M.R.O. 14-5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 489 Press ~~Mis.~~

446-447.

Dated 23-2-1866.

Not to be folded or roughly handled

No. 446. Read the following letter from S. RAMANOOJA IYENGAR, Mirasidar of Kurrippenkulum attached to Punikulum, Talook Tenkaray, in Tinnevelly District, to His Excellency the Governor in Council, Fort Saint George, Madras, dated 6th January 1866 :—

In consequence of not having received the justice from the Government for the Petition No. 2,385 of 1865, lately submitted to Government, the Petitioner humbly forwards herewith this appeal Petition with the documents of decisions in triplicate, referred to, prays for submission to Her Most Excellent Majesty the Queen of Great Britain and Ireland, &c., &c., &c.

For which act of justice and benevolence the Petitioner as in duty bound shall ever pray.

No. 447. ORDER THEREON, 23rd February 1866, No. 489.

Miscellaneous.

Ordered that the Memorial received with this letter be forwarded to the Secretary of State, and that intimation of the same be given to the Memorialist.

(True Extract.)

(Signed) J. GROSE,
Acting Under Secretary to Government.

Exd. S. T. Augustin.

238 of 65
Kist
5/10

His Excellency the Governor in Council

~~Fort St George~~

Madras

The humble petition of Sathiriyanam Ramanuja Iyengar moniagar of Kuniyamkulam attached to Poonikulam in Tenkarai Talug of the zillah of Tinnevelly -

Respectfully Sheweth

I. The Poonjah land comprising 5 & chavo in Nos 2607 and 2608 of the Poonikulam Kiramam forming a part of the Patteiondo Kiramam of Kuniyamkulam as shewn in the Aiyacut accounts of 1863 and in the B Register has been cultivated by him and his parteiro from before the times of Fasly 1211 and from Fasly 1241 upto Fasly 73 for which he is paying Peishwash to the Government, and is described in connection with the name Kiramam; which is prayed to be exempted by order No 4945 dated 1st November 1864 passed by the late Collector Mr Silver. The order of the Collector not having been cancelled by the Revenue Board, the Petitioner presents this appeal accompanied with the documents of decision referred to.

II. The late Collector presents in his order submitted herewith by the Petitioner cultivating the land in question some false grounds for having included in the measurement of the bed of the Kulam. The land in dispute is part of Uddayankulam. The land in dispute is not included in the measurement of the bed of the Tank as will clearly appear by the following reasons set forth in the petition No 3859 of 1864 written by the Board -

(1) This order does not take into notice his disposition wherein he has brought the ayacut to a certain of Uddiayarkulam (measured by pouring out the eight directions) as an enclosure.

(2) The Circular order referred to in the order of the Collector has no connection with the Poonjah in question attached to the adjacent Reramanam.

(3) This order is in flat contradiction to the manual Custom based on all the orders of the late Collector who issued the same, and those of other Collectors, which direct not to take the total measurement of submerged lands in Tanks but the measurement of the next field to be the correct one and the lands belonging to adjacent villages situated in the bed of Tanks to be cultivated, and on the decisions of Civil Courts.

(4) This dispute relating to this Poonjah ayacut for more than 100 years is a deviation of the rule of limitation which prescribes not to admit any complaint against lands enjoyed more than 12 years.

(5) The Government is to take justice in preference to the amount of income into consideration.

(6) This has superseded the Regulations which prescribe the party who is not satisfied with the decisions of the Revenue Authorities to seek redress by Civil Courts.

(7) His behaviour of the opponent opposes his own dealings; for the very opponents the owner of Uddiayarkulam who objects to cultivate in this disputed Poonjah where waters would be at the height of ½ yard, cultivates in the bed of Tenkarai Tank where waters are at the height of 2 yards.

(8) If in compliance to the order of the late Collector No 402 of 45, the new Bank of Uddiayarkulam Tank lie taken, water would not remain in the disputed Poonjah.

III The Petitioners forwarded to the Board and returned in line 2 with Endorsement by the Talug was not delivered to him for 8 months would appear by the Endorsement of the Petition No 2458 of 65 herewith submitted. This delay more or less proves the Talug officers are concerned with the opponent.

IV The Petitioners humbly prays the Government to peruse the petition and the Documents enclosed herein and order the Petitioners to cultivate the Poonjah in question which greatly benefits the maintenance of the Petitioners family in which acts of justice and benevolence the Petitioners as in duty bound shall ever pray.

16th October 1868

deration of the circumstances stated therein the collr's order may be reversed & he be permitted to cultivate the said land.

No 2385 of 1865

Government see no reason to interfere.

Fort St George 8th Novr 1865

By order

J. Wyle

A/g Under Secy to Govt

No 2385 of 1865.

From S. Ramanuja Ayyan Inamdar of Karuppam Kudam attached to Pommikudam Tenkasi Taluq, Tinnevelly.

Dated 10th October 65

Rd 21 "

Three Enclosures.

Appeals against the enclosed endorsement of the Board of Revenue confirming the order of the collr herein enclosed preventing petitioner & others from cultivating certain land measuring 8 5/8 chains forming a part of the petitioner's village Karuppam Kudam in the Ayacut account of 1803 on the ground that it is included in the bed of the Tank of Kadayanallur Kudam that the land is in his enjoyment from Fasli 1211; that the said order was passed on the false report of the Taluq officers who joined the side of his opponent.

Prays that on the perusal of the Board's petition & on consi-

to the Board's Endorsement in petitioners No 3859 of 1864." A Copy of the petition is submitted herewith.

As the land in question is not only entitled to in the present year, as well as in the last year, the petitioner and his partners are greatly damaged, and the Government revenue unnecessarily

Therefore the petitioner humbly prays the honorable Board to give an order for the petition No 3859 dated 18th November 1864.

For which act of justice the petitioner shall as in duty bound ever pray.

Received 18th August 1865.

Collector's Office

Petition of Ramasawmy Moodelliar & Ramasawmy Pillay praying for an order on the petition No 3859 of 1864.

Petition No 3859 dated 18th November 1864.

Petition No 2334 dated 18th August 1865.

4446-447

First Sheet

J. T.

Duplicate

1145-2

No 3859

To the Honourable the Presidents and Members of the Board of Revenue

The humble petition of Sultan Sahan Marikar of Kurunegala

Respectfully Sheweth

That your petitioner is the owner of the Pooniyalo land containing 3½ Lms in Nos 200 & 201 D of the Poonichchan Kiramam forming a portion of the Kiramam of Kurunegala Nuwarakalawiya as appears by the Records of Accounts of 1803 and in the 13 Register; has been cultivated, enjoyed by him and his predecessors from before the time of Tooly 11 to Tooly 71, confirmed by the Declarations and the Receipts paid by them to the Government at the Tooly 73.

That in the investigation of the complaint which was recently brought to the notice of the Collector as if the said lands under dispute formed the Submersion of the lands of Nidagamkulam, the Petitioner Represented and referred to the Nidagamkulam Register and Accounts confirmed by pointing out the Eight Sheets of Cadjan which the said land in question forms the Kiramam of Kurunegala Nuwarakalawiya in the Pattu - Wise Commencement with the Submersion of Nidagamkulam

That the Collector gave his recommendation for the disposition and the said Accounts upon his order No 494 dated 15th November 1804 of the land in question forms a

part of the Ayacatoo - accounts of both the Kiramanes, Consequently he and his partners could not cultivate. This order of the Collector being contrary to usage and damageable to them and his partners the Petitioner Submits this appeal accompanied with a Copy of the said order.

2) By multiplying the length and breadth of any land, the area is obtained. If the boundary of a place be crooked and curved, the measuring of it along all its windings in length and breadth must be termed only the North - South and East - West measurements according to this Country usage.

The lands in submersion in question lie within the opposite lands of Uddayarkulam, whose bank is curved and has many windings in the direction of Vairoo (East) and Agni (West); it is taken in one measurement in the Ayacatoo accounts. It is to be understood the measurements along the windings of it in the direction of Vairoo (East) and Agni (West) to be termed East - West measurements and the measurement along the windings of it in the direction of Yamu (North) and Eesan (South) to be termed North - South measurements. This way of measurement will suits with the area of the tank. The land in submersion as said in the measurement to reach the road which was north of the litigated Poonjah. At the time the said land in sub-mersion was measured on 7th August 1803, the tank of Uddayarkulam and the Nanjahs connected with it, formed one measurement (measured by pointing out the eight directions) and is said to be bounded on the south by the Madathu Poonjah under litigation and Uddayar Kulam to be situated to the north of this Poonjah. In the measurement of 7th August 1803 the Poonjah in question and the Poonjah to the east of it are considered as one Poonjah; sub-divided into 3 parts and measured with Kuruppan Kulam. Of these 3 sub-measurements, the one measurement

in the East not being objected to, subject to the provisions the objection about the Mear has also evidently grounded also the above mentioned Accounts the difference existing in the measurements of the Appeals the long enjoyment of the Petitioners and the calculation made in the Lands in dispute in proportion to the Lands of Pentirary where in the water would be at the height of 2 yards by this very respectable witness objected to the Calculation as in dispute in his deposition, hence the Inspection could neither referred nor reconciled. The Surveyor and the Collector did not try to find out the above remarks left out by the Inspector, but gave an order passed in the self-opinion of the Inspector who ~~made the~~ the Lessors of Uddagarh Cudeeram Kiranam.

3). As the Complaint the ownership of Uddagarh Lands now in dispute for was joined in measurement with the Lands in dispute with the Lands of Uddagarh and Lessors the Petitioners ancestors for many years by the Petitioners ancestors for many years to enjoy annually to be registered in their name and to pay tax to the Government for 40 years from July 1235. The Collector decided thereby the rule of limitation which prescribes not to admit any Complaint Lands enjoyed more than 12 years.

4. A similar Dispute occurred respecting certain Lands to the Moodelmoly Sub-Messoom Agraharam and Nattacherium Nungalo Agraharam when the Collector issued an order No 407 of 64 to the Ryots, decided in favour of those who argued on the basis of Nattacherium Agraharam in accoun

of their enjoyment for five years, on the conclusion the entire measurement of Sub-mersion is not well ascertained, though the said land was included in the Ayacatoo Accounts of both Kiranams, but he has not followed the same course in the Petitioners case.

4) It is usual in Poonjahs to cultivate one part in one time and another in another time, according to 4 chains of land in this Poonjah have been brought under cultivation. But as waste lands in fields were taxed the whole land was cultivated in Fasly 78. This is mistaken to speak such as an objection in the order. The Jamabundy of Uddagoor Kulum and Kurruppankulum being one the dispute respecting fixing boundary stones by the Demarcation Department was decided, and the Poonjah in question was remarked in his favour, and the land registered thereof is entered in the name of the Petitioner and his partners; which fact the Collector acknowledges in his order, yet acted in contradiction to it. This is quite disagreeable to the rule which directs those who are not satisfied with the decision of the Demarkation Department six months, to have redress by Civil Suit.

5) The land which before was disputed by the owners of Vaipangoolam and Uddagoorkulum was for a long time waste land. An account of its cultivation in Fasly 78 only; a dispute ensued when an order was passed in year 45 that the land could not be cultivated. An other order No 402 of the same year 45 was issued quite in flat contradiction to this, directing the banks of the Uddagoorkulum bank to be taken as the cause of Sub-mersion in the disputed land of Vaipangoolam. The first order is not at all

applicable to the land now under litigation, enjoyed by the Petitioner and his partners, without any objection for 18 years from that year 45

6) The owners of this Uddagoorkulum Kiranam have cultivated in the Submerged lands of Tenkaray where the water would be 2 ydo high and whose Benig amounts to more than Rs. 20,000, and have the tax remitted to them for Fasly 72 by reason of its non-cultivation on account of Submersion. Notwithstanding all this, their objection to the cultivation in this Poonjah as submerged is vain as is shown in the Petitioners deposition. The order omits to mention at least the cultivation made by the owners of Uddagoorkulum in the Sub mersion of Tenkaray where the water would be 2 ydo high and which is situated below 2 ydo only high and therefore it could not be cultivated. These acts of the owners of Uddagoorkulum are opposite to each other, countenanced to cultivate in places where water is 2 ydo fine and prevent to cultivate in places where water is at a little rate. In this manner there could be discovered in both respects We are led to conclude the influential gain in the and the justice of the Government diminishes.

7. In the dispute between the owners of Cadangoolam and Courthakulum respecting Sub-mersion, a decision has been passed in the appeal Suit No 120 of 1854 of the Civil Court of Tinnevelly to cultivate in such places and not to let more water in Sub-merged Poonjah, which is confirmed by the special appeal. A complaint is at present

[illegible] on in the Collector's office regarding submerged waters of tank [illegible]. In accordance to the proceedings under the order No 402 of 45 above mentioned, the water would not at least submerge on the Western [illegible] legislation if the newly built bank of Uddayar Eulam the Eastern off.

2. In the submersion of Coddampiddy tank are situated the Kiramams of Padamanady and [illegible]. The people want to the abatement of submersion as cultivate there in and pay a large amount to the Government. When a similar dispute on the tank took place between the owners of Kamangoolam and Nemmaray though the disputed land was [illegible] the Nemmaray by accounts under the denomination of Edamcadu for the Kamangoolam [illegible] is cultivated at the time the water abates in accordance to the order of the late Collector. 25-5-05

The submersion of Vellaar tank overflows usually the Kiramam of Veera Rapary and reaches the road in the middle of the above submerged places there are included Puramboke of "Veerakapary" and "Cullay" which there [illegible] the height of 8 feet, are cultivated at the time [illegible] Kiramam, an order No 478 of 37 was issued with directions to cultivate lands in the Eyara [illegible] other Kiramam and what land becoming cultivated

There are other proceedings relating to the Coddampiddy tank submersion measurements for every tank is not correct the right measurement of the water land in fields is to be considered the lands and lands in submersion belonging to Nadu villages may be cultivated, and there are in accordance to manual. Poonjah is not included in the submersion measurements and there would

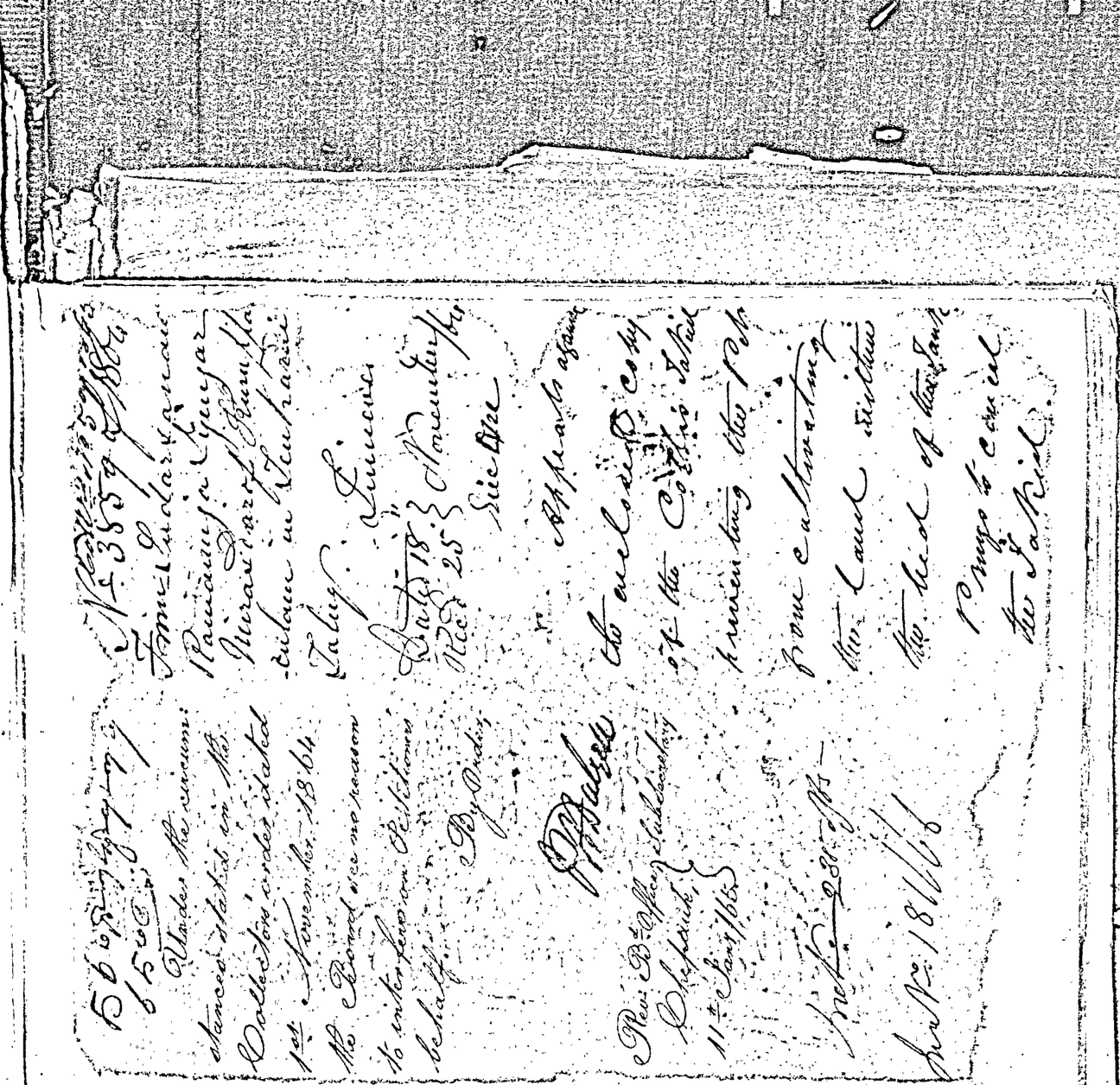
not decrease even a little quantity of water in the tank of Uddayar Eulam tank be taken in compliance to the order of 45. An order to put a stop to cultivation in this place is contrary to country usage.

3) The order speaks the Berij of the litigated Poonjah to be left and that of Uddayar Eulam to be more. Hence quantity rather than justice is considered. If this be the case, the petitioner is ready to pay Rs 400 in extra to the Rs 800 the tax of Uddayar Eulam were the Uddayar Eulam Kiramam can be put in his possession. If thus he may possible how can he be damaged by letting his Poonjah uncultivated for another's benefit. How do the owners of Uddayar Eulam are now damaged while they possess & reserve no damage by long cultivation.

This a mistake & plain to be damageable and to apply to the Circular order, whose objects to collect flappy only in submersion and not included in the measurement of other villages to the Poonjah in which also allowed to the Pallichandy adjacent

The Petitioner therefore humbly prays to annul the Road of the Collector which is issued in contradiction to all Processings connected with this & pass such other act & order as may be [illegible] and [illegible]

Petitioner



Nº 3854

Samuel Vedder Esquire

Paid Warrant in favour of

Nicholas Romaine

Esquire in Full for

Salary

Quarter ending

the 25th December

1784

Sic Attest

Nicholas Romaine

Clerk

Auditor General's Office

1st January 1785

Received from the Auditor General's Office the Warrant No. 3854 for the sum of Fifty pounds in favour of Nicholas Romaine Esquire for Salary for the Quarter ending the 25th December 1784

Nicholas Romaine

Dollars 50

Witness my hand this 1st January 1785

Samuel Vedder

Deputy Secretary

Nicholas Romaine Esquire

Salary

Quarter ending

25th December

1784

Sic Attest

Nicholas Romaine

Clerk

Auditor General's Office

1st January 1785

Received from the Auditor General's Office the Warrant No. 3854 for the sum of Fifty pounds in favour of Nicholas Romaine Esquire for Salary for the Quarter ending the 25th December 1784

Nicholas Romaine

Dollars 50

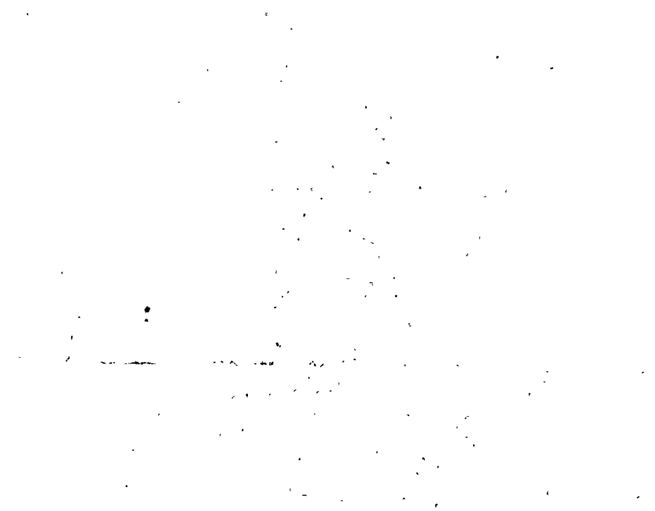
Witness my hand this 1st January 1785

Samuel Vedder

Deputy Secretary

No. 795.

11452



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1145-1

Reported to England
Dy 23rd February No 1 of 66
Land Revenue

No 446 & 447

Received
No of Petition Dy 436
Pearumal Ramanoo
Iyengar, Inirasa
dar of Turrippen
Kulam attached to
Punnakulum, Taluq
Tenkarai in Tinnevelly
District.—
Date 6th February 1866.
Rec'd 8th Feby 1866.
With 16 enclosures.

Being dissatisfied with
the order of Govt passed
on his former petition
No 2385 of 1865 prays to
forward the enclosed Re-
morial in triplicate
to the Home Authorities.

No 489 28th Feby
With an Order

Dy 436

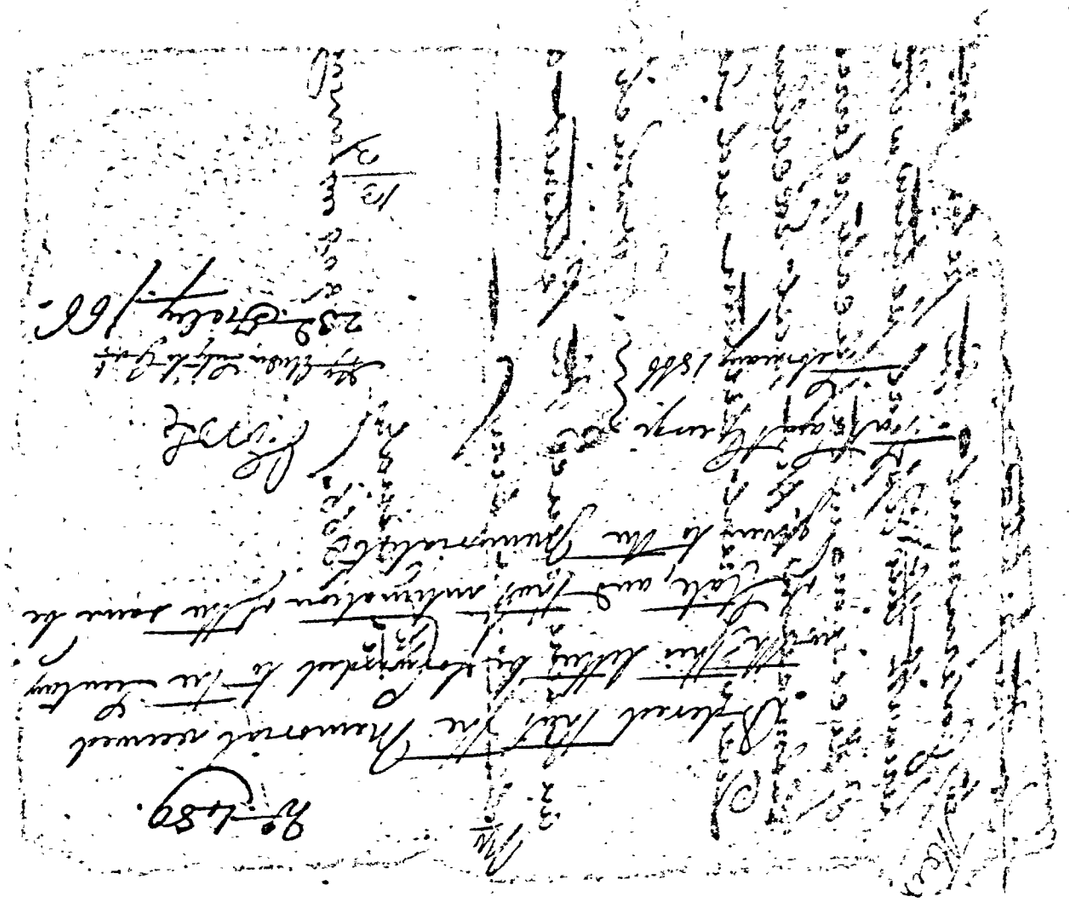
181
15-1-66
Petitioner's Memorial

To
His Most Excellency the Governor in Council
Fort St George
Madras

The humble petition of Pudur Sumuni Ramanoo Iyengar Inamdar of Turrippen Kulum attached to Ponnakulum in Tenkarai Taluq of the Zillah of Tinnevelly

Respectfully Sheweth

In Consequence of not having received the Justice from the Government on the petition No 2385 of 1865 latterly submitted to Government, the petitioner humbly forwards herewith this Appeal petition with the documents & decisions in triplicate referred to, prays for submission to Her Most Excellent Majesty the Queen of Great Britain and Ireland & &c &c &c

which act of Justice and thereby relieved the Petitioner as in duty bound Petitioner prays

6th January 1866.