

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2490	<u>Press</u> <u>Mis.</u>
2244. 3025.	
Dated 26 11 19 06	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
26th November 1862.*

No. 324. Read the following Proceedings of the Board of Revenue, dated 20th November 1862, No. 7,618 :—

Read the following letter from the Honorable D. ARBUTHNOTT, E-q., Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 11th November 1862, No. 242.

SIR,

1. I have the honor to submit translation of a Plaint filed in the Moonsiff's Court at Namagirepett in Original Suit No. 453 of 1861 (subsequently transferred to the Principal Sudder Amin's Court in Original Suit No. 17 of 1862), by Koopoosawmy Chetty of Namagirepett against Mr. Brett, late Collector, Venkappiah, late Tahsildár of Razepur Taluq, now Tahsildár, of Kistnagiri Taluq, and two others with the draft of an answer which I propose to file in the Suit in question, and to request the Board will be pleased to obtain the sanction of Government to my defending the Suit at the public cost.

2. The object of the Suit is to recover possession of a piece of Punjab land, measuring Acres 3-30-8, assessed at Rupees 2-6-4, and yielding annually a Malevarum of Rupees 20, with a well on the land valued at Rupees 20.

The facts of the case are as follow :—

3. The Plaintiff presented a Petition to the Collector on the 26th June 1853, stating that the 3rd Defendant had fraudulently allowed the 4th Defendant to encroach upon a portion of the Plaintiff's land No. 113.

4. This Petition was referred to the Tahsildár of the old Razepur Taluq, who caused the land referred to to be measured, and having found Acres 1-23-8, assessed at Rupees 1-2-8 deficient, entered the same in the Takarar book for Fasli 1268.

5. Mr. Hathaway, the then Acting Collector, who settled the Jamabundy of the Razepur Division for Fasli 1268, ordered the deficiency to be deducted in the Plaintiff's Puttah.

6. The Plaintiff presented to the Collector another Petition in the month of September 1859, stating that the deficiency found by measurement in No. 113 was removed from his Puttah, but that the land No. 112, encroached upon by the 4th Defendant by the collusive aid of the 3rd Defendant, was not restored to the Plaintiff.

7. This Petition was referred to the Tahsildár for report ; but before the Tahsildár instituted an inquiry into the case, the Plaintiff gave a Petition to him, stating that his complaint should not be inquired into, as the land which the complaint referred to did not belong to him, and that he should therefore be allowed to withdraw his complaint.

8. On this request of the Plaintiff's Mr. Knox, the then Acting Collector, dismissed the Plaintiff's complaint on the 19th November 1859.

9. After the Suit was filed, I caused the disputed land No. 112, and its adjacent land No. 113 held by the Plaintiff, and another piece of land No. 131, held by the 4th Defendant to be measured by the present Tahsildár of the Salem Taluq in the presence of the Plaintiff. The Tahsildár has reported that he did so, and found no deficiency in the lands held by the Plaintiff, but there was an excess found in the disputed land No. 112 to the extent of Acres 0-13-7.

10. I may, add for the information of the Board, that Nos. 111, 131, 112 and 113 were originally held by the 4th Defendant and his brother (Bullapatta Naiken) under a joint Puttah. A division of these lands took place when the 4th Defendant held Puttah for Nos. 111 and 131, and his brother Nos. 112 and 113. By a subsequent private arrangement, the 4th Defendant and his brother divided the Nos. 112 and 113 into two equal shares (as shown in the enclosed plan by a red dotted line), and enjoyed them without disturbing their respective Puttahs. Subsequently to the above arrangement, the 4th Defendant's brother sold his lands to the Plaintiff, and executed to him a deed of sale, in which the lands sold were entered according to his Puttah, and also the well situated in that portion of land No. 131 which was in his enjoyment at the time. When the Plaintiff attempted to take possession of the lands, the 4th Defendant objected

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Proceedings of the Madras Government, Revenue Department,
26th November 1862.

No. 325.

ORDER THEREON, 26th November 1862, No. 2,490.

The Governor in Council sanctions the defence at the public expense, on the usual terms, of Original Suit No. 17 of 1862 on the file of the Principal Sudder Amín's Court at Salem, instituted by one Kooppoosawmy Chetty against Mr. Brett, the late Collector, and others. The answer drafted by the Board should be filed.

(Signed.) C. G. MASTER,
Deputy Secretary to Government.

Recd 1862
Pro: of Govt for 1862

20-2490
The Governor's Council

Proceedings of the
Board of Revenue

Dated 20th Decr 20
Recd 21st 1862
E. 143042

Pro: of the Board of Revenue
1862

Submitting a letter
from the collector of
the collector he wishes
to defend at the public
the original suit 1862
of 1861 limited to recover
possession of a piece of
land.

1862-26

With an order

222

MR

know the defence of the public
hence, on the actual terms, of
original suit No 19 of 1862 on the
file of the Principal Chamberlain
found at the same time by me

W

Myself the late collector

W

and others. The answer drafted
by the Board should be in

W

filed.

1862-26

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Board of Revenue

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