

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1536

Press

~~Mis.~~

206.207

Dated

21-8-1963

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21st August 1863.*

No. 206. Read the following Proceedings of the Board of Revenue, dated 17th August 1863 :—

Read the following letter from E. B. FOORD, Esq., Acting Collector of the Kistna District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Masulipatam, 24th July 1863, No. 163.

SIR,

I have the honor to report that a Suit has been brought against me, in the District Moonsiff's Court at Masulipatam, by one Kanukolanu Nagunnah, an inhabitant of this town, for an Inám consisting of 8 Acres and 4 Guntas of dry land. The facts of the case are detailed in the accompanying Memorandum,* and under the circumstances therein stated, I beg the Board's permission to defend the Suit at public cost. The draft answer is enclosed. The time for filing the answer will expire on 20th September next. Translation† of the Plaint is herewith submitted.

* Enclosures.
No. 1.
† No. 2.
‡ No. 3.

1. Ordered that the above papers be submitted to Government with the Board's recommendation, that the defence of the Suit be authorized at the public cost on the usual terms, and that the Government Pleader be requested to draft the statement to be put in for the defence and to instruct the Collector for the conduct of the Suit.

2. The facts of the case are simple.

3. Plaintiff possessed in the village of Machaveram, Divi Talook, on the banks of the Kistna, an Inám of the registered extent of 1 Kutty or 32 Koontahs, equal to about 17 Acres, consisting half of Nunjah and half of Punjah land. Of the latter half, nearly the whole or 14½ Koontahs, out of 16, have been gradually (before and since Fasli 1215, A. D. 1805-6) washed away by the encroachment of the river.

4. Subsequently to Fasli 1248 (A. D. 1838-39) an island formed in the river, opposite as it would seem to Petitioner's Inám. This island has since Fasli 1262 (A. D. 1852-53) been included in the holdings of other Ryots and charged with assessment.

5. Plaintiff in 1857 applied to be put in possession of this island, as being opposite to the Inám lands still in his possession, and within the original boundaries of his Inám. He produced only oral evidence to establish his assertion regarding the boundaries, and the Collector rejected the claim by an Order, dated 11th August 1860, in which he asserted the right of Government to the island.

6. On appeal to the Board the Collector's decision was upheld by an endorsement, dated 27th May 1861.

7. In 1859 the Inám Commissioner granted Plaintiff a Title Deed for the whole extent of Inám as registered, viz., Acres 16-8, charged with quit-rent of Rupees 4-8.

8. It is not clear from the Acting Collector's Memorandum whether any portion of this quit-rent has been paid. It appears certain that none has been paid for the extent of land in excess of that of which Plaintiff is actually in possession, and in satisfaction of which excess he seeks to obtain possession of the island in question.

Said

Proceedings of the Madras Government, Revenue Department,
21st August 1863.

9. The extent of the island is said in the Plaint to be 12 Koontahs, or some 2 Koontahs less than the extent lost by Plaintiff by erosion from his Inám, and he claims possession of the

From Godavery District, dated	31st December 1859, No.	185.	existing formation and of any future accretion
Board's Proceedings,	12th January 1860, "	153.	to it to the extent of 2 Koontahs more, or
From Government,	16th do. "	77.	to the full extent of land lost from his Inám.
From Godavery District, "	4th February "	14.	10. The principle involved in the Suit is
From Government, "	25th do. "	290.	of importance, and has twice in late years been
From Godavery District, "	14th do. 1861, "	19.	under discussion in connection with Suits in
Board's Proceedings, "	27th do. "	1,087.	the Godavery District in the correspondence
From Godavery District, "	7th May "	46.	noted in the margin, in neither of which has
Board's Proceedings, "	29th do. "	2,723.	the right to islands formed in the bed of
From Godavery District, "	28th do. "	52.	navigable rivers been satisfactorily esta-
Board's Proceedings, "	5th June "	2,931.	blished. It is very desirable that this should
From Government, "	12th do. "	1,189.	be fully discussed and settled.
From Government Pleader, "	19th March 1862, "	44.	11. The time for filing the defence
Board's Proceedings, "	24th do. "	1,952.	will expire on 20th September 1863.
From Government Pleader, "	26th do. "	49.	
From Government, "	2nd May "	949.	
To Government, "	3rd June 1859, "	2,037.	
To Government, "	10th do. "	2,196.	
From Government, "	17th do. "	802.	

No. 207.

ORDER THEREON, 21st August 1863, No. 1,536.

1. The Government sanction the defence of this Suit as proposed. Copy of the Board's Proceedings and the original papers received therewith will be forwarded to the Government Pleader, who will be requested to adopt the course indicated in paragraph 1.

2. Mr. Dale will observe that the time for filing the answer will expire on the 20th proximo. No time, therefore, should be lost in making the necessary arrangements.

(True Extract.)

Deputy Secretary to Government.

To the Board of Revenue.

" Government Pleader with three original enclosures.

Exd. S. T. Augustin.

to the Inam lands still in his pos-
session, and within the original bounda-
ries of his Inam. He produced only oral
evidence to establish his assertion regard-
ing the boundaries, and the Collector rejected
the claim by an order dated 11th August 1860
in which he asserted the right of Government
to the island.

On appeal to the Board the
Collector's decision was upheld by an in-
dorsement dated 27th May 1861.

In 1859 the Inam Commissioner
granted Plaintiff a Title deed for the
whole extent of Inam as registered that
area 10-8. charged with quit rent of
Rupees 4-8.

It is not clear from the Acting
Collector's Memo whether any portion of
this quit rent has been paid. It ap-
pears certain that none has been paid
for the extent of land in excess of that
of which Plaintiff is actually in possession,
and in satisfaction of which excess he
seeks to obtain possession of the island
in question.

The extent of the island is
said

said in the plaint to be 12 Roontahs or some 2 Roontahs less than the extent lost by Plaintiff by erosion from his Inam, and he claims possession of the existing formation and of any future accretion to it to the extent of 2 Roontahs more - or to the full extent of land lost from his Inam.

10 The principle involved in the Suit is of importance, and has twice in late years been under discussion in connection with Suits in the Godavery District

in the correspondence noted in the margin, in neither of which has the right to islands formed in the bed of navigable rivers been satisfactorily established. It is very desirable that this should be fully discussed and settled.

From Godavery Dt. dated 31 st Dec. 1859	1185
Boards Proceedings -	12 th Jan. 1860 - 153
From Government -	18 th Feb. " - 171
From Godavery Dt. -	24 th Feb. " - 171
From Government -	25 th Feb. " - 171
From Godavery Dt. -	12 th Feb. 1860 - 171
Boards Proceedings -	27 th Feb. " - 171
From Godavery Dt. -	1 st Mar. " - 171
Boards Proceedings -	24 th Feb. " - 171
From Godavery Dt. -	28 th Feb. " - 171
Boards Proceedings -	5 th June " - 223
From Government -	12 th Feb. " - 171
From Govt. Pleader -	19 th March 1860 - 171
Boards Proceedings -	22 nd Feb. " - 171
From Govt. Pleader -	26 th Feb. " - 171
From Government -	2 nd May " - 171
To Government -	3 rd June 1859 - 2032
To Government -	10 th Feb. " - 2168
From Government -	17 th Feb. " - 2802

11 The time for filing the defense will expire on 20th September 1863.

(True Copy and Extract)

Secretary.

To J. D. Sir Esq.
Secretary to Government.
Revenue Department
With 3 Enclosures.

The Government sanction the defence of this suit as proposed. Copy of the Board's Proceedings and the original papers received therewith will be forwarded to the Government Pleader who will be requested to adopt the course indicated in para 1.

Mr. Dale will observe that the time for filing the answer will expire on the 20th Proximo. No time therefore should be lost in making the necessary arrangements.

From Mr. George
21st Aug 1863

To the Hon. Secy to Govt. Mr. Esq. 24th
Govt. Pleader with three Enclosures. Sept 2nd

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Collector of the Marine Division

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With an order

1. The first step in the process of identifying a problem is to recognize that a problem exists. This involves gathering information about the situation and identifying the specific issue that needs to be addressed.