M.R.O. 14—13,000—27-9-34

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1534 Press ~~Mis.~~

380. 351

Dated 23. 8. 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 23rd August 1864.

No. 350. Read the following Proceedings of the Board of Revenue, dated 2nd July 1864, No. 4,082.

Read the following letter from the Government Solicitor, Madras, dated 22nd June 1864, No. 340:—

1. I have the honor to forward, for the information of your Board, a letter* (in original) from Messrs. Shaw and Alldritt (as Solicitors for the Mirassidars of Kattur) to my address, under date the 17th instant, and relating to the alleged intention of Government to grant certain of the new salt pans to be opened at Kattur to Poyacars of that village, and not to confine the grant of such salt pans entirely to the Mirassidars.

* Requested to be returned.

2. I shall not at present enter into any discussion of the law (Mirassi and otherwise) which bears upon this subject, but shall content myself with suggesting for the consideration of your Board, whether it would not be especially desirable to refer the whole question for the opinion and advice of the Law Officers of Government *before* taking any further action in the matter, in order that such position as the Government assumes shall be sustainable in Law if litigated by the Mirassidars.

ENCLOSURE No. 1.

From Messrs. SHAW and ALLDRITT, Solicitors, to J. R. BOYSON, Esq., Government Solicitor, dated Madras, 17th June 1864.

1. We are instructed by M. Chengleroy Naidu and E. Vencataputty Mudali, on behalf of themselves and the other Mirassidars of the village of Kattur in the Ponnery Talook, to address you on the subject of the proposed distribution, by Government, of the salt pans in that village among the Poyacars as well as the Mirassidars, which we are instructed to inform you is a direct infringement of our clients' rights.

2. We are therefore instructed to call upon the Government through you to distribute the pans among the Mirassidars according to the established custom and their respective rights, and to give you notice that if the attempt of Government to infringe the rights of our clients be persisted in, proceedings will immediately be commenced against the Government in respect thereof.

Read also the following Petition addressed by the Mirassidars of Kattur, to the Board of Revenue, dated 9th June 1864:—

1. We, the Mirassidars of the village of Kattur in the Talook of Ponnery in the District of Madras, regret to be compelled to address you again on the subject of our rights (as such Mirassidars) to the salt pans proposed to be opened at Kattur.

2. Our present grievances and wishes were fully stated in our letters to the Government Solicitor, dated 9th May 1864, and to the present Collector of Madras under date the 31st May 1864, of which we take the liberty of enclosing copies. To neither of these applications have we yet received any reply.

3. It has all along been and still is our especial desire, as far as possible, to avoid that litigation with Government, which the Deputy Collector Mr. Smith's scheme would force us to, and it is with this object that we give you the trouble of perusing the accompanying correspondence, and trust that your Board will view the matter now under consideration, in the same light as we and our legal advisers have done, and issue early orders for the whole of the pans being left in the usual manner at the disposal of the Mirassidars.

4. Begging to be executed for the trouble we are giving you, and awaiting early orders.

ENCLOSURE No. 1.

From certain Mirassidars of Kattur, to J. R. BOYSON, Esq., Government Solicitor, dated Madras, 9th May 1864.

1. We, the undersigned Mirassidars of Kattur for ourselves and other Mirassidars of Kattur, are glad to learn that our Petition of the 21st April last has so far met with success at your hands that the scheme proposed by the Collector to sell a portion of the salt pans in our village by public auction has been disapproved, and that the whole of the pans are to be left to us, we being quite prepared to take and work on them on the usual terms.

2. In thanking you very much for the view you have taken for our rights as Mirassidars, we regret to bring to your notice the injustice of the Deputy Collector's present proposal to distribute the pans amongst all the Mirassidars and Poyakars in proportion of the Kist payable by them respectively. With regard to this proposition we must need call your serious attention to the fact that the Mirassidars alone are the proprietors of the village, and that the Poyakars are mere under tenants paying not only the annual Circar revenue, but an annual compensation to the Mirassidars for the occupation of their Mirassi right, and although the lands occupied by such Poyakars are held under Puttahs in their favor (not without the consent of the Mirassidars) yet such Poyakars have no right of alienation to the land. Hence it will be apparent to you that their rights are limited as above, as is the case in every part of Southern India.

3. Since we the rightful Mirassidars are quite prepared to take the whole of the pans, we submit that no right can be conferred upon Poyakars contrary to usage. The Collector's proposed plan would moreover result in heavy loss to the Mirassidars inasmuch as if such plan, to which we object, is carried out, the Poyakars would most certainly pay more attention to salt culture than any other cultivation, and thus would involve us to considerable extent in loss.

4. Under these circumstances we trust that you will be good enough to adopt such measures as would confer on us our proper rights, leaving us to under-let the pans to Poyakars if we could spare any.

ENCLOSURE No. 2.

From certain Mirassidars of Kattur, to E. G. R. FANE, Esq, Collector of Madras, dated 31st May 1864.

1. We, the undersigned Mirassidars of the village of Kattur, attached to the Talook of Ponnery in the Madras District, addressed not only the late Acting Collector of Madras, but also the Board of Revenue and the Government Solicitor regarding the suggestion made by the Deputy Collector, Mr. Smith, for the allotment of the salt pans proposed to be opened at Kattur to the Mirassidars as well as the Poyakars of the village according as the Kist paid by them respectively, but have not yet been favored with any reply.

2. The matter is probably under consideration. With a view however to your being pleased, in full knowledge of our claim and rights; to enable you to administer such justice as we are entitled to, we take the liberty of addressing you. It was once proposed by the Deputy Collector that a certain number of pans should be allotted to the Mirassidars, and the remainder sold by public auction; but the Board of Revenue, to whom the matter was referred, recognizing our rights and upon our opposition over-ruled the Deputy Collector's proposition we having expressed our readiness to take up the whole of the pans intended to be opened.

3. We now understand that the Deputy Collector insists upon his scheme of allotting the pans according to Puttah Darij being carried out, and against this scheme we protest inasmuch

Proceedings of the Madras Government, Revenue Department,
23rd August 1864.

as the carrying out of such scheme, which is most unusual, would involve allotments of pans to Poyakars who have no right whatever to the village except as under-tenants through the Mirassidars, and who not only pay Government revenue, but are paying compensation to the Mirassidars for the occupation of them, the Mirassidars' rights. The lands occupied by the Poyakars are held under Puttahs granted to them with the consent of the Mirassidars and such Poyakars have no right of alienation over such lands, whereas the Mirassidars have every right, and such rights are more than once judicially recognize d and acted upon.

4. Moreover Government are not in any way sufferers by the Mirassidars taking the whole of the pans, for they get the full amount of the revenue thereon in the one case as they would in the other, and we cannot conceive the object of the Deputy Collector's persistence in his objectionable scheme.

5. We need hardly tell you that an early decision on our case will much oblige us, as upon it depends our future course.

---

1. Ordered that the papers above recorded be submitted for the consideration and orders of Government, with reference to the Board's Proceedings, dated 11th June 1864, No. 3,607, already before Government.

2. The Government will remember that when the opening of new salt pans in the waste land at Kattur was sanctioned, it was decided that the surplus pans, after allotting a liberal proportion to the resi dent villagers, should be sold by auction.

3. Subsequently, on the receipt of a Petition from certain Mirassidars of Kattur, praying that the pans might be distributed among them rateably, the Board instructed Mr. Banbury that no pans should be sold unless there were more than could be conveniently worked by the residents willing to take them, and by the holders of the old pans at Attipur and the neighbourhood.

4. On a further reference from the Collector dated 11th June 1864, No. 3,607, stating that the Mirassidars claimed to have the pans exclusively allotted to them, to the exclusion of the Puttahdars who were not Mirassidars, the Board approved "the application to the present "case of the rule giving villagers the preferential rights of occupying waste land in their villages, "without distinction of Mirassidars and Puttahdars, other than Mirassidars," and sanctioned the distribution of the pans as proposed in the Collector's letter.

5. The further papers now submitted to Government show that the Mirassidars are dissatisfied with the orders above referred to, and contend that "the whole of the pans should be left "in the usual manner at the disposal of the Mirassidars."

6. The Government Solicitor suggests, with reference to the apparent intention of the Mirassidars, to assert their claims in the Civil Courts, that the whole question raised by the Petitioners should be referre d for the opinion and advice of the Law Officers of Government.

7. In passing their orders on the Collector's letter dated the 11th June 1864, the Board had in view the Despatch of the late Court of Directors, dated 17th December 1856, No. 17, Revenue Department, paragraph 30. They considered that under the orders then given the Mirassidars of the village and the other resident cultivators in the same village were put on an equal footing, as to any preferential claims to occupy the waste lands of the village. Moreo ver, in the present case, the land to be taken up is not required for agricultural purposes, the only object for which it is usual to give waste lands to residents, whether Mirassidars or resident cultivators, in preference to strangers. The Board, therefore, deemed the proposed mode of allotting the pans, so that all the resident villagers, Mirassidars, and other Puttahdars included, should have a share in the allotment proportioned to their holdings in the arable lands, was the most reasonable mode of settling rival claims. As, however, the case is in some respects a novel one, and as any

question involving Mirassi rights is usually productive of much dispute, they see no objection to the claims now made being referred for the opinion of the Government Law Officers before any further steps are taken towards allotting the land in the manner described.

8. The Board have directed the Collector to refrain, in the meanwhile, from any further proceedings for opening the salt pans.

No. 351. ORDER THEREON, 23rd August 1864, No. 1,534.

Separate Revenue, No. 85 A.
Salt.

The Governor in Council observes that the land in question is Immemorial waste, and is therefore entirely at the disposal of Government, to be dealt with in such manner as may be deemed most conducive to the public interests. It has always been the practice of Government, except under special circumstances, to give the Ryots of a village, whether it be a Mirassi village or not, the preference over strangers in the allotment of waste, and in accordance with this usage the Collector appears to have distributed the pans rateably among the Puttahdars generally. The Government see no occasion to interfere and the Board will accordingly instruct Mr. Fane to carry out the original arrangements, leaving the Mirassidars if they think fit to try their claims in the Civil Courts.

(True Extract.)

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

To the Board of Revenue.

Exd. T. O'Connor.

dars, and who not only pay Government revenue, but are paying compensation to the Mirassidars for the occupation of them, the Mirassidars' rights. The lands occupied by the Poyakars are held under Puttahs granted to them with the consent of the Mirassidars and such Poyakars have no right of alienation over such lands, whereas the Mirassidars have every right, and such rights are more than once judicially recognized and acted upon.

4. Moreover Government are not in any way sufferers by the Mirassidars taking the whole of the pans, for they get the full amount of the revenue thereon in the one case as they would in the other, and we cannot conceive the object of the Deputy Collector's persistence in his objectionable scheme.

5. We need hardly tell you that an early decision on our case will much oblige us, as upon it depends our future course.

---

1. Ordered that the papers above recorded be submitted for the consideration and orders of Government, with reference to the Board's Proceedings dated 11th June 1864, No. 3,607, already before Government.

2. The Government will remember that when the opening of new salt pans in the waste land at Kattur was sanctioned, it was decided that the surplus pans, after allotting a liberal proportion to the resident villagers, should be sold by auction.

3. Subsequently, on the receipt of a Petition from certain Mirassidars of Kattur, praying that the pans might be distributed among them rateably, the Board instructed Mr. Banbury that no pans should be sold unless there were more than could be conveniently worked by the residents willing to take them, and by the holders of the old pans at Attipur and the neighbourhood.

4. On a further reference from the Collector dated 11th June 1864, No. 3,607, stating that the Mirassidars claimed to have the pans exclusively allotted to them, to the exclusion of the Puttahdars who were not Mirassidars, the Board approved "the application to the present "case of the rule giving villagers the preferential rights of occupying waste land in their villages, "without distinction of Mirassidars and Puttahdars, other than Mirassidars," and sanctioned the distribution of the pans as proposed in the Collector's letter.

5. The further papers now submitted to Government show that the Mirassidars are dissatisfied with the orders above referred to, and contend that "the whole of the pans should be "left in the usual manner at the disposal of the Mirassidars."

6. The Government Solicitor suggests, with reference to the apparent intention of the Mirassidars, to assert their claims in the Civil Courts, that the whole question raised by the Petitioners should be referred for the opinion and advice of the Law Officers of Government.

7. In passing their orders on the Collector's letter dated the 11th June 1864, the Board had in view the Despatch of the late Court of Directors dated 17th December 1856, No. 17, Revenue Department, paragraph 30. They considered that under the orders then given the Mirassidars of the village and the other resident cultivators in the same village were put on an equal footing, as to any preferential claims to occupy the waste lands of the village. Moreover, in the present case, the land to be taken up is not required for agricultural purposes, the only object for which it is usual to give waste lands to residents, whether Mirassidars or resident cultivators, in preference to strangers. The Board, therefore, deemed the proposed mode of allotting the pans, so that all the resident villagers, Mirassidars, and other Puttahdars included, should have a share in the allotment proportioned to their holdings in the arable lands, was the most reasonable mode of settling rival claims. As, however, the case is in some respects a novel one, and as any question involving Mirassi rights is usually productive of much dispute, they see no objection to the claims now made being referred for the opinion of the Government Law Officers before any further steps are taken towards allotting the land in the manner described.

8. The Board have directed the Collector to refrain, in the meanwhile, from any further proceedings for opening the salt pans.

(True Copies and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to J. R. Boyson, Esq., Government Solicitor,
with original enclosure returned.

„ to E. G. R. Fane, Esq., Collector of Madras.

Exd. J. Wright.

Rec'd 21st August 1864 -280

Rev. Department.
Board of Revenue.
No. 1765.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 2nd July 1864.

Despatched 5-8-64.

Received 8-8-64.

No. 4,082.

Submitting with remarks papers on the subject of the claim preferred by certain Mirassidars to the new salt pans to be opened at Kaitur.

No. 250.

Rec'd 1534. 29 July 64

Exd. J. Wright

Current No 1765

must give them the sole of pans exclusively we do not admit the Mercussee right & the admission will be turned against us on all occasions - We must choose between the Govt consider the right or that the Board have treated it. It does not seem to the villagers with great liberality and are not disposed to yield to such claims as those now put forward. The Board will obtain the opinions of the Advocate General and Govt Pleaders as they propose - but if any way - the avoidance of delay be of consequence, the simplest plan will be to open pans elsewhere & grant to the Mercussee in lieu of possession and the suing for damages on the 2a the

Exd. J. Wright

Exd. J. Wright

or next to the preferred

current Rs 1768

23rd Augt 1864 Rs 1534

The first Assessor stated the land in question is Survey waste - and is therefore entirely at the disposal of Govt, & he dealt with such manner as may be deemed most for the public interest. It has always been the practice of Govt to sell waste land to the highest bidder, & the Collector of the district to which the land belongs is the proper person to dispose of it. The Collector of Salem has reported that the land is not required for any public purpose, & that he has no objection to its sale. I therefore recommend that the land be sold to the highest bidder, & that the Collector of Salem be directed to dispose of it accordingly.

GP

Sd

Upper Sub Div Mulky & Assessor of Kittoor. Ladies Sullia & Puttur. Kanara. Sub Div Shankarnarayan Rao a Gitter Canara. Tenkir Ayan ac. Cuddapah Vizagapatam Rajahmundry

The Puttur case question must sooner or later for final settlement and the longer it remains the more difficulty there will be. - The present case seems a favorable one for Govt to stand firm & let the Puttur shareholders go to law & serve their right if they can. - I am in the point the Advocate General's moderate opinion of the Advocate General which is printed among the papers in Mr Rice's right Canara Inam Settlement Case 526) - I instead therefore of referring a further opinion from our law advisers I would carry out the proposed arrangements & distribute waste ground for the new Cows to the Ryotdars equably - I presume that the Village of Puttur is out of the Heads Limits & that the Ryotdars would have to carry their suits in the Munglepet Court. The appeal lying to the High Court in the Chingleput Court. It is not possible that litigation in this

ner strangers in
the allotment of
haste and in ac-
cordance with the
rulings the Commis-
sioners have made.
- this restricted the hand
ing rately the Public
dians personally -
The petitioners
occasion to enter
- fere & the Bd rule
according right and trust
the Land to carry
out the original
act requirements - leav
the Indian act & dens
if they then & put
to try their claims
in the Civil Court.

J. D. S

U.S. Copies Lakes Bd of Land Comm'rs & Clerk

Revenue 1864 Deptt.
Pro: of Govt. for Augt.

No 1534.

Pro: of the Madras Govt.
D/23d Augt. 64.

Further Ce No 2475 of 64

Passing orders on
the disposal of the
Sea Salt Pans at
Pattur. Madras.

No. 350 & 351.