6/9/20 R&S

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M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 77	Press ~~Mis.~~
38-39	
Dated 16 — 1 — 1860.	

Not to be folded or roughly handled

No. 38. Read the following Proceedings of the Board of Revenue, dated 12th January 1860, No. 153.

Read letter from the Collector of Godávari district, dated 31st December 1859, No. 185.

(In Consultation, 7th January 1860, No. 77.)

Resolved that the above letter be submitted for the information and orders of Government.

2. The Collector of the Godávari district in this communication reports the institution of a suit against him in the Civil Court of Rajamandri by the proprietor of the village of Kappaleshweram, claiming an island formed by accretion in the Godávari, near that village.

O. S. No. 2 of 1859, Civil Court, Rajamandri.
Stree Balusu Pattabhiramia—Plaintiff.
Versus
A. Purvis, Esq., Collector—Defendant.

3. The Collector states that in 1843, when the village above mentioned was in the possession of plaintiff's father, a dispute arose as to the cultivation of part of the lands now sued for, between its inhabitants and those of Tatapudi, which then belonged to the Ramachendrapuram estate. It was intended to settle the dispute by panchâyat, but objections were raised to this course, and the Ramachendrapuram estate having meanwhile reverted to Government, the Collector, Mr. Prendergast, visited the locality and in February 1847, decided that the lands belonged to the village of Tatapudi.

4. Nothing further was heard of the matter until February last, when plaintiff brought the present suit, just within the legal period of 12 years.

5. Mr. Purvis explains the circumstances which have led to so great a delay in his office in reporting the institution of the suit and submits draft of the answer he proposes to file.

6. The Collector has not yet forwarded a plan of the locality and such a guide is very necessary in a suit of this character. The case is very similar to that reported in the Board's letter to Government, dated 3rd June last, No. 2032, and involves the same important principle, viz. the rights of the State over the beds of rivers and islands newly formed in them.

7. Mr. Purvis referring to the remarks of Mr. Dale and Government in the suit above mentioned, regarding this principle proposes to urge it in his answer. The time for filing the answer, however, expires on the 23rd instant and unless an extension is granted, the Board doubt whether the Government Pleader would have time to master the case and advise Government as to the arguments by which this plea should be maintained. It would obviously be better not to raise the question than to do so in a hurried and imperfect manner. In all other respects the answer turns upon questions of fact and presuming that the Collector has evidence to bear them out, his defence seems sufficient.

Order of Government, 17*th June* 1859, *Revenue Department*, *No.* 802.
In Consultation, 20*th June* 1859, *No.* 2917.

8. The plaintiff, however, has offered to submit his claims to arbitration by the Collector, Mr. Master, (the Deputy Director of Revenue Settlement) Mr. Marcar and V. Vencatachellam (of the Inám Commission). The Collector considers that the time has passed for any such arrangement, but the Board do not concur in this view and regard plaintiff's offer as fair and worthy of acceptance, supposing it of course to be bonâ fide. They think, however, that the Collector should not take part in the arbitration.

9. The suit, however, has already stated, involves an important principle, and although they are in favor of a settlement by arbitration, they would recommend that the opinion of the Government Pleader should be taken, and they resolve to recommend this course to Government. As the answer will thus be revised by Mr. Dale, the Board have not thought it necessary to propose any alterations in it.

10. The Board trust that such serious and embarrassing delay will not again occur.

(A true Extract.)

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

No. 39. ORDER THEREON, 16th January 1860, No. 77.

Resolved that as suggested by the Board of Revenue, their proceedings and the accompanying papers be forwarded to the Government Pleader for his opinion as to the course to be pursued in the case. Mr. Dale will communicate direct with the Board if necessary.

(Signed) T. PYCROFT,
Chief Secretary.

No 77 2

Resolved that the papers sent by the Board of Revenue, this proceedings and the accompanying papers be forwarded to the Govt Pleader for his opinion as to the course to be pursued in the case - the Govt will communicate direct with the Board if necessary -

JP

Govt Pleader - with 5 Misc. Encls. Dis. 16

Rec'd Rec'd 5 Attested Copy of Bd of Rev. 78

Fort St George
16th January 1860

Rec'd 1860 Department
Date of Despatch 20th January
No 95

Proceedings of the Board of Revenue

Dated 12th January 1860.
Despd 12
Recd 12
Encl 1 Sd Letter

To Lieut. No 153
From Adt D 20 Feby
Fort St George 1860

Form Govt Pleader's Ltr
8/20 Feby 60 & Encl 389
McCord 2 9 Mch
No 53-54

Dept of Mds Board of Rev 8/84
8 February 1860 Ltr No 577

Rec'd 16 January
Answered 16 January