M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2230 Press
Mis.

29.220

Dated 17-10-1862

Not to be folded or roughly handled

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

No. 219. Read the following Proceedings of the Board of Revenue, dated 15th October 1862 :—

Read the following letter from C. W. READE, Esq., Collector of South Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Tindevanum, 9th October 1862, No. 216.

SIR,

1. I have the honor to forward for the Board's information copy of a Plaint presented in *formâ Pauperis* in the Court of the Principal Sudder Amín of Cuddalore.

2. The Board will observe that the late Collector and other officials are made Defendants in this case, and it therefore devolves on me to enter somewhat at length into the facts out of which the alleged cause of action has arisen, in doing which I shall have no difficulty in satisfying the Board that the Plaintiff has no real grounds for instituting this suit.

3. The facts are as follows :—The Plaintiff Erasa Pillay with others in Fasli 1269 gave a Durkhast for Fasli 1270 for ten Cawnies of land situated within the limits of their village. About the same time (the precise date* of neither of these Durkhasts is known) two other Ryots whose names it is not requisite to mention also presented separate Durkhasts for the same land as well as for some other lying contiguous to it. These several parties were all residents of the village in which the lands applied for were situated. Prior to the issue of any orders in reference to these applications, five Ryots of another village on the 7th November 1859 made a joint application for 700 Cawnies of land including the portion previously applied for, as well as other of considerable extent situated in the same village, but to which they themselves did not belong. On the 4th of the following August 1860, the Tahsíldár submitted a report together with the kaitwary or field account, but expressed no opinion as to whom the several lands applied for should be given. On the 16th August, the then Collector Mr. Wood, in an order of that date directed that out of the quantity applied for, certain lands in exent 268, C. 7.A. 1 P. assessed at Rupees 983-12-11 were to be made over for Fasli 1270 to the above five "Poracoody" or non-resident Ryots, observing that the application of the "Oolcoody" or resident Ryots was for a very trifling extent, while the former were substantial and respectable persons who were desirous of at once taking up a large tract for cultivation, and their application therefore was entitled to the first consideration, and was moreover in accordance with the spirit of the Government Orders. On this, one of the original disappointed applicants petitioned the Board in No. 124 of 1861, complaining of the foregoing decision, and on explanation being called for, a report was submitted by the then Acting Collector Mr. Cockerell who stated "that "the petitioner and others, 700 in number, applied for this land requesting that it might be "made over to them in shares, an arrangement which would give to each less than half a Cawny." Mr. Cockerell went on, "their opponents who are Poracoodies (non-residents) of the village in "in which the land lies, opposed the petitioner's application offering to take up the entire "land themselves, paying the Teerwah for the whole whether they cultivated or not." Mr. Cockerell added, "they are substantial men, and in the spirit of the "orders noted in the margin the land had been made over to "them." On receipt of this report the Board confirmed Mr. Wood's decision and endorsed to the petitioner that they saw no occasion to interfere.

* In Plaint the date of Plaintiff's Durkhast is entered as 1st February 1859.

Board's Proceedings 6th October 1858, No. 3,751, paragraph 9.
Do. do 4th July 1858, No. 2,353, paragraph 17.

4. I do not consider it necessary to enlarge further on the matter in support of the utter absence of legitimate grounds of grievance possessed by the present Plaintiff and his coadjutors. As will be seen by the Plaint the only ostensible grounds put forth are, first, that they are the resident Ryots, and that the Durkhast rules give to such a preference over others, and, secondly, that their application was made prior to that of the parties to whom possession has been given; but however plausible these grounds may be, and ordinarily they certainly would carry weight with them, they clearly constitute no actual right, and I conceive that it is quite competent to the

authorities to set them aside in deference to weightier considerations such as those which in this very case appear to have influenced Mr. Wood, and, as I presume, the Board also, who ratified that Officer's disposal of the lands. I will therefore do no more than enclose draft of the answer I propose to put in to this somewhat singular claim, and I request that the sanction of Government may be obtained for defending the Suit at the cost of the State.

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 put in the defence in the following form, which they consider preferable to that adopted by the Collector :—

"That the land in question was Waste land liable to be assessed to the public revenue."

"That the Plaintiff possessed no individual right whatever in the land, and could only assert as a villager the preference conceded by Government to villagers in regard to the occupation of Waste lands within their village limits."

"That the revenue authorities as ruled by the Court of Sudder Adalat in Special Appeal 482 of 1860, and in other Suits, have a right to dispose of Waste lands in such way as they may deem best for the public interests, and that the Collector having in the exercise of this discretion given over the lands in question to the parties referred to in the plaint, the Plaintiff has no just cause of action."

"That the first Defendant therefore prays the Suit may be dismissed with costs against Plaintiff."

2. The Collector has failed to mention as he should have done, the date for filing the defence, but he will apply for an extension of time, should the Government Order not reach him before the date arrives.

3. He has also omitted to give the date of the institution of the Suit, nor can it be ascertained from the enclosures.

4. This important point should invariably be stated in such references.

(A true Copy and Extract.)

(Signed) W: HUDLESTON, *Secretary.*

No. 220 ORDER THEREON, 17th October 1862, No. 2,230.

The Governor in Council sanctions the defence at the public expense, on the usual terms of the Suit instituted in the Principal Sudder Amín's Court of Cuddalore by one Erisa Pillay against the Collector of South Arcot and others. The draft answer proposed by the Board of Revenue is approved.

(Signed) T. PYCROFT,
Chief Secretary.

"That the 1st Defendant therefore prays the Suit may be dismissed with costs against Plaintiff."—

The Collector has failed to mention as he should have done, the date for filing the defence, but he will apply for an extension of time, should the Government Order not reach him before the date arrives.—

He has also omitted to give the date of the institution of the Suit, nor can it be ascertained from the Enclosures.—

This important point should invariably be stated in such references.—

/ A true Copy and Exctract /

Secretary

To

The Honorable T. Pycroft

Chief Secretary to Government.

Copy W Venkatarow.

Rev: 1862 Oct^r
Pro: of Gov^t for October
No 2887.

Proceedings of the
Board of Revenue

Dated 15
Desp 16 } October 1862
Rec^d 16^th

E. I. Ch^r Rep^y

No

Recommending that the suit filed & filed in the Court of the Principal Sudr Ameen of Cuddalore in South Arcot regarding land land applied for by Plaintiff but made over to others, be defended at public expense.

No 2230, 17 Oct^r

With an order

No 219 & 220.

C 17 October 1862

No 2230.

The Governor in Council sanctions the defence at the public expense, on the usual terms of the suit instituted in the Principal Sudr Ameens Court of Cuddalore by one Erisa Pillay against the Collector of South Arcot and others - The draft answer proposed by the Board of Revenue is approved -

Fort St George
17th Oct^r 1862

14 Board of Revenue with 2 Enclos Desp^d 17th
Ord Copy Desp^d 17

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