M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 779 Press Mis.-

53-56

Dated 14-5- 1860.

Not to be folded or roughly handled

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

No. 55. Read the following Proceedings of the Board of Revenue, dated 26th April 1860, No. 2,044:—

Read the following letter from T. J. KNOX, Esq., Officiating Collector of Salem, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George; dated Royacotta, 28th March 1860, No. 81:—

In their Proceedings, dated the 25th November last, No. 4,836, the Board of Revenue desired me, first, to move the Court to cancel its Order prohibiting the removal of certain stones; and, secondly, to return the purchase money* to the purchaser if the Court refused to grant the request, and to apply for sanction for their refund when reporting the result of the Suit; I have the honor to report that having moved the Court, as directed, I failed to obtain the Order I sought. I repaid to the purchaser the price he had paid, and debited the amount under the head of "Advances on account of the Service of Government."

* *Rupees* 51 1 0

2. It is not probable that the Suit will be decided in the Court before the end of the year; and as a recent Circular of the Accountant General, under date the 12th March, renders me personally responsible for this advance, if unadjusted within six months, I beg the Board will be pleased to obtain the sanction of the Government for the refund of the sum in question.

From Salem, 1st in Con. 4th Nov. 1859, *No.* 5,478.
Proceedings to Salem, 25th Nov. 1859, *No.* 4,836.
In Con. 6th October 1859, *No.* 4,996.

Resolved, that the foregoing letter and the correspondence noted in the margin, be submitted to Government with reference to their Proceedings, dated 6th October 1859, No. 1,360.

2. The Board recommend that sanction be granted for refunding Rupees 51-1-0, the amount paid by the purchaser of the stones claimed by the Plaintiff in Original Suit No. 9 of 1859 The Court having issued an injunction preventing the purchaser from taking the stones away, pending the result of the Suit, the Board instructed the Collector to move the Court to cancel this Order, and, if this proved unsuccessful, to refund the money. The motion having been rejected, the latter course was adopted in justice to the purchaser, who had been drawn into the Suit by a *bonâ fide* purchase at a Government sale.

(A true Copy and Extract.)

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

No. 56. ORDER THEREON, 14th May 1860, No. 779.

1. The Collector of Salem having sold by auction on behalf of Government, for 50 Rupees odd, certain stones formerly belonging to a Mantapam, and given away the ground on which they stood, an action was brought against him, and the other parties concerned in the purchase, &c., by one Grumúrthi Setti, who claimed both land and stones as his own property. On the 6th October 1859,* the Government sanctioned the defence of the Suit.

* *No.* 1,360.

2. From the correspondence submitted with the Proceedings under review, it appears that the Collector subsequently, under Orders from the Board, repaid to the 4th Defendant in the Suit, the sum of Rupees 51-1-0, originally given by him at the auction for the said stones; the reason for this being that the Court had issued an injunction preventing him from taking them away. The amount was debited in the Collector's Books, to "Advances on account of "the Service of Government."

3. Mr. Knox now represents that the Suit will not be decided probably till the end of the year, and as in the mean time he will become personally responsible for the money, he requests and the Board recommend that sanction may be obtained for its refund. Under the circumstances the Honorable the Governor in Council is pleased to grant the required sanction.

4. The Government must remark however that this sanction ought to have been applied for before the refund was ordered by the Board.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

"the defence of the suit.

Rev Departs

not be decided before the end of
as he will shortly

No. 4836.

PROCEEDINGS of the BOARD of REVENUE, dated 25th November 1859.

Read letter from the Officiating Collector of Salem, dated 1st November 1859, No. 308, requesting instruction on original suit No. 9 of 1859.

(In Con. 4th November 1859, No. 5478.)

The Officiating Collector is requested to move the Court to cancel their order prohibiting the removal of the stones. If it refuses and the purchaser wishes it, he will return the purchase money, as proposed by him, and apply for sanction for its refund when reporting the result of the suit.

(A true Extract.)

(Signed) W. HUDLESTON,
Acting Secretary.

To T. J. KNOX, Esq., Officiating Collector of Salem.

Exd. J. Wright.

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the defence of the suit.

Rev Depart.

not be decided before the end of
as he will shortly

In Con. 4th November 1859, No. 5478.

From T. J. KNOX, Esq., Officiating Collector of SALEM,
dated Oossoor, 1st November 1859, No. ~~308~~. 228.

With reference to my letter of the 16th September last, forwarding translation of a plaint filed in original suit No. 9 of 1859, on the file of the subordinate Court of Salem, against me and a few others, together with draft of an answer which I had proposed to file in the suit; I have the honor to inform the Board, that since submitting the above to the Board, the Court have issued an order to the 4th defendant, the purchaser of the stones belonging to the Muntapum, not to interfere with the stones, until such time as the suit shall have been decided by the Court.

2. The 4th defendant in the suit has presented a petition, requesting me either to move the Court on his behalf to cancel the above order, or to pay him back the money he had paid into the Government treasury, as the price of the stones.

3. It appears to me that the proper course for Government to follow, is to restore the purchaser his money, and so relieve him of all liability, but it is a matter on which the Board's opinion is necessary.

Exd. J. Tulloch.

is wanted right —

the defence of the suit.

Rev Depart.

Proceedings of the Board No 770

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not be decided before the end of the year; and as he will shortly become personally responsible for the advances on account of the service of Government" &c. he had made by the Board's order he requests that sanction may be obtained for refunding the same.

The suit is still pending

Letter drawn in order to something like the foregoing to which is annexed

1860 Defence

Enclosure Rs 1 in the Proceedings of the Board of Revenue in the Sudder Dewanny Adawlut dated 20th April 1860 No 2044.

Read

Letter from the Collector of Chittagong No 45 dated 6th April 1860 forwarding a petition from Mohun Lall Seal dated 30th March 1860 praying for the sanction of the Board to the refunding of the sum of Rs 225 deposited in the Collectorate of Chittagong on the 15th Sept 1859 on account of the defence of the suit.

Rev Departt

No 779

Proceedings of the Madras Government
Under date the 14th May 1860.

Read the following Proceedings of the Board of Revenue

Submitting correspondence with the Collector of Salem, and recommending that sanction be granted for refunding Rs. 57-1-0, the amount paid by the purchaser of the stones claimed by the Plaintiff in O.S. No. 9 of 1859 in the Sub Court of Salem.

Recd 26 April 1860 - No. 2044.

The Collector of Salem having sold by auction on behalf of Government, for 50 Rupees, certain stones formerly belonging to a Mantapam, and given away the ground on which they stood, an action was brought against him and the other parties concerned in the purchase &c. by one Gramanthi Setti; Government on 6th Oct. 59. sanctioned the defence of the suit: subsequently the Court having attached the stones, their purchaser at the Govt auction requested that the sum which had been paid for them might be returned to him: the 25 Nov/59. Board sanctioned this course being taken: Mr Knox now represents that the suit may

The Collector of Salem having sold by auction on behalf of Government, for 50 Rupees odd, certain stones formerly belonging to a Mantapam, and given away the ground on which they stood, an action was brought against him, and the other parties concerned in the purchase by one Gramanthi Setti, who claimed both land & stones as his own property. On the 6th Oct. 1859, the Government sanctioned the defence of the suit.

+ Ro 1360

2. From the correspondence submitted with the Proceedings under review, it appears that the Collector ~~has~~ subsequently, & under orders from the Board, repaid to the 4th Defendant in the suit, the sum of Rs. 57-1-0, originally given by him at the auction for the said stones; the reason for this being that the Court had issued an injunction preventing him from taking them away. The amount was debited in the Collectors Books, & "Advances on Account of the Service of Government"

3. Mr Knox now represents that the suit will not be decided probably till the end of the year, and as in the mean time he will become personally responsible for the money, he requests and the Board recommend that sanction may be obtained for the refund. Under the circumstances the H. the G. in C. is pleased to grant the required sanction.

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4 The Government must remark however that this sanction ought to have been applied for before the refund was ordered by the Board.

11 Copies. Bombs of Revenue Dept. 15
1 " Accountant Journal
3 " Civil Auditor

13-14 RD
21-10-59

Revenue 1860 Departt
Proc: of Govt 20th May -
No 779.
Proc: of the Madras Govt
dt 14th May 1860 -

Sanctioning the refund of Rupees 51-1-4 the amount paid by the purchaser of the stones claimed by the Plaintiff in O.S. No 9 of 1859 brought against the Collector of Salem -

1055 to 56 -

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