M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT**

G.O. No. 1691 Press ~~Misc~~

384-85
Dated 16-6- 19 1868

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
16th June 1868.

No. 384. Read the following Petition from MANGADAN VITTIL KANNAREN, residing at Tellicherry, Northern Zillah, Malabar, to the Chief Secretary to Government, Judicial Department, Fort St. George, dated Tellicherry, 17th May 1868:—

1. That your petitioner, the late Tahsildar and Sub-Magistrate of Cherikel talook, having petitioned to your Lordship's Government relative to his dismissal from that office by the order of the Revenue Board, and received an answer declining to re-consider his case, feels now anxious to lay his sad case before the Secretary of State.

2. That your petitioner has been given to understand that all petitions to the Secretary of State are to be submitted through your Lordship's Government, he humbly takes the liberty to submit, herewith, his petition duly signed, and its accompaniments (with their duplicates), and humbly trusts that your Lordship will be graciously pleased, out of compassion to him, to forward his petition with its accompaniments to the Secretary of State for India.

And your petitioner as in duty bound shall ever pray.

No. 385. ORDER THEREON, 16th June 1868, No. 1,691.

Miscellaneous.

Ordered that the Memorial received with the foregoing letter be despatched to Home Government, and that the Memorialist be informed of its despatch.

(True Extract.)

(Signed) H. SEWELL,
Acting Under Secretary to Government.

Exd. S. T. Augustin.

To,

His Excellency The Right Honorable The Secretary of State for India London

The humble petition of Mangaden Vittil Kanaren residing at Tellicherry Malabar, Madras Presidency

Humbly Sheweth,

1st That your humble petitioner begs with profound respect to lay before your Excellency this his humble petition with enclosures shewn in the margin marked from I to IX in the humble confidence that the facts of petitioners case will be thereby evident to your Excellency

2nd That your humble petitioner was an Uncovenanted Civil Servant, that is Tahsildar & Sub: Magistrate of Chiefdel Talook North Zilla Malabar, within the Presidency of Madras.

That according to the report of the Collector of the District the Board of Revenue Madras ordered petitioners dismissal from his appointment on the 12th March 67

That petitioners appeals therefrom to the Madras Government will appear to your Excellency to have met with no redress whatever they having been rejected on the 9th July 68 & lastly on the 23rd November 67.

3rd That petitioner now begs to state that in order to his dismissal from the service, the charge laid against him (Petitioner) who had all along striven to discharge his official functions with honesty & integrity to the satisfaction of all Class in general without incurring any bad repute

I. Paltom & Kunjet Kanom case the origin of petitioners charge.
II. Copy of the deposition of Kolkat Uneri Pani Ketuvoko obtained the document.
III. Copy of deposition of Mayon Kunhy Ramen Nair, who is supposed by Collector to have been unconvenienced by petitioner.
IV. Copy of the Collectors report.
V. Copy of the proceedings thereon from the Board of Revenue.
VI. 1st Government order on petitioner's appeal from Boards proceedings.
VII. Last petition to Government.
VIII. Last order thereon from Government.
IX. Copies of petitioners credentials certifying as to his honesty & integrity.

reputeris as follows.

That petitioner connived at the execution of the document marked I (shewn in the margin) got up by the deponent in the document marked II. Enclosure nos. I and II.

That even this it may be observed nobody has made a matter of complaint against Petitioner. That one Moyan Kunhy Ramen who is supposed to have been maltreated made no statement to show that he had been thrown into disgrace or inconvenience by Petitioner; this will be apparent from his (Kunhy Ramen Nairs) own deposition No. III shewn in the margin. That it may also be moreover observed that the enquiries & examinations as far as they were conducted were so done in the absence of petitioner; but nevertheless there was nothing in the shape of evidence found against petitioner all that had been relied upon afterwards was mere assumptions. Independant of the above it would appear that the Collector furthermore overlooked the principles which regulate the reception of evidence & notwithstanding all this it may be observed that the Collector after mature consideration of the case was not sure whether any blame attached to petitioner. This will be seen by para 9. of the Collectors letter No. IV. of which however the most important portion runs thus. Enclosure marked III and IV.

I do not feel clear as to whether the Tahsildar was or was not cognizant of the transaction.

It will appear by para 11. of this letter, that the Collector, and by the 2nd letter of the Sub: Collector, that the Sub: Collector also expressed in strongest term their opinion as regards Petitioners characters good conduct.

4th That petitioner begs with deepest regret to state that the fact is the nature of the case being such petitioner now most submisively begs that your Excellency will be so gracious to see whether any connexion or consistency exists in the enquiry made in the opinion formed & the conclusion drawn against petitioner. The inconsistencies & injustice will be apparent to your Excellency by the records themselves.

5th That as petitioners sad case will be fully borne out by petition No. VIII (herein enclosed) which embraces a full detail of the circumstance of his case Petitioner therefore for fear of trespassing upon your Excellencys valuable moments & thereby incurring your Excellencys displeasure brings this to a narrow compass & prays that your Excellency will be pleased to read the whole of his petition No. VII. No. VII. Petition to Government

6th That petitioner had from his younger days entered the Judicial & Revenue line, that he held appointments invariably in those departments that he passed an examination on Law, that he practised as a pleader and that at length was appointed to the alleged post of a Tahsildar which function he always discharged with honesty & integrity. Vide testimonials marked II.

That such being the case it is a matter of no little regret that a public servant of your Excellency of petitioners standing should have been needlessly thrown into disgrace upon such groundless affair which has been wholly contrived & fostered by the evil machination of some of petitioners enemies.

That your Excellencys various orders have been especially in petitioners case, clearly infringed by the local Magistrates.

7th That lastly under the strongest confidence that your Excellency will not leave unpunished any fault coming within your Excellencys observation and that on the other hand your Excellency will afford redress where such concession appear to your Excellency to be highly deserving petitioner humbly begs to lay

this

this his sad case before you, and finally implores that your Excellency will be pleased to take his deplorable case into your Excellency's Kind consideration & redress the injustice he has suffered at the hands of the local authorities, & thus protect petitioner's character & life.

And your Excellency's Petitioner,
as in duty bound shall
Ever pray

Mangaden Veettil Kannaien

Tellicherry
17th May 1868

1.

Kuyikanom and Pattom Deed executed by Cherukunnath Moyon Kunhi Kannen Nair to Kolatta Unnary Panikar residing at Nadiry Mangalom Ummp=-om Deshom Valuvanad Taluk on the 5th Medom 1037. 16th April 1862.

That having this day received from you a Katchit (counterpart Deed) Shewing that I have given you for 12 years this date on simple lease and Kuyikanom my property, Paral Madom Paramba with the land thereon, and Vadakana house situated at Trichamaram Deshom on condition that you should enjoy the same and payone annually a (Pattom) rent of 8 Rupees, I do hereby authorize you to live in the aforesaid house, to manage, the above mentioned Paramba &c., and to make the (Kuyikanom) improvement, subject however to the Condition that you payme on the month of Magarom and Chingom as had been agreed upon between us for the term of years above adverted to the annual rent of Rupees Eight, receiving from me on its payment a receipt (Muri) to that effect. That further I also agree according to usage obtaining here to pay to you the value of improvement which you may in future make excluding those now standing in this Paramba. / and that I also agree to build and before a year to finish building the entrance door (Paddi Pura) now lying to the east of the aforesaid Paramba without giving, or thereby Causing any or whatever annoyance to the house therein / I also further declare that a transfer of this Kuyikanom Deed to any other person if effected, has been agreed upon to be considered as null and void. Witnesses-

Kannengath Raman Menon. Thendakara Ramn.
Written by Attiomannil Raman Unni Nair.
(Signed) Moyen Kunhi Raman Nair.

Witnesses.

(Signed) 1. Raman Menon.
(d) 2. Raman
(n) 3. Clerk Chamu

(True copy) (signed) A. Macgregor.

Mangadan Vittil Kanaran

II.

Deposition taken from Oonary Damodar Native of Nidunganad Talnk and a peon employed in the Cherikel Talnk since 4 years.-

3rd Gomastahs house is situated as my own is in the Nidunganad Talnk, they are not in the same Amshom Deshom.

The Parah Madom Paramba in Thrikkanaroon was given to me on Kuyikanam by Moyan Kunhi Raman Nair, and to its former tenant on Pattom.

Kunhi Raman Nair told me that he was unwilling to give the property on Kuyikanam to the former tenant, as the latter brought an action against him / This was told me from the yard of Tahsildar's house, and the Tahsildar was then inside.) The Tahsildar said nothing about it to me.-

About 25 or 30 days after I returned the Kuyikanam Deed obtained from Raman to Adhitheripart and got from him the Maruphatom (Counterpart Deed) I executed to Raman this transaction was of no use to me.-

Question.	Answer.
Why did you enter into this transaction ———	It was done with the intention that I might cultivate the land of 200 Dongalies of paddy and thereby provide for my own consumption.

I restored this Paramba as the former tenant offered eight or ten Rupees rent more. I have offered but 5 Rupees. The higher rent was offered at the time

when I received the Deed from the Tahsildar's house Raman told me, that he would not let the property on Kuyi Kanam to Krishnan as he brought the action against him.-

I told him that I will not give him Eight Rupees rent but 5, Raman told me that I should manage for a short time, and that if he did see the produce worth below that sum that he would lessen the rent. I assented it, and the Deed was then drawn up in my name.-

In that very instant when I asked Krishnan to make over the paramba and house to me he objected, and did not do so. The 3rd Goomastah lives in the house. It was 2 months after I obtained the Deed that I returned it to Adithiripad. This was asked, and got back from me by him (adithiripad) who said that the property was given on Pattom to the former tenant.

(True Translation)

(Signed) G. A. Mosgregor
Acting Joint Magistrate.

Translated by
Mr. Chandoo.
Clerk.

Marugadom Vittil Koman.

Jnc No. 2737/67

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III.

The Deposition on solemn affirmation of Moyan Kunhy Ramen aged 28 years residing at Cherukunu Deshom, Kannapoora Amshom of Cherikel Talook taken before the Acting Joint Magistrate of Malabar.

In obedience to the direction of a Summons I reached Tellicherry yesterday from Guruvayur in Chowghat Talook when I heard that a warrant for my apprehension was issued. Conceiving that in the event of the execution of the warrant, I might be dishonestly treated, I myself appeared before the Sub: Magistrate of Cherikel Talook on 4th or 5th Midhunum, 2 or 3 months ago I was released the next day, & I proceeded to my house; on the day that I followed I started to Guruvayur where I performed my nuptial Ceremonies. After 1/2 months I went to Cherukunu, stayed there for 4 or 5 days, & then returned to Goduvayur. I did not go to that place since 6 or 8 months ere this Complaint was brought against me. About a month after this prosecution against me, I received on Kanom right for 20 years a paramba called Peral Moda from one Adithiripad I let the same to one Uneri Panikker on Kuye Kanom for 12 years on the same day I was released by the Sub: Magistrate, not so, it was before my release. Originally I purchased this paramba with intention to build a house therein for lodging on my way to the temple. The question was again read over.

Wararakot Thirupad & I were friends; hence we repaired to the said peremba, when we went to visit the festival of Thrichambaram Kovilagum. As I proceeded to the place, one Collatil Ramen Nanoo who resides in the peremba ridiculously told me that there was no room for me there, that there were too many persons & that I should retire, I then accordingly retired. The next day I said to Adithiripad that if you would but make over the peremba to me I would cause a house to be built therein, in which we could both live. I intend to oust Ramen Nanoo who is a Munshi in the Talook. I have before disclosed to my friends, my intention of going there before I could be called by the Talook without causing fear to those who live there of taking off the house in the Paramba & of building another

another in its stead for living in. I conceive that on this account the complaint was preferred against me. As Ramen Manon is a Munshi of that Talook Kutcherry I have not represented the said matter to the Sub: Magistrate who I apprehended would have been aware of the facts I expressed my permission to Ramen Manon to alienate the compound to Oneri Panikker on Kuyekanom for 12 years Ramen Manon was present when I appeared in the Tahsildar's house, Ramen Manon told me that he would cause the complaints to be withdrawn, or my transferring the compound in the name of a man of his (Ramen Manons) namely Peon Oneri Panikker. The Tahsildar knew about the execution of the deed I granted the said after perusing the same that it would be sufficient. I can swear that I saw him take the deed & I heard him say that it would be sufficient. All the conversations which took place for bringing the case to a conclusion took place in Tahsildar's house & not from elsewhere. One Katari Illialatha Kumboodry, who was there among st some others present recommended that the case should be properly settled & not otherwise. In lieu of this paramba I have made over a land to Adithiripad on Jenmum worth 500 Rs. It would be of no use that I should keep the deed of the paramba while it is under a Kuyekanom right for 12 years. For that purpose Adithiripad sent a person to me to Guruvayur, but I returned the same. Subsequently by the deed which I executed on the land worth 500 Rs. was received back.

Copy of the Document A.

Read over to the witness. What I heard just now is the contents of the deed I executed before my release by Tahsildar. I caused this to be written by a young Goonastah of the Kutcherry. Immediately I paid to Oneri Panikker Rupees 42, being price of the house raised by Ramen Manon, a Receipt on stamp in the hand writing of the said Gumastah to which the Talook Police Moonshi Kanniat Raman Manon & Theendakara Ramen were witnesses. I delivered already that receipt to Thiroopad who gave me the money. I did as above, to make it that Ramen Manon should possess no right to or interest in the Paramba. Read over to the witness in a language which he understood namely, Malayalem & acknowledged by him to be correct 16th August 62.

(Before Prisoner 21st August)

The document marked C shown to the witness.

The document shown is the receipt granted by Collatil Ramen Manon for the money I paid. This receipt Ramen Manon delivered to me & received it back from the Talook as I paid no money at the time. Afterwards Oneri Panikker brought the receipt in my house and received money. Collatil Ramen Manon stated that he had nothing to question.

21st August 1862

(Sd.) Macgregor
Joint Magistrate

True translation

Mangaden Veetil Kannaren

IV.

In No. 2737/67. La Nadi, 16th April 1863.

No. 72

From

G. A. Ballard Esquire.
Collector of Malabar

To

W. Huddleston Esquire
Secretary to the Board of Revenue
Fort St. George.

Sir,

I have the honor to bring to the notice of the Board that in August 1862 Mr. Macgregor found it necessary to dismiss O. Ramen Manon Talook Goomastah of Cherikel on charges 1st of abetting a false charge and 2nd in using his influence as a public servant in obtaining from the individual in custody on the said false charge a lease of a certain garden in favour of his (the Gumastah) dependant.

2. I approved of Mr. Macgregors sentence in the case.

3. The enquiry tended to throw such grave suspicion on the conduct of the Tahsildar that he was suspended pending further investigation. Mr. Macgregors absence on a months leave caused some delay. The Tahsildars persistant refusal on the plea of ill health to appear to answer to the charges delayed report. At last written charges were put & answered by him. He requested that opportunity might be given him to answer Mr. Macgregors final report. He was allowed to take copies. but an attack of small pox appears to have delayed his reply which was only received a few days ago. I mention this to explain the delay in submitting the case for the Boards consideration.

4. I beg to submit original documents as per list accompanying & to request that they may be returned when no longer required.

5. The principal points of the case may be briefly stated as follows.

6. The 3rd Gumastah of Cherikel occupied a house belonging to a great land lord of that Taloth. One Moyan Kunhy Ramen, also a man of influence had or conceived himself to have been insulted by the Gumastah & got a 20 years lease of the said house and its garden, with a view to oust his enemy the tenant of the house. The Gumastah therefore instigated the occupant

occupant of the garden to bring charge of illegal confinement & forgery against Moyan Ramen above said.

The charges were brought before the Tahsildar. The latter charge was immediately abandoned but a warrant under section 327 Indian Penal code was at once issued against Moyan Ramen on the first. Before the warrant was served Ramen surrendered was kept the day at the Tahsildars private residence (where that officer was holding office on account of indisposition he states), executed a deed surrendering his lease of the premises nominally to one of the Talook peons but as circumstances clearly indicate really to the Gumastah, & was released the same after noon.

7. Now the conduct of the Sub: Magistrate in issuing a warrant without preliminary enquiry even if well intended was culpably injudicious. There had been an unaccountable delay of 6 or 7 days on preferring the charge, though prosecutor lived in the Kasba.

Half the charge was dropped immediately after it was preferred.

The evidence prosecutor stated he could bring would have been insufficient of itself to have convicted the defendant.

The facts alleged amounted to no more than an offence under Section 347, Indian Penal Code, in which summons should ordinarily issue.

Yet a warrant was issued forthwith.

The Sub: Magistrate remarks in explanation are principally that the privisions of the law were new & that differences of opinion may exist.

They are to me utterly unsatisfactory.

8. The next point is whether the Tahsildar was or was not aware of the execution of the deed?

This he strenuously denies. Yet Moyan Ramen swears the Tahsildar read & approved of it & one Talook official whole & another who signed it depose to the Tahsildars complicity.

9. I do not feel clear as to whether the Tahsildar was or was not cognizant of the transaction.

But that so suspicious a document affecting one Gumastah should be drawn out in the name of a peon by another Gumastah & be attested by a 3rd Gumastah in the Tahsildar's house, whilst a case against a principal party to it was pending, & be followed by the immediate release of the said party renders it difficult to believe that Tahsildar was unconscious of what was going on.

If he was, he is manifestly totally unfit to control the conduct of his Subordinates.

10. I do not attach much importance on the present occasion to the cases instanced in Mr. Macgregors second letter because they were not taken up at the time & I do not wish to press them now.

11. Mr. Macgregor states that the Tahsildar bore a reputation for honesty, but the Joint Magistrates opinion (& I consider it one well entitled to consideration) is that the Sub: Magistrate was both inefficient & indifferent to the calls of the justice.

12. Under these circumstances I can by no means recommend his restoration to his former post. He had been under suspension since 7th August last, but the delay in finally reporting on his case has been due as above said to himself. His punishment has however been considerable, I should be willing to employ him again as Tahsildar, but I see no objection to his being reemployed if he desires it as opportunity offers, in some less responsible post.

13. The present acting Tahsildar of Cheruthel bore a high character & has given great satisfaction since his appointment. I beg to recommend that he be confirmed.

I have &c
(Sd) G. A. Ballard
Collector

True Copy
(Sd) W. Bates
Dy. Collector

To
Mangaden Veetil Kanaren
With reference to his Petition dated 18th April 63

Mangaden Vitil Kanaren

V

D

Extract from the Proceedings of the Board of Revenue dated 12th March 1864.-

The Board direct that M. Vitil Canaren be removed from the Office of Yahsildar, and authorise the Collector to re-employ him in a lower situation when an opportunity offers.-

Casamajor
Collector

To
M. Vitil Canaren
Calicut.

For information.-

Malabar Collr's office
Calicut
15th March 1864.
Er. D.S.

Rev. V. No 1594 of 1864.

From
Mangadem Veetil
Canaren Suspended
Tasildar of Cherikel
Taluq North Mala
bar.
Dated 4th June 1864.
Rd — 9th June 1864.
With two enclosures.

Complains that the
Collector, to whom a report
has been submitted by
Mr. McGregor the late
Asst. sub Collector stating
the Tasildar (Petitioner)
had encouraged his
Cutcherry Goomasta in
extorting a Deed from

From one Kunhi Ramen
Nair a wealthy person
in the Taluq, suspending
the petitioner from his post,
recommended to the
Board of Revenue for
his degradation to a
lower situation, that
on the appeal, the Board
of Revenue, having
called for a report
in the Matter from the
Collector approved the
recommendation of the
Collector.

Submitting herewith
the Board's decision
with his several testi

testimonials, & prays that an order may be passed for his re-instatement in the office of Tasildar.

VII.

No. 1594 of 1864.

The Government have considered this application and decline to interfere on Petitioner's behalf.

Fort St. George 9th July 1864.

By Order

Chastell

Dy: Secy: to Govt.

To His Excellency The Right Honorable Lord J. Napier Bart. K.T. Governor of Madras

The humble petition of Mangadanvittil Kanaran, residing at Tellicherry North Tellah Malabar

Most humbly and respectfully Sheweth

1st That your Lordship's humble petitioner begs with due attention & respect to lay before your Lordship his sad case under the most sanguine expectation that justice will be done to your petitioner.

That the whole fact of petitioner's case, & the Consequent hardship to him being buried in utter obscurity, he prays in the first place, that your Lordship will be pleased to take this Case into your Lordship's Consideration & afford him redress.

This Petition contains new and important matter in addition to those represented in the previous petition to Govt.

II° That your Lordship's petitioner was a Tahsildar & 2d Class Subordinate Magistrate of Cherikel Taluk Sub division of North Tellah Malabar

That a report made against him by the Acting Sub: Collector of Malabar for his degradation from his

his post (Tahsildarship) to another inferior post was submitted to the Revenue Board by the Collector of Malabar with his recommendation, and that to Petitioner's great misfortune it received the assent of the Board on the 12th March 1864.

That petitioner preferred an Appeal from that order to Government, but the same was rejected by one of the Honorable Members of Council who then presided, the then Governor of Madras having been out on Circuit. The Copies of the above two orders marked A & B are here with Submitted.

III^rd That your petitioner's degradation from the post, which he held with honesty, and integrity & to the satisfaction of all people, to a position of shame and grief, attended with severe loss is Chiefly attributable to Ammosity.

That petitioner is afraid to adduce reasons for this, but he shall do so, if he has your Lordships permission; much however will appear from the public records themselves to Convince your Lordship of the injustice done to petitioner, and of

of its having emanated from Ammosity.

IV. That petitioner begs most humbly to state that his ability & good Conduct will be duly borne out by the Copy of his Credentials marked C and furthermore by the testimony of the following persons should your Lordship be pleased to make a reference to them or to such of them as your Lordship may deem proper.

1st W. Robinson Esquire, Inspector General of Madras Police.

2d J. Grant Esquire, Collector & Magistrate of Combatore

3d J. C. Crote Esquire, Civil and Sessions Judge of Combatore

4th G. R. Sharpe Esquire, Civil & Sessions Judge of Calicut

5th J. C. Hannyngton Esq. Judge of Small Cause Court Pellicherry.

6th R. Rt. Chooria Kumaran, Deputy Collector & Magistrate South Malabar

7th R. Rt. Oopta Kannan. Escheat Superintendant South Malabar

8th M. J. Sylva - Principal Sudr Amin. Cochin.

9th M. T. P. Pereira, Principal Sudr Amin Pellicherry (now pensioned).

10th All Munsiffs in Malabar.
11th All Tahsildars (except those at Wynaad, and Cherakel.
12th All Native Rajahs in Malabar
13th All respectable persons (of all Caste Creed or Colour.)

V. That the fault imposed upon petitioner was not the natural or reasonable Consequence of any Complaint preferred against him, that Kunhi Raman himself, who the Sub: Collector supposed was wronged never made any Complaint against petitioner, though he had often to go by the Sub: Collector and Collectors Office, that Kunhi Raman who was at Guruvayur about hundred miles from this place was forcibly sent for by the Collector, that without allowing him an opportunity to speak to others was brought before him and after encouraging and hinting to him that petitioners Conduct was blameable and that it would be of advantage to him & Satisfaction to the Sub: Collector to depose against petitioner took down his deposition by

by which it will be even seen that not a word was excreped by Kunhi Raman to shew that he was put to any grief, disgrace or inconvenience by Petitioner

That the aforesaid Kunhi Raman is a very wealthy and influential man that such being the Case he would not have remained quiet for four months till he was sent for by the Sub: Collector, or even Subsequently had he been put to any sort of inconvenience however slightest. That this Circumstance Petitioner begs may be taken into your Lordships worthy Consideration.

VI. That Kunhi Raman who was not inconvenienced or annoyed as mentioned by the Sub: Collector, that soon after Kunhi Raman had appeared before petitioner, he did, notwithstanding the delicate State of his health (having been then laid up at home) proceed to try and dispose of the Case without putting him to any inconvenience whatever. That not more than four hours elapsed between the time Kunhi Raman entered appearance, and the decision of the Case.

That Petitioner humbly begs to observe that as far as he has been

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the Spirit of the Criminal laws, he Could safely apart that in a Case of annoyance or inconvenience done in the lobwful discharge of duty, as a Sub: Magistrate, and which has not been made a matter of Complaint to the Magistrate his official Superior, it is not the province of such magistrate to take Cognizance of it.

VII That the Copy of Kumhi Ramans deposition, mentioned in Para 1 by which the Charge against Petitioner is alleged to have been established is herewith Submitted marked D, that your Lordship will on a reference thereto, be clearly Convinced that no blame attaches to Pethioner, and that he has been thrown into grief, without any Cause ena: gurable for So doing.

That the grounds upon which the Sub: Collector & Collector have founded the Charge against Petitioner are Chiefly five. They are as follows.

1st That the Criminal Charge preferred before Petitioner by Vandrata Thathmen against Moyen Kumhi Raman was false.

2d That Petitioner was not justified in issuing a warrant against Kumhi Raman in that Case.

3d That Kumhi Raman's Confinement was occasioned thereby.

4th That a Jabork Goomastah has then, for his own purpose, forcibly induced Kumhi Raman to execute a document as alleged in the 4th point is extorted from him.

That as regards the 5th point petitioner begs to observe, that para 12th of his petition Sufficiently explains.

That such being the Case petitioner feels that the only alternative he has, is to bring to your

Lordships notice this act of injustice (so much Characterized for its severity) wrought by judicial Officers under your Lordships Government to the detriment of Petitioners Service and Character

VIII That Petitioner now begs to lay before your Lordship a brief Statement of the Case, which is as follows.

That a poor tenant Vanarat Krishnan preferred before your Lordships petitioner a Criminal Charge against the aforesaid Kimhi Raman, a very wealthy and influential person to the following effect

That Krishnan not having restored a parambu which he held on lease, as desired by Kimhi Raman, the latter Kept him in wrongful Confinement & Caused him hurt, & that he (Krishnan) having escaped from his Custody an Oyiyuri, or Deed of release was forged by Kimhi Raman in his name.

That Krishnan having been unable to prove the 2d Count of the Charge, he withdrew the same, but Swore to the 1st Count upon examination.

IX That upon this Charge petitioner issued a warrent for the apprehension of the Defendant, but before this Could have been executed, Kimhi Raman appeared before petitioner in propria persona, at his own residence where as is usual with Native & European Magestrate, he held Kutcheri owing to the delicate State of his health, that when the Case was taken for trial Krishnan receded from the Charge owing either to his inability to prove it, or to his having effected a Compromise in the matter, and adduced no evidence, that petitioner being of opinion that a further enquiry into the matter was unnecessary, dismissed the Case the very day, and ordered the discharge of the Defendant, and that this Circumstance was clearly set forth in the Calendar Submitted by Petitioner in the Case.

X That about four months after the final disposal of the Case while

in the heat of animosity pointed out in para III, Some of petitioner's enemies Contrived, to make some false and malicious representations what these are petitioner Cannot say/ and the Sub: Collector probably believing them, and having had no Complaint of petitioner before him, left his station and Came to Talook Cusba – a distance of about 25 miles, & after having Secured all the records in the Case, Commenced with an enquiry and trial against Petitioner.

That the above took place in the absence of Petitioner, who was then Severely laid up at Cannanore, a distance of above 12 miles from the Talook.

Petitioner's absence was not attributable to any indifference on his part but owing Chiefly to his Severe indisposition.

XI That after the examination the following was the Charge laid upon him.

That petitioner exhibited gross neglect Carelessness, and incapacity in the trial of a Criminal Charge before him against Moyen Kunhi Raman, that in Consequence thereof Kunhi Raman was Confined and the Talook Goomastah enabled to have

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a Deed of lease of a paramba forcibly extorted for him in the name of a third party, and that petitioner Connived at such things.

That the alleged Deed is not so valuable an instrument as the Sub Collector, and Collector highly appreciated themselves; it is no more than a Common Kuyekanom Deed of lease purporting the payment of Rupees Eight (on account of lease) (and involving no pecuniary interest) to the Sennii per annum and that it will be seen that by virtue of the above Deed of lease that possession Can be got by a Civil action either on default of payment of rent, or at any time he wished it.

XII That as shewn in para IX Petitioner having brought the Case to a close, and ordered the discharge of the parties, he retired to his room to rest himself, his sickness having rendered such a step necessary, that after the above the document was got up between them from outside the premises of their own accord & without the least Compulsion, that petitioner is not aware as to what responsibility this imposes upon him.

him, so long as he knew nothing of the transaction, nor did he plead the document, or make any thing about it and this sufficiently shews that the Statement made by Kunhi Raman and witnesses according to opportunities afforded them, with reference to the above, is wholly false and untrue, that their Statement can only be received with greatest Caution which was not done.

XIII That the interest alleged to have accrued to the Talook Goomastah by the execution of the document is an imaginary one, and that the Goomastah had no right whatever before or afterwards on the rent of the paramba.

That whether Kunhi Raman Could have ousted Krishnan - the party in possession - except by a Civil Suit even if the document above mentioned was not in existence is a point, petitioner humbly begs to observe, well worthy of Consideration, that it will be seen that Kunhi Raman really gained by the document, and that the Goomastah was actually a loser, since Kunhi Raman gained possession of the paramba without a Civil Action and the Goomastah lost all right to the house which he had built on the premises. hence it is clearly evident that the document was got up for Kunhi Raman's own interest, and not that of the Goomastah and this will be most evedently borne out by the deposition of Unnie Panekar. a Talook Kolkar, in whose name the document was executed.

That it was not at all necessary that the alleged document should have been executed by Kunhi Raman to ensure his exoneration of the Criminal Charge

That whether there was a document of the kind or not, it is clear that Kunhi Raman seriously was aware as others had been that so long as there was no evidence addduced in the Charge preferred by Krishnan, that the result there of would have been his unconditional discharge

XIV That there was no Criminal Charge preferred by Vanarat Krishnan before petitioner against Kunhi Raman none Could deny; that the

Charge having been made on the
15. April /62/ petitioner the same
day examined the Complainant
on oath, and issued a warrant
against Defendant, and Summons
to Witnesses - that on the next
day /the 16/ Krishnan - the Complain-
ant having dispensed with the
evidence of his witnesses, both him-
self and the Defendant were ex-
amined and the Case then and
there disposed of, and the parties
released.

That petitioner having
thus without any loss of time
zealously disposed of the Case
he humbly begs to leave it to
your Lordship to decide as to how
he betrayed gross neglect, Careless-
ness, or incapacity in the discharge
of his functions.

XV That the Conclusion of the
Sub: Collector, that the Charge prefer-
red by Krishnan was entirely false,
has nothing for its basis, nor Can it
moreover be established by evidence
for had the Charge been false, there
Could have been no objection to have
the date put in as required that on
the other hand if Kimbi Raman

had

had no influence, and Complainant
had not retracted, the Charges would
have no doubt been successfully
brought home against him as they
were, and that these Circumstances
were fully shewn by Petitioner in
his decision.

XVI That upon this Charge the
Sub. Collector, Suspended petitioner on
the 7th August /62 aggravated the
fault against him as far as he
possibly Can, and sent in a report
to the Collector, that soon after the
receipt of this report, the Collector
having taken into Consideration
the worthlessness of the imputation
against him, Called upon the
Sub. Collector to report upon pe-
titioner's work and Conduct, and
that in reply to this, the Sub: Col-
lector alluded to the trifling, worth-
less, and unquestionable matter
which had long before transpired
but at the same time plainly
admitted that Petitioner had always
borne a reputation for honesty and
integrity.

XVII That the Collector was
thoroughly Satisfied that the matter

now

now alluded to by the Sub Collector was perfectly insignificant, he nevertheless Coincided with the opinion of the Sub Collector, and recommended petitioners degradation from his Office as Tahsildar, but the Revenue Board declined to interfere on the ground that they had no power.

That after this the Collector desired the Sessions' judge at Tellicherry to obtain the orders of the High Court Madras, to that effect, but the Sessions' judge having read the records, enquired of the Collector thro the medium of a letter whether any other blame attached to Petitioner! That the Collector having answered in the negative, the Sessions judge differed from the opinion of the Collector, and returned the papers to the latter, that the Collector hereupon made a direct reference to the High Court, but this Court also declined to pronounce any opinion on the Case, and returned the papers with their proceedings dated 7th January 64.

That the Collector having thus failed to attain his object he again referred the matter to the Revenue Board and solicited their interference, and the Board having now Concurred with the Collector recorded a proceeding, from which petitioner now begs to lay this appeal.

XVIII That the Charge preferred against petitioner alluded only to his duty as a Sub. Magistrate that any Charge or account of any misconduct or irregularity in the discharge of such duty is according to law, and minute of Consultation dated 24th February 63 only Cognizable by the High Court Madras, that the Judges of that Court having perused all the records Connected with such a Charge against Petitioner, as had been shewn in the beginning of the Proceedings of that Court, deemed the Charge insignificant and threw it out, that eventually the Revenue Board, which had no power, and which on this singular ground first declined to interfere acted upon the Collectors recommendation. hence your Lordship will perceive, that whatever might have been the Collectors request the Honorable the Judges would doubtless have done their duty had they but apprehended

any

any thing of Sufficient weight against Petitioner. That this point Petitioner humbly begs to Submit for your Lordships Consideration.

XIX. That no enquiry was instituted or deposition taken in petitioners presence, and he therefore humbly prays that your Lordship will be pleased to Consider whether the dismissal of a public Servant upon reception, as evidence of the above deposition is justifiable and reasonable.

XX. That the Criminal Charge preferred by Vamarat Krishnan before petitioner, being within the Scope of Section 327 of the Indian Penal Code, it is clear from the Schedule at the foot of the Code of Criminal Procedure, that Petitioner was justified in issuing a warrant for the apprehension of the Defendant, & this procedure will appear to have been more warrantable as, from Kumbi Raman's deposition itself marked D it will appear that he, Kumbi Raman was about to leave the place.

That on the Contrary Should the Charge fall under Section 347, according to the Col-

lectors own showing, it will even then also appear that petitioner was quite justified in having issued in the first instance a warrant against Defendant, the Charge being then Cognizable by the Sessions Court, and punishable with three years rigorous imprisonment, and that had not petitioner issued the warrant against Kumbi Raman, a very wealthy and influential person, he would no doubt have been guilty of gross partiality

That your Lordship will on looking at the Similation of Section 327 and 347 of the Indian Penal Code, be fully Convinced, that the averment of the Collector, that he was not Satisfied with petitioners explanation to the effect that such difference of opinion may exist especially at a time when the Penal enactment was then just enforced, is perfectly grounded

XXI That no blame whatever attaches to Petitioner and that the Sub: Collectors report is an exaggeration as it will be clearly seen by Kumbi Raman's deposition marked D, that Kumbi Raman was

not Confined even for a minute, that no document was forcibly extorted, that the alleged document was got up by him of his own accord, that he leased out the paramba to the Talook Kolkar Unari Ommekar, that not a word was spoken to Kunhi Raman by Pethioner to favor his opposite party, that he was not put to any inconvenience by the Goomastah or any body else that he made no mention of the above to Pethioner, and that he Kunhi Raman appeared of his own accord before Pethioner, and not by virtue of the warrant directed against him.

That it will be further seen by the aforesaid deposition, that Kunhi Raman first admitted that the alleged document was given on the day he was discharged that subsequently, having been forced, he again deposed his execution before discharge, & that it was Kunhi Raman himself who proceeded to Cause Annoyance

XXII That your Lordships will be fully Satisfied that no injustice, if any, was done intentionally by Petitioner in the Case, that he used no force, that he had taken no bribe and in one word that he had nothing to do in the matter.

XXIII That with deepest regret petitioner begs to urge that the opinion pronounced against him is entirely based upon assumptions & not upon any evidence whatever, and this Petitioner humbly begs to thrust to your Lordship's notice since such assumptions might have weight only in the Cases of persons, whose past Conduct appeared to be of a very Suspicious character. That such has not obviously been the Case with petitioner none will deny.

That whether such groundless Supposition would be sufficient to warrant the act of Crushing a Government Servant holding a high and responsible office, and discharging his functions with honesty and integrity, is a matter which petitioner begs most humbly to thrust to your Lordships worthy notice.

That Petitioner begs to Submit for your Lordships decision the point, whether the Charge against him was founded upon mere assumption or evidence, or upon Animosity, or any fault of petitioner.

That

That if upon assumption or amnesty petitioner thinks it incumbent to say that it is Contrary to the policy of your Lordships just and wise Government.

XXIV That the following points petitioner is fully Confident will appear to your Lordships the matter of facts

1st That the offence Petitioner is Charged with, admits of no reasonable evidence

2d That the Collector who made the report against Petitioner was himself unable to say whether or not Petitioner was guilty.

3d That the Collector and Sub Collector Could not, but have admitted that Petitioner always bore a reputation for honesty and integrity.

That hence petitioner begs with much regret to observe that the opinion of the Collector is entirely against his own view of petitioner, for the Collector has himself clearly and fully expressed in paras. 9, 11 & 12 of his letter, that petitioner was not Cognizant of the transaction, that he always bore a reputation for honesty and integrity, & that his suspension itself was a Considerable punishment.

That it is a matter of grievance, that the Collector did in spite of the above opinion of Petitioner Concur with the Sub. Collector's views for his degradation.

XXV That your Lordships petitioner now begs to lay before your Lordship the following points, trusting they will tend to exonerate him from even suspicion.

That the Sub. Collector has wholly grounded his Charge against Petitioner upon the extortion of the alleged Deed of lease of the paramba in question by the Goomastah who, he observed had it forcibly executed for him in the name of a third party.

That it is an undisputed fact, which both parties must admit that at the time of the execution of the aforesaid document the alleged paramba was in the possession of the aforesaid Vamarat Krishnan, and the house thereon in that of the aforesaid Goomastah.

That it will be seen that had the Goomastah any intention of having the paramba, it was quite unnecessary

Cepary

x The Copy of the Report referred to in this Petition was marked E dated 16th April 1863 herewith submitted.

Cepary for him to induce Krishnan, a party in possession, and under obligation to him (and who the Sub. Collector observes was instigated to bring the false Charge against Kumhi Rambin) - to restore the paramba to Kumhi Raman who was not in possession, and then to have Caused Krishnan to falsely prosecute him Cause his Confinement and at last forcibly extort from him a document in order to gain possession of the alleged paramba. Such acts were altogether unnecessary.

That if the Goomastah wanted the paramba, there would have apparently been no obstacle to his getting it from Krishnan the party in possession, and whom the Sub. Collector observes was the Goomastah's abettor, that the paramba in question is not now in the possession of Goomastah or that of any body else, and that it lapsed to the Jenmi from the date Kumhi Roman made it over as Kumhi Raman himself deposed (vide deposition marked D) and that hence it will be seen that nothing

beyond

beyond the above fact is required to rebut the Sub. Collector's averment with reference to Petitioner's Culpability

XXVI That the allegation made by the Collector with reference to Petitioner's incompetency is against fact, that he gave no Cause for it that Petitioner having remained for eleven days only in his post after Mr. Baber took Charge of the District, the latter could have had little or no opportunity of observing petitioner's work, ability, usefulness or good Conduct.

That Petitioner served but for five months only under the Sub. Collector Mr. McGregor.

XXVII That petitioner held Government employ for fifteen years that petitioner having passed his Law Examination, he was agreeably to the order of the then Sudr Court appointed as a Vakeel of the Courts here, and in this Capacity he served with honesty and integrety for above five years. That Mr. Conolly, the then Collector and Magistrate of Malabar, without petitioner's request desired the Honorable Mr. Justice Frere, the then Civil and Sessions Judge, and lastly Judge of the High

High Court of Madras, thro a letter to send petitioner to Calicut, where after his arrival he was appointed Police Ameen of the town of Calicut, that subsequently he was promoted to Tahsildarship, that during the seven years he filled these responsible

1. C. Conolly Esqre, the then Coll.r Magistrate of Malabar
2. J. Clarke Esquire, now member of the Revenue Board.
3. P. Grant Esq. now Coll.r Magistrate of Coimbatore
4. J. Todd Esqre then Assistant Coll.r & Magistrate of Malabar
5. . Williams Esq. then Assistant & Coll.r & Magistrate of Malabar.
6. H. Robinson Esq. now Inspector Genl. of Police
7. G. Sharpe Esq. Civil & Sessions Judge Calicut
8. J. C. Hannyngton Esq. Judge of the Court of Small Causes Tellicherry

Officers whose names are mentioned in the margin and under whom he had invariably served, have always satisfactorily expressed their approbation of Petitioner's work, ability, and good Conduct.

XXVIII. That Mr. Grant the late Collector of Malabar, who was daily satisfied with petitioner's duty as a Tahsildar having been then under his personal observation, promoted him as Tahsildar, when the new Scheme of Jabork arrangement was Carried out- that after this

Petitioner discharged his functions as a Tahsildar under Mr. Grant for six months again at Calicut.

That Calicut Tahsildarship extends to one Jabork, that Mr. Grant in Consideration of petitioner's reputation for ability and good Conduct transfered him to Cherikal when that Jabork was amalgamated with the Covay Jabork when the Scheme for modification was introduced.

That the aforesaid Officers having all the time expressed their satisfaction of Petitioner's Conduct and ability, from personal observation of his work, and this being the Case, petitioner regrets that Mr. Ballard who has not even for a day seen petitioner's work, should have pronounced him incompetent.

That notwithstanding the many high and important duties, which petitioner discharged with honesty and integrity, and while there is scarcely any one who would speak against Petitioner's Conduct, it is a matter of regret that the whole unstained acts of his Official Career

Should

should be deemed by his Official Su-
perior quite valueless, merely on ac-
count of this false and worthless
affair!

That petitioner from time
to time afforded Satisfactory ex-
planation which now lies on the
records with reference to the Cor-
respondence of the Collector and
Sub. Collector, and he therefore
thinks it of no moment to expa-
tiate upon them here again. That
Petitioner Cannot but attribute it
to his misfortune that he had not
had an opportunity ere this to lay
his sad Case before your Lor d-
Ship.

XXIX That your Petitioner has
from his youth entertained the
greatest Confidence, that the Cre-
ditable manner he has discharged
his duties would secure to him the
Support and protection of your
Lordship's Government, that pe-
titioner has been entirely depend-
ant upon the post, he held for
his and family's Support, and since
the last five years he has been

out of Employ he has suffered
the greatest hardship and mi-
sery.

That your Petitioner there-
fore humbly prays that your
Lordship will be pleased to take
into Consideration his sad Case
and be so kind and just as to or-
der his reinstatement with arrear
of pay.

And your Lordship's
petitioner shall as in duty bound
Ever Pray,

Mangadan vakil Kanaran

Tellicherry
19th Octr. 1867.

Rec'd 27/7/67

Rev.

No. 2737 of 1866.

From Mangadavittil Kanaran, residing at Tellicherry in Malabar.

Dated 19th October 1866.

Rec'd 19th Novr 1866.

5 enclosures.

Referring to the Govt. order upon his petition No 1594 of 1864.

Represents that on a false report made to the Coll.r by the Sub Coll.r charging him with neglect of duty, irregularity & incompetence, the Coll.r recommended his degradation to the Board.

VII.

who directed his removal from the post of Tasildar, & that he is not guilty of any offence & only through malice his dismissal was effected.

Gives explanations to all the charges brought against him.

States at large his honesty & integrity.

Prays that on a reconsideration of his case Govt. will order his reinstatement.

Received

Mangadan Kelath Kanaran

Dec 19th

RETURNED UNDER THE REVISED
PETITION RULES.

ഹാജികൾ ബൊധിപ്പിക്കുന്നതിനെ
കുറിച്ച
ദെവൊന്നുമില്ലാതെ നിശ്ചയങ്ങൾ.

Para 5. ഗവർന്മെന്റിലെക്ക ബൊ
ധിപ്പിച്ച കാരൊന്നുകൂടിലൊ
കത്തൊന്നുവിടെനിന്നതീർപ്പുകല്പിച്ചതി
ന്നൊശെഷം ആകാര്യത്തെ വാദി
തന്നെ നൂതനമായ്ക്കം വിശെഷമായ
തു സാഗതികൾ കാണിക്കാതെ
ബൊധിപ്പിക്കുന്നതല്ലാമെന്നു വാങ്ങി
വിചാരിക്കുന്നതുമില്ല.

D Wilkinson

Actg Asst Deputy Secretary to Government.

23d November 67.

Returned under the Revised
Petition Rules.

Para 5. Government will not reconsider the petition again put in bearing reference to a matter disposed of in any appeal unless he has shewn some new reasonable grounds for doing so.

(Signed) J. H. Wilkinson
Ag: Rev: Secy: to Government
23rd November 1867

4th December 67.

In Re 2737/67

Kangadan Veetil Kanaren has been performing the duties of Tahsildar of Cherikal for the last five months. From my experience of him in the ordinary course of business and from what I saw of the state of the Cherikal Taluq at the late Jummabundy, I am fully satisfied that he is qualified for a Tahsildarship. Tellicherry 4th March 1854.

(Signed) G. B. Sharpe.
Head Asst Collector.

I have known the bearer of this Mangadan Veetil Kanaren since I came to Calicut April 13th 1858. He has at all times performed his duties to my satisfaction, and I can bear testimony to his character as an efficient public servant. He leaves Calicut in consequence of his having obtained a more eligible appointment than his present one.

Calicut
October 1st 1858

(Signed) D. Williams.
Assistant Collector.

The bearer thereof Mangadan Veetil Kanaran has served under me as a pleader from 1st September 1852 to the present. He bears an excellent character and has discharged his duties to my entire satisfaction.

Tellicherry 13th June 1855.

(Signed) F. P. Pereira
Munsif

Mangadan Veetil Kanaran has served under me as a Gumastah from January 48 to December 49 2 years. He has left this situation in consequence of his having been appointed as a Vakil.

I am ready to say that I had not met with opportunity of finding any Misconduct in his duty.

7th January 1850.

(Signed) Chattoo Menon
Surveynad Munsiff

I am much pleased in consequence of Mangadan Veetil Canaren a Vakil of this Court having conducted his duty without any inconvinience to parties, and with great industry as to the determination of Cases during the time of 5 months and some days I acted as a Moonsiff of Tellicherry, and I feel confident that he will give the same Satisfaction to my Successors.

31st August 1852.

(Signed) Chandoo Menon
Acting Moonsif of Tellicherry.

(True copy)

Mangadan Vittil Kanaren.

1691 To 1691. 30

Ordered that the Memorial received with the foregoing letter be despatched to Home Government, and that the Memorialist be informed of its despatch.

17th June/68

16th June/68

R 17th Feb 69
Rec'd 16th June/68 Ans'd 5th Aug 68

L. A. 1107/68