M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1766 Press Mis.

475-477

Dated 22 nd June 1869

Not to be folded or roughly handled

18

No. 475. Read the following Proceedings of the Board of Revenue, dated 9th April 1869, No. 2,425:—

Read the following letter from the Collector of Madras, to the Acting Secretary to the Board of Revenue, dated Sydapet, 22nd March 1869, No. 77.

I HAVE the honor to forward, for the Board's approval and sanction, a plaint, (to be returned,) prepared by the Government Solicitor, Madras, proposed to be filed in a suit to be instituted in the High Court for the recovery of possession of a piece of land at Washermanpettah, Madras, containing 19 grounds and 1,326½ square feet, the property of Government.

2. The enclosed copy of a letter from the Deputy Collector of Madras will show the history of the property in question, and the necessity for Government taking legal proceedings in the matter.

3. The christian names of the gentlemen lately composing the Esplanade Committee, and who were in treaty for the purchase of the property from the grandfather of the present plaintiff, will have to be filled in the plaint; places are, therefore, left blank for the purpose. It must be done in the Board's Office, as the necessary information cannot be obtained from the records of this office.

ENCLOSURE No. 1.

From the Deputy Collector, to the Collector of Madras, dated Madras, 9th February 1866.

IN submitting the enclosed Memorandum, with its accompaniments, I have the honor to inform you, that the Government ground therein alluded to is now in the enjoyment of Ingoovah Seetha Ramiah and some others under his permission. It appears that the land was originally allowed to be enjoyed by his late grand-father, Ingoovah Seetha Ramiah only for some charitable purposes, and especially on condition of giving it back to Government whenever required. But as no such charities are now performed, and as the choultry itself is in a very dilapidated state, it is essentially necessary that the ground be kept clean from befalling any danger to it either by the sparks of the Railway engine passing close by it, or by the fall of the old walls of the choultry itself; consequently I called upon the said occupant, Seetha Ramiah, to vacate the ground and deliver it over to me on behalf of Government, and as he could not do so, and in fact opposes the right of Government to the same, it now becomes necessary to us to have him ejected from the premises, and take possession of the same by a recourse to law. However, as to take legal proceedings in the matter it is desirable, I think, to obtain the sanction of Government, and to instructing their Solicitor to commence a suit at once on behalf of Government; consequently I request you will be pleased to lay the whole case before Government for their orders thereon.

(True Copy.)

(Signed) H. RICHARDSON,
Deputy Collector.

ENCLOSURE No. 2.

In the High Court of Judicature at Madras.

ORIGINAL SUIT No.——of 186 .

Between the Right Honorable the Secretary of State for India in Council, Plaintiff,
and

1. Ingoovah Seetha Ramiah, a Lawyer's Clerk and Hindoo inhabitant of Madras.
2. Ingoovah Venkatachelamma, widow and Hindoo inhabitant of Madras.
3. Ingoovah Soobbayan, a Hindoo inhabitant of Madras.

4. Soobben, a Hindoo inhabitant of Madras.
5. Venkatachella Pillay, a pensioned Havildar.
6. Raman, a Laborer.
7. Jamana Royee, a Cake-seller.
8. Vydelinga Pundarum, a Laborer.
9. Chenjee, a Hindu inhabitant of Madras.
10. Tanjee, a Hindoo inhabitant of Madras.
11. Venkatachella Pillay, a Laborer.
12. Veerasawmy, a Hindoo inhabitant of Madras.
13. Motagi, a Hindoo inhabitant of Madras.
14. Kandappan, a Hindoo inhabitant of Madras.
15. Mungalum, a Gardener Contractor.
16. Teroovengada Pillay, a Sepoy.
17. Combaconum Rungasawmy Iyer, a Merchant.
18. Mungathoy, a Laborer.
19. Soobaroya Pillay, a Laborer.
20. Poojali Govindoo, a Laborer.
21. Poojali Mooneappen, a Laborer.
22. Mooneechee, a Laborer, and
23. Thoyee, a Laborer respectively, residing at No. 4, on the Trivatoor High Road, at Washermanpettah, within the local limits of Madras, Defendants.

Plaint.

The relief sought for is—

1. Delivery up of possession by the defendants to the plaintiff of the whole, or of all such parts and portions as are now in the possession or occupation of the defendants respectively; of all that piece or parcel of land situated, lying, and being on the Trivatoor High Road at Washermanpettah, within the local limits of Madras, containing in the aggregate nineteen grounds, one thousand three hundred and twenty-six square feet, and one-half of a square foot or thereabouts and bounded on the north side thereof by the Madras Railway, on the south side thereof by land belonging to or in the occupation of the plaintiff or his under-tenants, on the east side thereof by the Trivatoor High Road, and on the west side thereof by land belonging to or in the occupation of the Government of Fort Saint George, Madras, on behalf of the plaintiff or their under-tenants, together with all buildings and erections, and trees, and garden cultivation of every sort and description standing and being thereon; all such land, buildings, erections, trees, and garden cultivation being the property of the plaintiff, and of the value of two thousand five hundred and fifty-two Rupees or thereabouts, and are now in the possession and occupation of the defendants.
2. Payment from the defendants to the plaintiff of all costs of and incidental to this suit.
3. And such further or other relief as the nature of the case may call for.

The subject of the plaintiff's claim—

1. In and prior to the month of March one thousand eight hundred and twenty-two the late Honorable East India Company, now represented by the plaintiff, were in treaty with one Ingoovah Soobaroylier, otherwise called Ingoovah Soobaroyaloo Braminy, since deceased, who was the grand-father of the first defendant, Ingoovah Seetha Ramiah, for the purchase from him, as the owner thereof, of several pieces or parcels of land on the Trivatoor High Road at Washermanpettah, within the local limits of Madras, including therein the piece or parcel of land, possession whereof is hereby sought to be recovered by the plaintiff from the defendants.

2. At the date of the said treaty for purchase, and at the date of the completion thereof hereinafter mentioned, a choultry and certain other buildings and erections attached thereto were erected and built, and were standing and being on the said piece or parcel of land, which said land, choultry, and buildings had theretofore been used, and the rents and profits thereof applied (as the plaintiff was then informed and believed) by the said Ingoovah Soobaroylier, otherwise called Ingoovah Soobaroyaloo Braminy, for religious and charitable purposes.

Proceedings of the Madras Government, Revenue Department,
22nd June 1869.

3. During the negotiations for the said purchase, and previous to the completion thereof hereinafter mentioned, the said Ingoovah Soobaroylier, otherwise called Ingoovah Soobaroyaloo Braminy, in and by a letter under date the first of April one thousand eight hundred and twenty-two, addressed by him to the Honorable Leveston, Granville, Keith, Murray, Major Thomas Fiott de Havilland, and Captain William Ormsby, who then formed the Esplanade Committee appointed by the Government of Fort Saint George, and acting for and on behalf of the said late Honorable East India Company, now represented by the plaintiff, applied to the said Committee, acting as aforesaid, and requested that, notwithstanding the said sale by him, he might be permitted to retain and continue to hold the said piece or parcel of land, and the choultry, and other buildings and erections thereon, possession whereof is sought to be recovered in this action, for such religious and charitable purposes as aforesaid; whereupon the said Honorable Leveston Granville Keith Murray, Major Thomas Fiott de Havilland, and Captain William Ormsby, as such Committee as aforesaid acting as aforesaid, by a resolution passed by them under date the eighteenth of May one thousand eight hundred and twenty-two, gave the said Ingoovah Soobaroylier, otherwise called Ingoovah Soobaroyaloo Braminy, permission to retain the said piece or parcel of land and the choultry and other buildings and erections attached thereto for such religious and charitable purposes as aforesaid, on condition that he should thereafter make no addition to the said choultry without the express permission of the said late Honorable East India Company, now represented by the plaintiff, and should, moreover, engage to allow the said choultry and buildings attached thereto to be taken down whenever the said late Honorable East India Company, now represented by the plaintiff, should require possession of the said piece or parcel of ground, and should not plant trees nor erect any fence other than might be prescribed by the Chief Engineer of the said late Honorable East India Company, now represented by the plaintiff.

4. The purchase of the said piece of land with the choultry, erections, and buildings thereon, was shortly afterwards completed, and under and by virtue of a certain Dew Poll or instrument in writing, under the hand of the said Ingoovah Soobaroyaloo Braminy, since deceased, dated the sixteenth April one thousand eight hundred and twenty-three, Number 6,156, the said land, choultry, erections, and buildings, together with certain other land and hereditaments, have been bargained, and sold, and conveyed to, and became vested in the said late Honorable East India Company, now represented by the plaintiff; and the said Ingoovah Soobaroyaloo Braminy, since deceased, was thereupon and thereafter permitted to retain and continue in possession of the said piece of land, choultry, erections, and buildings, possession whereof is sought to be recovered in this action, under the said resolution of the said eighteenth May one thousand eight hundred and twenty-two for such religious and charitable purposes as aforesaid, and upon the conditions hereinbefore mentioned.

5. The performance of the charities for which the said piece or parcel of land, and the choultry and other buildings and erections attached thereto, were so permitted to be retained by the said Ingoovah Soobaroylier, otherwise called Ingoovah Soobaroyaloo Braminy, as aforesaid, ceased in or about the month of June one thousand eight hundred and sixty, as appears from a letter addressed by the first defendant, Ingoovah Seetha Ramiah, to the Collector of Madras, acting for and on behalf of the plaintiff under date the twentieth of September one thousand eight hundred and sixty-two, whereby, and by a letter subsequently addressed by the first defendant to the said Collector of Madras, under date the eighth of October one thousand eight hundred and sixty-two, and by another letter addressed by the first defendant to the Deputy Collector of Madras, acting for and on behalf of the plaintiff, under date the twenty-ninth of June one thousand eight hundred and sixty-five, the first defendant acknowledged the proprietary right of the plaintiff to the said piece or parcel of land.

6. The first defendant herein is the grand-sonand legal personal representative of the said Ingoovah Soobaroylier, otherwise called Ingoovah Soobaroyaloo Braminy, now deceased, and the other defendants hold possession of certain portions of the said land under the first defendant, or under his said grand-father.

7. Notice to quit and deliver up possession of the said piece or parcel of land, and the buildings and erections attached thereto, was given on the twenty-first day of May one thousand eight hundred and sixty-six to the first, second, third, fourth, seventh, eighth, twelfth, and fourteenth defendants; on the twenty-second day of May one thousand eight hundred and sixty-six to the ninth, tenth, and fifteenth defendants; on the twenty-sixth of May one thousand eight hundred and sixty-six to the fifth, sixth, and thirteenth defendants; on the twenty-ninth of the same month to the eleventh defendant; and on the seventeenth of December one thousand eight hundred and sixty-seven to sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, and twenty-third defendants; but the defendants have not, nor have any of them, yet delivered up possession of the said piece or parcel of land, and the buildings and erections attached thereto, or any portion thereof, to the plaintiff, or any person or persons on his behalf.

The cause of action is—

The non-delivery of possession of the premises.

I, Vembaukum Rungasawmy Iyengar, Deputy Collector of Madras, for and on behalf of the Government of Fort Saint George, acting for and on behalf of the Right Honorable the Secretary of State for India in Council, the plaintiff named in the foregoing plaint, do declare that what is stated therein is true to the best of my information and belief.

THE Board sanction the filing of the plaint prepared by the Government Solicitor, and the conduct of the Suit at the cost of Government.

No. 476. Proceedings of the Board of Revenue, dated 17th June 1869.

Read again Proceedings of the Board of Revenue, dated 9th April 1869, No. 2,425.

Read also the following:—

From the Collector of Madras, to the Acting Secretary to the Board of Revenue, dated Sydapett, 2nd June 1869, No. 162.

I BEG to submit herewith copy of a letter written by Mr. Prichard, Government Solicitor, to the Deputy Collector of Madras, and request the Board will pass such orders as they think proper in the matter.*

* *Vide* Board's Proceedings, dated 9th April 1869, No. 2,425.

From the Acting Government Solicitor, Madras, to the Deputy Collector of Madras, dated Madras, 15th May 1869, No. 248.

I HAVE the honor to acknowledge the receipt of your letter of the 5th May 1869, No. 24, and its enclosures.

2. I have not yet received the Order of Government sanctioning the institution of the Suit in the High Court at Madras, against Ingoovah Seetha Ramiah and others referred to in your letter under acknowledgment, but so soon as I receive the Order of Government the necessary steps shall be taken in the matter.

THIS case should have been submitted for the sanction of Government, and the Board accordingly now resolve to request that Government will authorise the institution of proceedings, as recommended by the Collector.

Proceedings of the Madras Government, Revenue Department, 22nd June 1869.

2. The rights of Government appear in the case of this land to have been set at defiance by the tenant, and the situation of the land within the Madras limits, where the acquisition of land for public purposes is costly, renders it desirable that those rights should be vindicated.

No. 477. ORDER THEREON, 22nd June 1869, No. 1,766.

Miscellaneous.

THE institution of the Suit is sanctioned.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Ext. E. C. Shunker.

A.1.7.66.

The institution of the suit is sanctioned

22nd June/69.

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Govt. of [1869] Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated June, 22nd

Read. Ind.

G. O., 22nd June 1869, No. 1,763.

JUDL.

Nos. 475—477.

Suit for the recovery of land at Washerman's Pettah, Madras.—Its institution in the High Court, sanctioned.

Fromki. Govt. Lr. dt. 21 Feby. 70 Jud. Nos. 542-543.

Fromki. Govt. Lr. dt. 21 March/70 Ch. 774.