchalka taken from him in certain years. It seems probable that no such Muchalka was taken in Fasli 1268, and the pattá of Fasli 1267, and probably of 1268, contains no such stipulation; but the Collector should have noticed the circumstance in his letter at least, if not in the draft answer.

(Signed) J. D. BOURDILLON,

Secretary to Government.



Rev. Dept

No. 679

Proceedings of the Madras Government
Under date the 28th April 1860

Read the following
Proceedings of the Board of
Revenue.

Submitting a letter from the
Coll.r of Tanjore reporting the
institution of Civil Suit No 26 of 1859 in
the Sub Court of Combaconum by
one Ragavien against the Coll.r
and others and recommending that
he be authorized to file the Answer
as per Depts by the Board and
defend the Suit.

(Here enter 25th April 1860 No 2017)

To the Hon.ble the
Govr. in Co. Council
The defence in the
first instance at
the public expense,
of Suit No 26 of 1859
instituted against the
Collector of Tanjore
and others in the Sub
Court of Combaconum
by Ragavian, but will
determine when a
copy of the decree
is

is submitted, whether the costs, if any be adjudged against the Coll. shall be borne by that Officer or the Govt.

2. It is remarked that in the enclosure A of the letter from the Board to the Principal Coll. of Salem dated 18th Mar. 1833 - being the answer filed successfully in a somewhat similar claim a particular ~~Regulation~~ enactment was quoted, viz. Section 38 & 40, Reg. II of 1803. It might be well to follow that precedent in the present case.

3 The Plaintiff claims a certain Bulcha to be taken from him annually. It seems probable that no such muchalka was taken in Jaeli 1265, and the Patta of Jaeli 1267 and probably of 1268 contains no such stipulation; but the Coll. should have noticed the circumstance in his letter, at last, if not in the draft answer.

Ord. Copy to Lt. Reynolds Dispr 28 ... ...
with 3 Recos

to Asst Copy do Dispr 28

Revenue 1860 Departt
Proc. of Govt 30th April
No. 679.
of the Madras Govt
& 28th April 1860.

Rec'd the Board of Revenue 30 April
1860 No 2390 with Govt No
& 19 82

Defence in O. S. No 26
of 1859 in the Sub Court of
Combaconum, sanctioned.

No 152 & 153.

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