M.R.O. 14—10,000—21-4-22.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1959 Press Mis.

211-212

Dated 12-9-1862

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Revenue Department, 12th September 1862.*

No. 211. Read the following Proceedings of the Board of Revenue, dated 9th September 1862:—

Read the following letter from the Honorable D. ARBUTHNOTT, Collector of Salem; to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 4th September 1862, No. 198.

SIR,

I have the honor to submit translation of two plaints (Original and Supplemental) in Original Suit No. 676 of 1861, filed in the Mufty Sudder Amín's Court at Salem against the Collector and one Chinna Kolunda Gownden resident of Kenjah Naikumputty in the Umalur Division of the Salem Taluk, by Vencatathri resident of Gooroovani in the above Division, and the draft of an answer proposed to be filed by me, and to request the Board will be pleased to obtain the sanction of Government for my defending the Suit at the public cost.

2. The Plaintiff's object in bringing this suit is to establish his right to two pieces of Nunjah land measuring in the aggregate acres 4-28 assessed at Rupees 16-8-8 and to obtain a Puttah for the same in his name.

The facts of the case are as follows:—

3. The original Defendant presented a Durkhast to the Collector in the month of December 1859, for certain lands in which the disputed two pieces of land were included.

4. The Durkhast was referred to the Tahsildar of the Umalur Taluk for disposal, but before it was disposed of, the Plaintiff gave a Durkhast in the month of September 1860 for the lands under litigation to the Karkoon and without obtaining the Toolshit or the usual deed of permission cultivated them.

5. The original Defendant presented a petition on the 30th October 1860, to the Collector stating that his Durkhast was not disposed of, and that as he was the 1st applicant he should be put in possession of the lands.

6. This petition was referred to the Tahsildar of the Salem Taluk to which the old Umalur Taluk was annexed in the new arrangement.

7. As the Plaintiff had already entered upon the lands under dispute and cultivated them, the Tahsildar reserved the application for disposal at the Jemabundy Settlement and entered the case in the Takarar book for fasli 1270.

8. Mr. Boalth the Special Deputy Collector who settled the Jemabundy of the Umalur Division for fasli 1270, confirmed the Plaintiff's possession and issued a Puttah in his name on the ground that although the original Defendant was the 1st applicant yet he neglected or failed to cultivate the lands under dispute, and that the Plaintiff cultivated them.

9. The original Defendant appealed against this decision to Mr. Brett, the late Collector on the 16th June 1861, Mr. Brett cancelled the decision of Mr. Boalth on the 1st August 1861. and ordered a Puttah to be given to the original Defendant for fasli 1271, on the ground that the original Defendant had a preferential right to the lands in having applied for them first; that his not obtaining them was not his fault but that of the Taluk authorities to whom he continued to repeat his applications for the lands; and that the Plaintiff who applied for the lands long after the Defendant's application had no right to them merely because he cultivated them which he did without any permission.

10. The Civil Court has been moved to call up the case to the Principal Sudder Amín's Court.

11. Time for filing the answer will expire on the 10th October next.

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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 draft answer, which in the opinion of the Board affords a full and sufficient defence.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

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

No. 212. ORDER THEREON, 12th September 1862, No. 1,939.

The Government sanction the defence at the public expense, on the usual terms, of Suit No. 676 of 1861 on the file of the Mufty Sudder Amín of Salem, instituted by one Vencatathri against the Collector of Salem and another.

(Signed) T. PYCROFT,
*Chief Secretary.*

Rev: 1862 Sept.
Pro: of Govt for Sept.
No. 2576.

Proceedings of the
Board of Revenue

Dated 9th
Desp 9 } September
Rec 10th } 1862

C. 3. Ols Encs Desp.
No.

Recommending that the defence at public expense of O.S. No. 676 of 1861 in the Salem Munsiff Sudr Amin's Court, be sanctioned.

No 211 & 212.

No 1959. 12 Sept.

With an order

No. 1959

The Govt sanction the defence at the public expense, on the usual terms, of Suit No. 676 of 1861 in the file of the Munsiff Sudr Ameen of Salem instituted by one Venkatathri against the Collector of Salem and another.

Fort St. George
12th Sept. 1862

14 Copies to the Bd of Rev. Dept
with 3 enclosures

C. Sept 1862 Rev. Dept