

# MADRAS RECORD OFFICE.

Government of Madras.

*Revenue* DEPARTMENT.

|               |                          |
|---------------|--------------------------|
| G.O. No. 1958 | Press<br><del>Mis.</del> |
| 358-359       |                          |
| Dated         | 30 10 - 19-1863          |

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,  
30th October 1863.*

No. 338. Read the following Proceedings of the Board of Revenue, dated 3rd October 1863 :—

Read the following letter from W. M. CADELL, Esq., Collector of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Vellum, 26th September 1863, No. 347.

SIR,

1. I have the honor to forward herewith an advertisement for the sale of lands in satisfaction of the arrears of Land Revenue, amounting to Rupees 2,800-9-1, and outstanding against an individual in the Combaconum Talook, and to request the sanction of the Board of Revenue for the sale of the same.

2. It is necessary to observe that the defaulter in this case, is not the Mirasidar or owner of the lands on which the balance in question has become due, but is the party who held them on a lease from Government. The lands belong to the Chuttrum at Muktabaulpuram belonging to His Highness the late Rajah of Tanjore, and now under my management under Regulation VII of 1817. The right of the Chuttrum, however, is precisely that of an ordinary Mirasidar subject to the payment of revenue to Government, and it is for the recovery of that part of the balance outstanding against the present defaulter which belongs to Government, that it is proposed to sell his own landed property.

3. The legality of this proceeding will perhaps be considered open to doubt, on the ground that it is the Chuttrum, to which as standing in the position of Mirasidar, the Government should look for the payment of its revenue, and that the present defaulter standing in the relation of an ordinary lessee holding from the Mirasidar or landlord, cannot be held responsible for the same. The present case however cannot, I conceive, be viewed in that light. The defaulter is the renter not only of the Mirasiwaram or the landlord's share, but also of the Melvarum or the Government share of the produce, and as the balance for which his property is proposed to be sold, forms, as already stated, that part of the arrears of rent which belongs to Government, I submit that under Regulation I of 1826, Section II, Clause I, the said balance can with perfect legality be realized by the summary process applicable to ordinary cases of arrears of public revenue.

1. The Board understand from the Collector's letter that there is an arrear actually due to Government on this Chuttrum land, and that it is not for Melvarum granted in Inam to the Chuttrum that he proposes to sell the defaulting tenant's private lands, but even thus they do not consider that the course proposed is legal.

2. As the Board understand the case, the defaulting tenant is not liable to pay any sum directly to Government on account of the public demand on the Chuttrum land, and if so, it is clear that the Collector cannot proceed against him in the manner proposed.

3. The proper course would appear to be that the Collector as Trustee for the Chuttrum should proceed to realize its landlord's dues from the defaulting tenant, and that the Government demand, should be satisfied from the rents so realized.

4. The Board presume that under the Decrees of the High Court in Special Appeal 663 of 1861, (page 75, Stokes' Reports) and Special Appeal 37 of 1832 (page 109 of do.) the Collector cannot recover the landlord's rent due to the Chuttrum by summary process, under Regulation 28 of 1802 and Regulation 5 of 1822, but must have recourse to a Regular Suit, notwithstanding the ruling at paragraph 5 of the Sulder Court's letter to Government, dated 22nd August 1832, at page 133 of Volume 1 of the Board's Circular Orders.

5. The papers will be submitted for the consideration of Government, with reference to the Bills now before the Legislative Council.

No. 359. ORDER THEREON, 30th October 1863, No. 1,958.

The Government consider the course suggested in paragraph 3 of the Board's Proceedings to be the correct one under the circumstances.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Angustin.

W. 1958

The pt. consider the  
Cure suggested in para  
3 of the 18th Nov. The  
the cure is one, under  
the circumstances

Fort St. George  
30th Dec. 1853

J. D. S.

14 Copies to the B. of Peace  
with one enclosure, Dept. & Prov

Rev: 1803 Deharth.  
Pro: of Govt for October.  
N<sup>o</sup>. 2391.

Proceedings of the  
Board of Revenue

Dated 3<sup>d</sup>.  
Sept. 3 } October 1803.  
Rev. 5<sup>d</sup>.  
E. 10<sup>th</sup> Oct.

N<sup>o</sup>. 2391.

Submitting with re.  
marks letter from the Col.  
lector of Tanjore forwarding  
an advertisement for the sale  
of lands in satisfaction of  
the arrears of Land revenue  
amounting to Rupees 2350-9-1  
and outstanding against an  
individual in the Comba.  
recomin Sabote.

N<sup>o</sup>. 1958-30 Setr  
With an Order

N<sup>o</sup>. 358 + 359.

28 Oct 1803 Res Oct 1