M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 127	Press ~~Mis.~~
1-2	
Dated 1. 6 - 1861.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
1st June 1861.

No. 1. Read the following Proceedings of the Board of Revenue, dated 21st May 1861, No. 2,595 :—

Read letter from the Collector of Ganjam, dated 10th May 1861, No. 109.

(In Cons. 20th May 1861, No. 3,066.)

1. Ordered to be submitted to Government with the Board's recommendation that the defence of the suit at the public expense be sanctioned.

2. The Board would propose to plead in defence that the site of the Mutt being registered as "Jeroyety," and the mutt itself being nowhere entered as a Religious Institution but having, as acknowledged by second Plaintiff, in her deposition before Mr. Knox in July 19th 1853 been built by Balavantapuri, the case cannot be brought under Regulation VII of 1817, and therefore the Court's jurisdiction over this Inám is barred ; that the Revenue Officers were not competent to oust the parties in possession ; and that the Acting Principal Assistant is not liable to be sued for the act of his predecessor, while moreover had the act been his own the remedy lay in an appeal to the Collector and not in a Civil suit.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 2. ORDER THEREON, 1st June 1861, No. 1,127.

1. The Plaintiffs in this case sue the Acting Principal Assistant Mr. Hooper, and two others for possession of a "Mutt," and of lands which they allege form its endowment.

2. The Board propose that the Assistant should plead non-liability under Section 28 Regulation XXVII of 1802, which protects Collectors from being sued for the official acts of their predecessors. The Government doubt the propriety of this plea, as it appears from Mr. Hooper's Memorandum, that on the 13th March last, he, in his magisterial capacity, issued an order restraining Plaintiffs from taking fruit from the land in suit. The more correct answer would seem to be that he acted judicially and in good faith, and therefore is entitled to the protection granted to public Officers by Act No. XVIII of 1850. To this might be added the plea that Government have no interest in the issue of the suit as regards possession of the mutt.

3. In respect to the lands sued for, the Board should make further inquiry. If it be "Jeroyety" it would seem liable to assessment, if on the other hand it be "Inám" coming within the scope of Regulation IV of 1831, the jurisdiction of the Court is barred, but Plaintiffs would doubtless seek permission from Government to bring their suit. The Board are requested therefore to ascertain definitely whether the land is Inám, and if so of what description, and whether permission to sue should be granted or withheld. If however time will not allow of this, Mr. Hooper can plead non-liability so far as he is personally concerned, and the Collector must exercise his discretion as to the plea to be urged in regard to the land.

4. The Government remark that the time allowed for putting in an answer is no where stated, and that the case has not been submitted so clearly as it should have been.

(Signed) J. D. SIM,

Secretary to Government.

R. D.

No. 1127.

Proceedings of the Madras Govt.
Under date the 1st June 1861.

Read the following
Progs. of the Bd. of Revs.

Submitting a letter from the Coll. of Ganjam recommending that the defence of the suit at the public expense be sanctioned.

(Here enter 21st May 1861 No 2595)

Vide Papers

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Reg. XXVII

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Coll.

NB.
A Mutt is a building where Hindu religious mendicants reside. Distribute above &c.

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J. Dwl

25 lb

5

14 Copies to Bd of Rev.
with 4 Encls.
Desp.d 15th

Suit against Mr. H. Print. Asst. Collr. of Ganjam

Revenue 1861 Departt.
Pro: of Govt. for June.

No. 127.

Pro: of the Madras Govt.
Dd. 1st June 1861.

From the Bd. of Rev. Dd. 6th Jul/61
Cons. 17th Jan. Pro. 31st No. 1515
Pro: of Do. 11th Oct. 61 Cl. No. 2496

Boards Proceedings submitting a letter from the Collector of Ganjam with respect to a suit about a Mutt, with orders thereon.

No. 182.

C 2 Dec. Ans. 30.