M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1599 Press ~~Mis.~~

140 141

Dated 9. 8. 18 6/.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 9th August 1861.

No. 140. Read the following Proceedings of the Board of Revenue, dated 3rd August 1861, No. 4,190 :—

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Chetterpore, 17th July 1861, No. 189.

SIR,

1. I have the honor to forward herewith translation of a plaint preferred against myself and certain Ryots of Booravelly, by one M. Appala Narasimhulu in cause No. 99 of 1861, on the file of the Civil Court of Chicacole, for recovery of possession of a puttah land paying a Cist of Rupees 9-12-10, which has been in the undisturbed possession of one M. Kistnama for the last seven or eight years under pattas granted him from fasli 1264. I also submit a draft of the proposed answer for the Board's approval.

2. The day originally fixed by the Court for hearing is, as I gather from a Memorandum sent by the Civil Judge for publication in the District Gazette, 1st August next, and I have applied for and obtained an extension of six weeks, which will expire on the 11th September.

3. I request that the Board will obtain the sanction of Government for filing the answer at the public expense.

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1. Ordered to be submitted to Government with the Board's recommendation, that the defence of the Suit at the Public expense be authorised, and that the Collector be permitted to file his proposed answer, omitting paragraph 2, which, in the Board's opinion, is irrelevant, the Collector being sued, not on account of the issue of the Patta by Mr. Foord, but on account of *his* decision cancelling the order of the late Acting Principal Assistant issuing a new Patta in favor of the Plaintiff, and in supersession of that issued by Mr. Foord.

2. To make the assumed line of defence relevant, it would be necessary for the Collector to plead that he was not competent to cancel Mr. Foord's order, and this the Board consider could not be pleaded by a Collector, regarding the act of a subordinate officer.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 141. ORDER THEREON, 9th August 1861, No. 1,599.

1. The Governor in Council sanctions the defence, in the first instance, at the public cost of Suit No. 99 of 1861, instituted against the Collector of Ganjam and others in the Civil Court of Chicacole, by one M. Appala Nasimulu ; but he 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 by the Government.

2. Paragraphs 2 and 3 of the Collector's proposed answer should both be omitted, and the protection granted by Act XVIII of 1850 and C. O. S. U. 5th November 1839, pleaded instead if as Government presume, the Collector acted under Regulation V of 1822. A brief summary of the Suit should have been given in the Board's Proceedings.

(Signed) J. D. SIM,

Secretary to Government.

issued by Mr. Foord

2 To make the assumed line of defence relevant, it would be necessary for the Collector to plead that he was not competent to cancel Mr. Foord's order, and this the Board consider could not be pleaded by a Collector, regarding the act of a subordinate Officer.—

/A true Copy and Exctract/

L. Anderson

Secretary

To J. D. Sim Esq

Secretary to Government

Revenue Department

with 2 migl Enclosures

1861

Revenue Department

Board's Court for August

No. 1884

Proceedings of the Board of Revenue

Dated 3
Desp.d 3d
Rec.d 5th
Aug.st 1861

No. 4190

Enclosure of No. 1599 - 9th Aug.st

Submitting a letter from the Collector of Ganjam and recommending that the Expence of the Suit, No. 99 of 1861 at the public expence be authorized and that the Collector be permitted to file his proposed answer, omitting Para 2

With an Order

No. 140 & 141.

Copy to Govt. 19th Aug.st 61

No. 1599

To the Govt. Commissioner the defence in the first instance at the public cost of suit No. 99 of 1861 instituted against the Collector of Ganjam and others in the Civil Court of Chicacole by one M. Appala Narasimulu, but he will determine whether costs of the Decree is submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that Officer or by the Government.

2 Paras 2 and 3 of the Collector's proposed Answer should both be omitted and the protection sought by Act XVIII of 1850 & C.O.S. No. 5th Nov.r 1839 pleaded instead as Govt presume the Act. referred under Regn. V of 1822. A brief summary of the suit should have been given in the Board's Proceedings.

Printed Circ.r No. 12
Copies to the Board of Revenue