M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2023 Press ~~Mis.~~

347 348

Dated 17 - 9 - 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 17th September 1862.

No. 347. Read the following Proceedings of the Board of Revenue, dated 15th September 1862:—

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Chetteipore, 2nd September 1862, No. 227.

SIR,

1. I have the honor to forward herewith translation of a plaint filed by the Malukdár of Konsoolakottoor, before the District Moonsiff of Teckally, in cause No. 93 of 1862 on the file of his Court, against one Raghoomisry and myself, as Collector, for the recovery of a certain piece of Malguzary land measuring about 15 Garces and a small tank valued at about 70 Rupees: said to have been taken possession of by the 1st Defendant together with past produce valued at about Rupees 520. I also enclose the draft copy of the answer which I propose to file with the Board's approval.

2. The time for filing the answer expires on the 14th October next.

3. The Malukdar's illegitimate son originally preferred a complaint before Mr. Knox in 1853, when he was Principal Assistant Collector of this District. Finding on my arrival that the case was not finally disposed of, and looking to the long period during which the first Defendant had remained in possession of the land under dispute, I referred the Plaintiff to the Civil Court for redress.

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1. Ordered to be submitted to Government with the Board's recommendation that the defence of the Suit at the public cost be sanctioned.

2. The Board approve the principle laid down in the draft answer, but they are at a loss to understand to what the Collector refers when he states in it that Regulation V of 1822 limits the period within which summary enquiry may be held, and they are of opinion that it may be cast in better form.

3. They would propose that the answer be as follows:—

"That except under Regulation V of 1822, the Collector has no jurisdiction in disputes relating to the occupancy of land, and that under that Regulation (Section XVI) though his Proceedings may be wanting in form and regularity they are of a Judicial character."

"That in such cases the admission or rejection of any Suit which it is sought to bring under his summary jurisdiction, is a Judicial act of the nature of a decision, which is open to appeal but which he is not bound to defend, as ruled in the Circular Order, Sudder Adálát, dated 5th November 1839."

"That the District Moonsiff would not be competent to receive an appeal from a Collector's decision in such cases as ruled in C. O. Sudder Adálát dated 4th March 1814 in which it is laid down that the appeal lies to the Subordinate or Civil Judges' Courts and that *a fortiori* he cannot receive a Suit against a Collector requiring him to defend such a decision."

"That it is therefore prayed that the Suit as against the 2nd Defendant may be rejected with costs."

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 348. ORDER THEREON, 17th September 1862, No. 2,023.

The Governor in Council sanctions the defence at the public expense, on the usual terms, of Suit No. 93 of 1862 on the file of the District Moonsiff's Court of Teckally in Ganjam instituted by Venkatakondal Row against the Collector of the District and another. The amended draft answer proposed by the Board of Revenue is approved.

(Signed) T. PYCROFT,
Chief Secretary.

Rev= 1862 Dist.
Pro: of Govt for Dec. 1862.

(Proceedings of the
Board of Revenue

Dated 15th
Recd 15
Read 16th } September 1862

E. 40 encs: with 2 accompts.
No Act

Submitting a
letter from the Collr of
Ganjam and recommend-
ing that sanction be
granted for defending
at the Public Cost Suit
No 93 of 1862 filed against
the Collector for recovery
of certain Malguzary
Lands.

No 2023. 17 Sept

No 347 & 348.

17 Sept 1862. A17

No 2023

The Governor in Coun-
-cil sanctions the defence at the
public expence, on the actual terms,
of Suit No 93 of 1862 on the file of
the District Moonsiff's Court of Lickab-
-ty in Ganjam instituted by Ven-
-katakondal Rosa against the
collector of the district and ano-
-ther. The amended draft answer
proposed by the Board of Reve-
-nue is approved.

Fort St George 17 Sept 1862

To
The Board of Revenue
M. Copy — with 8 Enclosures

17 Sept 1862