

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.G.O. No. *As*Press
Mis.*384-95*

Dated

*27-2-1861*Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
27th February 1861.*

No. 394. Read the following Proceedings of the Board of Revenue, dated 9th February 1861, No. 720 :—

Read the following letter from G. THORNHILL, Esq., Acting Collector of the Kistna District, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Repalli, 22nd January 1861, No. 18.

SIR,

* To Board, 16th November 1859, No. 202.
From do. 13th December „ „ 5,163.
From do. 22nd December „ „ 5,371.
(Government Order 20th December, No. 1,732.)
To Board, 31st December 1859.
From do. 13th January 1860, No. 182.
From do. 1st February „ „ 558.
Appended to Government Order, dated 28th January 1860.

1. With reference to the correspondence* noted in the margin, I have the honor to submit herewith copy of the Proceedings of the Civil Court of Masulipatam, dated 14th ultimo, from which it will be observed that the objection raised by the Collector, 2nd Defendant in Suit No. 65 of 1859, in his answer, demurring to the jurisdiction of the Court has been overruled.

2. Certain points however, evidently misrepresented in the Proceedings of the Court, have been pointed out to the Government Pleader and a translation of the instructions sent to him is enclosed.

3. The Collector's only plea having fallen to the ground, I beg you will be good enough to obtain and favor me with the orders of the Board as to whether I may continue to plead on the merits of the case enumerated in Mr. Knox's letters noted marginally.

4. There is no further documentary evidence to be adduced. The only witnesses that can be called are those who deposed before the Tahsildar (3rd Defendant) to the effect that the land under dispute had been enjoyed as Inám by the 1st Defendant.

1. The only interest which Government possess in this Suit depends on the land being Inám. The Court has decided that the land is *not* Inám, and it remains to be seen whether it will admit any further evidence on this point or the correction of the errors made by the Government Vakíl. The Collector clearly cannot do more than endeavour to prove the land to be Inám, and if the Court adheres to its present decision, notwithstanding the motion lately put in by the Government Pleader, Government must either accept the decision or appeal. The Collector may therefore "plead on the merits of the case," *i. e.*, show that the land is Inám if the Court will permit him to do so.

2. Ordered that copy of these Proceedings be submitted for the information of Government with reference to G. O. dated 20th December 1859, and 28th January 1860, Revenue Department, Nos. 1,732 and 151.

3. The Vakíl should be required to explain the errors into which he fell in his conduct of the case.

(A true Copy and Extract.)

(Signed) J. D. SIM, Secretary.

No. 395. ORDER THEREON, 27th February 1861, No. 455.

1. The Board of Revenue submit copy of the Proceedings of the Civil Court of Masulipatam in the matter of a Suit (O. S. No. 65 of 1859) instituted by the present holder of the Vissanapett Estate against the Collector of the Kistna District and others, for the recovery of the assessment on certain land in that Estate, which he alleges is Séri, but which the Collector maintains is Inám. The Court has decided that the land is not Inám; but the Board in their present Proceedings permit the Acting Collector to plead further on this point if allowed to do so.

Proceedings of the Madras Government, Revenue Department,
27th February 1861.

2. It seems evident from a perusal of the Proceedings of the Court that the case of the 2nd Defendant (Collector) has wholly broken down. Mr. Knox declared that he could prove that the land in question was Inám, but he has produced nothing to be called proof. It does not appear that there is any ancient document or account of any kind to show that the land is Inám; and the Sub-Collector's original order declaring it to be so and putting 1st Defendant in possession, was based on no stronger evidence than the Dowle of Fasli 1259, (A. D. 1819-50) at which time the Vissanapett Estate was under the Collector's management. It seems just as likely as not that the entry was collusive, and intended to convert the Séri land into Inám.

3. The Government have only a very remote interest in the Suit, viz., the possible reversion of the land, if Inám. They were induced to permit the defence of the Suit, in the first instance, by the Collector's opinion above referred to. But they are now of opinion that the defence on their part should be dropped, and the Suit be left to the Plaintiff and 1st Defendant.

4. The Government Vakil, it is stated, failed to urge all that might have been urged; or at least to state it so strongly on certain points as he might have done. But it is obvious to remark that unless he was instructed before hand on those points no blame can attach to him. They are simply technical and peculiar to the case. If he had said all that the Acting Collector states, he ought to have said, it would probably not have altered the decision.

(Signed) J. D. BOURDILLON,

Secretary to Government.

proceedings be submitted for the information of Government with reference to G. O. dated 20th December 1859, and 28th January 1860 &c. Nos 1732 & 151.

3. The Vakil should be required to explain the errors into which he fell in his conduct of the case.

(A true Copy & Extract)

(Signed) J. D. Linn,
Secretary.

To J. Thornhill Esq.
Acting Collector of the Pudukottah District.

(True Copy.)

J. D. Linn
Secretary.

J. D. Bourdillon Esq.

Secretary to Government

Revenue Department
for information
with Original Enclosures

The case of the 2nd Defendant (Collector) appears to have wholly broken down. It does not appear that there is any ancient document or account of any kind to show that the land is Inám; and the Sub-Collector's original order declaring it to be so and putting 1st Defendant in possession, was based on no stronger evidence than the Dowle of Fasli 1259, (A. D. 1819-50) at which time the Vissanapett Estate was under the Collector's management. It seems just as likely as not that the entry was collusive, and intended to convert the Séri land into Inám.

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(A. D. 1848/2). at which time the

Revenue Department

N^o 455

Proceedings of the Madras Government
Under date the 27th February

Read the following proceedings
of the Board of Revenue.

Submitting for information
with the Board's observations a letter
from the Acting Collector of the Krishna
District forwarding copy of the
Pro: of the Civil Court of Masulipatam
dated in O.S. N^o 65 of 1859, over-
ruling the objection raised by the
Collector in his answer demurring
to the jurisdiction of the court.

The Board of Revenue
submit copy of the Proceedings of
the Civil Court of Masulipatam
in the matter of a suit (O.S. N^o
65 of 1859) instituted by the pre-
sent holder of the Vipanapett
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Krishna District and others,
for the recovery of the appor-
tionment on certain land in that
Estate which he alleges is Sri,
but

Decr 1859 N^o 115-116
21st Decr 1860 " 102-103

44

Decr 1861 N^o 117-118
21st Decr 1861 " 103-104

Proceedings of the
Board of Revenue

Dated 9th

Decr 9th February 1861

Decr 11th

Decr 2- Decr 22

N^o 120

N^o 455-27:28 February

Submitting for infor-
mation with the Board's observations
a letter from the Acting Collector
of the Krishna District forward-
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Court of Masulipatam in O.S.
N^o 65 of 1859, overruling the
objection raised by the Collector
in his answer demurring to the
jurisdiction of the Court.

Estab was made the cases management
it seems just as likely as not that the
entry was collusion & intended to convert
the land into land.

It appears to me that the Govt
may well doubt the charges & leave the
P. & M. Dept. to fight out the case.

The first objection appears to have
failed & even all this might have been
used in at least to show it is strongly in
certain points or to indicate some other
matters he was instructed before him on these
points as to blame. Cases attach to him. They are
mostly technical & peculiar to the case.

It is not clear why the case was brought to
the court. It is not clear why it was not decided
by the Board of Revenue.

but which the Collector maintains is Inam. The Court has decided that the land is not Inam, but the Board in their present Proceedings permit the Acting Collector to plead further on this point if ~~the Government~~ allowed him to do so.

2nd. It seems evident from a perusal of the Proceedings of the Court that the case of the 2nd Defendant (Collector) has wholly broken down. Mr. Knox ^{deceased} that he could prove that the land in question was Inam, but he has produced nothing to be called proof. It does not appear that there is any ancient document or account of any kind to show that the land is Inam; and the Subcollector's original ^{order} declaring it to be so and putting 1st Defendant in

Collector's letter 16th Nov. 1859
para 3, in Progs. B^o of Rev.
13th Dec. N. 5163.

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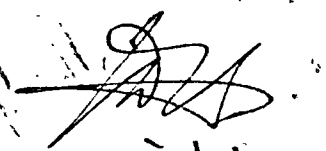
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Respecting O.S. No. 63 of
1859 in the Civil Court
of Chasulapatam



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13 Copies
To the Board of Revenue with 2 Mems. Dated 22nd

Revenue 1861 Departs
Pro: of Govt for February

N^o 453.

Pro: of the Madras Govt.
D^y 27 February 1861.

Pro: of the Board of Rev: 8th April 1861
@ No 934 in Pro: 22 April 1861

Defence on the part of
Govt. in suit No 65 of 1859 in the
Civil Court of Masulipatam, to
be dropped and the suit left
to Plaintiff and 1st Defendant.

N^o 394 + 395