M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 3074 Press ~~Mis.~~

184. 185

Dated 20. 12. 1865.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 20th December 1865.

No. 184. Read the following Proceedings of the Board of Revenue, dated 19th December 1865.

Read the following letter from the Collector of Cuddapah, to the Secretary to the Board of Revenue, dated Cuddapah, 15th December 1865, No. 172 :—

21st September 1861, No. 5,118.
10th October 1861, No. 5,539.

1. With reference to the Board's Proceedings as per margin, I have the honor to enclose copies of Judgment and Decree passed by the Civil Judge of Cuddapah in Appeal Suit No. 100 of 1861.

2. The Decree was signed and sealed on the 25th July 1865, but copies were furnished to me by the Government Vakeel here on the 15th November 1865.

3. On the 16th November 1865, I was served with a notice of the High Court of Judicature at Madras, intimating that 28th November 1865 was the day appointed by the Court for hearing the Special Appeal* preferred by the Appellants against the decision of the Civil Judge in the regular appeal above referred to.

No. 489 of 1865.

4. As I had not sufficient time to pursue the regular course in the matter, I immediately requested the Acting Civil Judge of Cuddapah to obtain for me, from the High Court, two months' time, and he complied with my request; but the Judges of the High Court have stated that "I should apply for it in the regular way by the Government Pleader."

5. To save any further delay, I have this day requested the Government Pleader at Madras to move the High Court for two months' time, to enable me to obtain the Government sanction for the further proceedings to be conducted in that Court.

6. I much regret the unnecessary delay that has occurred in submitting to the Board copies of the Judgment and Decree of the Civil Court. Had the Government Vakeel here furnished me with copies of them immediately after the latter was signed and sealed, I might have transmitted them to the Board without delay. I have now instructed the Government Vakeel to be more careful and punctual in future cases.

7. It would clearly appear to the Board and Government, that the decision of the Civil Judge in the regular appeal is perfectly just and right in cancelling the decree of the Mufty Sudder Ameen in the Original Suit, as observed by the Board in paragraph 14 of their Proceedings, dated 21st September 1861, No. 5,118.

8. As I have nothing more to add in the matter, I have the honor to request that the Board of Revenue will obtain the sanction of Government to authorize the Government Pleader in the High Court to plead in the case, and to incur at the public expense any expenditure that may be incurred in the High Court on that occasion.

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1. Submitted to Government in continuation of Board's Proceedings, dated 16th December 1865.

2. The case illustrates the exceedingly unsatisfactory position of the public interests when involved in private suits, under the present procedure.

3. The Collector should call on the Government Vakeel to explain his delay in furnishing copies of the Decree and Judgment, and should himself explain why, on receiving notice of the Special Appeal being filed, he did not at once address the Board in view to the services of the Government Pleader being secured.

4. The Board are at a loss to understand for what purpose the two months' delay was needed.

No. 185.

Miscellaneous.

ORDER THEREON, 20th December 1865, No. 3,074.

1. Ordered to be communicated to the Government Pleader, in continuation of the Proceedings dated 19th instant, No. 3,063.

2. The Board will submit, as soon as received, the explanations called for from the Collector and the Government Pleader.

(True Extract.)

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

To the Government Pleader.
,, the Board of Revenue.

Exd. S. T. Augustin.

Rev: 1865 Deptt
Pro: of Govt for Decr
No. 3618

Proceedings of the
Board of Revenue

Dated 19
Desp. 19 } Decr 1865.
Recd 20

E. 2. O. Ret. No.

Submitting to Govt
with remarks letter from
the Collr of Cuddapah
forwarding copies of Judg-
-ment & Decree passed by
Civil Judge in A. S. No. 100
of 1861, and requesting to in-
-struct Govt Pleader to appear
in defence of Special appeal
No. 489 of 1865 preferred in the
High Court against the
decision of the Civil Judge.

No. 184 & 185

No. 3074 - 20 Decr

No. 3074

Ordered to be communicat
to the Govt Pleader in continuat
of the Proceedings of 19 Instant No. 3063

The Bd will submit a
soon as received the explanatio
called for from the Collr and
Govt Pleader.

I D S

20 Decem

Govt Pleader Dec 20 Decr
Bd of Rev