M.R.O. 14-5,450—22-10-25.

# MADRAS RECORD OFFICE.

---

## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 436 Press ~~Mis.~~

325-28 Dated 15-2-1868.

***Not to be folded or roughly handled***

436

*Proceedings of the Madras Government, Revenue Department, 15th February 1868.*

No. 324. Read the following Proceedings of the Board of Revenue dated 19th August 1864, No. 5,346 :—

Read the following letter from the Collector of Madura, dated 12th August 1864, No. 212.

1. I have the honor to submit herewith translation of the plaint in Original Suit No. 23 of 1864, on the file of the Principal Sudder Ameen's Court of this station, in which the Collector is included as a defendant, together with the proposed written statement to be put in, and to request that the Board will be good enough to sanction the defence of the suit at the public expense.

2. The suit will come on for hearing on the 10th September following, on or before which date the written statement should be filed.

---

*Translation.*

Plaint in Original Suit No. 23 of 1864, on the file of the Principal Sudder Ameen of Madura.

*Plaintiff.* *versus* *Defendant.*

Moottiah Pillay, son of Curupana Pillay, a resident of Mannadi Mungalam, in Madura Talook, a cultivator, and aged 48 years. — Æ. R. McDonell, Esq., Acting Collector of Madura, and 41 others.

This suit is brought under Section 26, Act VIII. of 1859, for the recovery from the 2nd and 3rd as well as from the 35th to 42nd Defendants of $1\frac{5}{16}$ Gulies, equal to $\frac{11}{16}$ths Cawny of Malguzari Punjah waste land, valued at Rupees 140, according to the Deed of Sale; also of Rs. 1,000, being the amount of damages for defamation of character.

1. The ninth defendant, one of the shareholders of the village, had petitioned the Huzur requesting to be permitted to cultivate the land in dispute as defined below, which was *samadaya* land at the time, that is to say, land belonging to the villages in common; but no orders were passed on the subject. Subsequently he, as well as the rest of the shareholders, having consented to sell the land to the plaintiff for Rupees 140, such of the shareholders who were then present, viz., the defendants 2nd to 15th and the fathers of the 2nd and 16th defendants, accordingly sold it to the plaintiff on the 23rd of Chittray in Rowdry year, corresponding with the 3rd of May 1860, and executed a Deed of Sale for the same. The amount of sale which the shareholders received from plaintiff, they distributed among themselves in due proportions. The plaintiff afterwards at some expense cleared the land in question, which he thenceforward dedicated to charitable purposes, and for the space of three years, viz., from 1830 to 1862, erected on the spot a water pandal and performed *Mondagapady*, and other ceremonies, in honor of the god Kalla Alagar, otherwise named Sounderaja Sami, who visits the village of Vandiyoor annually in the month of Chittray (April, May,) and in return the plaintiff received due marks of respect, such as the present of a cloth, &c.

2. Meanwhile, in Sessions Case No. 9 of 1861, in which the present second and third defendants and others were prisoners, charged with having committed forgery in the abovementioned Deed of Sale, the Court of Foujdary Udalut passed a Decree, &c., confirming the said Deed of Sale.

3. On the 29th May 1861, this plaintiff presented a petition to the Deputy Collector requesting that a Puttah be made out in his name for the land in dispute alluded to in said Deed of Sale. Through a feeling of resentment, counter-petitions were afterwards preferred by the second and third defendants (who were punished in Sessions Case No. 9 of 1861 abovementioned), and at their instance by the defendants 35 to 42 requesting that Puttahs be made out in their names for certain lands including that in dispute. The Deputy Collector issued an order that Puttahs be prepared in the names of the second defendant and other shareholders for lands, *minus* the land in dispute. The Collector, however, by an unjust order of the 7th March 1863, reversed the order of the Deputy Collector on the plea that the land in dispute belong to Government, and

directed that a Puttah be made out for it in the names of the defendants 35 to 42, which has been accordingly done for Fusly 1272.

4. Encouraged by such order of the Collector, the 2nd and 3rd defendants, as well as the defendants 35 to 42, in all ten persons, in the month of Chittray (April, May) in Rootratgari year (A. D. 1863), prevented this plaintiff from performing the usual charity, &c., on the land in question, and receiving the marks of respect due to him. They moreover erected a flat pandal and arches formed of black-aloe, brooms, and slippers, &c., placed in it a doll composed of straw, &c., in representation of the plaintiff, dotted its face with black, and put round its neck a garland of aloe, flowers, &c., and thus disgraced plaintiff by depreciating his respectability. They also retain possession of the land in dispute. As the Collector says that Government hold a right to the land in question, as the defendants 2 to 34 are shareholders, and the rightful owners of said land, as the ten defendants mentioned above are worth property to the amount of about 5,000 Rupees, and as this plaintiff is a respectable man, worth about 10,000 Rupees, and has been disgraced by the unbecoming act of those defendants, the plaintiff has entered the whole of them as defendants, and brought this suit for the recovery of the land in question and of damages.

5. The Malguzari Punjah waste land in dispute, measuring $1\frac{9}{16}$ Gulies, equal to $\frac{11}{16}$ths Cawnies, is situated in the village of Vandiyoor; east of Chockanady Ambalagar's Punjah; south of Tirutakatoo channel; west of the Curnum Maniem Nunjah land called "Munthiroothul;" and north of the Vighai river.

The plaintiff therefore prays for a decree, adjudging the defendants 2 and 3 and 35 to 42, to restore to plaintiff the land in question, and to pay to him Rupees 1,000, being the amount of damages for defamation of character.

I, the plaintiff named above, do hereby declare that the matters contained in this plaint are to the best of my knowledge true, and that I believe them to be so.

*5th March* 1864. (Signed) MOOTTIAH PILLAY,
*Plaintiff.*

(True Translation)

(Signed) W. C. STUART,
*For Collector.*

---

Original Suit No. 23 of 1864, on the file of the Principal Sudder Ameen's Court at Madura.

*Plaintiff.* *versus* *Defendant.*

Moottiah Pillay. V. H. Levinge, Esq., Collector of Madura, for Government.

*The 1st Defendant's Defence.*

1. In the plaint it is stated that the Punjah land in dispute, consisting of Gulies 1-9-0, and which had lain waste as village samoodhoyem, was purchased by the plaintiff from certain shareholders of the village; that instead of issuing a Puttah for it in the name of plaintiff, who enjoyed the land, the Collector issued one in the names of the defendants 35 to 48 who were ryots, and that, therefore, he (the Collector) has been included as a party in the suit.

2. Of the land above described, it was only in regard to Gulies 1-1-2 comprising field No. 164, that the Collector (1st defendant) caused the issue of Puttah in the names of certain ryots.

3. The first defendant begs to state that the remaining portion of the land, viz, Guli $7\frac{1}{16}$ was neither under dispute, nor did he issue any orders of any sort respecting it

4. In common with numerous other ryots who had applied for lands lying waste in the village of Vondyoor, the 9th defendant, Naga Pillay, also applied to be allowed to cultivate the Field No. 164 (now in dispute) in January 1860, that is to say, five months prior to that in which the plaintiff alleges to have purchased it, viz., May of the same year; and a similar application was put in by the third defendant in February 1860. Subsequently the plaintiff and some others



*Proceedings of the Madras Government, Revenue Department,*
*15th February* 1868.

presented a petition, representing that said land was purchased by the plaintiff from certain ryots.

5. The Tahsildar and the Deputy Collector, and afterwards the Collector himself entered into an investigation of the case, and before answering the application first put in by the ninth defendant and others, in respect of the land in dispute long lying waste, hearing that the said ninth defendant and others had sold it to the plaintiff, he (the first defendant) was on the eve of passing an order to the effect that the alleged sale was improper, and that the Government, and not the ryots, had the sole right of disposing of *waste* lands; but being given to understand that certain ryots afterwards stacked straw on the lands in question, viz., Field No. 164, and enjoyed it, the first defendant finally issued instructions on the 16th of February 1863, and subsequently also directing Puttah to be issued for the land in the names of said ryots who so enjoyed it.

6. The plaintiff avers that the land in dispute was purchased by him in 1860, and that in the month of April for three years, from 1860 to 1862, when the great feast took place, he had constructed a pandal thereon, and performed certain ceremonies as if such was favorable to his cause. It is usual, on festival occasions, fairs, &c., for persons to erect temporary sheds, tents, &c., on available vacant waste, but this confers no right to such spot on the person so temporarily occupying it. If plaintiff had done the same thing this could not in any way favor his cause, and he never paid kist to Government for the land, or obtained a Puttah for it.

7. Under these circumstances, as the inclusion of the Collector as first defendant in this suit is improper, he prays that he may be removed from the list of defendants, and that the plaintiff be ordered to pay the costs incurred by him (first defendant).

(Signed) V. H. LEVINGE,
*Collector*

---

The Board sanction the defence of the suit in question at the public cost in the first instance on the usual terms, and authorize the Collector to file the written statement in defence as drafted.

---

No. 325. Proceedings of the Board of Revenue, dated 12th November 1866, No. 8,172.

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated Pulney, 15th October 1866, No. 345.

With reference to the correspondence noted in the margin, I have the honor to submit herewith, for the Board's information, copies of the Judgment and Decree passed by the Principal Sudder Ameen in Original Suit No. 23 of 1864, on the file of his Court, rejecting the claim of the plaintiff, and directing him to pay the cost of the 1st and 35th to 42nd Defendants.

To Board, 12th August 1864, No. 212.
From do., 19th do. ,, 5,346.

---

*Madura Principal Sudder Ameen's Court.*

Present.—G. MUTTUSAMY CHETTY, Principal Sudder Ameen.

*Original Suit No. 23 of* 1864.

JUDGMENT.

1. This suit has been brought by the plaintiff to have his right established to $1\frac{9}{16}$ Gulies, or $\frac{11}{16}$ths Cawny of Punjah waste land, purchased by him under a Deed of Sale, executed by the defendants 2 to 15 and the fathers of those Nos. 2 and 16 for 140 Rupees, and to cancel an order issued by the first defendant, the Collector of the district, granting the said land to the defendants 35 to 42, and to recover from the defendants 35 to 42 damages to the amount of 1,000 Rupees.

2. The plaintiff represents that, in January 1860, the ninth defendant applied to the Collector, the first defendant, for the waste land in dispute, but received no answer from him; that, subsequently, the defendants 2 to 15, and the fathers of the 2nd and 16th sold the land to the plaintiff for the sum of 140 Rupees, executed a Deed of Sale on the 3rd May 1860, on behalf of themselves and other caragars, to whom it is asserted the waste lands of the village appertain, and distributed the said sum among all the caragars; that the plaintiff, on the 21st May 1861, applied to the first defendant for a Puttah, which that officer declined to grant; that, as the said land has since been given away by him to the defendants 35 to 42, the present suit has been filed to get the Puttah issued by him to the said defendants cancelled, and to have the whole of the said land transferred to the plaintiff, and also to recover, from the defendants 35 to 42, Rupees 1,000, being damages on account of their having burnt an effigy of the plaintiff on the disputed land, and otherwise disgraced him.

3. The first defendant filed a written statement, stating that he caused the issue of a Puttah regarding Guly 1-1-2, comprising field No. 164 out of the disputed land, in the name of certain ryots; that he issued no orders respecting the remaining $\frac{74}{16}$ guly; that in common with other ryots, who had applied for lands lying waste in the village of Vandyoor, the ninth defendant, Naga Pillay, also applied to be allowed to cultivate the field No. 164, in dispute in January 1860; that a similar application was put in by the third defendant, in February following; that, thereupon, the plaintiff and others presented a petition to him (first defendant) stating that the said land was purchased by the plaintiff from certain ryots; that on the eve of passing an order on this petition to the effect, "that the alleged sale was improper, and that the Government, and not the ryots, had the sole right of disposing of waste lands," he was given to understand that certain ryots had enjoyed the field No. 164 in question by stacking straw on it, and therefore caused a Puttah to be issued in their names on the 16th February 1863. The first defendant concluded, by stating, that the erection of temporary sheds by the plaintiff on the disputed land, on occasions of festival, since the date of the alleged sale, would not confer on him any title to the land.

4. The defendants 5, 6, 7, 8, 9, 10, 11, 13, 15, and 16 filed a statement, declaring that the disputed land was samoodayem, (or land not divided between the shareholders,) and being the joint property of all the caragars or shareholders, was by them sold to the plaintiff with the consent of the other shareholders in the manner stated by the plaintiff, and adding that they have no objection to the plaintiff getting it.

5. The defendants 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 33, and 34, have supported the plaintiff's claim.

6. The defendants 17, 27, and 28, supported the claim of the defendants 35 to 42, of whom the Defendants 37, 38, 39, 40, and 42, declare that the land in dispute is immemorial waste, and was in their occupancy, they and their forefathers having used it for stacking straw for several years; and that the Collector, in recognition of their title, granted the land to them, setting aside the sale pleaded by the plaintiff.

7. At the first hearing of the case, the plaintiff admitted that Puttah was issued by the first defendant for only Guly 1-1-2 of the disputed land, but stated that the defendants 35 to 42 have declined to give up that field as well as the remaining $\frac{74}{16}$ guly, for the recovery of both of which this suit has been laid.

8. The following issues were settled:—

I. Whether or not the right of granting waste lands in Vandyoor to applicants belongs to the alleged shareholders, defendants 2 to 34, or is vested in the Collector of the district as the representative of Government.

II. Whether the defendants 35, 37, 38, 39, 40, and 42, occupy only 1-1-2 gulies, or also the remaining $\frac{74}{16}$ guly in dispute.

III. Whether or not the land in question is the ancestral property of the defendants 35 to 40 and 42; and

IV. Whether or not the plaintiff is entitled to the damages sued for.

*Proceedings of the Madras Government, Revenue Department, 15th February 1868.*

9. The execution of the Deed of Sale sued on being omitted by the parties by whom it was passed, it remains for the Court to decide whether they had any right to dispose of the waste lands of Vandyoor, to the exclusion of the Officers of Government. The plaintiff examined ten witnesses, of whom the first, who is the sixteenth defendant, and one of the caragars, states that the village of Vandyoor is divided into 11¼ carays; that there are certain nunjah, punjah, and garden lands not attached to these carays which (*he has heard*) have been obtained by strangers from the caragars, and have been enjoyed by them since he (witness) attained years of discretion. The testimony of the second, third, fourth, and sixth witnesses is founded on hearsay; the seventh witness is unable to specify the names of all the caragars or shareholders; the ninth witness, the village Revenue Accountant, declares that no register is kept of these shareholders, nor has any distinction been shewn by Government in their treatment of the so-called caragars and the strangers who hold land in the said village, the Puttahs issued to them both being made out in the same form, and no mention being therein made of the nature of the interest possessed by each class of ryots. The other witnesses speak to the execution of the Deed of Sale A. which is admitted. Thus, no satisfactory and reliable testimony has been adduced to shew who the caragars or shareholders are, or what is the nature of the right exercised by them over the lands of the village. From the Village Curnum's testimony, it appears that no difference has been observed by the Officers of Government in their treatment of the several classes of ryots in the said village; and the plaintiff himself has failed to produce any evidence to shew that the Caragars had hitherto exercised the right of disposing of the waste lands of the village, and that such right was acknowledged by Government. It is admitted by several of the plaintiff's witnesses that a vast quantity of the lands of Vandyoor, about two-thirds, is held by strangers under Puttahs issued by Government, who possess the same right over their lands which the defendants 2 to 34 do in those in their occupancy, thus proving that the village is held on the terms of an ordinary Ryotwary Settlement, and therefore not on Mirassi tenure, which alone would give the proprietors a preferential right of occupation to waste lands. The fact of the ninth defendant, one of the alleged caragars, having applied to the Collector for this identical waste land five months before the Deed of Sale sued on was passed, also furnishes incontestable evidence of the non-existence of the right now claimed by him and other alleged shareholders, and of the Collector of the district having hitherto been looked up to by all as the authority having the power to dispose of the waste lands in Vandyoor. The oral evidence produced for the prosecution is thus very weak and unsatisfactory, and utterly insufficient to establish the right which the defendants 2 to 34 have arrogated to themselves in selling the disputed land to the plaintiff, and afterwards putting him in possession before any orders could be issued by the Collector on the application of the third and ninth defendants.

10. The only trustworthy document filed by the plaintiff is the Exhibit F, being a Deed of Sale executed by a former Collector of Madura, in which allusion is made to the division of the village into 11¼ carays. From this instrument it appears that one of the caragars or shareholders of this village fell in arrear, in satisfaction of which, half a caray belonging to him including nunjah, punjah, and samoodayem (undivided) land was exposed to sale and purchased by the 16th defendant in this case in 1830. The defendant, when examined as a witness by the plaintiff, states that since purchasing the said half caray, he has enjoyed six cheys of nunjah, $\frac{5}{16}$ths Cawny of garden, and one Cooly and odd of punjah land, and part of a piece of samoodayem land, the extent of which he does not know; that the other shareholders also enjoy lands of the same extent and description, though in samoodayem land, one may have more or less than another.

11. The witness does not pretend that, under the Deed of Sale above referred to, he had exercised any right over the waste lands of the village, and though, from the fact of his being interested in the issue of the suit, his evidence has to be received with caution, yet his silence on this important point shews that the right of the Government to dispose of waste lands has never before been disputed.

12. All the above Deed of Sale shews is, that certain parties had divided certain lands of Vandyoor into shares or carays for their own convenience—a practice which obtains also in the

other parts of this district when a number of persons unite in reclaiming lands from waste—*Vide* Decrees in Original Suits Nos. 134 of 1864 of this Court, and 79 of 1848 of the late Moofty Sudder Ameen; but this arrangement will not give the caragars or shareholders any right over lands not in their possession, nor included in the Puttahs issued to them by the Officers of Government. Moreover, the disputed land was not given to an utter stranger, but has been granted to persons holding large landed property in the village for a long series of years, who have an equal right to the waste lands thereof, as the defendants 2 to 34, the alleged shareholders, and whose claims to it have been recognized by the Collector in preference to those of—caragars for the reason stated by him, viz., their prior occupation of it for several years by stacking straw on it.

13. On these grounds I consider that the village of Vandyoor is one held on the terms of an ordinary Ryotwary Settlement, and not on Mirassi tenure, and that the defendants have no right to dispose of waste lands of the village to applicants as to put them in possession thereof without the approval or sanction of the Collector.

14. As the title, by virtue of which the plaintiff ventured to eject the defendants 35 to 42 from the lands in dispute to which their right was eventually recognized by the Revenue authorities, is very defective, and affords no justification of his act, and the evidence regarding the alleged burning of an effigy of the plaintiff is not very satisfactory, I consider the plaintiff's claim to damages utterly untenable.

15. In regard to the third issue, I have to observe that the Collector being the constituted authority for granting the waste lands in Vandyoor, the plaintiff should apply to him for the bit for which no Puttah has been granted by him.

16. For these reasons I reject the claim of the plaintiff, and charge him with his own costs and those of the 1st and 35th to 42nd defendants. The other defendants will bear their own costs.

17. Pronounced in open Court this 24th day of September 1866.

(Signed) G. MUTTUSAMY CHETTY,
*Principal Sudder Ameen.*

Recorded.

No. 326. Proceedings of the Board of Revenue, dated 20th November 1867, No. 7,583.

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated Camp Paumbam, 22nd October 1867, No. 269.

To Board, 12th August 1864, No. 212.
From do., 19th do. ,, ,, 5,364.
To do., 15th October 1866, ,, 345.
From do., 12th November ,, ,, 8,172.

With reference to the correspondence noted in the margin, I have the honor to submit herewith, for the Board's information, copies of the Judgment and Decree passed by the Civil Judge in Appeal Suit No. 264 of 1866, on the file of his Court, confirming the decision passed by the Principal Sudder Ameen in Original Suit No. 23 of 1864.

*Madura Civil Court.*

Present:—E. C. G. THOMAS, Esq., Civil Judge.

Appeal Suit No. 264 of 1866.

*Judgment.*

1. The plaintiff sought for a decree, establishing his right to 1$\frac{9}{16}$ Gulies or $\frac{11}{16}$ths Cawny of Punjah waste land in the village of Vandyoor, under a Deed of Sale executed to him by the defendants 2 to 15, and the fathers of those Nos. 2 and 16 as caragars for Rupees 140, and cancelling an order issued by the first defendant granting the land to the defendants 35 to 42, and awarding him personal damages to the amount of Rupees 1,000.

2. The first defendant, the Collector of the district, denied the plaintiff's claim.



3. The defendants 5th, 6th, 7th, 8th, 9th, 10th, 11th, 13th, 15th, 16th, 18th, 19th, 20th to 26th, 30th, 32nd, 33rd, and 34th, supported the plaintiff's claim.

4. The 17th, 27th, and 28th defendants supported the claim of defendants 35 to 42.

5. The defendants 35th, 37th, 38th, 39th, 40th, and 42nd, declared that the land in question belongs to them, and the 36th and 41st defendants by ancestral right.

6. The Principal Sudder Ameen considering that the village of Vandyoor is one held on the terms of an ordinary Ryotwary Settlement, and not on Mirassi tenure, and that the defendants have no right to dispose of waste lands of the village without the approval or sanction of the Collector, rejected the claim of the plaintiff and charged him with his own costs, and those of the 1st and 35th to 42nd defendants.

7. From the above award the plaintiff appeals and pleads—

I. That the document E. shews that the village is one allotted into carays, and that the caray holders have right to dispose of the waste common lands, and that the Government are entitled to receive only the teerwah.

II. That the sale of the waste land in question to him (plaintiff) by the second defendant and others has been proved by witnesses and documents B. and C.

III. That the 35th defendant and others had stacked straw on the land in question with the consent of the caray holders.

IV. That there is sufficient evidence, oral and documentary, to justify an award in his (plaintiff's) favor for the lands and damages sued for.

V. That the lands in the possession of the 41st defendant, and of the 3rd and 36th defendants, ought to have been awarded to him (plaintiff), the former having expressed his consent to give up what he has in his possession, and the two latter having failed to defend the suit.

VI. That the Fysul Oologoo account shews that the disputed land is samoodayem waste.

VII. That the Lower Court's refusal to receive copy of a Mahazur given by the 35th, 40th, and 42nd defendants to the effect that the land in question was samoodayem land is unjust.

VIII. That Puttah was not granted to the plaintiff by the first defendant, although he applied to him in 1861 (the year following the sale).

8. The real object of this suit is to establish the existence of an inherent right in certain members of the village to have the exclusive disposition of some or all of the land in the village in their hands: to establish an *imperium in imperio* to the exclusion of the Collector.

9. This being a Ryotwary district, unless the village is removed from its subordination to the Revenue Officer of Government by its being Zemindary or Maniem, or by some other exempting title, it is plain that this claim will not stand. The appellant asserts the village to be a caray village, and depends on his rights as purchaser from caragars or shareholders. It was for him to shew first that this is a caray village, and second that such fact would be a bar to the ordinary exercise of the powers of the Collector. If for the sake of argument the fact (not proved) is admitted that this is a caray village, the appellant has nevertheless failed to shew what are the exact rights conferred on him by that circumstance. Neither before the Lower Court, nor during a long and patient hearing in this Court, was he able to establish the existence among caragars of any right and title restricting those of Government. As this is a general question, and by no means a new one affecting not only this village but many others in the district, it should have been easy for him to have established such right if really existent.

10. The first respondent pleads that caray rights exist only by mutual arrangement and consent among private parties, and as concerns Government are wholly non-existent. To this open challenge the appellant had nothing to say in reply.

It appears, therefore, that it is not established that this is a caray village, nor if it was, by what titles the present caragars hold their position to the exclusion of other villagers, nor thirdly

if this was established, how their right would militate with the exercise by the Collector of his authority in granting at his discretion Puttahs to whom he will.

On these grounds the decision of the Lower Court must be confirmed, and this appeal dismissed with all costs.

Pronounced in open Court this 20th day of September 1867.

(Signed) E. C. G. THOMAS,
*Civil Judge.*

(True Copy.)

(Signed) P. SHESHAGIRI ROW,
*For Collector.*

ENCLOSURE No. 2.—Decree.

Ordered to be recorded.

No. 327. Proceedings of the Board of Revenue, dated 8th February 1868, No. 982.

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated 3rd February 1868, No. 18.

1. With reference to correspondence noted in the margin, I have the honor to forward, herewith, copy of a notice served on me from the High Court, Madras, and to request that the Board will be so good as to instruct the Government Pleader at Madras to conduct the defence of the Special Appeal on my behalf.

| | | | |
|---|---|---|---|
| To Board, | 12th August 1864, | No. | 212. |
| From ,, | 19th ,, ,, | ,, | 5,346. |
| To ,, | 15th October 1866, | ,, | 345. |
| From ,, | 12th November ,, | ,, | 8,172. |
| To ,, | 22nd October 1867, | ,, | 269. |
| From ,, | 20th November ,, | ,, | 7,583. |

2. All the facts in connection with the subject matter of the suit have been given in detail in the Decrees of the Original and Appellate Courts, recorded in the Board's Proceedings Nos. 8,172 and 7,583, dated 12th November 1866 and 20th November 1867, respectively.

3. I have not obtained copies of the documents filed by the parties in the suit, and of the depositions of witnesses examined on both sides. If the perusal of the papers be deemed necessary by the Government Pleader, copies thereof will be obtained and forwarded.

(Copy.)

*Special Appeal No. 9 of* 1868.

In the High Court of Judicature at Madras.

Muttia Pillai, by Mr. O'Sullivan ... ... ... ... Special Appellant.

V. H. Levinge, Esq., Collector of Madura, and twelve others... Special Respondents.

To the Special Respondent (1) V. H. Levinge, Esq., Collector of Madura.

Take notice that the abovementioned appellant having preferred an appeal to this Court from the Decree of the Civil Court of Madura in Appeal Suit No. 261 of 1866, wherein you were respondent, the appeal will be heard on, or as soon as possible after the 10th day of February next, and that, on default of your appearance in person or by Pleader on the day of hearing, the appeal will be heard and decided *ex-parte* in your absence.

By order,

MADRAS,
*9th January* 1868.

(Signed) T. WILKINS,
*Deputy Registrar.*

5-



1. Communicated to the Government Pleader, with the Board's request that he will be good enough to take the necessary steps to defend the appeal.

2. Copies of the Board's Proceedings, to which the Collector refers, will be forwarded to Government Pleader, with a request that he will inform the Board whether he desires copies of any of the documents alluded to in the closing paragraph of the Collector's letter.

3. The Government Pleader will observe that the hearing is fixed for the 10th instant.

No. 328. ORDER THEREON, 15th February 1868, No. 436.

Miscellaneous.

Ordered that the necessary authority be issued to the Government Pleader to appear and defend the Collector in the Special Appeal Suit in question.

(True Extract.)

(Signed) W. HUDLESTON,
*Secretary to Government.*

To the Government Pleader.
,, the Board of Revenue.

Exd. F. R. Bantleman.

R.D. 6-

No.

The Govt. Pleader is authorised to appear before the High Court to plead at the hearing of the Appeal against the Order of the Madura Court dated 20th Sept. 1864 rejecting the claim of the Plaintiff to certain land in the District, forming the subject of S. A. No. 9 of 1868.—

Rev. 1868. Department.
Bo of Govt for Tolly.

No. 516.

PROCEEDINGS OF THE BOARD OF REVENUE,

From Bd of Revenue
No 12 Dated 6th Feb 1868 2117-

Dated 8th February 1868.
Despd 11-3
Received 15-2
C.3.

No. 982.

From Off Govt Pleader
dy 8 May 68 C.M. 1561

Requesting Government Pleader to take necessary steps to defend Special Appeal filed in High Court from decision of Civil Judge of Madura in Appeal Suit No. 264 of 1866, on file of his Court, regarding certain land.

No 435. 15 Feby