M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1293 — Press ~~Mis.~~

171 172

Dated 12 - 6 - 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 12th June 1862.

No. 171. Read the following letter from R. E. MASTER, Esq., Officiating Director of Revenue Settlement, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 31st March 1862, No. 402/35 :—

SIR,

1. I have the honor to acknowledge the receipt of the Order of Government, dated 19th February 1862, No. 363, and in reply to state that the Director by oversight alluded in his letter of the 7th idem, No. 140/17 to the Petitioner's appeal having been made under the provisions of Act XXVIII of 1860, that Act not having been in force at the time. The dispute in question was originally decided summarily by the Deputy Director, Mr. Ballard, as between the ryots of the two villages. Mr. Newill subsequently pointed out that as one of the villages was the property of Government, and the other belonged to a Zamíndár, other interests than those of the ryots were involved in the dispute, and he directed that it should be taken up again and investigated as between the Government and the Zamíndár, and shortly afterwards the latter himself petitioned the Director. Mr. Ballard accordingly addressed the Zámíndar requesting him to attend either in person or by Vakíl, that further enquiry might be made. Of this requisition the Zámíndár took no notice, and the survey of the villages was completed according to the boundary fixed at the original summary decision. The Zamíndár than appealed to the Director who gave the Endorsement, dated 27th April 1860.

2. Mr. Newill considered that under Section I, Act XX of 1855, it was competent to the Deputy Director as a Revenue Officer within the meaning of the Act, to fix the boundaries, and also under Section VI to dispose of any objections that might be made against the boundaries so fixed. That the Zamíndár's objection was not disposed of under the last named Section, was entirely owing to his own neglect, either to appear in person, or send a Vakíl in accordance with the Deputy Director's requisition. In referring Petitioner to the Civil Courts for redress, Mr. Newill appears to have acted under the opinion expressed by the Board of Revenue in paragraph 5 of their Proceedings of the 20th May 1859, No. 1,843, that, pending the passing of the new Boundary Act, the summary decisions of the Deputy Director would hold good until set aside by the decision of a Panchayet or of a Court.

3. The record alluded to at the close of paragraph 2 of Mr. Newill's previous letter is herewith forwarded.

No. 172. ORDER THEREON, 12th June 1862, No. 1,293.

1. This dispute was originally disposed of summarily by the Deputy Director of Revenue Settlement, as between ryot and ryot, and without reference to the fact that Pedda Gonur was the property of a Zamíndár. Subsequently this fact was brought to his notice, and he cited the Zamíndár to appear before him. The Zamíndár failed to appear, and the original decision was carried into execution.

2. These proceedings received the approval of the Director in the endorsement* now complained of.

* 27th April 1860.

3. In a former letter, reviewed in Government Proceedings, Revenue Department, No. 400 of the 19th February last, Mr. Newill stated that his decision had been passed under Act XXVIII of 1860. This is now explained to have been a mistake. The Act quoted in the Endorsement is XX of 1855.

4. The Board of Revenue, in a letter to Mr. Newill, recommended that the dispute should be settled by arbitration. In that opinion the Governor in Council concurs, and accordingly authorizes the Collector to re-open the case and to dispose of it *de novo* under Section XXII, Act XXVIII of 1860, reporting the result through the Board of Revenue.

No. 1,843 of the 20th May 1859.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

rtment Mr Newill represented these difficulties
Board, & sought their advice.

Petition No. 120 of 1862

The Zemindar of Illore appeal against an order of the Director of Revenue Settlement regarding a boundary dispute, in which one of his villages is concerned.

2. April 59. The dispute was originally investigated by the Deputy Director, as between Ryot & Ryot, without reference to the fact that one of the villages was Zemindary. It was then an old-standing dispute having existed for 80 years at least. Mr Ballard could find no record that threw any light on it, and the statements of the villagers were most contradictory. He therefore proceeded to settle it summarily "on a consideration of the natural features of the ground & of probabilities". The result was an "unhesitating" rejection of the claim of the Zemindary village, and a distribution of the land in dispute (12 Cattis according to the petition) between two Government villages.

11 May 59 3. Upon this the Zemindar came forward & represented to Mr Newill that his interests were involved in this dispute. The law as it then stood (Reg. 12 of 1816 referred to in sec VI, act 20 of 1855) was that all boundary disputes should be disposed of by Panchayats, and the ~~Deputy Dirs~~ Settlement officers were "in no case authorized to make any summary decision" regarding them. The Panchayat system seemed to Mr Newill inapplicable where a Zemindary village was concerned, and sought to obtain a process to suit the operations of his Department. Mr Newill represented these difficulties to the Board, & sought their advice.

16 Mar 59

4. The Board while they agreed with Mr Newill that "the summary decisions of "his Deputies would stand until upset by "a decree of a Panchayat or Civil court" urged that the "possibility of their reversal" was a serious "inconvenience," and they recommended a recourse to arbitration.

5. Instructions to this effect seem to have gone to the Deputy Director, who cited the Zemindar to appear before him in person or by vakil, & on his non-appearance proceeded to carry out his original decision. These proceedings received the approval of the Director on appeal in the Endorsement* complained of. The Director there states that his deputy acted legally in fixing the boundary because the Zemindar failed to comply with his citation, & he refers the Zemindar for redress to the Civil Court.

* 29 April 60

6 A subsequent petition dated 23rd August 59 received the same Endorsement.

† 16 Oct: 61

7. In a previous letter Mr Newill stated that ~~the appeal~~ his decision had been given under Act XXVIII of 1860. It is now explained that this was an error. The Act quoted in his Endorsement is XX of 1855, and that Endorsement was granted in April 60 whereas Act XXVIII of 1860 did not come into operation till the 29th June following.

8. The petitioner states that he sent his vakil instructions from Madras to appear in obedience to the Deputy Director's requisition, but he

was unable to do so from sickness. No notice of this inability seems to have been addressed to the Deputy Director.

For orders—

This is really a boundary case. I think a reference to arbitration would be the best course—

J D S

Gjetwd

WW

appeal against
order of the Direc
of Revenue Set

Memo - for
withd

Proceedings of the Board of Revenue dt. 12/93
under date 12th June 1862

Read the following letter from the Dpty Director
of Revenue Settlement -

Forwarding records connected with a boundary dispute between Peddapoor & Vadavally, Kistna District, and explaining why the Zamindar, to whom the former village belongs, was referred to the Civil Court.

(Seen Ltr dt 31st March
No 402
35

This dispute was originally disposed of summarily by the Deputy Director of Revenue Settlement, as between ryot & ryot, and without reference to the fact that Pedda-poor was the property of a Zamindar. Subsequently, this fact was brought to his notice, & ~~the Deputy~~ he cited the Zamindar to appear before him. The Zamindar failed to appear, and the original decision was carried into execution.

2. These proceedings receive the approval of the Director in the 1st endorsement dated 27 April 1863 complained of.

3. In a former letter, received in Govt Proc. 8th R.S.

de novo under Sec XXII, act XXVIII of 1860, by arbitration, reporting the result through the Board of Revenue.

28 March.

14 Copies
to Bd of Rev. Cir. B
B – Director of Rev. Settlt. &
1 Collector of Kistna District.

No 400 of the 19th February last, Mr Newill states that his decision had been passed under Act XXVIII of 1860. This is now explained to have been a mistake. The Act noted in the Endorsement is XX of 1855.

4. The Board of Revenue, in this letter to Mr Newill, No 1843 of the 20th May 1859. recommended that the dispute should be settled by arbitration. In that opinion the Governor in Council concurs, and accordingly ~~Reference~~ to arbitration is ~~practically productive of delay, but~~ in this instance the rights of the Zamindar seem scarcely to have received sufficient consideration, and it is possible that he may have sustained injury by the summary proceedings of the Settlement Department.

5 The Collector is therefore ~~directed to~~ authorized to call on the Collector to re-open the case and to dispose of it de novo, and to settle the dispute, and to settle

Revenue 1862 Dept.

14-6-12

Pro: of Govt. for June

No. 1293.

Pro: of the Madras Govt.

Dt 12th June 1862.

Pro: No. 400-401
19-2-62

From Bd of Rev 12 Jany/62
No 13.

Passing orders
on letter from Dr. Revt
Settlement regarding a
certain boundary dis-
pute in the Nellore
District.

No 171 & 172.

10-6-62

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