M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O No. 1298 — Press ~~Mis.~~

181-182

Dated 12 - 6 - 1862

Not to be folded or roughly handled

No. 181. Read the following Proceedings of the Board of Revenue, dated 6th June 1862, No. 3,640 :—

Read the following letter from the Honorable D. ARBUTHNOTT, Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 30th May 1862, No. 119.

1. I have the honor to forward the translation of two Plaints and a Motion in Original Suit No. 503 of 1861, on the file of the Moonsiff's Court at Usur by Soobien and others against Mr. Brett, late Collector, Narrain Row, late Tahsildar of Usur, and now Deputy Collector in the Inám Commission, Sooruppen, Kurnum of Usur, Neelivurden and Pilloogan of Usur, with draft of an answer which I propose to file in the above suit, and to request the Board will be good enough to obtain the sanction of Government for the defence of the suit at the public cost.

2. The object of the suit is to recover from the defendants Neelivurden and Pilloogan the produce of certain lands valued at Rupees 28-4-0, and also to establish their right to certain Punjah lands specified in the Supplemental plaint.

The facts of the case are as follow :—

3. In Fasli 1869, Plaintiffs presented a Durkhast, dated the 1st August 1859, to the 4th Defendant Narrain Row, late Tahsíldár of Usur, for six numbers of waste land, viz., Nos. 1,034, 1,035, 1,036, 1,037, 1,038 and 1,039. The Durkhast was complied with, and the lands were made over to the Plantiffs.

4. The Plantiffs entered on the cultivation of the lands, but before they cultivated them the 1st Defendant Neelivurden forcibly entered upon them, and got them cultivated by the 2nd Defendant Pilloogan and others.

5. The Plaintiffs made a complaint to the 4th Defendant Narrain Row, who on inquiry decided on the 15th September 1859, that the Plaintiffs should be put in possession of the lands, and punished the 1st Defendant Neelivurden with a fine of 2 Rupees for having forcibly entered upon the lands and cultivated them.

6. The Plaintiffs again complained on the 11th January 1860 to the 4th Defendant Narrain Row, that the 1st and 2nd Defendants Neelivurden and Pilloogan and others had forcibly cut down the standing crops on the land. The 4th Defendant Narrain Row then sent a Takeed, dated the 11th January 1860, to the village Moonsiff of Usur to harvest the crops and to keep the grain under safe custody till further orders. He investigated the complaint in the Magisterial Department, and dismissed it as it appeared that no force was used by the 1st and 2nd Defendants Neelivurden and Pilloogan in cutting down the crops.

7. The village Moonsiff of Usur reported to the 4th Defendant Narrain Row on the 6th May 1860, that he had harvested the crops and had placed the grain measuring 5½ Kandies under the custody of the 2nd Defendant Pilloogan, who cultivated the lands, and that as Pilloogan had put the reaped crops of the disputed lands in one heap, the produce of the disputed lands could not be separated. The 4th Defendant sent a Takeed, in reply to the village Moonsiff on the 12th May 1860, directing him to order the 2nd Defendant Pilloogan to make over the produce of the disputed lands to the Plaintiffs, and in default he would be punished.

8. The village Moonsiff in reply, to the above Takeed, reported on the 13th March 1860, to the 4th Defendant Narrain Row that Pilloogan stated that he could not separate the produce.

9. The 4th Defendant sent a reply, dated the 13th March 1860, to the village Moonsiff directing him to inform the 2nd Defendant Pilloogan again that if he did not separate the produce and make over to the Plaintiffs their proper share, he would be responsible for their loss and subject to Civil action.

10. The case has been transferred to the Sub-Court. Time for filing the answer will expire with the re-opening of the Sub-Court, which will be on the 15th proximo when further time will be applied for if necessary.

ENCLOSURE No. 1.

Translation of a plaint in Original suit No. 503, on the file of the Moonsiff's Court at Usur, instituted by Soobien, Veerunnen and Pilloogan of Usur against Neelivurden and Pilloogan of Usur.

As the Defendants have improperly retained with them from the month of Mugha of the year Roudri the produce for Fasli 1269 of the lands belonging to the Plaintiffs, the Plaintiffs request that a decision may be passed in their favor for the recovery of the produce as detailed below :—

	Kandies	K.
Grain being the produce of the lands Nos. 1,034, 1,035, 1,036, 1,037, 1,038 and 1,039 situated in Usur, and held by the Plaintiffs under a Puttah.....	5	10
Deduct the Share of the 2nd Defendant...	2	15
Remainder...		15
	Rs.	r.
Value thereof at 8 Rupees per Kandy.	22	0 0
Gram husk 25 loads at four Annas per loads.....	6	4 0
Total... ...	28	4 0

(Signed) ANNAJEE ROW,
Vakil for the Plaintiffs.

14th March 1861.

(True Translation.)

(Signed) D. ARBUTHNOTT, *Collector.*

Enclosure No. 2.

Translation of a Supplemental Plaint in Original Suit No. 503 of 1861, on the file of the Moonsiff's Court at Usur, instituted by Soobien, Veerunnen and Pilloogan of Usur against Neelivurden and Pilloogan of Usur.

1. As the Defendants object to the Plaintiffs' right to the lands held by the Plaintiffs, and the produce of which is now under litigation, the Plaintiffs request that their right may be confirmed to the lands mentioned below.

2. Six fields Nos. 1,034, 1,035, 1,036, 1,037, 1,038, and 1,039, measuring acres [illegible]-21-9 assessed at Rupees 6-12-1, and bounded on the west by the 1st Defendant's fields, on the north by the 2nd Plaintiff's lands, on the east by Timmien Poonjah fields, and on the south by Karadar Sambien's Poonjah fields.

The annual produce of the lands.

Buller and Raggy, Kandies.....	8
Deduct the share of the cultivator.....	4
Remainder... ...	4
Value thereof at 8 Rupees.....	32

(Signed) ANNAJEE ROW,
Vakil for the Plaintiffs.

19th August 1861.

(True Translation.)

(Signed) D. ARBUTHNOTT, Collector.

ENCLOSURE No. 3.

TRANSLATION of a Motion presented by Plaintiffs Soobien and others in Original Suit No. 503 of 1861 on the file of the Moonsiff's Court at Usur.

As the undermentioned officers gave the lands to the Plaintiffs on their Durkhast, the Plaintiffs request that the undermentioned officers may be included in the suit as Defendants :—

1. H. A. Brett, Esq., Collector.
2. Narrain Row, Deputy Collector in the Inám Commission.
3. Sooruppen, Kurnum of Usur.

(Signed) ANNAJEE ROW,
Vakil for the Plaintiffs.

21st February 1862.

(True Translation.)

(Signed) D. ARBUTHNOTT, *Collector.*

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

ENCLOSURE No. 4.

Draft of an Answer proposed to be filed in Original Suit No. 503 of 1861, on the file of the Moonsiff's Court at Usur.

The 3rd, 4th and 5th Defendants *say that no sufficient reason is assigned in the Supplemental Plaint or Motion, dated 21st February for including them* as Defendants *in the suit*, and *that* no point *is* advanced in the *original* plaint which requires answer from them. They therefore pray that they may be excluded from the suit, and *that* the Plaintiffs *be* ordered to pay *their* costs.

(Signed) ARBUTHNOTT, Collector.

1. Ordered to be submitted to Government, with the Board's recommendation that the defence of the suit at the public cost be sanctioned, and that the Collector be authorized to file the answer as modified by the Board in italics.

2. The suit is instituted by the Puttahdars of certain land against the cultivators for recovery of produce. The sole ground assigned for including the Officers of Government as Defendants is that the Plaintiffs obtained the lands from Government on Durkhast. But Plaintiffs' right to the land has throughout been upheld by the local Officers of Government, and there is thus no sufficient reason for including them in the suit. The answer is confined to this point, and appears to the Board good and sufficient.

(True Copies and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 182. ORDER THEREON, 12th June 1862, No. 1,298.

The Board's recommendation is approved

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

to defend
suit in
the Genl Court
between the
Collr & Yard &
eventual pay
ment of costs
by Govt now
awarded

W. H.

No 181 & 182.

Revenue 1862 Vol 5th
Proc. of Govt No 1298 June.
Proceedings of the Board
of Revenue.

Dated 6th
Recd 9th } June 1862.
E. A. Blunt.

No 1298. 12th June.

Submitting letter from the
Collr of Salem, requesting sanc-
tion of Govt to defend at the
Public cost, suit No 503 of 1861,
instituted by certain Patta dars
for recovery of produce of certain
lands with the Board's recom-
mendation for the sanction
requested by the Collr, and that
he authorized to file an an-
swer prepared by him &
modified by the Board.

With an order

To the Collector of the Board's
proceedings of the 12th
Collr of Salem

No 1298

The Board's recom
mendation is approved
J. D. S.

W. H.

Fort St George
12th June 1862

The grounds of
this kind cause
unnecessary — I
would give a peculiar
permission to the
R. B — to allow no
decided where they cannot
it right, to grant leave