M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 278	Press Mis.
1862-1863	
Dated 10 : 2 — 19 1863	

Not to be folded or roughly handled

No. 152. Read the following Proceedings of the Board of Revenue, dated 14th January 1863, No. 207 :—

Read the following letter from J. I. MINCHIN, Esq., Collector of Kurnool, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 18th December 1862, No. 152.

SIR,

1. I have the honor to forward a copy of the Proceedings of the Civil Court dated 20th November 1862, directing the release of the Government Houses, attached in
A. execution of a decree on the motion of Moideen Khan Bahadoor, a political Pensioner in Kurnool, through his Vakeel the Government Pleader C. Ragoonada Row.

2. A perusal of these proceedings will show clearly the frivolous grounds upon which these two parties procured the attachment of Government property in direct opposition to an order issued to one of them, Moideen Khan Bahadoor, a political Pensioner under my authority, and through the instrumentality of a Vakeel, appointed and paid by Government to guard their interests.

3. The houses in question were occupied by Hinmeat Khatoon Masaiba, and Moideen Khatoon Masaiba, wives of the late Nawab, but were the property of Government, and universally acknowledged as such.

4. Government, by their Order dated 4th April 1862, sanctioned the levying of a quit-rent on all houses in the Fort, a measure which when carried out, of course converted any public into private property.

5. In the case of both the houses in question, as is shown in paragraph 10 of the Court's Proceedings, no quit-rent could be levied from the ladies who occupied them, as Hinmeat Khatoon Masaiba died before the Government Order was issued, and Moideen Khatoon Masaiba refused its application in her own case, considering it more honorable to live in a Government, than in a private dwelling house. Both the houses, at the decease of the above ladies were undoubtedly Government property.

6. Moideen Khan Bahadoor holds a decree in Original Suit 28 of 1858, for some fabulous sum against certain parties amongst the Kurnool Khandans, and on the death of the above ladies, he proceeded through the Government Vakeel to attach all their property of every description, on account of their heirs being parties to the above suit.

7. The pension due to one of those ladies for a portion of a month, out of which the current expenses of her establishment, wages of her servants, and a few small debts had to be paid was thus attached by him, and the Government Vakeel, on the plea of its being then the property of her heir, a party to the above suit.

8. Being unable, through mistakes in procedure, to procure the liberation of this sum from attachment within the time permitted by law, I used my authority over Moideen Khan Bahadoor as a political pensioner, to prevent the perpetration of a gross wrong, and obtained from him the refund of the portion of the pension which had been paid to him by the Court. A copy
B. of my order on this subject is forwarded, as it is alluded to in paragraph 13 of the Court's Proceedings herewith submitted.

9. The object of Moideen Khan Bahadoor and the Government Vakeel in bringing forward this order was simply to place me in antagonism to the Court, for to adduce it as the reason for the application to me for permission to attach the houses occupied by the deceased ladies was mere subterfuge.

10. Moideen Khan Bahadoor did apply to me for such permission, and I beg to forward a
C. translation of the order issued to him in reply, stating that the houses were the property of the Government.

11. Within three days of my departure from the District on leave, Moideen Khan Bahadoor applied to the Court for the attachment of the above houses, through the motion of the Government Vakeel, and it was only after much trouble and anxiety, and a term of nearly three months that Mr. Banbury, necessarily at first unacquainted with the facts, obtained their release from attachment.

12. In their Proceedings of the 5th November, No. 7,319, the Board called for an opinion on the conduct of the Government Vakeel in accepting a position opposed to Government.

13. I have the honor to forward copy of a Memorandum addressed by him to Mr. Banbury
D. dated 19th September, in which he endeavors to explain the grounds on which he considered himself bound to act for Moideen Khan Bahadoor, but which I do not consider tenable.

14. The execution of a decree is totally distinct from the Original Suit, and the fact of the Government Pleader having been Vakeel for Moideen Khan Bahadoor in the suit, in no way compelled him to act for him on every possible occasion where the execution of the decree might be applied for, especially in a case like the present, in direct opposition to the plain rights of Government.

15. The proceedings of the Court show that C. Ragoonadha Row, the Government Pleader, was perfectly aware of the order issued by me as Collector, to Moideen Khan Bahadoor on the subject of the houses being Government property, and there is no doubt that it was upon his instigation and advice that the Khandan took advantage of my departure from the District to act in open contravention of the order received by him.

16. I have on a previous occasion been under the necessity to record my utter distrust of C. Ragoonadha Row, as Government Vakeel, and there is no doubt that it was in consequence of his knowledge of my unfavorable opinion, as opposed to that of the Civil Judge, that he ventured on acts of such questionable propriety, in direct opposition to the Chief Government Officer of the District.

17. The act of Moideen Khan Bahadoor, a political pensioner in the receipt of Rupees 400 monthly, has not been less objectionable, and should I think be brought to the notice of Govern-
ment. The severe rebuke on his conduct, contained in my order of 3rd July last, failed
B. completely of its intended effect, as immediately on my departure from the District, he and his legal adviser proceed to act in direct contravention of my orders to himself, and in vexatious opposition to the undoubted rights of Government. In a Government stipendiary such conduct is peculiarly objectionable; and as Moideen Khan Bahadoor is in affluent circumstances, I think the displeasure of Government at his conduct might be fairly marked by the suspension of his stipend for a term of one or more months as may be thought advisable.

Enclosure No. 1, A.

Abstract.—Proceedings of the Civil Court of Nundial, dated 20th November 1862.

Enclosure No. 2, B.

Abstract.—Copy of a letter from the Collector of Kurnool, to Moideen Khan Bahadoor, dated 3rd July 1862, No. 29.

Enclosure No. 3, C.

Abstract.—Reply No. 38 from the Collector of Kurnool to the letter of Moideen Khan Bahadoor, dated 25th July 1862.

Enclosure No. 4, D.

Abstract.—Memorandum from C. Ragoonada Row, Government Pleader, dated 19th September 1862.

Ordered to be submitted for the consideration of Government. The subject matter of the Collector's letter is perhaps scarcely within the Board's province, but as the legal proceedings taken by the Acting Collector for releasing the Government property were carried on with their full cognizance and approval, they feel bound to express their opinion that the conduct of the Government Vakeel was not consistent with a proper sense of the responsibilities of his position in relation to Government, and was such as to deprive him of the confidence of the Collector and of the Board. The Board would recommend the selection of a more trustworthy representative of Government in the Kurnool Court.

(A true Copy and Extract.)

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

Proceedings of the Madras Government, Revenue Department,
10th February 1863.

No. 153. Order thereon, 10th February 1863, No. 298.

1. In the case referred to in these Proceedings Moideen Khan Bahadoor, a Political Pensioner in Kurnool, evidently endeavoured through his Vakeel, the Government Pleader C. Ragoonada Row, to obtain possession of property which he knew well enough belonged to Government. The Government regret that a person of Moideen Khan's position should be guilty of such unworthy conduct, and they desire that an intimation to this effect may be made to him.

2. Clause 4, Section XXXVII of Regulation XIV of 1816, shows very clearly what the duties of a Government Vakeel are; and even admitting Ragoonada Row's excuse of having been retained by Moideen Khan in the Original Suit in the matter, the Government do not consider that they can trust or properly continue to employ a person who holds it to be his duty to his employer to endeavor to appropriate for him property which he well knows belongs to others. The Governor in Council therefore directs that steps be adopted for the selection of a more fitting person as the Vakeel of the Government in the Kurnool Court. The papers will be communicated to the Judicial Department in view to effect being given to this Order.

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

Note.

In this case
Moideen Khan
evidently tried to
get possession of
property which he
knew well enough
belonged to Govt.—
The Coll. suggests
that Govt. should
mark their disl.
general of this con-
duct by suspending
his political pension
for one or more months.
He is "in a flutent
circumstances"—
Therefore the fine
will be more a
sign of displeasure
than a punishment.
I beg orders.

Sapur 1/11

on this point - My
own opinion is
that since there
a simple Expression
of regret that a
person of Moideen
Khan's position
should be guilty
of such conduct
is inadmissible.
It does not look
well for pleader &
punish them for
deserting the
Courts and if
the man is in
poor circum-
stances he
would laugh
at the idea of
such punishment.

I concur Elder
JP

As regards the
pro. Pleader, the
case is otherwise.
Clause 4 Sect
XXXVII of Reg XIV
of 1816 shows very
clearly what the
duties of a pro.
Pleader are and
even a deviating
his excuse of
having been retained
by Moideen Khan
in the original
suit, I do not
think pro. can
trust or properly
continue employing
a person who holds,
it to be his duty
& his employer
& endeavour to

appropriate for
Krim property should
be sold the owners being
Hindoos - I think
therefore Govt. should
be advised to select
a more filthy person as
the Vakeel of
the Govt.

L. D.

Yes Elt
JP
The papers should I
suppose be referred
to Judicial
Dept on the whole
Mein JP.

Revenue Department

No. 298.

Proceedings of the Madras Government
under date the 10th February 1863.

Read the following
proceedings of the
Board of Revenue

Submitting with
the Board's remarks a letter
from the Collector of Kurnool,
forwarding a copy of the Decree
of the final Court directing
the release of the Govt pro-
perty attached in execution
of a decree on the motion
of a Political Pensioner in
the District.

(Here inserted 14th Jany 1863 No. 207)

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to in this Proceedings Noi-
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Govt Pleader Co Rajgona-
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of property which he knew
well enough belonged to
Govt. The Govt regret that
a person of Noideen Khan's
position should be guilty
of

c 28 Jan 1863 RT

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desire that an intimation
to this effect may be made to
him—

2. Clause 4 Section XXXVII
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original suit in the
matter, the Govt do not
consider that they can trust
or properly continue to
employ a person who
holds it to be his duty
to his employer to endeavor
to appropriate for him pro-
perty which he well knows
belongs to others. The Govt
in Council therefore directs
that steps be adopted for
the selection of a more
fitting person as the Vakeel
of the Govt in the Kumool
Court. The papers will be
communicated

communicated to the Ju-
dicial Department in
view to effect being given
to this Order.—

14 Copies Collector Cuddapah Dated 24th Nov
5 — Jud Dept
with 4 Enclosures

Rec.d No. 298 - 63
A - 4 - 7

Revenue 1863 Depto
Pro: of Govt for February

No. 298

Pro: of the Madras Govt

Dated 10th February 163.

Proceedings Board of Revenue forwarding copy of an order passed by the Civil Judge of Tanjore directing the release of certain Government property attached in execution of a Decree on the motion of a Political Pensioner, with orders thereon.

No. 152 of 63