

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 460

Press
~~Mis.~~

404-405

Dated

27-2-1861.

Not to be folded or roughly handled

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

No. 404. Read the following Proceedings of the Board of Revenue, dated 16th February 1861, No. 881 :—

Read letter from the Collector of Malabar, dated 29th January 1861, No. 26 A.
(In Cons. 11th February 1861, No. 866.)

Original Suit No. 94 of 1860.

Nanat Kondi Minon, Plaintiff.

Versus.

The Collector of Malabar, Defendant.

1. The Collector of Malabar reports the institution of a Suit against him in the Court of the District Munsif of Chowghát, by one Nanat Kondi Minon.

2. The Plaintiff's Karnavan obtained in 1821-22 a Cowle for certain Government land assessed at Rupees 66-3-2, and besides held land, his private property, assessable at Rupees 32-4-7. From 1824-25 to 1837-38, he appears to have paid only Rupees 67-9-5 annually instead of Rupees 98-7-9, and by collusion with the Village Accountant to have obtained a reduction of Rupees 28-9-2 in his assessment. This was discovered in 1842-43 by the then Accountant, who again added the latter sum to the assessment. Plaintiff withheld payment for the first year (1842-43) in which his Karnavan died, but paid regularly for the six succeeding years up to 1849-50, when he objected; and deducted the whole amount already paid from his assessment for that year. As he persisted in withholding payment, his lands were sold for the sum due for 1842-43; the sum deducted from his payment for 1849-50, and the sum due for each year up to the time of sale (1858) as well as for other arrears of Revenue due by him, interest and other charges.

3. The present Suit is brought to recover these sums with interest and to have his assessment reduced by the sum (Rupees 28-9-2) added to it in 1842-43.

4. The Suit virtually involves the assessment of the land, and the Collector demurs to the jurisdiction of the Court on the plea that such matters are beyond the province of the Civil tribunals. This plea is based on the orders* noted in the margin, and will, the Board think, hold good. If it should be

* From Government, 12th March 1833, Revenue Department, No. 282.

See C. O. Book, 1st Volume, Note 2, page 116.

over-ruled by the Court, the Collector must be prepared with evidence to support the legality of the demand.

5. The Board have prepared a draft reply merely joining issue on the leading points of the case.

6. The Board regret that more prompt measures were not adopted for the realization of the arrears due by Plaintiff.

7. Resolved that a copy of these Proceedings be submitted to Government, with the Board's recommendation that the defence of the Suit be authorized at the public expense in the manner above proposed. The time for filing the answer expires on the 14th proximo.

(A true Extract.)

(Signed) J. D. SIM, Secretary.

No. 405. ORDER THEREON, 27th February 1861, No. 460.

1. The Honorable the Governor in Council sanctions the defence, in the first instance at the public expense, of O. S. No. 94 of 1860 instituted against the Collector of Malabar in the Court of the District Munsif of Chowghát by Nanat Kondi Minon; but will determine when a copy of the Decree shall be submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that Officer or by the Government.

2. His Excellency in Council agrees with the Board that the delay allowed to occur in enforcing the Government demand is much to be regretted.

3. The use of the Native term "Karnavan" by both the Collector and the Board should have been avoided.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

Draft of an Answer.

The Collector pleads.

- I That the question raised by Plaintiff is the rate and amount of assessment payable on his Cowle and other lands, and as such is beyond the jurisdiction of the Courts for the reasons set forth in the orders marginally noted.
- II That the sums levied by the distraint and sale of Plaintiff's property were justly due by him and so leviable.
- III That the land is justly liable to the assessment now imposed thereon.

J D Smith
Secretary

No. 12. - March 1833 N^o 4-5

Price 1861 (Private)
May 1st for 1861
Proceedings of the
Council of Revenue

Dec 16th } February 1861
Dec 18th }
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No 160. 27. 1861

Submitting a letter
from the Col^l of Chabawan
reporting the institution
of 2000/194 of 1860 against
him in the District of
Koonvill's Court of Chow
- put and recommending
that the defence of the
suit be authorized at his
public expense -

No 104

18-21/2 1861

No. 460.

Proceedings of the Madras Government
Under date the 27th February 1860.

Read the following

Progs: of the Board of Revenue
Submitting a letter from the Collr of
Malabar reporting the institution of
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~~was need.~~
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D. J. A.
J. A.

To
The Bd. of Rev.
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Revised 1861 and 1862.

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Dr. The Standard

Defence in Q. V. No. 4 of

Defense in U. S. No 4 of
1860 instituted against the