

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	218	Press
	430.431	~~MIS.~~
Dated	28-1-	1866.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
25th January 1866.*

No. 430. Read the following Proceedings of the Board of Revenue, dated 22nd December 1865, No. 8,276.

Read the following letter from the Collector of Tinnevely, to the Secretary to the Board of Revenue, dated 5th December 1865, No. 461:—

Adverting to my letter of the 18th ultimo, No. 438, I have the honor to forward herewith, copy of the Judgment passed by the Principal Sudder Ameen dismissing the suit filed against the Collector in the matter of the Vadagarai hills.

Judgment.

Original Suit No. 70 of 1865, on the file of the Principal Sudder Ameen of Tinnevely. Vanuvanalinga Thumberan.

Plaintiff by Vakeels.

Mahalingum Iyer and Kstnasamier.

Collector of Tinnevely.

Defendant by Vakeel.

Ramiengar.

1. The Plaintiff, who is the local agent of the Teruvadutorrai Mattam, sues to procure a declaration of the title of the said institution to a certain hill and the trees standing thereon, and to recover the said property, as well as mesne profits accruing since the commencement of this action.

2. The Defendant contends that the suit has been undervalued; that if properly valued, it will exceed the pecuniary jurisdiction of this Court, and that the hill belongs to the Government, and not to the Mattam.

3. The Plaintiff's Witnesses:—

1, Sankaralingum Pillai; 2, Subramaniya Pillai; 3, Pitchamuttukhon; 4, Subramaniya Pillai, and 5, Karumeninatha Pillai.

The Defendant's Witnesses:—

1, Alaghiri Naikkar; 2, Sothya Iyer; 3, Subbaroyer; 4, Peria Pillai, Subramanya Pillai; 5, Minatchinatha Pillai; 6, Ramasubramaniya Pillai, and 7, Pitcha Pillai.

4. The objection taken by the Defendant to the jurisdiction of this Court resolves itself into three questions:—

Firstly.—Whether the hill is Lakkiraj, or Malguzari.

Secondly.—If it be found to be Malguzari, whether the Plaintiff's valuation of it is reasonable and proper.

Thirdly.—If the second point be decided against the Plaintiff, whether the proper valuation is such as would place the suit beyond the jurisdiction of this Court.

5. The first question: the Defendant does not assert that the hill is Lakkiraj; but that the Plaintiff having represented it to be such in certain Revenue Proceedings is bound to value it as such in this action. The Plaintiff's Vakeel states however in reply, that the above description was erroneous, and that the property is in fact Malguzari. Under these circumstances, I do not think that I would be justified in treating the property as Lakkiraj. In short, the Plaintiff can very properly turn round and say to the Defendant "you have all along maintained that the property is Malguzari, if I am to be concluded by my former statement to the contrary you are also clearly bound by yours."

6. The next two questions may be conveniently disposed of together. The witnesses for the defence, who seem to have inspected various parts of the hill, extending over a space of several miles, for the express purpose of ascertaining both the quality and quantity of its products, swear that there are valuable timber trees, and that if felled and sold they alone would yield, at the lowest, Rupees 1,00,000. This evidence is corroborated by the Plaintiff's own witnesses. They say that they went up the hill by a foot-path, some four or five miles, and that the trees standing

*Proceedings of the Madras Government, Revenue Department,
25th January 1866.*

on either side of this path will alone be worth Rupees 3,000, or thereabouts. Now, if the trees about this small space can yield so much as Rupees 3,000, the value of those in the other parts of the hill must be considerably more.

7. Such is the result of the evidence produced by the parties. Now, let us adopt the following rough calculation, which is very favorable to the Plaintiff, and then see whether his estimate is anything like the correct one. According to his own showing, the superficial area of the hill is 180 square miles, which is equivalent to 55,75,68,000 square yards, supposing that there is only one tree for every two hundred square yards, the total number of trees covering the whole hill will be 27,87,840. These trees, at the very low rate of 2 Annas each, will be worth no less than Rupees 3,48,480. Making from this sum a liberal deduction of eighty per cent. for all charges there will still be a surplus of Rupees 69,696.

8. Under the circumstances explained above, I am thoroughly satisfied that the property in dispute is worth a great deal more than Rupees 10,000, which is the highest amount for which this Court can entertain a suit, and there will therefore be a Decree dismissing the suit with costs.
17th November 1865.

(Signed) A. P. STRENEVASSA,

Officiating Principal Sudder Ameen.

(True Copy.)

(Signed) A. WEDDERBURN, *Collector.*

Submitted for the information of Government, in continuation of the Board's Proceedings, dated 8th December 1865, No. 7,862.

No. 431. ORDER THEREON, 25th January 1866, No. 218.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,

Acting Under Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 8,276.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd December 1865.

Read the following letter from A. WEDDERBURN, Esq., Collector of Tinnevely, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 5th December 1865, No. 461:—

Adverting to my letter of the 18th ultimo, No. 438, I have the honor to forward herewith, copy of the Judgment passed by the Principal Sudder Ameen dismissing the suit filed against the Collector in the matter of the Vadagarai hills.

ENCLOSURE No. 1.

Judgment.

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Vanuvanalinga Thumberan.

Plaintiff by Vakeels.

Mahalingum Iyer and Kristnasamier.

Collector of Tinnevely.

Defendant by Vakeel.

Ramiengar.

1. The Plaintiff, who is the local agent of the Teruvadutorrai Mattam, sues to procure a declaration of the title of the said institution to a certain hill and the trees standing thereon, and to recover the said property, as well as mesne profits accruing since the commencement of this action.

2. The Defendant contends that the suit has been undervalued; that if properly valued, it will exceed the pecuniary jurisdiction of this Court, and that the hill belongs to the Government, and not to the Mattam.

3. The Plaintiff's Witnesses:—

1, Sankaralingum Pillai; 2, Subramaniya Pillai; 3, Pitchamuttukhon; 4, Subramaniya Pillai, and 5, Karumeninatha Pillai.

The Defendant's Witnesses:—

1, Alaghiri Naikkar; 2, Sothya Iyer; 3, Subbaroyer; 4, Peria Pillai, Subramanya Pillai; 5, Miuatchinatha Pillai; 6, Ramasubramaniya Pillai, and 7, Pitcha Pillai.

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17th November 1865.

(Signed) A. P. STRENEVASSA,
Officiating Principal Sudder Amin.

(True Copy.)

(Signed) A. WEDDERBURN,
Collector.

Submitted for the information of Government, in continuation of the Board's Proceedings, dated 8th December 1865, No. 7,862.

(True Copies and Extract.)

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

Secretary.

Copy to A. Wedderburn, Esq., Collector of Tinnevely.

Exd. R. H. Lee.

14. To the Board of Revenue, Dec. 26/65

PROCEEDINGS OF THE BOARD OF REVENUE,

No. 61

1865.

Department

Dated 22nd December 1865.

20th Dec. 1865
22nd Dec.

No. 8,276.

Submitting for information letter from the Collector of Tinnevely forwarding Judgment passed by Principal Sudder Amin in O.S. No. 70 of 1865 for recovery of the Vudigam Hills.

RECORDED.

15 Dec/65 No. 1173

15 Dec/65 No. 1173

12.30.4.31

20th Dec. 1865