

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2541	Press
		Mis.
Dated	3-12	1916.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
3rd December 1862.*

No. 61. Read the following Proceedings of the Board of Revenue, dated 26th November 1862, No. 7,765 :—

Read the following letter from C. T. LONGLEY, Esq., Acting Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Chatterpore, 10th November 1862, No. 281.

SIR,

1. I have the honor to forward herewith translation of a plaint filed against myself on behalf of Government, and another before the District Moonsiff of Teckally in Cause No. 310 of 1862, on the file of his Court, together with a draft copy of my proposed answer. The day fixed for hearing is 5th March next.

2. The grounds assigned for including the Collector in the suit are two, as the Board will gather from the above papers.

1st. That the Collector in his report on lapses represented the undivided family as a divided one.

2nd. That on the strength of the orders passed by Government on the erroneous recommendation of a former Collector, the present Collector has made over the produce of the lands to the 2nd Defendant.

Copy of decree in Original Suit No. 93 of 1842.
Translation of a Razinamah in do. do.
Do. of Diary Order.

2. To show the soundness of the recommendation made by Mr. Onslow, I forward the documents detailed in the margin.

ENCLOSURE No. 1.

To the District Moonsiff of Teckally.

Plaintiff.

N. Venkata Jagannadha of Bhapoor, by profession a Mootasaddy.

Defendant.

1. G. S. Forbes Esq., Collector of Ganjam, at Seetarampully on behalf of the Madras Government.

2. N. Annapoorna of Itchapore Pensioner.

The suit has been brought under Section 26 of Act VIII of 1859.

The 2nd Defendant's late husband has not made any division of the family property with me on the ground that I was a Minor under Sections 282 and 285 of Hindoo Law; the non-division has been fully established. I am therefore sole heir of the entire property; this being the case, the late Collector with a view of securing the interest of Government made a report prejudicial to my right to the effect that the 2nd Defendant and others were heirs. Upon this the Government passed an erroneous order authorizing the continuance during the life-time of the 2nd Defendant and others of half of the lands in Karapad, &c., measuring 25 Acres and yielding an annual revenue of Rupees 64 subject to a Cuttoobady of Rupees 23½, but the 1st Defendant contrary to these orders issued an order No. 56 of 1853 declaring the sole right of the 2nd Defendant to the abovementioned portion of the land and zufted the produce of Faslis 1269, 1270 and 1271. Subsequently to my attaining majority I have presented Urzees setting forth the injustice suffered by me, but the 1st Defendant without giving me any reply passed an Order No. 28 of 1862 making over the produce to the 2nd Defendant.

The Plaintiff therefore prays the above order may be cancelled and recovery from the 2nd Defendant of lands situated in the Karapad, &c., nine villages yielding an annual revenue of Rupees 64 including the Cuttoobady of 23½ Rupees as per boundaries and extent set forth in the list attached to the original Plaint

...	...	...	Rupees...	64	0	0
Brass utensils, &c.	...	...	...	63	10	10

Amount of produce of Faslis 1269, 1270 and 1271, being at Rupees 44-2-0

per Fasli...	...	...	...	132	6	0
--------------	-----	-----	-----	-----	---	---

The Plaintiff further prays for the recovery of costs both from the 1st and 2nd Defendants.

17th September 1862.

(Signed.) G. VENKATA SASTRY.

(True Copy.)

(Signed.) C. T. LONGLEY, Acting Collector.

*Proceedings of the Madras Government, Revenue Department,
3rd December 1862.*

ENCLOSURE No. 2.

Draft of a Statement proposed to be put in by the Acting Collector of Ganjam, and 2nd Defendant in Suit No. 310 of 1862, on the file of the District Moonsiff's Court at Teckalay.

In the 2nd quarterly Report on the lapses of Ináms of 1852, prepared under the Inám rules dated the 27th June 1848, the then Collector Mr. Onslow (on the strength of a Razinamah presented by the guardian of the Plaintiff, and the late husband of the 2nd Defendant in Cause No. 93 of 1844, on the file of the Governor's Agent's Court), stated that they were divided members and that the produce of the Inám lands was divided both by the Plaintiff and 2nd Defendant and her mother-in-law.

The Government in their Extract from Minutes of Consultation, communicated by the Commissioner Northern Circars in his Proceedings dated the 22nd August 1853, directed the continuance to the 2nd Defendant and her mother-in-law of their share during their lives, and Mr. Onslow accordingly instructed the Tahsildár to carry these orders of Government into execution, but owing to the intrigues of the Plaintiff they were not carried into effect; and Mr. Knox Acting Collector in 1854, also issued several orders on the subject. Seeing these were not acted upon Mr. Forbes carried them into execution by making over the 2nd Defendant's share of produce to her together with the arrears which were under zuft. In conclusion the 1st Defendant begs to point out that under Regulation IV of 1831, the District Moonsiff is not competent to take cognizance of this suit, which is for the recovery of Inám lands and their produce.

Under these circumstances the 1st Defendant on behalf of Government prays to relieve him from the liability of the suit.

(Signed.) C. T. LONGLEY, *Acting Collector.*

ENCLOSURE No. 3.

ABSTRACT.—List of boundaries and extent of the disputed lands.

ENCLOSURE No. 4.

ABSTRACT.—Translation of an Extract from the Diary Order passed by the Agent to the Governor of Fort Saint George, dated 27th March 1850.

ENCLOSURE No. 5.

ABSTRACT.—Copy of the Decree of the Court of the Assistant Agent to the Governor of Fort Saint George, in Ganjam, in Original Suit No. 93 of 1844.

ENCLOSURE No. 6.

ABSTRACT.—List of moveable property.

ENCLOSURE No. 7.

ABSTRACT.—Translation of a Motion presented by Venkata Jagannadham being Minor through his mother and guardian N. Latchanah, Plaintiff, and N. Sivaram Puntooloo, Defendant in Suit No. 93 of 1844 of the Agent's Court's file.

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 Acting Collector be authorized to put in his defence in the following form:—

"That the object of the Suit being to obtain possession of Inám lands not enfranchised under the rules, and of their produce, the jurisdiction of the ordinary Courts is barred by Regulation IV of 1831, and that 1st Defendant therefore prays that the suit may be rejected with costs against Plaintiff."

2. The Acting Collector has failed to state the facts of the case as he should have done, but they appear to be as follows.

*Proceedings of the Madras Government, Revenue Department,
3rd December 1862.*

3. In his Inám lapse report for the 2nd quarter of 1852, Mr. Onslow, on the strength of a Razinamah which had been filled by the mother and guardian of the present Plaintiff in a Suit in the Agent's Court for the recovery of the family property, represented the family as a divided one, and the succession to the Inám was accordingly determined in the Government Order dated 22nd August 1853.

4. Plaintiff now seeks to set aside that order and those of the local authorities given in accordance with it, on the ground that the family is an undivided one, and he claims to recover the share which is now in the possession of the 2nd Defendant, who is the widow of his (Plaintiff's) paternal uncle.

5. The documentary evidence submitted by Mr. Longley establishes the justice of Mr. Onslow's original recommendation, and shows that the Plaintiff has no ground of complaint, but it appears unnecessary to argue this point in the defence, as the District Moonsiff has no jurisdiction in the matter.

(True Copies and Extract.)

(Signed.) W. HUDLESTON, *Secretary.*

No. 62.

ORDER THEREON, 3rd December 1862, No. 2,541.

The defence of the Suit as proposed by the Board is sanctioned.

(Signed.) J. D. SIM,
Secretary to Government.

ENCLOSURE No. 7.

ABSTRACT.—Translation of a Motion presented by Venkata Jagannadham being minor through his mother and guardian N. Latchanah, Plaintiff, and N. Sivaram Puntoloo, Defendant in Suit No. 93 of 1814 of the Agent's Court's file.

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 Acting Collector be authorized to put in his defence in the following form.

"That the object of the Suit being to obtain possession of Inam lands not enfranchised under the rules, and of their produce, the jurisdiction of the ordinary Courts is barred by Regulation IV of 1831, and that 1st Defendant therefore prays that the Suit may be rejected with costs against Plaintiff."

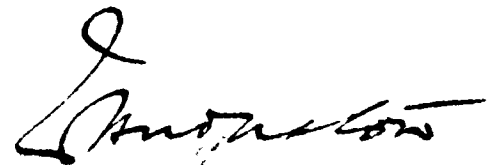
2. The Acting Collector has failed to state the facts of the case as he should have done, but they appear to be as follows.

3. In his Inam lapse report for the second quarter of 1852, Mr. Onslow, on the strength of a Razinama which had been filed by the mother and guardian of the present Plaintiff in a Suit in the Agent's Court for the recovery of the family property, represented the family as a divided one, and the succession to the Inam was accordingly determined in the Government Order dated 22nd August 1853.

4. Plaintiff now seeks to set aside that order and those of the local authorities given in accordance with it, on the ground that the family is an undivided one, and he claims to recover the share which is now in the possession of the 2nd Defendant, who is the widow of his (Plaintiff's) paternal uncle.

5. The documentary evidence submitted by Mr. Longley establishes the justice of Mr. Onslow's original recommendation, and shows that the Plaintiff has no ground of complaint, but it appears unnecessary to argue this point in the defence, as the District Munsiff has no jurisdiction in the matter.

(True Copies and Extract.)



Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D., with 5 enclosures.

Copy to C. T. Longley, Esq., Acting Collector of Ganjam.

Exd. J. Wright.

New 1862. Department
No. of Gordon & Son

No. 3291-

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 26th November 1862
Despatched 28th Decem-
ber 1862. Received 1st Decem-
ber 1862. Received 1st Decem-

No 7,765.

Submitting a letter from the Acting Collector of Ganjam, with the Board's recommendation that sanction be granted for the defence at the public cost, of the Suit No 310 of 1862 instituted to obtain possession of certain Inam lands and of their produce.

No 2541-3 Dec 2

With an order.

No 2541-3 Dec 2

No 61462.

The defence of the
No 2541-3
has been proposed by the Board is
leave granted. —
gp

John W. George
32. Queen's Road

W. H. D.

To the Board of Revenue
The Secy. of the Board of Revenue
with 5 Rupees Pay 1/3