M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1056 Press / Mis.

253.2074

Dated 13. 5. 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
13th May 1862.

No. 253. Read the following Proceedings of the Board of Revenue, dated 2nd May 1862, No. 2,815 :—

Read the following letterfrom G. A. BALLARD, Esq., Acting Collector of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Tanjore, 24th April 1862, No. 141.

SIR,

1. I have the honor to request that you will lay before the Board the accompanying translation of a Plaint in Suit No. 1,012 of 1860, on the file of the Munsif's Court of Pattukottai in the Zillah of Tanjore, in which case I am included as a supplemental 2nd Defendant by a motion subsequently presented by the Plaintiff. The Draft of the proposed answer is also herewith submitted for approval.

2. The Plaintiff is the Zamíndár of Singavanam Poliput in the Pattukottai Táluq, and sues for restoration of possession sometime enjoyed by him of the chank fishery on the coast of Kristnajipatam, which he states is a village granted by the former Native Rájáhs as one included in his Poliput.

3. The Zamíndár had enjoyment of the profits of the chanks in question for a short time, but Mr. Bishop, the then Collector, finding, on inquiry, that he had no right or claim thereto, finally disposed of the case by an order dated 21st March 1848, by which the Zamíndár was prohibited from interfering with the chanks, and the same have since been rented out and the revenue accruing therefrom enjoyed exclusively by Government.

4. It appears to me clear that chanks spontaneously produced in the sea belong to Government alone, and that Plaintiff's claim is, in substance, groundless, but it is further inadmissible by the Court under the Law of Limitation.

5. I therefore request that authority may be obtained for defending the Suit at the public cost, and that the Board will be good enough to signify their approval of the proposed answer.

6. The date fixed for the delivery of the answer being the 24th instant, I have moved the said Court for the extension of the term for four weeks from that date.

Ordered that the above papers be submitted to Government with the Board's recommendation that the Acting Collector be authorized to defend the Suit at the public cost, and that the following amended answer, the time for filing which will expire on the 22nd May 1862, be substituted for that submitted by the Collector.

ANSWER.

1. The fishery to which Plaintiff lays claim is a royalty which forms no natural or component part of a Poliput, nor is it included in the assests on which his Peshcush was calculated. The supplemental Defendant denies that the right to fish for chanks was ever ceded to Plaintiff by any former Dynasty, nor was it continued to him by the late or present Government, nor does he possess any deed or sunnud conferring on him such right. The rights of the Plaintiff are confined to the lands included within the limits of his estate and do not extend to the sea or its product.

2. The Plaintiff has never performed any act in virtue of the right claimed by him, nor has he, as he states, fished for chanks up to 1859. In 1848, the Plaintiff illegally attempted to gather shells but was prevented doing so by an order of the Collector dated 21st March 1848 to which order he conformed and the fishery has ever since been uninterruptedly rented out by the Collector and the proceeds credited to the State, so that the Plaintiff's claim, even if sustainable on other grounds, is barred by the Law of Limitation.

3. The statement of the Plaintiff that he derived nothing from the lands of the village of Kristnajipatam is opposed to fact as can be gathered from the accounts of the village, from which it will be seen that the village contains 15 Acres of Poonjaih or dry land.

the suit.

I am Sir Your Obt Servt

W Dalyell
Sub Secretary

To J. D. Sim Esqr
Secretary to Government
Revenue Department.

Note.

The Gentoo or Cornish Machine [illegible]
reference to the suit in Scrafton & Lal
Vol. Appendix where a copy of the
Evidence is furnished, whether the
Court, if any be assigned against
the Steering Collector, shall
be borne by that Officer or
by the Government &c

Fort St George
1st March 1781

Chief & Council
Board of Revenue
Fort St George

E. Boughton Rous
Offg Mr Malabar Inamds

Revenue 1862 Vol. A.
Proceedings for May 1772.
Proceedings of the Board of Revenue.

Dated 5th
Recd 2d
Read 3d
May 1862
E. I. Ch. Court
No. 7815

No. 253 & 254.

Submitting letter from the Ag. Collector of Tanjore relative to Suit No. 1012 of 1860, with the Board's recommendation that the Collector be authorised to defend the suit at the public cost and that the amended answer be substituted for that proposed by him.

No. 1006. 13 May
With an order

167-562
68 May No. 1216-562