M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 49	Press ~~Mis.~~
97.9 ½	
Dated 14 — 6 1862	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 14th January 1862.

No. 97. Read the following Proceedings of the Board of Revenue, dated 9th January 1862, No. 182 :—

Read the following letter from H. A. BRETT, Esq., Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Salem, 4th January 1862, No. 8.

SIR,

1. I have the honor to forward the translation of two plaints filed in the Moonsiff Court at Salem by Muttadayan and Munia Gounden, in O. S. No. 99 of 1861, against myself and Mr. Manuel, late Tahsíldár of the Salem Táluq, Supplemental Defendants, and against Parvate and two others as Defendants, with draft of an answer which I propose to file in the above suit, and to request the Board will be good enough to obtain the sanction of the Government to my defending the suit at the public cost.

2. The first Plaintiff seeks to establish his right to the Punja land specified in the plaint, measuring acres 41-21-8, assessed at Rupees 11-12-9. The facts of the case as follows: One Mukkapadayan held a Patta for the land up to Fasli 1266. In Fasli 1267 the land was left waste, and was entered as waste in the Jummabundi Takara book for that Fasli, with a remark that the Ryot had absconded. At the settlement the land was struck out of the accounts. In Fasli 1268, the land remained waste. In Fasli 1269 the first and the second Defendants having applied for the land to the Tahsíldár of Salem by a joint Durkhast, dated the 8th April 1859, a Tuluchit was given them in the month of April 1859. The Defendants entered on the cultivation of the land but before they had fully cultivated it, the first Plaintiff forcibly entered upon it and began to cultivate it himself, preferring at the same time a complaint to the Tahsíldár of Salem to the effect that the land was held by his father, but was entrusted to one Jaga Muppen, husband of the first Defendant in the year Somiah or A. D. 1849 (about 13 years ago) on the condition that the assessment on the land should be paid by him ; that the land should be restored when required ; and that the land having been left waste by the first Defendant intentionally, with a view to defraud the first Plaintiff, he now claimed the land on the ground of previous occupation by his father Mukkapadayan.

3. The Tahsíldár investigated the complaint, and passed a decision on the 13th September 1859, dismissing the complaint, on the ground that the land having been left waste for two years it had been removed from the accounts ; and that the revenue authorities were at liberty to make it over to the first and second Defendants who had applied for it.

4. The first Plaintiff appealed against the decision of the Tahsíldár to Mr. Knox, who on a review of the Proceedings confirmed the Tahsíldár's decision, and ordered that a Patta should be given to the first and second Defendants.

The time for filing the answer will expire on the 23rd instant.

Ordered to be submitted to Government with the Board's recommendation that the defence of the Suit be authorized at the public expense, and that the Collector be instructed to file the answer as modified by the Board.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 98. ORDER THEREON, 14th January 1862, No. 49.

1. The Government sanction the defence of the Suit at the public expense in the first instance, but will determine when a copy of the Decree is submitted whether the costs, if any be adjudged against the Collector, shall be borne by that Officer, or by the Government.

2. The assessment of the land for the two years during which it was left waste will be collected from Plaintiff in the event of the Court decreeing in his favor, on the ground of the land having been always in his possession.

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

Rev Dept

No 129.

Proceedings of the Madras Government under date the 14th January 1852

Read the following Proceedings of the Board of Revenue

Submitting a letter from the Collector of Salem regarding G.O. No 99 of 1851 and recommending that he be authorized to defend the Suit at the public expence.

(Received 9 Jany 52 & 14 52)

Paper with Mr Clubby's opinion that should the Plaintiff establish her right to Pension he should be called upon to pay the arrears of Expenses

WM

WM

WM

1 The Government sanction the defence of the Suit at the public expence in the present instance, but will determine when a copy of the Decree is submitted whether the costs if any be adjudged against the Collector shall be borne by that Officer or by the Government.

2 An addition should be

~~Decree for the Plaintiff~~
~~Leave claiming an~~

~~Issue~~ The Appearance of the Land during the 2 years ~~the~~ which it ~~Land~~ was left waste will be collected from Plff. in the event of the Court decreeing in his favor. ~~of Plaintiff~~ having been always in his possession.

J. N. S.

Let Copy be Brought over with Exch. Dis. 14. Elect 16

Note

I propose altering the draft into an instruction to the Collector to collect the payment for the 2 years if the Plaintiff obtains a decree in his favor on the ground that the Land was always in his possession - Govt collects the revenue on its own authority & does not require an award of the Court for the purpose

Note. Pltf. can not in the first Plff or Defdt get the Land - but Plff. right holds good only as the Govt. subsists then that he pays a fixed sum. If therefore he gets the Land, Govt may claim the assess: and Pltf. his remedy against the Govt. I do not recollect any case of this claim being advanced - but it seems to me perfectly just.

J. N. S.

Revenue 1862 Dep^tt.
Pro: of Gov^t for January

№ 49.

Pro: of the Madras Govt
Dy 14th January 1862

Suit against the Collr
of Salem -

(Authorizing the
Collr of Salem to defend
the Suit №99 of 1861 at
the public expense in
the first instance and to
collect from Plaintiff
the assessment of the
land for two years.

№97 & 98.