

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2201

Press
~~Mis.~~

227-228

Dated 21-11-1867

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21st November 1861.*

No. 227. Read the following Proceedings of the Board of Revenue, dated 1st November 1861, No. 5,994:—

Read the following letter from B. CUNLIFFE, Esq., Collector of Madras, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Sydapet, 25th October 1861, No. 361.

SIR,

1. I have the honor to forward copy of a plaint preferred by one Muttu Gurukal in the Tripassoor Moonsiff's Court, against (1) Muldukistnamah Náyudu, the Magistrate of the Sydapet Táluq; (2) his Javabneviss Ranghier; (3) his Gumáshta Rama Ráu, for the recovery of 300 Rupees, as damages in having committed him to the Criminal Court on the charge of having made a false and malicious complaint; the 2nd and 3rd Defendants having, as alleged, persuaded him to do so.

2. The 1st Defendant referred the case for my orders, and I, as Magistrate, directed its committal. I therefore request sanction for defending the Suit at the public cost. The Criminal Court acquitted the prisoner.

3. It will be sufficient, I think, if the 2nd and 3rd Defendants deny that they influenced the 1st Defendant in any manner, having been merely his ministerial servants; and if the 1st Defendant pleads that he committed the Plaintiff to the Criminal Court in obedience to my orders, as his superior, and the Magistrate of the District, the Court will then probably either direct that I shall be made a Supplemental Defendant, or reject the plaint with costs.

To the Táluq Moonsiff of Tripassoor.

The Plaint filed by Court Vakíl Venkata Ráu, on behalf of Moothoogoorookal, son of one Shanmooga Gurukal of Madambakam, a Bramin residing at Trisoolam in Sydapet Táluq, and living by means of agriculture and by performing Devastanam Poojahs, against Muddukistnamah Náyudu, Tahsildár of Sydapet Táluq; (1) Ranghier, Javabneviss of Sydapet Táluq; (2) Rama Ráu, Rayasam of Sydapet Táluq; (3) for the recovery from the Defendants of Rupees 300 for damage.

1st. The Plaintiff possesses cultivation and landed property worth about 1,000 Rupees in the villages of Madambakam, Kottoor, Tiroomollavoil and Vayaloor, and leads a respectable life.

2nd. In 1860, the Plaintiff filed certain complaints in the Madras Collector's Office, one of which was against Vadiar Soobraya Mudali, and others, of Madambakam, on account of the Melwaram share of the Maniems attached to the Tenupooriswarar Devastanam of that village. When the 1st Defendant was conducting inquiries on those complaints, the Plaintiff gave out what he had to say. But the 2nd and the 3rd Defendants having persuaded the 1st Defendant so as to bias him in favor of the opponents, the 1st Defendant unreasonably grew angry upon the Plaintiff, and with a cruel heart created a criminal out of an innocent case, disgraced the Plaintiff in an open assembly, made him a prisoner, and committed him to the Court under severe restrictions. The latter, investigating the proceedings connected with this case, released the Plaintiff on the 14th August 1860, remarking that the Plaintiff was not guilty, and that he was committed without any reasonable cause. The Session Judge approved of the Diary on the 22nd idem.

3rdly. As the 1st Defendant committed the Plaintiff, who is a respectable party, to the Court in way of disgracing him, and wrote Urzees to the Collector in certain cases, and obtained orders to the injury of the Plaintiff, he requests the Court to pass decision for the payment to him of Rupees 300 by the Defendants for damage.

(True Translation.)

15th August 1861.

(Signed) B. CUNLIFFE, Collector.

Proceedings of the Madras Government, Revenue Department,
21st November 1861.

1. Ordered to be submitted to Government, with the Board's recommendation that the Suit be defended at the public cost, and that the Taluq Magistrate be instructed to plead that he acted in the case in good faith believing himself to have jurisdiction as he cannot undo the orders of his superior the Magistrate, and that consequently the Suit is barred by Act No. XVIII of 1850.

2. The Collector should have named the date for putting in the defence.

(True Copies and Extract.)

(Signed) W. HUDLESTON, Secretary.

No. 228.

ORDER THEREON, 21st November 1861, No. 2,201.

In the absence of all information on the merits of this case, the Government are unable to undertake the defence of this suit. The Sub-Magistrate can himself plead Act XVIII of 1850, which is a bar to the action, and Government will decide about the cost when the result of the suit is known.

(Signed) J. D. SIM,

Secretary to Government.

Note.

No. 2201

In the absence of all information on the merits of this case the Govt. should not, I think, undertake the defence. The Sub-Magistrate can plead Act XVIII of 1850. which is a bar to the action & Govt. can decide about the costs afterwards. If however there is time the Board can report whether the Sub Magistrate has laid himself open to the charge of misusing his authority. If he has not Govt. may, as usual, protect him. J.D.S.

This means
to take the
right course
W.H.

W.H.

Forth & George
21st Nov 61

Revenue Sept 11th

Proceedings of the Madras Court
under date the 2nd Nov 1861.
No 2201

Read the following

Proceedings of the Board
of Revenue -

Submitting a
letter from the collector
of Madras and recom-
= mending that the suit
filed against Muddu
= Krishna Rao, Ma-
= gistrate of Saidapet
= Saly, & others, be defend-
= ed at the public cost.

(Here enter 1st Nov
1861 No 5994)

In the absence
of all information on the
merits of this case the
Court are unable to under-
= take the defence of this
suit. The Sub Magistrate
can himself plead Act
XVIII of 1850 - which is a
bar to the action and
Court

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Melwaram share of the Maniens attached to the Tennpooriswarar Devasthanam of that village.
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he had to say. But the 2nd and the 3rd Defendants having persuaded the 1st Defendant so as to
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and with a cruel heart created a criminal out of an innocent case, disgraced the Plaintiff in an open
assembly, made him a prisoner, and committed him to the Court under severe restrictions. The
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15th August 1861.

(True Translation.)
(Signed) B. CUNLIFFE, Collector.

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the Magistrate, and that consequently the Suit is barred by Act No. XVIII of 1850.
2. The Collector should have named the date for putting in the defence.

(True Copies and Extract.)

To J. D. Sim, Esq, Secretary to Government, R. D.
Copy to B. Cunliffe, Esq, Collector of Madras.

Ed. J. Wright.

Secretary.

Govt will decide about
the cost when the result
of the suit is known.

J. R. S.

Not Copy Dip 21st
1 1/2 Copies
To the Board of Revenue

[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page.]

Suit against the Sub Magle
of Saidapat.

Decemr 1861 Depar D.
Pro of Gov for Mow

210207.

Pro of the Mow Govt.
21st November/61

Declining Board's
Recommendation to defend
the suit filed against
Shundakrishnamah
Payamur Magistrate of
Saidapat taking and there
at Public Cost.

No 227 & 228.

Suit filed
and