

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1863	Press
4702 433	Mis.
Dated	30. 8. 1862.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
30th August 1862.*

No. 432. Read the following Proceedings of the Board of Revenue, dated 26th August 1862:—
Read the following letter from G. LEE MORRIS, Esq., Acting Collector of Tanjore, to
W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Vellam,
21st August 1862, No. 327.

SIR,

1. I have the honor to forward herewith translation of a Plaint in Pauper Suit No. 4 of 1861, on the file of the Negapatam Zillah Court, in which I am included as a Supplemental Defendant in the place of Mr. Cadell.

2. The draft of the proposed answer is also submitted for approval.

3. The Plaintiff Appaji Rau, alias Rama Rau of Kurumbal in Tritropundi Taluq, has brought this Suit against one Latchmana Rau and 23 others, for the recovery of certain Malguzam Nansei and Pansei lands, a house, jewels, vessels, cattle, documents, produce, cash, &c., valued at Rupees 22,488-3-1, and has included the Collector and other Revenue Officers among the Defendants, on the ground that the Mirassi for the lands in question which was in his name, has been transferred by them to that of the second Defendant's father, during his (Plaintiff's) absence at Benares, where he had gone on a pilgrimage.

4. From the records in the Office, it does not appear that the aforesaid Mirassi was ever in the name of the Plaintiff, nor transferred by the Collector to that of the second Defendant's father as stated in the Plaint; but that on the contrary it stood in the name of the Plaintiff's father up to Fasli 1247, and that after his death the Anubhogam or actual possession was, according to the practice of the District, entered in the name of the second Defendant's father (son of the original Mirassidár) who was then in the enjoyment of the same.

5. In Fasli 1261 the Plaintiff appeared before the Collector, and claimed that the Mirassi should be entered in his name. But the land in question having been in the long enjoyment of the second Defendant's father, the Plaintiff was directed to have recourse to the Civil Courts for the establishment of his claim, and an order issued to the Tahsildár to collect the Government kist as usual from the second Defendant's father. The foregoing being the facts of the case, I am of opinion that the Plaintiff has no reason whatever for including the Revenue authorities as Defendants in this Suit.

6. I beg, therefore, that the necessary authority may be obtained for defending the Suit at the public expense, and that the Board will approve of or modify my proposed answer as they may think fit.

7. The date for filing the answer has, at my request, been extended by the Civil Court to the 10th September next.

1. Ordered to be submitted to Government with the Board's recommendation that the Acting Collector be authorized to defend the Suit at the public cost, and to file the proposed answer as slightly modified by the Board.

2. The dispute is between members of the same family, as to the ownership in certain land, the *Mirassi* of which is registered in their late father's name, and the possession at his death, in that of Plaintiff's brother, the father to the second Defendant.

3. Fourteen years afterwards Plaintiff appeared before the Collector, and claimed registry of the *Mirassi* in his name in succession to his deceased father. His brother, who was in possession and so registered, objected to the change on the ground that the family had divided, and that Plaintiff had no right in the land, the *Mirassi* of which had never been, as stated in the Plaint, registered in his name.

4. Plaintiff was, therefore, referred to the Courts to establish his claim, and has unnecessarily and unjustifiably included the Collector as a Defendant.

5. The draft answer in the Board's opinion affords a sufficient defence, and they recommend it for adoption. The case comes on for hearing on 10th September next.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 433. ORDER THEREON, 30th August 1862, No. 1,853.

The Governor in Council sanctions the defence at the public expense, on the usual terms, of Suit No. 4 of 1861, on the file of the Negapatam Zillah Court, instituted by one Appaji Rau alias Ram Rau against the Collector of Tanjore and others. The amended draft answer proposed by the Revenue Board is approved.

(Signed) T. PYCROFT,
Chief Secretary.

Recd = 1862
20 of 1862
21 Aug 31

Proceedings of the
Board of Trustees

Dated 26th
Sept 26th August 1862
E. 2. 21 Aug 31

1863-38 Aug 31

Submitting a letter
from the Col of 1861 on the
forwarding draft answers
for suit Feb of 1861 on the
file of the Supreme Court
Gilliam Court for recovery
of certain lands, parcels
85th, with the Board's
recommendation that the
Collector be authorized
to deposit the suit at the
public cost.

William Seely

1863 August 30

1862 21 Aug 31

1863-
The Treasurer in

board's securities (the defense)
at the public expense, on the
warrant of 1864 of 1864
on the file of the Supreme Court
Gilliam Court and substituted by one
against the Collector of 1861
and others. The submitted
draft answer proposed by
the Treasurer Board is as
follows:

First 1863-38 Aug 31
30th Aug 31

1863 Board of Trustees
with 1863 Aug 31

1863-38 Aug 31