

# MADRAS RECORD OFFICE.

Government of Madras.

*Revenue* DEPARTMENT.

|          |          |                                     |
|----------|----------|-------------------------------------|
| G.O. No. | 186      | <del>Press</del><br><del>Mis.</del> |
| Dated    | 23 - 1 - | 1868.                               |

Not to be folded or roughly handled

No. 373. Read the following Proceedings of the Board of Revenue, dated 17th December 1867, No. 8,113 :—

Read the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 19th November 1867, No. 316 :—

1. In reply to the Board's Order, communicating Proceedings of Government, Revenue Department, and their Order thereon, dated 7th November 1867, No. 2,632, I have the honor to inform you that I see nothing in the nature of the suit, brought by the Nilumbur Tirupad against me as Collector, to prevent its being tried in the local Civil Court at Ootacamund.

2. But as Act No. XXIII. of 1863 was passed specially "to provide for the adjudication of claims to waste lands," I was under the impression that claims to such waste lands, to be sold under the Waste Land Rules, dated 6th March 1863, and numbered 478A, should be decided under its provisions.

1. Submitted for the information of Government.

2. The Board are of opinion that the matter might well be disposed of in the ordinary Courts.

No. 374. ORDER THEREON, 23rd January 1868, No. 186.

Miscellaneous.

1. In his letter dated 26th September 1867, the Collector of Coimbatore, without stating any special grounds for so doing, requested that a Court for the adjudication of claims to waste land might be constituted at Ootacamund under Act XXIII. of 1863, and the Government desired to be informed why the step was deemed necessary.

2. In his letter now submitted by the Board, the Collector states that there is nothing in the nature of the suit likely to be brought by the Nilumbur Tirupad to prevent its being tried in the ordinary Civil Court at Ootacamund, but that he was under the impression that claims to waste lands to be sold under the Waste Land Rules of March 1863 should be tried and decided under the provisions of the special Act.

3. The Government observe that there was nothing whatever in the Collector's first letter to shew that the claim related to waste land proposed to be sold under the rules, but they now gather that the claim in question is the same as that referred to in the Collector's letter of 22nd November 1867, seeking leave to defend a suit in the Principal Sudder Ameen's Court at Calicut, in which letter it is stated that the Nilumbur Tirupad objects to the sale, as advertised in the "Fort St. George Gazette" of 17th July 1866, of certain blocks of waste land lying west of the Pykara river, and, as appears from the advertisement, situated in the close vicinity of the new trace for a road from Pykara to Neddiwuttum.

4. It appears from this letter that the Tirupad's Vakil raised objections before the Special Assistant Collector, in the first instance, to the sale of four blocks, but subsequently withdrew his objection as regards two of them, and the suit has been filed in the Principal Sudder Ameen's Court, to establish the claim to the other two blocks.

Proceedings of the Madras Government, Revenue Department,  
23rd January 1868.

5. To this suit the Collector proposes to plead non-jurisdiction, as the land is in the Coimbatore District, and assuming that this plea must be admitted, and the Tirupad's suit rejected by the Calicut Court, the Collector anticipates the desire of the plaintiff to try his claim in the Ootacamund Court which has jurisdiction in the locality in question, and desires therefore that a Special Court for the necessary inquiry may be constituted under the Act.

6. The case is an important one, as it in effect must decide the whole question of the Tirupad's claim in right of the Numbalacotta Estate to the slopes of the Nilgiris above Numbalacotta proper and as far as the Pykara river, which has been finally rejected by Government, and the Government desire to afford every facility for trying the claim satisfactorily. But the only instance in which a Special Court has been constituted under Act XXIII. of 1863, has shewn that the provisions of the Act involve the greatest delay and inconvenience, and afford no advantage whatever over the ordinary procedure of the Regular Courts, and the Government are therefore unwilling to risk a repetition of this unsatisfactory state of things in the present case.

7. The provisions of the special law are somewhat peremptory, but both the Collector and the Board seem of opinion that the necessity for acting under them in this case is not absolute, and the Government gather from the Collector's letter, of 22nd November, that the Tirupad has not followed throughout the course prescribed by the Act, but instituted his suit in the Calicut Court without waiting for the decision of the Collector and Board, as required by the Act.

8. If this be so, it seems that the case may without objection be left to be tried by the Regular Civil Court; but the information before Government is not sufficiently precise to enable them to form a decided opinion on this point, and they desire that the Collector will now report fully, as he should have done in the first instance, the whole of the circumstances of the objection to the sale of these particular blocks, and the steps taken by the Tirupad, or his agent, up to the present time in the matter.

(True Extract.)

(Signed) W. HUDLESTON,  
Secretary to Government.

To the Collector of Coimbatore.  
,, the Board of Revenue.

Exd. F. R. Bantleman.

Revenue Department

23-1868.

Proceedings of the Madras Government  
Under date 23rd January 1868.

Read the following  
Proceedings of the Board  
of Revenue.

Submitting for information  
of Govt. letter from Collector of  
Coimbatore, with the Board's opinion  
that the suit brought by the Tel.  
Lumbar Tirupad against Collector  
regarding certain waste land might  
well be disposed of in the ordinary  
Court.

(Here enter 17th December 1867)  
No. 8113

In his letter  
dated 26th September  
1867, the Collector of  
Coimbatore, without stating  
any special grounds  
for so doing, requested  
that a Court for the  
adjudication of claims  
to

To waste land might  
be constituted at Ootac-  
camund under act 23  
of 1863- and the Govern-  
ment desired to be in-  
formed why the step  
was deemed necessary-

In his letter now  
submitted by the Board,  
the Collector states that  
there is nothing in the  
nature of the suit like-  
ly to be brought by  
the Kilumbur Serupad  
to prevent its being tried  
in the ordinary Civil  
Court at Ootacamund-  
but

3  
but that he was  
under the impression  
that claims to waste  
land to be sold under  
the Waste Land Rules  
of March 1863 should  
be tried and decided  
under the provisions of  
the special act.

The Government  
observe that there was  
nothing whatever in the  
Collector's first letter  
to show that the claim re-  
lated to waste land pro-  
posed to be sold under the  
rules- but they now gather  
that the claim in question

is

is the same as that  
referred to in the Col-  
-lector's letter of 22<sup>nd</sup> November  
1867 - seeking leave to de-  
-fend a suit in the Prin-  
-cipal Sudder Ameen's Court  
at Calicut, in which letter  
it is stated that the H-  
-lumbur Sirmad objects  
to the sale as advertised  
in the Fort Saint George Gazette  
of 17<sup>th</sup> July 1866 of certain  
blocks of waste land lying  
west of the Pykora river -  
and as appears from the  
advertisement situated  
in the close vicinity  
of the new trace for a road  
from Pykora to Kessiwuttem.

It

4  
It appears from  
this letter that the  
Sirmad's Vakil raised  
objections before the  
Special Assistant  
Collector in the first  
instance to the sale  
of four blocks - but sub-  
sequently withdrew his  
objection as regards two  
of them - and the suit  
has been filed in the  
Principal Sudder  
Ameen's Court, to es-  
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to the other two blocks.

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delay and inconvenience  
and afford no advantage  
whatever over the  
ordinary procedure of  
the regular Courts -  
and the Government  
are therefore unwilling  
to risk a repetition  
of this unsatisfactory  
state of things in the  
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The provisions  
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but both the Collector  
and the Board seem  
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necessity for acting  
under them in this  
case is not absolute -

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not followed through-  
out the course prescribed  
by the Act - but we  
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Calcut Court without  
waiting for the decision  
of the Collector and  
Board as required by  
the Act.

If this be so,  
it seems that the case  
may without objection  
be left to be tried by  
the regular Civil Court -  
but the information  
before Government is  
not

not sufficiently precise  
to enable them to form  
a decided opinion on this  
point - and they desired  
that the Collector will  
now report fully as he  
should have done in  
the first instance, the  
whole of the circumstances  
of the objection to the  
sale of these particular  
blocks and the steps  
taken by <sup>the</sup> Tirupad or  
his agent, up to the  
present time in the  
matter. L.R.

1 Copy Ld. Col. of Coimbatore Despt 24  
1 to Co. Secy - P. of Rev. V.

Ch. Secy - P. of Rev. V.  
Ch. Secy - P. of Rev. V.

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Ed. W. Bell

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Pro of the Board of War  
 of 20 May 1800

122-23  
 7/11/67

1878-874

Pro of the Board of War  
 of 20 January 1800

Pro of the Board of War  
 of 20 January 1800