G.R.O. 11 MAR-10-10-55

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	824	Press Mis.
573-6 Dated	30-3-	1868.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
30th March 1868.

Read the following :—

No. 543. *Proceedings of the Board of Revenue*, dated 10th October 1867, No. 6,531.

Read the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 1st October 1867, No. 261.

1. I have the honor to forward copy of a plaint, preferred to the Civil Court at Ootacamund, by Reverend J. Griffiths, M. A., Senior Chaplain, residing at Madras, and registered as No. 43 of 1867 on the file of that Court, in which my name as Collector of Coimbatore is included as the third defendant.

2. The plaintiff sues to eject first and second defendants from a piece of ground, situated in or near Bundy sholah in Ootacamund, being the property of the plaintiff, and said to have been usurped by the first defendant, and to cancel the decision of Major Hessey, Deputy Superintendent of Revenue Survey, dated 30th May 1867.

3. The plaintiff founds his claim to the disputed land on the following grounds :—

First.—That, in or about the year 1846, he purchased from Mr. W. Bates, (now deceased,) a piece of land measuring Cawnies 4, Grounds 39, and Square-feet 1,980, as particularized in an official Survey plan, dated August 1842, and that the east corner of this land is part of that now in dispute.

Secondly.—That, in or about the year 1848, plaintiff purchased from a Mr. Reilly, a piece of ground measuring Cawny 1, Grounds 9, and Square-feet 192, as per Survey plan, dated 12th April 1853, and that the east portion of this is the other part of the disputed land.

Thirdly.—That, in or about the year 1862, plaintiff being then at Ootacamund, found an attempted trespass on the first of the above particular spots by a person said to be a Mysore gardener; that this trespass, he (plaintiff) summarily arrested, and the party (whom plaintiff never saw) quitted the spot; that plaintiff was at Ootacamund for about a year, and no further trespass was attempted during that time; but that thereafter, during plaintiff's absence from the station, the land appeared to have been again trespassed on, and that the second defendant now occupies both pieces, as is understood, under a lease given him by the first defendant.

Fourthly.—That it is pretended that the first defendant holds the land under a Puttah from the Collector, but that the plan of 1842 distinctly shows the one land in dispute as having been granted to the late Mr. Bates, from whom plaintiff derives his title; that the plan of 1858 specifies the other in plaintiff's possession, and that quit-rent upon the whole has been all along paid to Government up to the present time.

4. The *onus probandi* as to the prior occupation of, and title to, the disputed land rests with the plaintiff and the first defendant; but the question of to whom is [illegible] that a Puttah was issued by the Collector to the first defendant's name, for a piece of land included in the plan held by the plaintiff, requires to be explained. With this view, a [illegible] was made to [illegible] on records of my Office, and the history of the case as [illegible] is as follows :—

5. On the 14th April 1842, Mr. W. Bates, of Coimbatore, applied to the Collector of Malabar, to which district the Nellghirry Hills then belonged, for a piece of

Government waste land at Ootacamund, measuring Cawnies 4, Grounds 23, and Square-feet 1,980. On the 3rd September 1842, the application was referred to the Officer Commanding Ootacamund for the usual certificate that the ground did not interfere with any public works. This was accordingly attached, and on the 15th idem, the Collector of Malabar, in accordance with the rules then in force, sent the application, together with the plan, dated August 1842, and referred to in the plant, to the Collector and Registrar of Government Grants, Madras, for the purpose of a grant being issued in the name of Mr. Bates. With his letter of the 24th November 1842, the Collector and Registrar of Government Grants sent to the Malabar Collector a counterpart to be executed by Mr. Bates as a preliminary step to the issue of the grant applied for. The counterpart was at once forwarded to the applicant with a request that it should be executed and returned; but this was not complied with by him until the beginning of February 1844. During this interval, a native named Pariah Krishnen cultivated a portion of the above land to the extent of one-eighth of a bullah (equivalent to Grounds 8, and Square-feet 1,008,) according to the Curnum's measurement. As it was not then usual to demarcate the lands applied for, and as applications for lands from Europeans and East Indians were generally disposed of in those days without reference to the Taluck and Village authorities, the Curnum thought that the land cultivated by Pariah Krishnen was Government waste, and accordingly entered it in the latter's name in the public accounts. In April 1843, the Neilgherry Hills were re-transferred to the Coimbatore District, and during the Jummabandy Settlement of Fusly 1252, (1842-43,) which took place in the same month, Mr. Wrougnton, the then Principal Collector of this district, issued a Puttah (No. 570) in Krishnen's name for the one-eighth bullah of land above referred to; the assessment charged on it being Rupee 0-14-2, which sum was regularly paid by the Puttah holder.

6. With his letter of the 1st February 1844, Mr. Bates returned the counterpart, duly executed, to the Collector of Coimbatore, and it was transmitted to the Collector and Registrar of Government Grants on the 5th idem. On the 17th idem, under the latter functionary sent a grant to Mr. Bates's name, bearing date 21st January 1844, No. 112. This was furnished to Mr. Bates, and he was charged with quitrent from 1844 for the land referred to in the grant. Thus it will appear that Krishnen's possession and title was of a prior date to that of Mr. Bates. He (Mr. Bates) paid no quitrent for the period intervening between the date of his application in April 1842, and that on which he was charged in 1844 on the receipt of his grant, and his claim to the disputed land cannot be admitted in supersession of that of his previous occupant.

7. In Fusly 1266, (1856-57,) the said Krishnen appears to have made an addition of [illegible] bullah of land to his [illegible] (Grounds [illegible] and Square-feet [illegible]) [illegible] allegation, and this [illegible] entered [illegible] land Square-feet [illegible] In the year [illegible] Government [illegible] Rupees [illegible] for which a renewed Puttah was given to the said Krishnen by Mr. Wrougnton, the then Principal Collector. This Puttah stood in

Krishnen's name till his death, or up to Fusly 1266, when his relatives and heirs sold the land to one Madara, Butler, and this latter individual sold it to Nunjappa Row, the present holder, in whose name the Puttah was renewed, in Fusly 1267, by the then Collector Mr. Thomas, according to the razinamahs presented by the former owners.

8. From the year 1844 the land, for which Mr. Bates obtained a grant, was in his possession short of the quantity held by Krishnen and his successors; but he neglected to have his boundaries defined and demarcated. On the 7th February 1850, (not 1846, as stated by the plaintiff,) Mr. Bates sold his land to Reverend Mr. Griffiths, and he likewise appears to have neglected to ascertain his boundaries. In the year 1858, Reverend Mr. Griffiths applied for a survey of all his properties at Ootacamund, and this was accordingly made by the then Sub-Engineer Mr. Williams, who, in sending the plans to the Collector, reported that a native named Nunjappa Row held a Puttah for a piece of land measuring seven grounds within the limits of the land purchased by Mr. Griffiths from Mr. Bates. It was then, and then only, that the Collector became aware of the fact that Nunjappa Row's land formed a portion of Mr. Bates's grant. The necessary inquiries were soon after made, and the Collector Mr. Thomas found that the native Nunjappa Row, and the former owners, had held a piece of land in Bundy sholah property on Puttah No. 570 for sixteen years, and were on the land when Mr. Griffiths bought it of Mr. Bates. Mr. Thomas accordingly communicated the result of his inquiry to Reverend Mr. Griffiths in his letter, dated 28th February 1860, and suggested the advisability of Mr. Griffiths purchasing Nunjappa Row's claim, or of his having the Puttah land struck off from the plan of Bundy sholah property. Neither of these suggestions was attended to, and in the face of these facts, the plaintiff writes as if the trespass was made in the year 1862, and as if a Puttah was given by the Collector at a comparatively recent date.

Vide accompanying copy of his letter, dated 17th February 1859.

Vide paragraph 9 of Acting Collector Mr. Cherry's letter to Reverend Mr. Griffiths, dated 2nd March 1850, No. 80, appended to the Board's Proceedings of the 23rd idem, No. 930.

Vide accompanying copy of letter.

9. Under the foregoing explanation, the Board will find that the transactions relative to the Puttah took place in my predecessor's times; that the first defendant's right to the land is substantiated by long occupation; and that the plaintiff's claim is barred by the Statute of Limitations.

10. The Board are aware that the properties of the several settlers on the Neilgherry Hills are now being demarcated and surveyed, under the superintendence of Major Heasey, Deputy Superintendent Revenue Survey. [illegible] of the Bundy sholah property, [illegible] Mr. [illegible] brought [illegible] claim to the land claimed by Nunjappa Row, and Major [illegible] survey [illegible] report, decided that the [illegible] should be marked as [illegible] and [illegible] Register as the property of Nunjappa Row. — *Vide* [illegible] of his decision [illegible] submitted. It is to cancel this decision, and to eject the first and second defendants from the land, that Mr. Griffiths has brought the suit.

11. A draft of written statement to be presented to the Court on behalf of the Collector, (third defendant,) is herewith sent, and I request the sanction of the Board to defend the suit at the cost of Government.

12. The date for the hearing of the suit as first fixed by the Court, was the 9th September 1867, but as the time allowed was too short, an extension was applied for and granted up to the 11th October. As the subject matter of the case required a reference to the old records of several former years, this time is likewise found insufficient. Application will be made for a further extension up to 23rd October. Meantime, I request I may be furnished with the early orders of the Board on the subject.

In the Civil Court of Ootacamund.

Reverend John Griffiths, M. A., Senior Chaplain, residing at Madras, *Plaintiff,*

versus

1. Nuckappa Row, } Residing at Ootacamund.
2. Ramaswamy, } *Defendants.*
3. P. Grant, Esq., Collector of Coimbatore, residing at Coimbatore.

Plaintiff sues to eject first and second defendants from a piece of ground, situated in or near Bundy sholah at Ootacamund, being the property of plaintiff and usurped by first defendant in plaintiff's absence from Ootacamund, and to cancel the decision of Major Hessey, Deputy Superintendent Revenue Survey, dated 30th May 1867.

The estimated value of the land is 500 Rupees.

Statement.

In or about the year 1846, plaintiff purchased from Mr. W. Bates, (now deceased,) a piece of land measuring Cawnies 4, 23 Grounds, and 1,980 Square feet, as particularized in an official Sequestration, (Nowrah,) dated August 1846. The east corner of this land is part of that now in dispute. In or about the year 1848, plaintiff purchased from Mr. Reilly, a piece of ground measuring 1 Cawny, 0, 20 Grounds, 132 Square feet, as per Surveyor's Report, dated 12th April 1852. In the year 1852, plaintiff purchased a portion of the same adjacent land, (the remainder the year 1853,) plaintiff being then at Ootacamund, found in accordance with the first of these particulars, by a person [illegible] to be a Nyanar, or [illegible]. This [illegible] unknowingly erected, and the party whose property it was, [illegible] Ootacamund for about a year, and he further [illegible] during this time.

Mr. Bates, [illegible] plaintiff's absence from the station, the land appears to have been [illegible] and the second defendant now occupies both pieces, as is understood, under a lease given him by the first defendant.

The ground that first defendant holds under a Patta from the Collector. But the plan [illegible] shows the other land in dispute as having been granted to the late Mr. Bates, from [illegible] derives his title, and the plan of 1853 precedes the other on plaintiff's possession. [illegible] has been all along paid to the Government up to the present time.

(Signed) J. GRIFFITHS.

[illegible] the plan of ground in the above plaint, do declare that what is stated therein [illegible] to the best of my information and belief.

Ootacamund, [illegible] (Signed) J. GRIFFITHS.

[illegible]

Filed on the [illegible]

(Signed) [illegible]
Acting Head Judge.

From W. WILLIAMS, Esq., Sub-Engineer, second class, to the Acting Collector of Coimbatore, dated Ootacamund, 17th February 1859.

I beg to forward six plans of the Reverend Mr. Griffiths's properties at Ootacamund:—

		Cs.	Gds.	Sq.-ft.	Cs.	Gds.	Sq.-ft.
No. 1.	"Shedden House" purchased at the sale of the late General Kennett...				1	20	2,025
,, 2.	"Shedden Cottage" purchased from Mrs. Ryan				0	21	2,352
No. 3.	Bundy sholah land, comprising as follows:—						
	Purchased from Mr. Bates...	4	23	1,980			
	Do. from Serjeant Holmes	5	11	2,150			
	Do. from Mr. Reilly...	1	20	132			
	Ceded to Reverend Mr. Griffiths in 1861, in exchange for land taken by certain native gardeners	2	6	750			
	Ceded to Reverend Mr. Griffiths in 1859, piece marked A. on plan, as per letter received from Mr. Griffiths, 24th November 1858	2	16	0			
		17	6	212			
	Deduct for Government roads, allowing ten feet on each side ...	2	6	0			
					15	0	212
No. 4.	"St. Stephen's Hill" purchased from Mrs. Baber ...	2	0	0			
	Do. do. do. from Mr. Lowry. ...	2	0	220			
					4	0	220
No. 5.	"Gregory Cottage" purchased at the sale of the late General Kennett				3	0	0
No. 6.	Waste land, above Shedden house, purchased at Government sale				9	14	1,800

Leases may be now granted for these properties according to the particulars given in my plans, and the plans attached to the respective leases.

Reverend Griffiths in his letter, dated 2nd June 1858, claims for the land called "Gerrardie," and a piece sold at Government sale and purchased by the then Collector, Mr. Underwood. You have in January last disposed of the former claim, the latter remains undecided. Should you consider Mr. Griffiths entitled to compensation to this land, I would point to the land now ceded to Mr. Griffiths, measuring Cawnies 2, Grounds 16, which is in excess to what that gentleman is entitled to.

It would be necessary to retain in our Office all the old plans received from Mr. Griffiths.

Nanjappa Row holds a Puttah for a piece of land measuring seven grounds within the enclosure of the land purchased by Mr. Griffiths from Mr. Bates. I beg to enclose a Memorandum given by the Village Cheenam regarding the land, which should be inquired into, and the possession of the land given over to Mr. Griffiths.

From the Collector of Coimbatore, to Reverend J. GRIFFITHS, dated 28th February 1860, No. 76.

1. I beg to draw your attention to paragraph 10 of Mr. Cherry's letter to you, dated 2nd March last, No. 80, and request that the fees for the plans therewith forwarded, viz., Rupees [illegible] may be remitted to me, the same not having been as yet received.

2. Adverting to paragraph 9 of the above letter, I beg to inform you that, on careful inquiry it appears that the native Nanjappa Row and the former owners have held a piece of land [illegible] "Bundy sholah" [illegible] on Pattas [illegible] and were on the land when you [illegible] Mr. Bates [illegible] payable for you to pay [illegible] Nanjappa [illegible] be struck off from the plan [illegible] If [illegible] of your property, the above plan will be kept in my Office.

B

Copy of Decision passed by the Officer in charge of Demarcation, under Act No. XXVIII. of 1860.

Ootacamund, 24th May 1867.

No 29.

Between the Reverend J. Griffiths and Nunjappa Row.

PRESENT.—Nunjappa Row's Gumastah Murdannigum Pillay, and the Reverend John Griffiths.

Nunjappa Row's Gumastah states that the disputed portion of land, situated between the Bundy sholah road and the road leading from the Church to Dr. Pope's school, was purchased in October 1857 from Madara, General Coffin's Butler, and that Madara purchased the land in August 1867 from Moonien and Meenatchee, the representatives of Krishnen deceased. That Krishnen held the land on Puttah, Puttah No. 570. No plan is produced, the Deeds of Sale are forthcoming. Mr. Griffiths shews a plan prepared by Mr. Williams, Surveyor, and signed by him in 1842.

In that plan the portion of land claimed by Nunjappa Row, is clearly shown as being part of that purchased by Mr. Griffiths from Mr. Bates.

Nunjappa Row's Gumastah states that he can produce a Puttah for the land.

The inquiry is adjourned till 11 A. M. on the 25th, in order to allow him time to produce the documents.

25th May 1867.—Narienier, the Curnum of Todanand, states that the land formerly held on Puttah No. 570 by Krishnen, was entered in the Register as held by Nunjappa Row on the 31st October 1857.

That he knows the land cultivated by Nunjappa Row, that it is the land for which he holds Puttah.

On referring to the Talook records, it appears that the Puttah is dated from Fusly 1252, A. D. 1842.

Venkata Row, Revenue Inspector, states that he knows the piece of land in dispute; that since the year 1857, Nunjappa Row has been in undisturbed possession of it; that Nunjappa Row has leased the land to another person. That Nunjappa Row has paid the teerwah regularly for the ground. That Mr. Griffiths has paid quit-rent for the same land up to the end of 1864. The dispute as to the ownership of the ground cannot be settled here. There can be no doubt about the fact that Nunjappa Row is in possession and has been so for at least ten years.

Order.

The piece of ground in dispute is to be marked out separately and entered in the Register as the property of Nunjappa Row. A remark that the Reverend John Griffiths claims the land, should be entered in the column of remarks.

(Signed) W. H. HUSSEY, Major,
Deputy Superintendent Revenue Survey, in charge of Demarcation and Survey of Hill Settlement.

Draft of a Written Statement to be presented in Suit No. 43 of 1867, on the file of the Civil Court at Ootacamund, District Moonsiff's side.

Plaintiff's claim is barred by the Statute of Limitations.

The Puttah held by the first defendant is not of a date subsequent to that on which the land said to have been trespassed on, was acquired. It was granted by the former Principal Collector Mr. Wroughton so far back as Fusly 1252, (1842-43.) Though the plan of Mr. Bates's land is dated 1842, yet the land was only transferred to him in 1844, or about eight months after the Puttah was issued, as will be seen from the following facts gathered from the records of the Collector's Office.

On the 16th April 1842 Mr. W. Bates, of Ootacamund, applied to the Collector of Malabar for a piece of land in Ootacamund measuring [illegible] square feet 1,986, from Government waste. According to the rules then in force, the Collector of Malabar sent the application on the 15th September 1842, to the Collector and Registrar of Government Grants, Madras, for the purpose of

a grant being issued in Mr. Bates's name for the land in question. In November 1842, the Collector and Registrar of Government Grants sent to the Collector of Malabar a counterpart to be executed by Mr. Bates, to whom it was sent on the 29th November 1842, with a request that it should be executed and returned for transmission to Madras. Mr. Bates did not return the counterpart until 1st February 1844, or thirteen months after it was sent to him. During this interval, a native named Pariah Krishnen cultivated a portion of the disputed land measuring, according to the Village Curnum's measurement, one-eighth of a bullah. As it was not then usual to demarcate the lands applied for, and as the Village Curnum was not aware that Krishnen's cultivation had formed a portion of Mr. Bates's application, he (Curnum) entered the one-eighth bullah in Krishnen's name in the public accounts. In April 1843, the Neighcerry Hills were re-transferred to the Coimbatore District, and during the Jummabundy Settlement of Fusly 1252, (1842-43,) which took place in the same month, the then Principal Collector, Mr. Wroughton, issued a Puttah in Krishnen's name for the one-eighth bullah, the assessment charged being 0-14-2, which sum was regularly paid by this individual to Government from Fusly 1252, (1842-43.) Mr. Bates returned the counterpart to the Collector of Coimbatore with his letter of the 1st February 1844. It was soon after sent to the Collector and Registrar of Government Grants, who sent a grant in Mr. Bates's name, bearing date the 31st January 1844, No. 112. This was furnished to Mr. Bates, and he was charged with quit-rent for the land from the year 1844. Thus it will appear that Krishnen's possession and title was of a prior date to that of Mr. Bates. In Fusly 1255, (1845-46,) the said Krishnen appears to have made an addition of $\frac{13}{16}$ bullahs of land to his cultivation, and this was, likewise, entered in his name, making a total of $\frac{21}{16}$ bullahs, bearing an assessment of Rupees 1-10-5, for which a renewed Puttah was given to the said Krishnen by Mr. Wroughton, the then Principal Collector. This Puttah stood in Krishnen's name till his death, or up to Fusly 1266, when his heirs sold the land to Madara, Butler, and this latter individual sold it to Nunjappa Row, the present holder of the disputed land, in whose name the Puttah was renewed in Fusly 1267 by the then Collector Mr. Thomas. From the year 1844 up to February 1850, the land for which Mr. Bates obtained a grant, was in his possession, *minus* that portion held by Krishnen and his successors; but he (Mr. Bates) neglected to have his boundaries defined and demarcated. On the 7th February 1850, (not 1846, as stated by the plaintiff,) Mr. Bates sold his land to Reverend Mr. Griffiths, and he, likewise, appears to have neglected to ascertain his boundaries. In the year 1858, Reverend Mr. Griffiths applied for a survey of all his properties at Ootacamund, and this was accordingly made by the then Sub Engineer Mr. Williams, who, in sending the plans to the Collector, reported that a native named Nunjappa Row, held a Puttah for a piece of land measuring seven grounds within the limits of the land purchased by Reverend J. Griffiths from Mr. Bates. It was then, and not till then, that the Collector was aware of the fact that Nunjappa Row's land formed a portion of Mr. Bates's grant. The necessary inquiries were soon after made, and the Collector (Mr. Thomas) found that the native Nunjappa Row, and the former owners, had held the disputed land within the enclosure of Bundy sholah property on Puttah No. 570 for sixteen years, and were on the land when Mr. Griffiths bought it of Mr. Bates. Mr. Thomas, the Collector, accordingly communicated the result of the inquiry to Reverend Mr. Griffiths in his letter, dated 28th February 1860, and suggested the advisability of Mr. Griffiths purchasing Nunjappa Row's claim, or of his having the Puttah land struck off from the plan of Bundy sholah property. In the face of these facts, the plaintiff writes as if the trespass was made in the year 1862, and as if a Puttah for it was given by the Collector at a recent date, which is not correct.

(Signed) P. GRANT,
Collector.

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1. The Board are unable to sanction the defence of this suit [illegible]

The Revenue authorities [illegible] When Mr. Bates [illegible] the land [illegible] designs can be [illegible] consequence of the improper [illegible] a Puttah to a person who was, in fact,

trespasser on lands applied for by another, and eventually conveyed to him by a formal grant from Government.

2. The Collector should at once cancel the Puttah hitherto issued for this portion of the land, and should inform the Court of the same, explaining that the original issue of a Puttah was a mistake on the part of the Revenue authorities. He should also state his readiness to hand over to Mr. Griffiths the amount collected from the plaintiff on account of his land, and should request, under these circumstances, to be relieved from the suit.

3. As to the remaining portion of the land in dispute said to be included in a grant to Mr. Reilly in 1848, the Board desire to know how this came to be done, if, as stated in paragraph 7 of the Collector's letter, it had been previously acquired by second defendant's predecessor in 1845-46.

No. 544. Proceedings of the Board of Revenue, dated 16th November 1867, No. 7,504.

Read the following letters:—

From the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 10th October 1867, No. 286.

1. I have received the Board's Proceedings of the 10th instant, declining sanction to defend the suit against me as Collector by Reverend Mr. Griffiths, regarding a piece of land held by one Nunjappa Row, and included in the plan of the former's property, and directing me to cancel the Puttah standing in the latter's name. In obedience to those orders, the Puttah will be cancelled, and the fact reported to the Court with an explanation that the original issue of the Puttah was a mistake on the part of the Revenue authorities, and that the amount collected from the plaintiff on account of his land, will be handed over to him. I shall also request that, under those circumstances, I may be relieved from the suit.

2. Adverting to paragraph 3 of the Board's Proceedings under reply, I beg to state that, although the Reverend Mr. Griffiths states in his plaint to the Court that a portion of the disputed land forms part of the premises purchased by him from Mr. Reilly in or about the year 1848, yet it did not appear from the records of this Office that Mr. Reilly's land (now Mr. Griffiths's) was also trespassed upon. Mr. Surveyor Williams, in sending with his letter of the 17th February 1859 a consolidated plan of Mr. Griffiths's several properties including that bought by him from Mr. Reilly, reported that Nunjappa Row held a Puttah for a piece of land measuring seven grounds within the limits of the land purchased by Mr. Griffiths from Mr. Bates. If, as stated by Mr. Griffiths, a portion of the disputed land formed part of Mr. Reilly's land, Mr. Williams, it is reasonable to suppose would have brought the fact to the notice of the Collector as he did in regard to Mr. Bates's land; but as such was not done, this point was not touched upon in my letter. Granting, however, that Mr. Griffiths's statement is correct, I would point out that the acquisition of Mr. Reilly's land by his predecessors did not take place in 1848, as supposed by the Board, but in 1845, as will be apparent from the following extract from the records of my Office:—

3. On the 26th July 1842, a gentleman named Dr. Magrath applied to the Collector of Malabar for a piece of land measuring Cawnies 5, Grounds 11, and Square-feet 104, adjoining Mr. Bates's land. This application was sent to the Collector and Registrar of Government Grants with Mr. Collector Conolly's letter of 15th September 1842; Dr. Magrath being at the same time allowed to take possession of the land. The Registrar of Government Grants, with his letter of 26th November 1842, transmitted a counterpart agreement to be executed by Dr. Magrath, as a preliminary step to the issue of a grant. On the 29th idem, the counterpart was sent to Dr. Magrath, who, in his reply, dated 5th December, expressed his wish to give up the land to one Samoo Moodelliar of Mysore, and requested the Collector's sanction to it. This sanction was conceded in Mr. Conolly's letter of 10th idem. After the re-transfer of the Neilgherry Hills to Coimbatore in April 1843, Samoo Moodelliar applied to Mr. Weoughton for a grant for the land in question in his own name, but his application was returned to him in May 1843, with an intimation that it should be submitted together with a plan through the Staff Officer of Ootacamund, as was then usual. This course does not appear to have been followed. However, in the Quit-Rent Register of 1843, Samoo Moodelliar's name was entered as the owner of the land in the strength of Dr. Magrath's report to the Collector of Malabar, and he paid quit-rent thereon up to 1844. In 1845, the land was transferred to Mr. Reilly by Samoo Moodelliar's executor. Of the total area of Cawnies 5, Grounds 11, Square-feet 104, comprised within the lot, Mr. Reilly transferred Cawnies 2, Grounds 2, Square-feet 2,000 to a Mr. Eckersall, and retained for himself Cawnies 3, Grounds 8, Square-feet 504, paying the annual quit-rent thereon to Government. In 1847 Mr. Reilly applied for a grant in his name for this land, but it was not given pending* the completion of the general survey of the station then being made. In Captain Ouchterlony's survey the area of the portion retained by Mr. Reilly amounted to Cawnies 3, Grounds 8, Square-feet 1,464, according to the Register sent by him in 1850. It was subsequently raised to Cawnies 3, Grounds 14, Square-feet 164, by alterations made between him (Mr. Reilly) and Mr. Eckersall, as communicated to this Office by Captain Ouchterlony in his Memorandum of 16th February 1852. In 1850 (not 1848 as stated by Mr. Griffiths), Mr. Reilly transferred to Mr. Griffiths Cawny 1, Grounds 20, Square-feet 132, as per plan prepared by the then Sub-Engineer Mr. Williams in 1858, and it is on this portion that Mr. Griffiths complains that Nunjappa Row has trespassed in addition to his trespass on Mr. Bates's land.

4. Under those circumstances, it will appear that Mr. Reilly's land was not acquired after the issue of a Puttah to the first (not second) defendant's predecessors in 1845-46 for the additional land.

5. It may be asked how it happened that Mr. Williams's statement of the area trespassed on by Nunjappa Row, refers only to seven grounds, whilst the area out to Grounds 16, Square-feet [illegible] extent is according to [illegible] to differ from that [illegible] Cawnies [illegible] Cawnies [illegible] Williams's. In the [illegible] Cawnies [illegible]

* Vide Extract from the Proceedings of the Board of Revenue, dated 8th May 1847.

be nearly correct, because in a demi-official note received from Captain Ouchterlony in 1850, just found on the old records of my Office, he states as follows:—

"The property as represented in Plan No. 6, contains less by fifteen grounds than it should do, according to the assessment levied on it hitherto."

The Plan No. 6 referred to, is that appertaining to "Bundy sholah" property, bought by Mr. Griffiths from Mr. Bates.

The Puttah for the whole extent of land under dispute should, therefore, be cancelled in virtue of the Board's order under reply.

From the same Officer, dated 11th November 1867, No. 308.

To Board, dated 1st October 1867, No. 261.
From Board, dated 10th October 1867, No. 6,531.
To Board, dated 19th October 1867, No. 286.

1. With reference to the correspondence noted in the margin, I have the honor to report that, in accordance with the orders conveyed in the Board's Proceedings of the 10th ultimo, No. 6,531, orders were at once issued to the Tahsildar of Ootacamund, directing him to note in the accounts that the Puttah standing in Nunjappa Row's name, for the land in dispute between him and the Reverend Mr. Griffiths, has been cancelled, and to strike off Nunjappa Row's name from the village Chittah of the current Fasly. A motion was also presented to the Civil Court at Ootacamund, to the effect that the Puttah in question has been cancelled, its original issue being declared a mistake on the part of the Revenue authorities, and that the amount collected from the plaintiff on account of the land will be handed over to him, and praying that, under these circumstances, I may be relieved from the suit. On this the Court passed an order* to the effect that, as the first defendant is unwilling to resign possession, and as he desires that his claim should be fully investigated, I (third defendant) should be in attendance in the Court, with the documents which I have been already summoned to produce on the 11th November 1867. The documents called for have now been transmitted through the Tahsildar, and the result of the investigation in the suit will be reported to the Board in due course.

* Copy see forewith.

Proceedings of the Civil Court of Ootacamund, dated 24th October 1867.

Read statement of F. Grant, Esq., Collector of Coimbatore, and third defendant in Original Suit No. 43 of 1867, on D. M.'s side, on the file of the Civil Court of Ootacamund.

ORDER ON THIS COURT.

Both first defendant being unwilling to resign possession, and desiring that his claim to the land should be fully investigated, the third defendant is required to be in attendance at this Court, with the documents he has already been summoned to produce on the 11th November 1867.

(Signed) R. G. CLARKE,
Acting Civil Judge.

The Board await the Collector's further report.

No. 545. Proceedings of the Board of Revenue, dated 18th March 1868, No. 1,953.

Read again the following:—

Board's Proceedings, dated 10th October 1867, No. 6,531.

Board's Proceedings, dated 16th November 1867, No. 7504.

Read also the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 13th December 1867, No. 351.

1. With reference to Proceedings of the Civil Court of Ootacamund, dated 24th October 1867, communicated to the Board of Revenue with my letter of the 11th November, embodied in Board's Proceedings, dated 16th November 1867, I have the honor to inform you that in accordance with the Court's order, I appeared in Court on the 14th November 1867. The Judge called me into his Chambers, and recommended that the case should be disposed of out of Court. He was evidently impressed with a view of the case favorable to the Reverend Mr. Griffiths's interests, and laid much stress on the fact of the grant having been applied for in Mr. Bates's favor ere the Puttah for the same land had been issued to the other party, through whom it eventually came to Nunjappa Row.

2. I informed the Judge that I should be most happy to see the case settled out of Court, that I would place myself in communication with Nunjappa Row and the Reverend Mr. Griffiths's Vakeel, and that if they were willing to settle the case out of Court, I would at once take action in it, and report the issue to the Board, by whose decision I, of course, would have to abide.

3. Mr. Ouchterlony, who acted on behalf of Mr. Griffiths, expressed his willingness to have the case settled out of Court. Nunjappa Row also stated that if he was re-paid the price of the land and his outlay on it, he would be prepared to hand it over to the Reverend Mr. Griffiths. These terms seemed fair; I, therefore, directed the Tahsildar of Ootacamund to ascertain the price of the land and the value of the improvements made by Nunjappa Row. He has done so.

4. The purchase money amounts to Rupees 150, and the value of the improvements including other expenses exhibited in the following statement is Rupees 168-12-0, making in all a sum of Rupees 318-12-0, which sum I think Government should re-pay to Nunjappa Row and hand over the land to the Reverend Mr. Griffiths.

Statement.

	RS.	A.	P.
Cost of levelling the ground	99	12	0
Purchase money of the land paid by Nunjappa Row to the previous owner	150	0	0
Assessment paid on the land up to date	16	8	0
Cost incurred in the suit	30	0	0
Cost of demarcation	12	8	0
Value of tenant's hut	10	12	0
	318	12	0

Nunjappa Row is offering [illegible] to take this sum of Rupees 318-12-0, or [illegible] land which he will point out.

5. The land he wishes for is situated in one of the most beautiful parts of the Coonoor ghaut. I cannot recommend that it be given to him. It is worth much for its beauty. The payment of the above sum will settle a dispute which has given and might give much more trouble if prolonged. I recommend that I be authorized to pay the money.

6. Copies of the following papers are enclosed for the Board's information :—

1 Translation of an Arzi from the Tahsildar of Neilgherry Talook, dated 27th November 1867.

1 Translation of Petition from Gangajee Row, brother of Nunjappa Row.

1 Translation of a Yadast from Revenue Inspector Vencataramaniah.

1 Translation of a Deposition given by Gangajee Row.

Enclosure No. 1.

Translation of an Arzi from the Tahsildar of Neilgherry, to the Collector of Coimbatore, dated the 27th November 1867.

With reference to your Tukeed dated 25th November 1867, No. 235, I beg to inform you that in accordance with your personal orders I proceeded myself in communication with Nunjappa Row, regarding the piece of land held by him on Puttah No. 570, near Sandy Sholah, in Todanad village, measuring 3½ bahals, and assessed at Rupee 1-10-5, and about which Reverend Mr. Griffiths has instituted a suit against you and Nunjappa Row, in the Ootacamund Civil Court. Nunjappa Row informed a servant of yours, through his brother Gangajee Row, informed me that he would part with the land in question on condition that he is reimbursed of the money spent by him in the purchase, &c., of the land amounting to Rupees 453, or that another piece of Government waste land equivalent in value be granted to him in exchange near his Coffee plantation at Cullaray Modoo. Whereupon I referred the petition to the Second Class Revenue Inspector Vencataramanier, with a Yadast directing him to inspect the land and make a report on the correctness of the petitioner's statement in regard to its profits. The Inspector, on the 24th, reported that he thought that a sum of Rupees 308-12-0 would have been spent in levelling the ground for the construction of a Bungalow on it, and that the arrears cost for the land would have amounted to Rupees 308-12-0. I then summoned Gangajee Row and took a deposition from him. He states that he should either be paid an sum of Rupees 308-12-0, or that a piece of land in exchange equivalent in value should be granted to him as mentioned in his Arzi. I therefore, beg to enclose Gangajee Row's petition and deposition, as well as the Revenue Inspector's report, for your information. I further beg to inform you that I am really unable to decide by your order on the subject, either as regard to paying him the value of the land or in granting him a piece of land in exchange. It is to be determined that land be granted in exchange, I will inspect the land which the petitioner chooses, and make a report on the extent and its assessment thereof.

(Signed) J. RAMIAH,
Tahsildar.

True translation,

(Signed) F. GRANT,
Collector.

Enclosure No. 2.

[illegible]

[illegible] Gangajee Row [illegible] Nunjappa Row [illegible]
[illegible] 24th November 1867.

[illegible] by Reverend Mr. Griffiths [illegible]
[illegible] and [illegible] the piece of land of my deceased [illegible] Puttah [illegible]

Bahals 3½ and assessed at Rupee 1-10-5, and for which my brother Nunjappa Row holds a Puttah No. 570, I beg to annex a Memorandum of the cost of purchase, &c., of the land.

	RS.	A.	P.
Price of the land as purchased in 1857	150	0	0
Estimated cost of levelling the ground with a view to erect a Bungalow thereon ...	250	0	0
Amount of assessment up to date	16	8	0
Court costs	30	0	0
Cost of demarcation	12	8	0
Total ...	459	0	0

I request that either the above sum may be paid to me, or that a piece of land equivalent in value be granted in exchange close to my two Coffee Gardens near Cullaray Modoo.

(Signed) GANGAJEE ROW,
Brother of Nunjappa Row.

Enclosure No. 3.

Translation of a Yadast written to the Neilgherry Tahsildar by Vencataramaniah, Revenue Inspector, dated 24th November 1867.

In reply to your Yadast No. 70, dated 22nd instant, giving cover to a petition from Gangajee Row of the Ootacamund bazaar, I beg to inform you that I inspected the land referred to in the petition in company with the said Gangajee Row. The ground has been dug out and levelled to the extent of fifty-seven yards in length and twenty-eight yards in width. The depth of the excavation amounts to 1½ yards on the road side on the west, one yard in the middle, and quarter of a yard on the east, the average depth being one yard. The total cubic contents amounts to 1,596 yards, the expenditure on the land is as follows:—

	RS.	A.	P.
1,596 Cubic yards of earth work at sixteen yards per Rupee ...	99	12	0
Purchase money of the land	150	0	0
Assessment paid on the land	16	8	0
Cost incurred in the suit	30	0	0
Cost of demarcation	12	8	0
	308	12	0

Thus it appears that a sum of Rupees 308-12-0 would have been spent on the land. I understand that the Deed of Sale of the land and other papers have been shown to you. There is an old house on the land, which I am informed has been constructed by the men who cultivate the land on "Warum" terms. The cost of the house is about 15 Rupees. The land is now cultivated with potatoes. The position is hereunto returned.

(Signed) VENCATARAMANIAH,
Revenue Inspector.

(True translation.)

(Signed) F. GRANT,
Collector.

Enclosure No. 4.

[illegible]

Translation of a Deposition given by Gangajee Row, brother of Nunjappa Row, dated 24th November 1867.

[illegible] dated 21st instant regarding the suit in Land [illegible]
[illegible] 570, in the name of my brother Nunjappa Row, [illegible]
[illegible] about which the Reverend Mr. Griffiths [illegible]
[illegible]

tuted a suit in the Ootacamund Civil Court, I entered Rupees 250 as being the cost of levelling the ground for the erection of a Bungalow thereon. As it is now ten years since the work was performed, no account was kept by me for the amount spent for levelling the land. I, therefore, entered the above sum on rough estimate. To-day Veneetaramiyah, Second Revenue Inspector of the taluk, inspected and measured the land, and has fixed Rupees 99-12-0 as the probable cost of the levelling. This sum I agree to receive. Of the total amount of cost shown in my petition, namely, Rupees 450, Rupees 150-4-0 have been struck off in the item of levelling, and the balance is Rupees 308-12-0; either this sum should be paid to me, or a piece of land in exchange should be granted to me in the locality referred to in my petition.

(Signed) GANGAJEE ROW.

(True translation.)

(Signed) P. GRANT,
Collector.

1. Resolved that the foregoing papers be submitted to Government, with the Board's recommendation that the Collector's present proposal may be sanctioned.

2. The particulars of the case are as follows:—

3. In the year 1842 Mr. Bates, of Calicut, applied for a piece of Government waste land at Ootacamund, and owing to various causes the grant was not finally and formally issued to him until the beginning of 1844.

4. Meanwhile a piece of land forming a part of that applied for by Mr. Bates was occupied and cultivated by a native, and a Puttah issued to him by the Revenue authorities, in ignorance of the fact that the land formed portion of that applied for by Mr. Bates.

5. This gentleman appears never to have had his boundaries very clearly marked out, and he seems to have remained in ignorance of the fact that a portion of the land for which he was paying assessment was occupied by another person.

6. In 1850, Mr. Bates sold his land to the Reverend Mr. Griffiths, both parties being unaware of the misappropriation of the portion of it held on Puttah by the native above mentioned.

7. In 1858, Mr. Griffiths had a survey made of all his property at Ootacamund, and then it was discovered that a portion of the land purchased from Mr. Bates had been alienated and was held on Puttah by one Nunjappa Row.

8. Mr. Griffiths accordingly brought a suit to eject the trespasser, the Collector, representing the Revenue authorities who had granted the Puttah to Nunjappa Row's predecessor, being constituted a defendant in the suit.

9. The Collector, in a letter, dated 18 October 1867, No. 261, forwarded the Plaintiff's Original Answer, and requested that the defence at the public expense might be sanctioned.

10. The position which the Collector rested his defence was, that the Puttah granted to Nunjappa Row's predecessor was of earlier date than Mr. Bates's grant, that the Puttah holder had been in possession of the land for [illegible] years, and that when Mr. Griffiths purchased the property, [illegible] the land was [illegible] Proceedings referred above, [illegible] the Collector [illegible] Puttah holder only portion of the land [illegible] Mr. Bates's application [illegible]

12. They directed the Collector to cancel the Puttah so issued, and explain to the Court that the original issue of a Puttah was a mistake on the part of the Revenue authorities. He was also directed to state his readiness to hand over to Mr. Griffiths the amount collected from him on account of this portion of his land, and to request that he might, under these circumstances, be relieved from the suit.

13. In a letter, dated 19th October 1867, No. 286, the Collector declared his intention to carry out the instructions of the Board.

14. On the 11th November, however, the Collector wrote to say that the defendant Nunjappa Row was unwilling to resign possession of the land, and desired that his claim should be fully investigated, and that he, the Collector, had accordingly been summoned to be in attendance at the Court with whatever documents he had to produce.

Embodied in Board's Proceedings, dated 16th November 1867, No. 7,504.

15. The result of the investigation has now been communicated to the Board in the letter recorded at the head of these Proceedings, from which the Government will observe that Nunjappa Row consents to receive Rupees 318-12-0, and to resign all right in the land, and the Board recommend that this sum be paid to him.

No. 546. ORDER THEREON, 30th March 1868, No. 824.

Miscellaneous.

1. Payment of Rupees 318-12-0 to Nunjappa Row, as compensation for depriving him of the land included in Reverend Mr. Griffiths's property, for which a *Puttah* was irregularly issued in Nunjappa Row's name, is sanctioned, as the officers responsible for the irregularity can no longer be made answerable. The Collector will require Nunjappa Row to surrender all his documentary evidence of holding before payment. Possession of the land will be given to Mr. Griffiths.

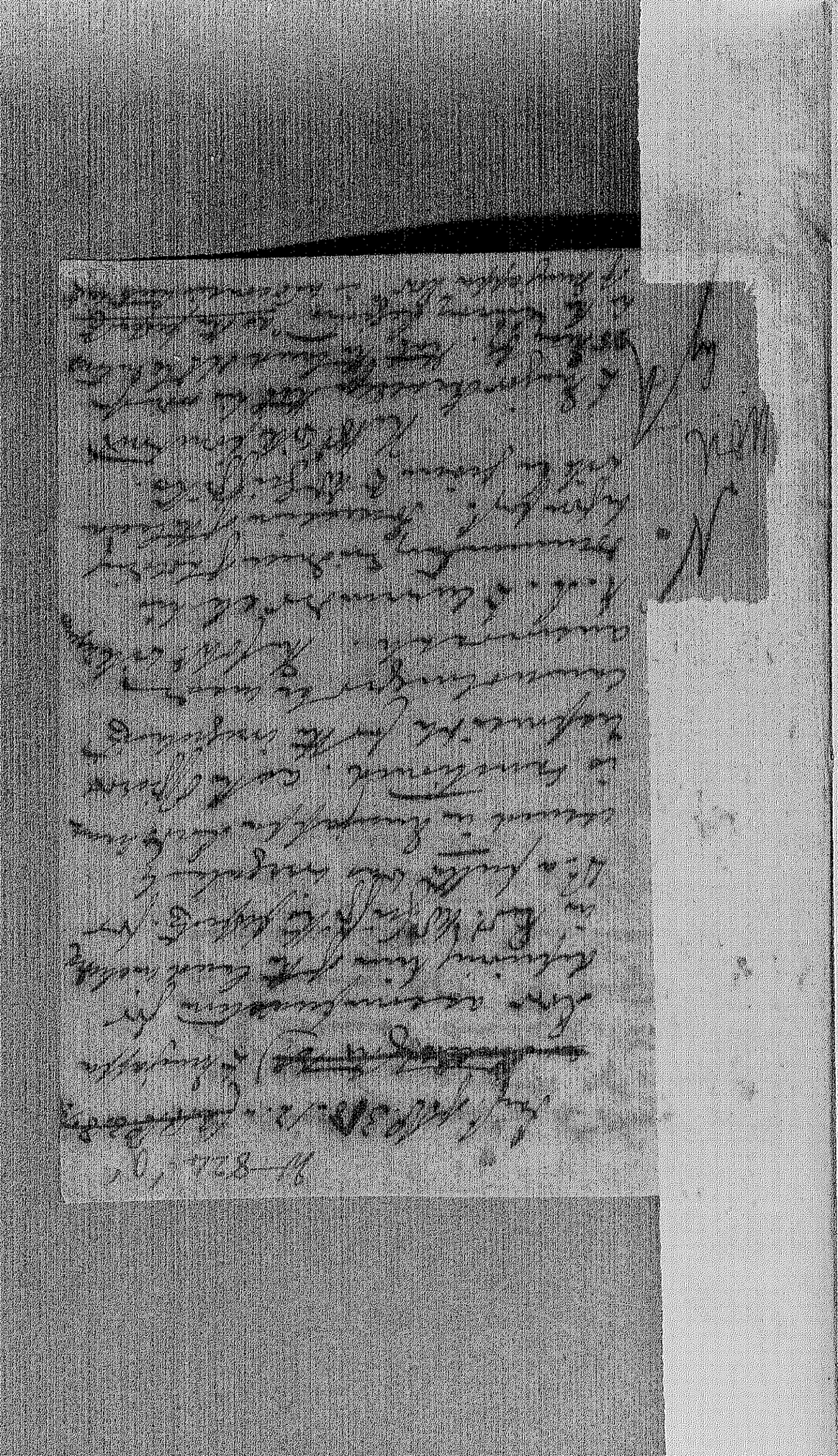
2. The Board will point out to Major Hessey that his order of 24th May 1867, that the land should be entered in the Survey Register "*as the property* of Nunjappa Row," is not consistent with the opinion expressed in the Proceedings on which his order was based that "the *ownership* of the ground" could not be settled in the Survey Department. The entry in the Survey Register should have been limited to the statement that Nunjappa Row was *in possession*.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Revenue Board.
" the Accountant General.

Encl. T. O'Connor.



[illegible]