M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1836 — Press / Mis.

398. 399

Dated 28-8-1862.

Not to be folded or roughly handled

No. 398. Read the following Proceedings of the Board of Revenue, dated 23rd August 1862, No. 5,602 :—

Read the following letter from G. A. BALLARD, Esq., Collector of Malabar, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Wandur, 15th August 1862, No. 168.

To Board dated 22nd February 1861, No. 53.
From do. ,, 5th March ,, ,, 1,238.
,, do. ,, 8th do. ,, ,, 1,325, with Government Order, dated 7th March 1861, No. 523.
To Board dated 29th September 1861, No. 209 A.
From Board dated 14th October 1861, No. 5,609.
To Board dated 19th October 1861, No. 220.
From Board dated 28th October 1861, No. 5,905, with Government Order, dated 24th October 1861, No. 2,030.
From Board dated 29th October 1861, No. 5,932.
To Board dated 2nd November 1861, No. 228.
From Board dated 8th November 1861, No. 6,139, with Government Order, dated 6th November 1861, No. 2,121.
From Board dated 20th November 1861, No. 6,426.
To Board dated 27th March 1862, No. 65.
Board's Proceedings, dated 8th May 1862, No. 2,916.

* Attapuram Shangared Embrandri.
versus.
1. Jenmi Mithele Illom Damudren Embrandri.
2. Karaden Ambu.
3. P. Grant, Esq., Collector of Malabar.

SIR,

1. With reference to the correspondence noted in the margin, I have the honor to submit copy of a notice I have received from the Sudder Court at Madras, dated 29th ultimo.

2. It will be observed that a Special Appeal has been preferred in that Court from the Decree passed in favor of Government by the Tellicherry Civil Judge in Appeal Suit No. 464 of 1861, instituted by my predecessor against the decision of the Muftí Sudder Amín of Tellicherry in Original Suit* No. 237 of 1860.

3. The circumstances of the case are fully detailed in the correspondence quoted, and I request that the sanction of Government may be obtained and furnished direct to the Government Pleader of the Sudder Court to defend the Appeal at the public expense.

4. I am not aware of the grounds on which the Appeal rests, but I have addressed the Government Pleader on the subject, and shall send him as soon as possible a precis of the leading facts of the case with translates of such documents as seem necessary, to enable him to prepare the defence.

A copy of the precis will at the same time be submitted to the Board.

ENCLOSURE No. 1.

COPY.

SEAL.

SPECIAL APPEAL No. 374 OF 1862.

In the Sudder Court at Madras.

Attapuram Shangaren Embrandry, Special Appellant, by Mr. J. H. Branson.
Mittile Illom Damodran Embrandry, Special Respondent, and two others.

To the Respondent (3) Mr. Grant, Collector of Malabar.

Take notice that the abovenamed Appellant having preferred an appeal to this Court from the decree of the Civil Judge of Tellicherry in Appeal Suit No. 464 of 1861, wherein you were Appellant, the 17th day of September next has been fixed for hearing the Appeal ; and that, on default of your appearance in person, or by Pleader on the said date, the Appeal will be heard and decided *ex parte* in your absence.

By order of the Court.

(Signed) T. WILKINS,
Acting Deputy Registrar.

Madras, 29th July 1862.

(True Copy.)
(Signed) G. A. BALLARD, *Collector.*

Proceedings of the Madras Government, Revenue Department, 28th August 1862.

Board's Proceedings		5th March 1861,	No.	1,238.
Govt.	do.	7th ,,	,,	523.
Board's	do.	14th October ,,	,,	5,607.
Govt.	do.	24th ,,	,,	5,630.
Board's	do.	29th ,,	,,	5,932.
Govt.	do.	6th Nov. ,,	,,	2,121.
Board's	do.	8th May 1862,	No.	2,916 (paragraph 4).

1. Ordered that the foregoing letter be submitted for the early orders of Government, with reference to the correspondence noted in the margin.

2. In their Proceedings of the 5th March 1861, the Board reported that one Attapuram Shangaren Embrandry of Cherudayi Umshom in the Kavai Táluq had brought a suit against the Collector of Malabar and two others, for the recovery of a plot of ground which the Plaintiff claimed as his jenm property. This suit was originally filed in the Kavai District Moonsiff's Court as No. 322 of 1860, but was subsequently transferred to that of the Mufty Sudder Amín of Tellicherry. The Plaintiff possessed a certain extent of land about 10,017 square yards in extent, and laid claim to two other pieces of a total extent of 8,695 square yards which had once formed the bed of a river, and the greater portion of which was actually at the time under water. As the Collector had given these two pieces of land to the first and second Defendants, the Plaintiff brought his action against these two parties, and caused the Collector to be included as supplemental or third Defendant. The Collector resisted the claim on the ground that most of the land was at the time part of the bed of a river, and that the remainder had been so until recently; that such land by law and the usage of the District belonged to the State; and that the land in question had been surveyed in 1806 as Government property; as further set forth in the Collector's letter, 22nd February 1861, No. 53. On the recommendation of the Board, the suit was allowed by Government in their Proceedings of the 7th March 1861, to be defended at the public expense.

Original Suit No. 322 of 1860.

Attapuram Shangaren, Embrandry of Kunaru Deshom, Cherudayi Umshom, Kavai Táluq, } Plaintiffs.

versus

1. Jenmy Mithele Illom, Damudran Embrandry,
2. Kyraden Ambu,
3. P. Grant, Esq., Collector, } Defendants.

* A ppeal Suit No. 464 of 1861, on the file of the Civil Court of Tellicherry.

3. The Mufty Sudder Amín decided the case in favor of the Plaintiff; but the Collector carried the suit in appeal* before the Civil Judge under sanction conveyed in Proceedings of Government 6th November 1861, No. 2,121, and the Civil Judge reversed the decree of the lower Court, and dismissed the Original Suit with costs; the Board laid the appeal decree before Government with their Proceedings of the 8th May last.

4. Mr. Ballard now forwards copy of a notice which he has received from the (late) Sudder Court at Madras, advising him of a Special Appeal having been preferred in that Court against the Civil Judge's decree, and requests that the Government Pleader may be authorized to appear on his behalf, and defend the appeal at the public expense. The 17th day of September next has been fixed for the hearing of the appeal, and the Board recommend that early sanction be conveyed to the Government Pleader to take the necessary steps in the matter. The Collector has already addressed Mr. Dale on the subject, and was about to furnish him with a precis of the leading facts of the case, and with translates of such documents as seem necessary for the preparation of the defence.

(True Copies and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 399. ORDER THEREON, 28th August 1862, No. 1,836.

Ordered accordingly that copies of these papers be furnished to the Government Pleader with authority to appear before the High Court for the Collector of Malabar, one of the Respondents in Special Appeal No. 374 of 1862 and do the needful.

(Signed) T. PYCROFT,

Chief Secretary.

2

Judge's decree, and requests that the Government Pleader may be authorized to appear on his behalf, and defend the appeal at the public expense. The 17th day of September next has been fixed for the hearing of the appeal, and the Board recommend that early sanction be conveyed to the Government Pleader to take the necessary steps in the matter. The Collector has already addressed Mr Dale on the subject, and was about to furnish him with a precis of the leading facts of the case, and with translates of such documents as seem necessary for the preparation of the defence.

(True Extract)

W. Hudleston
Secretary

To
The Honorable T. Pycroft
Chief Secretary to Government.
with copy of Collectors letter and enclosure.

E. Shangaren
Depd M Balakrishnamah.

Revenue 1862 Vol. 7

Pro. 7th March / 62 p. 111-112
24 Octr - - " - " 280-281
6 Novr - - " - " 70-71-
9th June / 62 " 115-116-

Pro. of Govt 8th August 2604.
Proceedings of the Board of Revenue.

1836.

Ordered accordingly

that copies of these papers be furnished to the Govt Pleader with authority to appear before the Supt Court for the Collector of Malabar, one of the Respondents in Special Appeal No 374 of 1862 and do the needful.

Supt Govt
28th August 1862

14 Bd of Revenue Dept 28

3 Govt Pleader 28th Aug
with Bill Pro. & Briefs

Pro. Bd of Rev. 9th July 0
& No 1632 in Pro.
Pro Bd of Rev. 24th Septr
1863 & No 2368

No 398 & 399.

Date 13
Engd 23 August 1862.
Rec'd 25

Est. with 1 accompaniment.

Forwd Govt Pleader 4th Sept 1862 & No 2538

Further Pro. 13th Sept 1862 No 1433. Ltr
No 1886. 28 Aug

Submitting a letter from the Collr of Malabar informing that a special appeal has been preferred in the late Sudder Court against the decision of the Civil Judge's Decree in O.S. No 322 of 1860 filed against the Collr and two others for recovery of a certain plot of ground, with the Board's recommendation that early sanction be conveyed to the Govt Pleader to take the necessary steps in the matter.

With an order

& 26 Aug 1862 R 27