M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2220	Press ~~Mis.~~
268-264	
Dated 26-11-	18 61.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 26th November 1861.

No. 263. Read the following Proceedings of the Board of Revenue, dated 19th November 1861, No. 6,380:—

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Chetterpúr, 5th November 1861, No. 295.

SIR,

1. I have the honor to forward herewith translation of a plaint preferred against myself and a certain Ryot of Yarabad by one Y. Uppal Náyudu in Cause No. 144 of 1861, on the file of the Civil Court of Chicacole for recovery of possession of a Patta land which has been in the undisturbed possession of the 2nd Defendant for the last eight years under Pattas granted him from Fasli 1262. I also submit a draft of the proposed answer for the Board's approval.

2. The day fixed by the Civil Court for hearing is the 7th December next.

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

TO THE CIVIL COURT OF CHICACOLE.

Plaintiff.	*Versus.*	*Defendants.*
Yarabaty Uppal Náyudu of Yarabad, by profession an agriculturalist.		1. G. S. Forbes, Esq., Collector of Ganjam, at Chetterpúr. 2. Yarabaty Kittappagari Appaya of Yarabad, by profession an agriculturalist.

1. The Plaintiff's father named Yarabaty Uppal Náyudu had for a long time under his cultivation Zeroyaty Patta lands paying a cist of Rupees 256 per annum to Government in the village of Yarabad of the Wadada Táluq, and died about 13 years ago.

2. The 2nd Defendant and some other Ryots made a promise to one Lachmi, the grandmother and guardian of the Plaintiff, who was then a minor, to the effect that they would make over lands in question to the Plaintiff when he attains his majority, and that they would cultivate them and pay the assessment to the Government in the meanwhile. They accordingly used to cultivate the lands, and pay their assessment to Government. The Plaintiff having attained his majority demanded possession of his lands, but with the exception of the 2nd Defendant all the other Ryots delivered up the lands that were under their occupancy.

3. As the 2nd Defendant refused to make over (the lands), the Plaintiff lodged a complaint before the Principal Assistant Collector of Ganjam, who instituted an inquiry into the matter, made over to the Plaintiff the land paying a cist of Rupees 36½, which was under the occupancy of the 2nd Defendant during Fasli 1270, and granted him a Patta on the 8th March 1861. The Plaintiff enjoyed the produce of the land in that year. Against this the 2nd Defendant preferred an appeal to the 1st Defendant who reversed the judgment passed by the Principal Assistant Collector, and issued an order on the 10th May 1861, directing the re-transfer of the land to the 2nd Defendant, and referring him (Plaintiff) to the Civil Court. The Tahsíldár of Wadada had accordingly made over the land to the 2nd Defendant.

4. The Plaintiff, therefore, prays that the Court will recover from the Defendants the Zeroyaty Patta land (both dry and wet), yielding an annual produce of Rupees 64, including the Government assessment in the village of Yarabad, together with the cost of the suit 26th September 1861.

The boundaries of the land will be given hereafter. An authenticated copy of the (1st Defendant's) order as well as the Patta is herewith presented.

I (Yarabaty Uppal Náyudu) the Plaintiff in the above plaint do declare that what is stated therein is true to the best of my information and belief.

(Signed) YARABATY UPPAL NAYUDU.

Filed in Court this 1st October 1861.

(Signed) T. J. KNOX, *Civil Judge.*

(True Translation.)

(Signed) G. S. FORBES, *Collector.*

Proceedings of the Madras Government, Revenue Department, 26th November 1861.

Proposed Answer in Cause No. 144 of 1861, on the file of the Civil Court of Chicacole.

Plaintiff.	*Versus.*	*Defendants.*
Yarabaty Uppal Náyudu of Yarabad in the Chicacole Táluq.		1. G. S. Forbes, Esq., Collector of Ganjam. 2. Yarabaty Kittapagari Appaya of Yarabad in the Chicacole Táluq.

1. The Acting Principal Assistant Collector had no power to deprive the 2nd Defendant of the possession of land which he had held for eight years by virtue of Pattas granted to him—*vide* rulings of the Sudder Ádálat quoted in the margin. In the Decisions of the Sudder for 1860, page 210, it is ruled that "a Ryot who has been in occupation for three years cannot be "deprived of his holding by the Revenue authorities, and any party seeking possession must have "recourse to a Civil Suit." For these reasons the 1st Defendant on appeal being made against the decision of the Principal Assistant Collector, issued an order maintaining the 2nd Defendant in possession of the land and referring the Plaintiff to the Civil Court to recover possession of his alleged ancestral property, for which step under Act XVIII of 1850 the 1st Defendant is not liable to be prosecuted.

Special Appeal Suit Nos. 12, 13 and 91 of 1853, paras. 3 and 9, pages 48, 121 and 147.

2. Under these circumstances the 1st Defendant prays the Court to dismiss the Suit as against himself relieving him also from costs.

(Signed) G. S. FORBES, *Collector.*

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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 cost be sanctioned.

2. On the application of the Plaintiff the Acting Principal Assistant ousted the 2nd Defendant from land which he had for eight years held on Patta, which decision on appeal the Collector (1st Defendant) reversed and retained 2nd Defendant in possession, referring Plaintiff to a Civil Suit to obtain possession. The Collector's decision was correct, and his act should be defended. He will be instructed by Telegraph to apply for an extension of the time for filing the defence which expires on 7th December.

(True Copies and Extract.)

(Signed) R. A. DALYELL, *Sub-Secretary.*

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No. 264. ORDER THEREON, 26th November 1861, No. 2,220.

The Government sanction the defence at the public expense, on the usual terms, of Suit No. 144 of 1861, on the file of the Civil Court of Chicacole, instituted by one Y. Uppal Náyudu against the Collector of Ganjam and another.

(Signed) J. D. SIM,

Secretary to Government.

Rec'd 1861 Dec 1

Pro: of Gov't Nº 2723

Proceedings of the Board of Revenue

Dated 19th November 1861.
Recd 19th
Encl. 2 Papers

Nº 6380.

Submitting a letter from the Collector of Goyam and recommending that the defence of the suit filed against him and certain ryot be defended at the public cost.

Nº 2263 & 264

Nº 2220. 26. Nov.

Wallaw Order

Nº 2220

The Government sanction the defence at the public expense, in the usual terms of suits Nº 145 of 1861 on the file of the Civil Court of Chicacole instituted by one G. Appal Naidoo against the Collector of Ganjam and another.

For 1st Class
14 Copies 26th Nov/61

Board of Rev.
with 2 Orig. Encls. Dis 26