M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1608 — Press Mis.

158-159

Dated 10. 8. 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 10th August 1861.

No. 158. Read the following Proceedings of the Board of Revenue, dated 30th July 1861, No. 4,093 :—

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Chetterpore, 10th July 1861, No. 183.

SIR,

Collector's letter, No. 74, dated 19th March 1861.
Do. do. No. 76, dated 21st do.
Board's Proceedings, No. 1,862, dated 10th April 1861.
Government Order, No. 821, dated 13th do.

With reference to the correspondence noted in the margin, I have the honor to forward herewith, for the information of the Board, copies of Judgment and Decree passed by the Civil Judge of Chicacole in Cause No. 30 of 1861, on the file of his Court dismissing the Suit with costs.

Ordered to be submitted for the information of Government, with reference to their Order quoted by the Collector authorizing the defence of the Suit.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 159. ORDER THEREON, 10th August 1861, No. 1,608.

Ordered to be recorded.

(Signed) J. D. SIM,
Secretary to Government.

Court of the Zila of Chicacole ——

Dated 18th. June 1861. —

O. S. No. 30 of 1861.

Judgment.

1 This Suit is brought against 2d. Defendant as Collector of the District and his Subordinate 1st. Defendant the Manager of the Principal & Assistant Collector's Office for damages caused by their Official acts.

2. Plaintiff states that he rented the Village of Polaky for 3 years from 1st. July 1858 on certain conditions entered into with the Collector acting on the part of Government.

3. That on 20th. March 1860, he petitioned that for the approaching fasly. being the last year of his lease the ryots might be compelled either to Cultivate on certain conditions or to evacuate their holdings, and because on Plaintiff received no answer to this Petition till the 21st. May 1860 he mainly rests his plea that Defendants are liable for the losses which have occurred in consequence of Plaintiff's ryots refusing to Cultivate the land. —

1st

4 It may here be remarked that Plaintiff and his pyots could come to no terms tho' several Orders were issued by the Revenue Authorities all in Plaintiffs favor.

5. Regarding this delay of 2 Months 2d. Defendant explains how it happened - The Office of the Principal Assistant Collector was vacant and as must often occur in such cases, there was some time lost before Plaintiffs petitions were forwarded to 2d. Defendant who undoubtedly lost no time in Answering them and sending an order favourable to Plaintiffs interests and Plaintiff must have known that as there was no Principal Assistant Collector in Chicacole his business must necessarily go to the Collector - The Civil Judge is of opinion that there was no Culpable delay and on this ground nothing to render Defendants liable for subsequent events. Collectors and other public Officers generally are personally responsible only for acts done in oppo= sition to the Regulations, and tho when the rights of parties are otherwise injured by their acts, Suits will lie, there must be

be direct connection between these injuries and the acts complained of which must also be shown to have originated in Malice or Culpable neglect, and in this case judging from the several orders issued, the Collector was endeavouring to assist Plaintiff, and neither the favorable tenour of the Orders nor the delay of 2 Months can in any way have led to the passive resistance of the pyots which ended in a loss to themselves and to the Plaintiff; on the Contrary, had the Orders been unfavourable to Plaintiff, the pyots might have been tempted to imagine that in their struggle with the Plaintiff, they had the authorities on their side -

6 Plaintiff urged that had the Orders of the Revenue Authorities not been so favorable he would have been led to have enforced his rights by process of Law -

It appears to the Civil Judge that Plaintiff cannot hold the 2d. Defendant liable because 2d. Defendant in his willingness to assist Plaintiff went as far as he legally

Could

Could and issued orders which proved ineffectual to control third parties who had rights on independant of the Collector and whose interests were antagonistic to Plaintiff.-

7. Plaintiff like every other man is supposed to know the law, and to know that he could not eject any ryot from his ancient holding or, without at least instituting a summary suit and his own lease has a strong clause in protecting the ryots from ejection, and tho he may assert that Regulation V of 1877 and such like is a dead letter, in these parts and that the Collectors Order is the only law in revenue matters, the Civil Court cannot recognize such a state of things.

8. The Plaintiff has not proceeded against a single ryot as the law provides and without a formal enquiry on Plaintiffs Complaint the Collector could not have ejected a ryot without committing an illegal act for which the ryot might have claimed damages and all the Plaintiff preally wanted was that 2d. Defendant should summarily eject his

his very refractory ryots.-

9 The Civil Judge is of opinion that there was no unnecessary delay on the part of the Collector, that he did all he dare do to help Plaintiff, and the Civil Judge finding that Plaintiff has done nothing to help himself, cannot but consider, that the damages he may have suffered are to be attributed to his own inaction and in no way to any acts of the Defendants.-

10 The suit is therefore dismissed on and Plaintiff ordered to pay all costs.-

/Signed/ S. J. Rouse.-

Civil Judge.

/True Copy/

J. Wright

Sub Secretary.-

Certified

Enclosure No: 1 in Proceedings
of the Board of Revenue
to the Secretary to Govt: M.D.
dated 30th July 1861 No: 1093

P. 1913/63

Judgment

Court of the Zila of Chicacole

Dated 18th June 1861

L. S.

O. S. No: 30 of 1861.—

Katterasetty Venkatanarasayya Saundar... and an inhabitant of Chicacole. Also a Renter } Plaintiff

—— Versus ——

1 Rango alias Kandoty Hantaram Pantulu Manager of the Office of the Princ: Assistt: Collector of Ganjam & an inhabitant of Chicacole and 2. G. S: Forbes Esqr: Collector of Ganjam } Defendants

1 Suit for recovering Rs: 8211-4-— being the damages or losses caused by their Official acts.—

2. This Cause coming on to be heard and debated this present day before T. J. Knox Esqr: Civil Judge of Chicacole in the presence of M. Mallicarjunasastry Counsel for the Plaintiff and Cherkury Reddy Sastry Counsel for the Defendants, and the evidence Oral and documentary produced by the Plaintiff and Defendants respectively having been heard, and due consideration having been given

given to what was alleged by the Plaintiff's and Defendant's Counsels, the Court orders and decrees that the Suit is dismissed and Plaintiff ordered to pay all Costs.—

3. And it is further resolved that no adjustment of this Decree in part or in whole shall be recognized by the Court unless such adjustment be made through the Court, or be certified to the Court by the person in whose favor the Decree has been made or to whom it has been transfered.—

4 No process of execution will be issued to enforce this Decree unless some proceeding shall have been taken, to keep the same in force, within three years next preceding the application for such execution.—

5 The period for preferring an appeal from this Decree will expire on.—

Costs incurred by Plaintiff	570	3	6
Costs incurred by 1st. Defendant	1	"	"
Costs incurred by 2d. Defendant	1	8	"
Costs incurred by 1st & 2d. Defendants	314	3	6

(Signed) F. J. Knox.
Civil Judge.

(True Copy)

W. Dalyell
Sub Secretary

Cost 17/6

Enclosure No. 2 in Proceedings of the Board of Revenue dated 30th July 1861 No. 4093

Decree

No. 4,093.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 30th July 1861.

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Chetterpore, 10th July 1861, No. 183:—

Collector's letter, No. 74, dated 19th March 1861.
Do. do. No. 76, dated 21st do.
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With reference to the correspondence noted in the margin, I have the honor to forward herewith, for the information of the Board, copies of Judgment and Decree passed by the Civil Judge of Chicacole in Cause No. 30 of 1861, on the file of his Court dismissing the Suit with costs.

ENCLOSURE No. 1.—Judgment.

ENCLOSURE No. 2.—Decree.

Ordered to be submitted for the information of Government, with reference to their Order quoted by the Collector authorizing the defence of the Suit.

(A true Copy and Extract.)

W. Hudleston

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D., with copies of Judgment and Decree.

Copy to G. S. Forbes, Esq., Collector of Ganjam.

Exd. J. Wright.

R 13th April/61 No 199 & 300

(5)

Revenue Department 1861.
Proc: of Govt for August

No. 1913.

PROCEEDINGS of the BOARD of REVENUE

Dated 30th *July* 1861.
Despatched. 6 August
Received. 7 Aug
6-2-

N. 4,093.

Submitting for ~~orders~~ information a letter from the Collector of Ganjam, forwarding copies of Judgment Decree passed by the Civil Judge of Chicacole in Cause No. 30 of 1861.

W. 1608. Recorded

W Cy

Fort St George
10th August 1861

No 158 & 159

8 Augt to Regt