

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT

G.O. No.	2523	Press
1/6	1/5	<i>Mis</i>
Dated 1/6 Sep 1968		

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
6th September 1869.*

No. 116. Read the following Proceedings of the Board of Revenue, dated 12th August 1869, No. 5,971. —
Read the following letter from the Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 12th July 1869, No. 136.
With reference to the correspondence noted, I have the honour to forward, for the information of the Board, copies of Decrees and Judgments passed by the Principal Sudder Ameen of Tellicherry in Appeal Suits Nos. 150 and 157 of 1868.

Enclosure No. 1.

(COPY.)

*In the Court of the Principal Sudder Ameen of Tellicherry.
(L.S.)*

Friday, the second day of April one thousand eight hundred and sixty-nine.

Present — K. R. KAVENNA MANN, Principal Sudder Ameen,
Appeal Suit No. 156 of 1868.

Chandrasekhar Achi, by Vakool Ramann, *Appellant (Plaintiff).*

1. G. A. Ballard, Esq., Collector of Malabar, *Respondents (Defendants).*
2. Kathavallappi Ravi
3. Paliyandugan Packer

Plaintiff Vakool Ramann

Plaintiff appeals against the decree of the District Munsif of Tellicherry (J. J. P. P.) in Original Suit No. 100 of 1864, dated 30th March 1868, on the following grounds:—

- I.—As petitioner is in possession of the land, Munsif was wrong in dismissing her suit.
- II.—Petitioner's right of possession was recognized by Decree No. 10 of 1863.
- III.—The decree is against the rule framed by Government as regards the sale of Government lands.
- IV.—Munsif did not consider that the first defendant acted in violation of the law.
- V.—The first defendant did not give usual notice to petitioner.
- VI.—Petitioner did not relinquish her right of the land.

DECREE.

This appeal coming on for hearing, after perusing the grounds of appeal, the judgment and decree of the Lower Court, and the records of the suit, and upon hearing the arguments of Vakool Ramann and the said G. A. Ballard, Esq., Vakool Ramann, Vakool for the first respondent, and the said Kathavallappi Ravi, Vakool for the second respondent, in person or by counsel, then considered, order and decreed that the decree of the Lower Court be, and the same shall be confirmed, and this appeal dismissed, with costs.

Slaves and children of

Colonel and others, Vakool for the first respondent

Vakool for the second respondent

Vakool for the third respondent

Vakool for the fourth respondent

Vakool for the fifth respondent

Vakool for the sixth respondent

Vakool for the seventh respondent

Vakool for the eighth respondent

Vakool for the ninth respondent

Vakool for the tenth respondent

Vakool for the eleventh respondent

Vakool for the twelfth respondent

Vakool for the thirteenth respondent

Vakool for the fourteenth respondent

Vakool for the fifteenth respondent

Vakool for the sixteenth respondent

Vakool for the seventeenth respondent

Vakool for the eighteenth respondent

Vakool for the nineteenth respondent

Vakool for the twentieth respondent

Vakool for the twenty-first respondent

Vakool for the twenty-second respondent

Vakool for the twenty-third respondent

Vakool for the twenty-fourth respondent

Vakool for the twenty-fifth respondent

Vakool for the twenty-sixth respondent

Vakool for the twenty-seventh respondent

Vakool for the twenty-eighth respondent

Vakool for the twenty-ninth respondent

Vakool for the thirtieth respondent

*Proceedings of the Madras Government Revenue Department,
6th September 1869.*

2. First defendant asserted that the suit, as regards the sale of the Jamm right made by himself, is barred by Clause 3, Section 1, Act XIV. of 1869, the suit having been instituted one year after the date of the sale.

3. Fourth defendant contended that the sale by second and third defendants individually was good and valid, having been made with the consent of each other and for valuable consideration.

4. Fifth, sixth, and seventh defendants asserted that the plaintiff's alleged right of pre-emption was cancelled by Government, and that the sale made by Government was good and valid.

5. Second defendant died, and third defendant was *ex parte*.

6. The District Munsiff of Tellicherry, J. B. D. BOONIA, dismissed the suit.

7. Plaintiff appeals.

JUDGMENT.

For the reasons assigned in my Judgment in Appeal Suit No. 157 of 1868, I proceed to confirm the Munsiff's decree, and dismiss this appeal with costs.

(Signed) K. R. KRISHNA MENON,

Principal Sudder Judge.

Dated 2nd April 1869.

(True Copies.)

(Signed) F. C. G. THOMAS,

Collector.

8. Suit No. 157, together with copies of the Board's Proceedings, dated and numbered respectively 7th September 1868, No. 4,357, and 3rd March 1869, No. 1,863, were forwarded to the Government.

9. It will be seen from the first Board's Proceedings, dated 7th September 1868, and 16th of 1869, in the Tellicherry District Munsiff's Court, were dismissed with costs.

10. The decision was appealed against, and the Collector was authorised to forward the copies of Board's Proceedings of 22nd March 1869.

11. The suit appears to have been dismissed, and the decision of the Munsiff's Court confirmed.

Ordered in Council, 6th September 1869, No. 2,523.

By Command,

Ordered to be recorded.

(Signed) J. B. D. BOONIA,

(Signed) H. WELLESLEY,

Principal Sudder Judge, Government.

No. 6,352.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th September 1868.

Read the following letter from G. A. BALLARD, Esq., Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 8th August 1868, No. 293:--

1. Adverting to the correspondence noted, I have the honour to forward, herewith, copies of

Correspondence regarding Original Suit No. 100 of 1864.
Do, do, do, No. 16 of 1864.
Colr. to Board of Rev. 16th May 1867, No. 103.
Proc. Board of Rev. 25th May 1867, No. 3,299.
Original Suit No. 54 of 1865.
Colr. to Board of Rev. 17th June 1867, No. 123.
Proc. Board of Rev. 24th June 1867, No. 3,893.
Original Suits Nos. 298 and 337 of 1862.
Colr. to Board of Rev. 17th June 1867, No. 124.
Proc. Board of Rev. 24th June 1867, No. 2,883.

Judgments in Original Suit Nos. 100 of 1864, and 16 and 54 of 1865, in the Court of the District Munsiff of Tellicherry, and translations of those in Original Suits Nos. 298 and 337 of 1862, in the Court of the District Munsiff of Parangad. It will be observed that these suits, in every one of which the Collector was a defendant, have been dismissed with costs against the plaintiffs.

2. No notice of appeal against the Munsiff's decree in any of the suits has as yet been served on the Collector.

Enclosure No. 1.

(COPY.)

Original Suit No. 100 of 1864.

On the file of the Court of the District Munsiff of Tellicherry.

Plaintiff.

Verus

Defendants.

1. Charavalappil Acha (female).
By Vakils (1) Kerot Raman, (2) Kunnath.

1. G. A. Ballard, Esq., Collector.
2. K. M. A. Parayil.
3. Palliyari Pedikayil Packer.
First defendant by Vakils Raman.

Decree.

Ordered that the Suit be dismissed with costs against plaintiff.

Judgment.

1. The plaintiff seeks the cancellation of the sale by first to second and third defendants of the Jannam claim of the plaintiff Paramba as illegal on the ground that she being the party in possession, the Jannam should have been sold to her as was done in regard to other Government property held by her on precisely similar tenure as that she holds the said Paramba.

2. The first defendant pleads that plaintiff's right being in dispute, and it being impossible to determine which the real right of possession lay, he sold the Jannam by auction.

3. The records of this case and those of Case No. 16 of 1865 clearly show that plaintiff's right was under contention. Her right is alleged to have been derived partly from Pallakel Kunh, Annal, and partly from his younger brother Moolam Kunh, the original holders. It appears that at the request of the former the Jannam was proposed to be sold to his nephew, plaintiff's son, No. 12, but subsequently he represented that he had transferred his right to plaintiff in the present suit, and he stated that the sale might be made to him and plaintiff's son, No. 12, but he failed to the Court stating that the transfer having been admitted in by him was void, and he had no right to sell the Jannam, and he stated that he had no right to have the Jannam sold to him.

4. The Court in question was of a nature cognizable by Civil Court only. The first defendant, in his official capacity as Collector and Magistrate, could inquire into and dispose of it. The Court's decision was adopted as the law of the land by the Government, leaving the defendants to execute and pay up the Jannam, and they accordingly executed themselves of the obligation then afforded them, the claim was extinguished by their payment.

Sept. 11 1868

REVENUE.

To

THE BOARD OF REVENUE.

Dated September, 6th.

Recd.

G. A. Ballard, September 1868, No. 2,693.

SEPTEMBER.

NO. 116-117.

Suits Nos. 156 and 107 of 1865 in Malabar District.—Proceedings Board of Revenue, forwarding copies of decrees and judgments in connection with them, recorded.

5. The second and third defendants having paid the revenue of the land in question and purchased it, the amount so paid, which defendant claims is Rupees 6 4-9, should be set off in the sum claimed.

6. Plaintiff having unnecessarily included a third defendant in the suit, must bear his costs from October 1867.

(Signed) J. L. D. ROZARIO.

Munsif.

(True Copy.)

(Signed) G. A. BALLARD.

Collector.

Enclosure No. 4.

DEAN SECTION.

In the Court of the District Munsiff of Payanad.

Original Suit No. 237 of 1862.

Present.—PATTI MADAN KUTTI RAMA NARAY.

Plaintiff.

versus

Defendants.

1. Palakunnat Kolayee Kondan Nayar (died.)

1. Collector of Malabar.

2. Poyakara Narayana Nambudri (died.)

1st P. Grant Esq., Collector of Malabar.

3. Palakunnat Kolayee Chathan Nayar (died.)

2nd P. Grant Esq., Collector of Malabar.

4. Palakunnat Kolayee Chathan Nayar (died.)

3rd P. Grant Esq., Collector of Malabar.

5. Palakunnat Kolayee Chathan Nayar (died.)

4th P. Grant Esq., Collector of Malabar.

6. Palakunnat Kolayee Chathan Nayar (died.)

5th P. Grant Esq., Collector of Malabar.

7. Palakunnat Kolayee Chathan Nayar (died.)

6th P. Grant Esq., Collector of Malabar.

8. Palakunnat Kolayee Chathan Nayar (died.)

7th P. Grant Esq., Collector of Malabar.

9. Palakunnat Kolayee Chathan Nayar (died.)

8th P. Grant Esq., Collector of Malabar.

10. Palakunnat Kolayee Chathan Nayar (died.)

9th P. Grant Esq., Collector of Malabar.

11. Palakunnat Kolayee Chathan Nayar (died.)

10th P. Grant Esq., Collector of Malabar.

12. Palakunnat Kolayee Chathan Nayar (died.)

11th P. Grant Esq., Collector of Malabar.

13. Palakunnat Kolayee Chathan Nayar (died.)

12th P. Grant Esq., Collector of Malabar.

14. Palakunnat Kolayee Chathan Nayar (died.)

13th P. Grant Esq., Collector of Malabar.

15. Palakunnat Kolayee Chathan Nayar (died.)

14th P. Grant Esq., Collector of Malabar.

16. Palakunnat Kolayee Chathan Nayar (died.)

15th P. Grant Esq., Collector of Malabar.

17. Palakunnat Kolayee Chathan Nayar (died.)

16th P. Grant Esq., Collector of Malabar.

18. Palakunnat Kolayee Chathan Nayar (died.)

17th P. Grant Esq., Collector of Malabar.

19. Palakunnat Kolayee Chathan Nayar (died.)

18th P. Grant Esq., Collector of Malabar.

20. Palakunnat Kolayee Chathan Nayar (died.)

19th P. Grant Esq., Collector of Malabar.

21. Palakunnat Kolayee Chathan Nayar (died.)

20th P. Grant Esq., Collector of Malabar.

22. Palakunnat Kolayee Chathan Nayar (died.)

21st P. Grant Esq., Collector of Malabar.

23. Palakunnat Kolayee Chathan Nayar (died.)

22nd P. Grant Esq., Collector of Malabar.

24. Palakunnat Kolayee Chathan Nayar (died.)

23rd P. Grant Esq., Collector of Malabar.

25. Palakunnat Kolayee Chathan Nayar (died.)

24th P. Grant Esq., Collector of Malabar.

26. Palakunnat Kolayee Chathan Nayar (died.)

25th P. Grant Esq., Collector of Malabar.

27. Palakunnat Kolayee Chathan Nayar (died.)

26th P. Grant Esq., Collector of Malabar.

28. Palakunnat Kolayee Chathan Nayar (died.)

27th P. Grant Esq., Collector of Malabar.

29. Palakunnat Kolayee Chathan Nayar (died.)

28th P. Grant Esq., Collector of Malabar.

30. Palakunnat Kolayee Chathan Nayar (died.)

29th P. Grant Esq., Collector of Malabar.

31. Palakunnat Kolayee Chathan Nayar (died.)

30th P. Grant Esq., Collector of Malabar.

32. Palakunnat Kolayee Chathan Nayar (died.)

31st P. Grant Esq., Collector of Malabar.

33. Palakunnat Kolayee Chathan Nayar (died.)

32nd P. Grant Esq., Collector of Malabar.

34. Palakunnat Kolayee Chathan Nayar (died.)

33rd P. Grant Esq., Collector of Malabar.

35. Palakunnat Kolayee Chathan Nayar (died.)

34th P. Grant Esq., Collector of Malabar.

36. Palakunnat Kolayee Chathan Nayar (died.)

35th P. Grant Esq., Collector of Malabar.

37. Palakunnat Kolayee Chathan Nayar (died.)

36th P. Grant Esq., Collector of Malabar.

38. Palakunnat Kolayee Chathan Nayar (died.)

37th P. Grant Esq., Collector of Malabar.

39. Palakunnat Kolayee Chathan Nayar (died.)

38th P. Grant Esq., Collector of Malabar.

40. Palakunnat Kolayee Chathan Nayar (died.)

39th P. Grant Esq., Collector of Malabar.

41. Palakunnat Kolayee Chathan Nayar (died.)

40th P. Grant Esq., Collector of Malabar.

42. Palakunnat Kolayee Chathan Nayar (died.)

41st P. Grant Esq., Collector of Malabar.

43. Palakunnat Kolayee Chathan Nayar (died.)

42nd P. Grant Esq., Collector of Malabar.

44. Palakunnat Kolayee Chathan Nayar (died.)

43rd P. Grant Esq., Collector of Malabar.

45. Palakunnat Kolayee Chathan Nayar (died.)

44th P. Grant Esq., Collector of Malabar.

46. Palakunnat Kolayee Chathan Nayar (died.)

45th P. Grant Esq., Collector of Malabar.

47. Palakunnat Kolayee Chathan Nayar (died.)

46th P. Grant Esq., Collector of Malabar.

Enclosure No. 5.

TRANSLATION.

In the Court of the District Munsiff of Payanad.

ORIGINAL SUIT No. 897 of 1862.

Present.—PATTI MADAN KUTTI RAMA NARAY.

Plaintiff.

versus

Defendants.

1. Palakunnat Kolayee Kondan Nayar (died.)

1. P. Grant Esq., Collector of Malabar (trans-

2. Poyakara Narayana Nambudri (died.)

ferred); J. C. Hanayngan Esq., Collector

3. Palakunnat Kolayee Uni Chathan Nayar

of Malabar (transferred); G. A. Ballard,

(died.)

Esq., Collector of Malabar.

4. Palakunnat Kolayee Chathan Nayar, [by

2. Kurungot Imbichi Moidin (died.)

Yakeel Shangunni Menon.

3. Ponnattam Kandathil Roma (died.)

4. Orulakota Illas Savilvi (female)

5. Pulora Moidin.

6. Cherupuleket Ali.

Supplemental.

7. Poyakara Illas Anungom (female.)

8. Kurungot Moidin Hajee.

9. Poyar.

10. Pekkaya Umma.

11. Avadarmam.

12. Uppori Kuthi.

13. Punnattam Kandathil Parayi Kuthi.

14. Kurungot Kutharanga (female.)

Plaintiff's counsel by Yakeel Chathan Nayar.

Plaintiff's counsel by Yakeel Kula-

men Nair Tenth, Cherupuleket, and several

other persons.

Ordered.

Ordered that the suit be dismissed with costs against plaintiff.

Verdict.

The Court grant of the land from the second plaintiff to the first plaintiff, on which the latter found his claim to rest the present occupants of the land in question, seems to have been executed prior to the expiration of twelve years from the date at which the land was assigned to second defendant's ancestor in Kanoni. The recognition by a Court of Justice of the first plaintiff's title claim, which is a violation of the undisputed right to the land for a period of twelve years with every known holder possess as he had means for procuring persons with whom to transact whereby they may violate the right of Kanoni and thus cause of trouble to Malabar. Moreover, as it is not alleged in the present case that the plaintiff demanded more than the original Kanoni holding, it is not possible to find the land as which first plaintiff found his claim, can it be so very in support.

(Signed) KUTTI RAMA NARAY.

Munsif.

12th January 1863.

(True Translation.)

(Signed) G. A. BALLARD.

Collector.

Original to be retained.

True Copies and Extracts.

(Signed) A. J. JACOBSON.

Assist. Secretary.

To the Collector of Malabar.

Ld. T. Carladra.

8: 2771-

Received 18th Aug 1869

Encl. 2

AUGUST.
No. 5,971.

Appeal Suits—Nos 156 and 157 of 1868, on file of Tellicherry Principal Sudder Ameen's Court in Malabar District, regarding certain Paramba Land.—Letter from Collector forwarding copies of Decrees and Judgments in, submitted to Government.

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BROOKLYN

2. Heinrich 1891

Acting Secretary.

To the Acting Secretary to Government, Revenue Department,
with copies of Board's Proceedings, No. 6,352 of 1868, and No. 1,963 of 1869.

Copy to the Collector of Malabar.

Mr. Brewster Sept 4 '91

25th Aug 1892