

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	343	Press ~~Mis.~~
¹³⁰⁻¹³¹ Dated	6-2-	1868.

Not to be folded or roughly handled

1A

*Proceedings of the Madras Government, Revenue Department,
6th February 1868.*

No. 130. Read the following Proceedings of the Board of Revenue, dated 29th January 1868, No. 699:—

Read the following letter from the Acting Collector of the Kistna District, to the Secretary to the Board of Revenue, dated Masulipatam, 17th December 1867, No. 445.

Referring to Government Order No. 1,961, dated 2nd current, I have the honor to forward copies of the Judgment and Decree of the Civil Court of Guntoor in Original Suit* No. 4 of 1864, which was the subject of Board's Proceedings No. 7,236, dated 5th November last.

Judgment.

Original Suit No. 4 of 1864.

In the Civil Court of Guntoor.

Present.—G. D. LEMAN, Esq., Acting Judge.

The 20th September 1867.

1. This is a suit to recover Rs. 1,080-14-0, alleged to be chargeable at the rate of 104 Rs. per annum, with interest on the rents of the village of Ranipad, for the support of a temple. The suit is brought by the Dharmakarta against the Collector for the recovery of arrears for eight years, not paid by the direction of Government, as conveyed to the Collector in Proceedings No. 1,308.

2. Plaintiff alleges that this assignment out of the village rent was made by a Sunnud given to the temple by a former Zemindar, and that the Sunnud has been filed in the Collector's Office.

3. The defendant states that no such Sunnud ever existed or was filed in his Office, and that the assignment was of the manner of an Inam or gift made by former Zemindars or Renters, and that Government is not bound by any such acts.

4. Documentary evidence alone is on record, and first of all, the absence of his Sunnud is a bar to the proof of plaintiff's claim.

5. There is evidence of 124 Rupees having been paid for some time, from Fusly 1202 to Fusly 1209, to the pagoda. In Fusly 1252 that sum was diminished to Rupees 104, because the rent of the village fell, and in Fusly 1264, by order of Government, the payment was discontinued altogether, with other grants of a similar nature in other villages.

6. From the fact that the amount paid yearly appears to have been arbitrarily decided by the Collector, the presumption arises that the assignment was a free-will grant by a former ruler, and not a gift under a Sunnud that would be binding on his successors, and the alleged charge on the village rent, does not appear in the Permanent Settlement accounts.

7. I do not think the suit should have been entertained without the sanction of Government, which has not been produced, inasmuch as the grant appears to have been made for the performance of marriage ceremonies, offerings of cooked rice, and illuminations to the village god.

8. But apart from this, as the plaintiff has no Sunnud, and the grant does not appear in the Permanent Settlement accounts, and as it is shewn to have been a fluctuating one, varying according to the season, I can only conclude that it was an unauthorized one which the Government as soon as they came in possession of the village had a perfect right to refuse to pay any longer. The grant was discontinued in 1854, by order of Government, after an inquiry into all such Inams by Mr. Ballard.

9. The suit is dismissed with costs.

(Signed) G. D. LEMAN,
Acting Civil Judge.

*Proceedings of the Madras Government, Revenue Department,
6th February 1868.*

Decree of the Civil Court of Guntoor.

The 20th September 1867.

Present.—G. D. LEMAN, Esq., Acting Judge.

Original Suit No. 4 of 1864, Civil Court's file.

Rayanapati Sitapati, Trustee of the Pagoda of } Plaintiff. Pleader K. Lakshminarayana;
Sri Vasanta Gopalaswami at Rayanipadu.

versus

The Collector of Masulipatam, Defendant. Pleader, T. Purumshottamaiya.

1. This is a suit to recover Rupees 1,080-14-0, alleged to be chargeable at the rate of 104 Rs. per annum, with interest on the rents of the village of Rayanapadu, for the support of a temple. The suit is brought by the Dharmakarta against the Collector for the recovery of arrears for eight years, not paid by the direction of Government, as conveyed to the Collector in Proceedings No. 1,308.

Decree.

2. The suit is dismissed with costs.

No process of execution will be issued to enforce this Decree, unless some proceedings shall have been taken to keep the same in force within three years next preceding the application for such execution.

Costs incurred by Plaintiff.

	RS.	A.	P.
1 Stamped paper for Vakalutnama	1	8	0
1 Do. for Plaintiff	50	0	0
1 Do. for Petitions	3	0	0
1 Do. for authenticated copies	7	0	0
1 Notice Batta	3	1	4
Pleader's fee	41	9	7

To be borne by himself ... 106 2 11

Costs incurred by Defendant.

Stamped papers for a Kyfeat	1	8	0
Do. for authenticated copies	5	0	0
Pleader's fee	41	9	7

To be paid by Plaintiff to Defendant ... 48 1 7

Given under my hand and the seal of the Court at Guntoor, this 20th day of September 1867.

(Signed) G. D. LEMAN,
Acting Civil Judge.

Resolved that the foregoing letter with the Decree and Judgment, which form its enclosures, be submitted for the information of Government, with reference to their Order, dated 6th December 1867, No. 2,919.

No. 131. ORDER THEREON, 6th February 1868, No. 343.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

Rev. 1868. Department.
Pro. of Gunt. for the
No. 352.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 29th January 1868.

Desp. 1 Feb. 1868
Rev. 324

No. 699.

Submitting to Government letter from Collector of Kistna District, forwarding copies of Judgment and Decree of Civil Court of Guntoor in O. S. No. 4 of 1864.

RECORDED

6th July 1868

14 Copies of the Order of the Board of Revenue, dated 29th Jan. 1868, forwarded to the Collector of Kistna District.

No. 131 of 1861