

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 695

Press

~~Mis.~~

186187

Dated

20-10-1867

Not to be folded or roughly handled

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

No. 186. Read the following Proceedings of the Board of Revenue, dated 4th April 1863, No. 1,998 :—

Read the following letter from C. DALE, Esq., Government Pleader, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 28th March 1863, No. 23.

SIR,

1. With reference to the Proceedings of the Board of Revenue under the date and number noted in the margin, and subsequent Proceedings laid before me, I have the honor to report for the information of the Board, that I have given the papers submitted to me careful consideration, and have prepared the enclosed written statement of the case of the Defendant (the Collector) to be tendered to the Civil Judge at the first hearing of the Suit under the 120th Section of the new Civil Procedure Act.

2. I have added some notes to which I solicit particular attention before the written statement is tendered.

3. I advise that certified copies of the Decrees in the Salem and Tanjore Suits be put in, as also that on tendering the written statement the Vakeel refer the Civil Judge to the Board's Circular Order. Care must also be taken that the requirements of the Civil Procedure Code be carefully attended to with reference to documents, &c.

4. I return all the papers which accompanied the Proceedings noted above.

ENCLOSURE No. 1.

IN THE CIVIL COURT OF RAJAHMUNDRY.

IN THE ORIGINAL SUIT No. 85 OF 1862, WHEREIN

Stree Veepu Lutchmeboyemagar of Bendamur- A. Purvis, Esq., Collector of the Godavery District,
lanka is..... Plaintiff. Cocanada is..... Defendant.

Written statement of the case of the Defendant.

I. The Defendant submits as a question of law that this Court has no jurisdiction over the Defendant in this Suit, the matters complained of by the Plaintiff being matters concerning the revenues under the management of the Government, and that all acts done and performed by the Government, or by their Subordinate Officers under their

(a) This is taken from the answer in the Salem Suit. It appears to me questionable whether it applies to the present case. I incline to think it would be better to omit the part within the letters A. A.

C. DALE, Government Pleader

authority, concerning the revenue being acts of State, and as such those acts are matters which cannot be inquired into in this Court or in any Municipal Court of Justice within Her Majesty's dominions (a) A. And the Defendant avers that the Plaintiff does not hold the land mentioned in

the plaint by a permanent Sunnud, or by a Puttah permanently fixing the assessment on it, and he submits further for the judgment of this Honorable Court that when land is neither held by a permanent Sunnud, nor by a Puttah permanently fixing the assessment on it, it rests with the Collector under the authority of the Board of Revenue to regulate the demand on the Ryots, and this Defendant craves leave to refer your Honorable Court to the 38th, 39th and 40th Sections of Regulation II of 1803 as the law under which Collectors are authorized so to act A. The Defendant further submits that there is no provision in the Regulations, which authorizes the Courts to alter assessments made by Collectors. If a Ryot is dissatisfied with an assessment made on him, he is at liberty to apply to the Board of Revenue, and eventually to the Government for redress.

II. Should however your Honorable Court be of opinion that you have jurisdiction in this Suit, then the Defendant says he denies the case put forward by the Plaintiff in her plaint except in such respects as any part of such case is expressly admitted in this statement, and he puts the Plaintiff to the proof of her whole case except as to such parts as are so admitted.

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

III. The Plaintiff has not a Mukbasa village called Turpulanka; there is a tract known by that name, which forms part of a Government village called Mogulamuri, but it is not a Mukbasa village. The accounts of the village of Mogulamuri show that (b) 24 Puttis of land consisting of "low jungle and swampy land" belong to Turpulanka as also that up to about (c) fifty years ago only six Puttis of such land were cultivated partly with paddy and partly with other crops, and that the remaining portion had been left waste as unfit for cultivation. The Defendant denies that any portion of the land held by the Plaintiff and now under cultivation is Mamul wet land (d) or land usually irrigated. The Defendant further denies that any part of the land held by the Plaintiff was granted as "Nunjah" Inam.

IV. There is (e) an old channel called Cousika, which skirts on three sides the tract known by the name of Turpulanka; but this Defendant says it usually had (f) salt water in it, except during such time as the freshes of the river Godavery lasted. At such times the Plaintiff may have been enabled with much labor and expense to retain or store fresh water in Bodulee or reservoirs dug by her for the purpose, and by those means may have been enabled to irrigate her land to some extent for a short period during the growing season, but Defendant denies that the Plaintiff's land was fully irrigated from the water of that channel as the Plaintiff has in her plaint alleged and the Defendant puts her to the proof thereof. The Defendant states that such old channel belongs to Government, and that the Plaintiff had no right to use it without paying to Government water tax.

V. In Fasli 1265, or about that time, a new channel alluded to by the Plaintiff in paragraph 3 of her plaint was dug at the cost of Government; this is supplied with water by means of the great Anicut at Dowlaiswaram; after the new channel was made the Plaintiff used the water therefrom from the month of May in each season; and the channel being on a high level the Plaintiff has derived very considerable advantage from the use of the water. The Plaintiff was thereupon charged with the water tax from Fasli 1266 in respect of such of her lands as were cultivated, and as were irrigated from the channels according to the existing rates which from time to time prevailed as shown in the margin, but Defendant denies the Plaintiff's land was Mamul Nunjah land as is untruly alleged by her and puts her to the proof.

Fasli.	Rate.	Amount of water tax.
	Rs.	Rs. A. P.
1266..	1	321 8 0
1267..	2	552 1 7
1268..	2	507 11 6
1269..	2	608 4 0

lands came within the operation of the rules promulgated by Government, and he puts the Plaintiff to the proof.

(g) Is it desirable to make this allusion? The Plaintiff is dated previously to Mr. Taylor's decision.

C. DALE, Govt. Pleader,

(h.) It is the Special Assistant Inam Commissioner who states this. Mr. Taylor does not allude to the water tax.

C. DALE, Govt. Pleader.

VII. The Defendant denies that the Plaintiff has been making payments in the manner untruly alleged in her plaint and puts her to the proof.

VIII. The Inam Commissioner investigated the claim put forward by the Plaintiff, and passed a decision thereon under date the 29th of January 1863, whereby a Quit-rent of 274 Rupees was assessed on the Plaintiff's lands, irrespective (h) of a charge for Anicut water.

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

1. Ordered that the above papers be communicated to the Collector of the Godavery District with the following remarks.

2. The Board would omit the part marked A. A. in Mr. Dale's draft answer.

3. In paragraph 3 of the draft they would fully state the fact mentioned in paragraph 3 of Mr. Purvis' letter, dated 1st February 1863, viz., that in a Suit (No. 555 of 1814), on the file of the late Masulipatam Court the husband of the present Plaintiff formerly holder of the Turpulanka tract himself asserted that the extent under cultivation at that time was only 6 Puttis, bearing an assessment of Rupees 96½, and claimed only a further extent of 25 Puttis as low jungle and swampy land, making in all but 31 Puttis.

4. The expression "Mamul wet land" the Collector will interpret according to the local acceptance. The Board consider it to represent land entitled by "prescription to receive irrigation from some artificial source" or else "cultivable with wet crops unassisted by artificial means of irrigation."

5. In paragraph 4 of the draft answer the Board would substitute "might have" for "may have" twice in the statement of the former, possible facilities for irrigation by means of the Cowseka stream or drainage channel, as they have no reason to suppose that the formation of reservoirs for storing fresh water during the freshes was ever resorted to by the Plaintiff or her predecessors.

6. For paragraph 8 of Mr. Dale's draft the Board would substitute a paragraph to the following effect:—

"The Defendant submits that under the provision of Regulation IV of 1831, the Court had no jurisdiction in this Suit at the time it was filed, and that if under the provisions of Act IV of 1862 conferring on the Courts of Udalat jurisdiction in the case of Inams enfranchised by the Special Commissioner, and in consideration of the subsequent grant of a title by the said Commissioner to the Plaintiff this Court has since obtained jurisdiction, then Defendant submits that Plaintiff must be bound by the whole terms of the decision passed by the said Commissioner as set forth in the certified Extract from the Inam Commissioner's Register, (Exhibit No. 2) from which it will be seen that liability to pay the established water rate of the District was a material consideration in determining the conditions of the enfranchisement of the tenure from liability to be resumed by Government, and that the tenure was not confirmed as a grant of Nunjah land."

(True Copies and Extract.)

(Signed) W. HUDLESTON, Secretary.

No. 187.

ORDER THEREON, 21st April 1863, No. 695.

The Government approve of the draft answer as modified by the Board, but the modifications should first be submitted to Mr. Dale. As to "Mamool" Nunjah, the Board's instructions must be more explicit. The Government do not admit that on the plea of "Mamool" the Inamdar can claim irrigation free of charge. The land is not registered as "Nunjah" nor was it granted or enfranchised as "Nunjah," the plea of "Mamool" must therefore be rejected.

(Signed) J. D. SIM,

Secretary to Government.

Handwritten notes:
 215/44
 8-11-1915

1. Ordered that the above papers be communicated to the Collector of the Godavery District with the following remarks.

2. The Board would omit the part marked A A in Mr. Dale's draft answer.

3. In paragraph 3 of the draft they would fully state the fact mentioned in paragraph 3 of Mr. Purvis' letter dated 1st February 1863, viz., that in a Suit (No. 555 of 1814), on the file of the late Masulipatam Court the husband of the present Plaintiff formerly holder of the Turpulanka tract himself asserted that the extent under cultivation at that time was only 6 Puttis, bearing an assessment of Rupees 96½, and claimed only a further extent of 25 Puttis as low jungle and swampy land, making in all but 31 Puttis.

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(True Copies and Extract.)

Handwritten signature of J. D. Sim

Secretary.

To A. Purvis, Esq., Collector of the Godavery District,
 with certified copy of Extract from the Inam Commissioner's Registers.
 To C. Dale, Esq., Government Pleader,
 J. D. Sim, Esq., Secretary to Government, R. D., } for information.

Exd. J. Wright.

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20 Feb - a-a-285286
C no 561 of 63

P. 1345 1863. Department.
 No. of Letters & paid

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 4th April 1863.

Despatched 15-6-

Received / 0 2 1

No. 1,998.

Communicating a letter from the Government Pleader, submitting a Statement of the case of the Collector of the Godavary District to be tendered at the first hearing of the Suit instituted for the possession of the Turpan-ka Inam.

21/05/03 R21m

Walt Gardner

7-695

The first objective of the
Suffrage League is to
elect the best the people
Ricardian should find a
man that the State.

as to "the account" "Henry's
the 18th and the 20th. must
be some explicit. The fact
do not admit that on
the plea of "the account"
the same can claim
consideration free of charge - the
land is not ^{proved} ~~registered~~ as
"Henry's" nor was it ^{proved} ~~registered~~ as
"child" as "Henry's" - the
plea of "the account" much
more can be rejected. 100

Chadwick, Peter
1012 Ave. 159, 84