

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	4 6 5	Press <u>Mis.</u>
³⁹²⁻³⁹⁴ Dated	19 - 2 - 18 68.	

Not to be folded or roughly handled

465

*Proceedings of the Madras Government, Revenue Department,
19th February 1868.*

Read the following:—

No. 392. Proceedings of the Board of Revenue, dated 6th February 1868,
No. 911.

Read the following letter from the Acting Collector of the Kistna District, to the
Secretary to the Board of Revenue, dated Circuit Cutcherry at Gudewada,
in Gudewada talook, 17th January 1868, No. 18.

I have the honor, with reference to the Proceedings noted in the margin, to
inform you that in an Arzee No. 9, dated
Board's Proceedings, dated 11th January 1868, 13th current, the Government Vakeel,
No. 206. Gunttoor, has informed me that the
special respondent in Special Appeal No. 537, now pending in the High Court,
had appeared before him, and told him that he had received notice from the High
Court that the matter would come on for hearing on the 15th current; that he
was willing to relinquish all claim on Government for his costs in the original and
appeal suits; and that he was ready to pay to Government all costs incurred in the
matter of the special appeal. This Arzee has just been produced before me by the
special respondent himself, who has shewn me the notice sent him from the High
Court. His reason for thus acting, he informs me, is his inability to "cope with
the Sahib logue:" the question is probably settled by the High Court now, but I
do not think I could advise Government to accept, so far as its own costs are
concerned, the offer of the ryot, special respondent, in whose favor both original and
regular appeal suits were decided.

Submitted for the information and orders of Government, with reference to
their Order, under date 26th June 1867, No. 1,422.

Referred to the Government Pleader for his remarks.

12th February 1868.

(Signed) W. HUDLESTON,

Secretary to Government.

No. 393. From the Officiating Government Pleader, to the Secretary to Govern-
ment, Revenue Department, Fort St. George, dated Madras, 15th February
1868, No. 24.

1. I have the honor to acknowledge the receipt of the Order of Government
noted in the margin, on the subject of
Dated 12th February 1868, and made on Pro- the proposal by the respondent in the
ceedings of the Board of Revenue, dated 6th Special Appeal No. 537 of 1867, (which
idem, No. 911, Revenue Department. is now pending in the High Court,) for
abandonment of the costs awarded to him by the Civil Court of Gunttoor on Regular
Appeal, against which award the Government has appealed.

2. The Special Appeal referred to was presented by me, on behalf of the
Government, to the High Court, pursuant to the instructions of the Government,
contained in the Order of the Government, in the Revenue Department, dated the
26th June 1867, No. 1,422. Now that it has been presented, I would strongly
advise that the Appeal be proceeded with. I do not see how any such abandon-
ment, as the respondent now offers to make of his right to the costs awarded to

*Proceedings of the Madras Government, Revenue Department,
19th February 1868.*

him against the Government by the Lower Appellate Court, can be effectual to prevent him from issuing execution for those costs upon the decree of the Lower Court in his favor. At any rate it would, in my opinion, be extremely dangerous and unsatisfactory to rely upon any such arrangement as that which the respondent now offers.

3. From information which I have received, I believe that the recent Appeal to the Privy Council respecting the Vissanapett Zemindary, has been decided in favor of the ex-Zemindar, and against the Government. One result of which will (as far as I can see) be that the ex-Zemindar will be restored to the possession of the Zemindary. This is an additional reason why the Special Appeal No. 537 of 1867, above referred to, should be proceeded with to a hearing. The Original Summary Suit, out of which the Special Appeal has arisen, was instituted by the ex-Zemindar, against one of the ryots. He subsequently appealed against the decision of the Collector in the Summary Suit and abandoned the Appeal. Whereupon the Civil Court of Guntoor proceeded to place the Government in the place of the ex-Zemindar and to hear the Appeal, the result of which was the dismissal of it, with costs, against the Government, who never were parties to the litigation. The Government are thus ordered to pay costs incurred by the improper litigation of the ex-Zemindar, a litigation which the Government have never countenanced.

4. I return the Order above noted.

No. 394. ORDER THEREON, 19th February 1868, No. 465.

Miscellaneous.

1. The report of the Government Pleader will be communicated to the Board, for the information of the Collector of the Kistna District.

2. Matters had better be permitted to take their course, as advised by Mr. Brockman.

(True Extract.)

(Signed) F. BRANDT,
Under Secretary to Government.

To the Board of Revenue.
„ the Government Pleader.

Exd. S. T. Augustin.

No. 911.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th February 1868.

Read the following letter from W. WILSON, Esq., Acting Collector of the Kistna district, to the Secretary to the Board of Revenue, dated Circuit Cutcherry at Gudewada, in Gudewada talook, 17th January 1868, No. 18:—

I have the honour, with reference to the Proceedings noted in the margin, to inform you that in an Arzee No. 9, dated 13th current, the Government Vakeel, Guntoor, has informed me that the special respondent in Special Appeal No. 537, now pending in the High Court, had appeared before him and told him that he had received notice from the High Court that the matter would come on for hearing on the 15th current; that he was willing to relinquish all claim on Government for his costs in the original and appeal suits; and that he was ready to pay to Government all costs incurred in the matter of the special appeal. This Arzee has just been produced before me by the special respondent himself, who has shown me the notice sent him from the High Court. His reason for thus acting, he informs me, is his inability to "cope with the Sahib logue;" the question is probably settled by the High Court now, but I do not think I could advise Government to accept, so far as its own costs are concerned, the offer of the ryot, special respondent, in whose favour both original and regular appeal suits were decided.

Submitted for the information and orders of Government, with reference to their Order under date 26th June 1867, No. 1,422.

(A true Copy and Extract.)

M. Balakrishna

Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Acting Collector of the Kistna district.
„ to the Government Pleader.

Exd. J. Wright.

I believe the appeal to the P.C. has been decided against Govt. & the Ex. zemindar will be replaced in possession on a probability.

No. 465

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 19th February 1868

Read the following

papers

Pro. of the 17th of Revenue -
Submitting letter from the
Collr. of Krishna District intimating
that Special respondent in S.A.
No. 537, now pending in High
Court is willing to relinquish all
claims on Govt. for costs in the
Orig. & Appeal Suits & to pay all
costs incurred in matter of the
Special appeal.

Off^r Govt. Pleader

Advising for revenue
stated that S.A. No. 537 of 1867
now pending in the High Court
be proceeded with.

A.C. 15th Feb. 1868

A.C. 15th " " 24

The report of
the Govt. Pleader will
be communicated to
the Board for the in-
formation of the Collr.
of the Krishna District
Matters had
better be permitted
to

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 6th February 1868

No. 911.

No. 458.

Department.

Submitting letter from Acting Collector of
Kistna district intimating that special respond-
ent in Special Appeal No 537, now pending in
High Court is willing to relinquish all claim on
Government for costs in the Original and Ap-
peal Suits and to pay all costs incurred in mat-
ter of the Special Appeal.

Dated 10-2-68

Dec 11/68

17th Feb. 1868. Department.
No. of Govt. for S.A. 537.

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to take their course
as advised by Mr.
Brookman.

L.B.

14 Copies Taken of Rev. Dr. 20
3 ———— Galt O'Leary

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On the 1st of June 1840
I received from Mr. Galt O'Leary
14 copies of the Rev. Dr. 20
3 ———— Galt O'Leary

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3 ———— Galt O'Leary

Wm. Hall

Revenue 1868 Dep't
of Gov't for Italy.

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No of the various Gov't
of 19 to January/68

James W. Hudson
17 July 1868

Ms 3920 394

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