

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2797	Press Mis.
255 - 256	
Dated 16 - 11 - 1865.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
16th November 1865.*

No. 255. Read the following Proceedings of the Board of Revenue, dated 30th October 1865, No. 6,945.

Read the following letter from the Acting Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 17th October 1865, No. 194 :—

1. With reference to the Board's Proceedings, dated 26th September 1865, No. 6,027, communicating Order of Government, No. 2,294, dated 23rd September last, I have the honor to report, that on the Government Vakeel moving the Civil Court at Guntoor to stop any further proceedings in the matter of the transfer of the Decree alluded to, the Court rejected the prayer, the Vakeel of the opposite party having agreed to discharge the amount due to Government on behalf of Moongamoor Ananta Lakshmi Nursu Puntulu. I beg to submit translation of the Government Vakeel's petition, dated 5th instant, detailing all that took place between him and the Court.

2. When the extract from the Proceedings of the Court on the subject is received, it shall be communicated to you.

3. I am unable to supply further information regarding the nature of Appeal Suit No. 50 of 1861, as there are no papers on the subject in this office. I have, therefore, ordered the Government Vakeel to apply to the Civil Court at Guntoor for copies of Judgments, &c., and shall forward them to you as soon after their receipt as possible.

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Translation of an Arzi submitted to the Collector of the Kistna District, by the Government Vakeel, dated 5th October 1865.

1. Immediately on receipt of your instructions No. 73, I presented a petition, in reference to the contents thereof, stating, among other things, that Rajah Vasseretty Lakshmiiputty Naidu, has failed to pay the amount due by him to Government on account of costs of the suit in appeal in regard to the Vasseretty estate; that as it has come to notice that he and certain others are intending to cause the Decree No. 50 of 1861, on the file of the High Court, which was obtained by him by transfer, to be held unanswerable to the said costs, their design should be thwarted. Copy of the said petition I submitted to your honor with an Arzi No. 56.

2. The petitions presented by Vasseretty Lakshmiiputty Naidu, and Moongamoor Ananta Lakshmi Nursu Puntulu, the former stating that he transferred to the latter the Decree No. 50 above referred to, and the latter setting forth that the amount of that Decree should be collected and paid him in accordance with that Decree, came on to hearing on the 27th September.

3. A very long conference took place at that time with respect to the petition which I have presented on behalf of Government. The Vakeel of the High Court, who appeared on his (Lakshmiiputty Naidu's) behalf, has argued that the execution (of the Decree) should at once be effected; that Lakshmiiputty Naidu is not indebted in any sum whatever to Government; that with regard to the amount due by him to Government, special conditions were entered into between the Government and that Rajah, by which the amount due was disallowed; that had he been in debt to Government would the latter leave the amount uncollected up to this time, while he (Lakshmiiputty Naidu) was in receipt of a large amount of allowance, and residing at Kanchipuram with an immense estate, real and personal? and that had such a sum been actually due, why would the Vakeel in the High Court neglect to collect it? I contended, on behalf of Government, that the Rajah never did pay the debt in any way. If he did so, a record would have been made in the Court regarding such an adjustment; that the transfer now stated to have come before the Court, is produced with a view to evade the debt in question, but is not really made after receiving money; that consequently the transfer should not be admitted; that the Collector has written to Government, requesting replies on certain points touching the subject in question; that as no replies have yet been received, two months' time should be allowed me to produce their orders, and as it is probable those orders will be received before that time, all proceedings should be stayed until that time; that it is unnecessary to question the legality of recovering the said public debt; and that no matter by whom the neglect has occurred, the Court should of course render its legal aid in regard to the recovery of the debt due to Government, and so forth. Then the Vakeel on behalf of the opposite party said, that though the transfer made to Ananta Lakshmi Nursu Puntulu were admitted, and action taken on it, yet the amount that might be collected, will be answerable to the dues of Government in the same manner as that which might be realized in execution of the warrant issued at the instance of Lakshmiiputty Naidu; that consequently no impediment should now be thrown on behalf

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of Government; that much delay has already taken place regarding his application; and that in the event of any further delay, the estate will be wasted.

4. I contended that Lakshmiputty Naidu is a debtor to Government, and not Ananta Lakshmi Nursu Puntulu; that if the transfer were admitted, the demand for recovering the debt due to Government from Lakshmi Nursu Puntulu would eventually be demurred; that, therefore, the application of the transfer should be overruled. The Vakeel then rejoined, "As I agreed on behalf of Lakshmi Nursu Puntulu, to his being also responsible for the debt which might be fixed as due to Government, the transfer might be admitted and acted upon at present; we shall incur loss if objections are taken on the part of Government to the same by delay." He added, that security may be taken for the amount of the warrant to be issued at his instance. The Court heard him with a willing assent, and asked me as to what I had to say to it. I averred that no security is necessary to be tendered on behalf of Government. If Ananta Lakshmi Nursu Puntulu were to undertake the responsibility of discharging the amount due to Government in the same manner as Lakshmiputty Naidu should, either a petition or a Memorandum must be taken on the subject from the Vakeel, and the money be collected by the issue of a warrant, and held in deposit; that proper orders will shortly be received from Government; and that on their receipt, I shall communicate them to the Court immediately.

5. The Court said that as the Vakeel of the opposite party has agreed in the public Court, it (the Court) will allude to that circumstance in its proceedings, and that no separate written statement to that effect is necessary, and so began on that day to pen the proceedings. I at once presented a Memorandum to furnish me with a copy of the same. It has not yet been given to me. I shall submit it to your honor as soon as it comes to hand.

6. The counter-petition presented by Potturwar to the petition applying for warrant above referred to, came on also to hearing yesterday. The orders thereon passed have not yet been distinctly known. As soon as they are known publicly, I shall communicate them to your honor.

7. I further beg to state that I think it necessary to report the foregoing circumstances to the Government, and the Government Vakeel in the High Court, for their information. Please to consider this.

(Signed) T. PURUSHOTTAMAYA,
Government Vakeel.

(True Translation.)

(Signed) T. A. N. CHASE,
Acting Collector.

Submitted for the information of Government, with reference to the Order quoted by the Acting Collector.

No. 256. ORDER THEREON, 16th November 1865, No. 2,797.

Miscellaneous.

The Government await the Collector's further report, which they expect to receive in a clear, condensed form.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 2537-256

Recd 1865. Department
No. of 1865-1866

PROCEEDINGS OF THE BOARD OF REVENUE,
No. 3100

Dated 30th October 1865.

2537-256

No. 6,915.

No. 2537-256

Submitting for information letter from the
Acting Collector of the Kistna District report-
ing that the Guntoor Civil Court has rejected
the application to suspend further proceedings
in the matter of the transfer of the Decree in
Appeal Suit No 50 of 1861 regarding the Yasi-
redly estate, and promising to submit shortly
the information called for regarding the nature
of that Suit.

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