

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2863	Press ~~Mis~~
Dated 28-6-1986	

Not to be folded or roughly handled

28-6-86

Order thereon 24 October 1860. No 631.

No.

Re:

tra
D

b
l
t
d
r
c
t

Under the discretionary power vested in the local Govt by the Resolutions of the Govt of India dated 24 December 1858, No 7721, the Honble the Governor in Council is pleased to grant to Dhunakaton, widow of Goddar Phaw, for her life only, a moiety of theapsed pension of her husband, viz. Rupees (30) Thirty per mensem, which will be paid to her from the date of his demise.

Canceled
The widow
is not widow
of N. Allu
but his widow
daughter
To the Dy. Collector of Kurnool.
Accts. General.
Civil Auditor

that from 1860 they have cleared $\frac{1}{4}$ and odd guly that
11 as $\frac{1}{4}$ and odd guly in Fusly 1276, and hold the same :
same which is called as lying within the second minor

October 1861 he purchased 1-12-0 gulies and some other
ld the same from previous to 1857, and a portion of the
denies plaintiffs' right to sue.
possession of 1-1-0 guly out of the first minor boundary, or
rst defendant's possession ; and he is ready to restore to
and, etc.

*Proceedings of the Madras Government, Revenue Department,
23th October 1869.*

No. 336. Read the following Proceedings of the Board of Revenue, dated 1st October 1869, No. 7,313 :—

Read the following letter from the Officiating Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 19th August 1869, No. 278.

21st Dec. 1868, No. 8,993.
12th Jan. 1869, „ 183.
15th April „ „ 2,568.

WITH reference to the Proceedings of the Board noted in the margin, I have the honour to submit herewith, for their information, copy of the Judgment and

translation of a Decree in Original Suit No. 358 of 1867 on the file of the Dindigul Moonsiff.

ENCLOSURE No. 1

Dindigul Moonsiff's Court.

Suit No. 358 of 1869.

Present :—ANDIAPPA CHETTY, Moonsiff.

THE object of this Suit is to obtain a declaration that the pieces of land within the two minor boundaries, measuring six gulies, form part of the burial place, etc., belonged to the village of Nagalunaickenputty, of which the parties are the residents; and an award directing the defendants to make over the same to plaintiffs for the benefit of village community, and enjoining the first defendant to level up a well sunk by him within the first minor boundaries, and the defendants to remove the hedges formed by them, and to cancel the puttah issued in their names. Further, to compel the first defendant to restore to its former state a bund within the first boundary, and to remove the one newly erected by him. Total value of the Suit is Rupees 49-13-4.

2. Plaintiffs allege that fifteen and odd gulies of land within the principal boundaries, inclusive of the disputed pieces, were made use of since previous to Fysal towards the common purposes of the villagers of Nagalunaickenputty, such as Smashanum or burial ground, etc., and during the Fysal settlement, it has been allotted by the Government for the above purpose, and deducted from the accounts as Porumboke: ever since which, the ancestors of the parties and themselves, as well as other residents of the village, held enjoyment by appropriating it as burial ground, thrashing floor, cattle-stand, and as Oorany. About three years ago the defendants collusively took unlawful possession of the land, etc., claimed, and dealt with them as they pleased.

3. First defendant denies this claim, and alleges that on the 9th January 1863, he bought of one Amma Muttu Asari 3-13-3 gulies of land within the first minor boundary, and enjoys the same with puttahs. Prior to the sale the lands also remained in his possession on mortgage. In fusly 1276, first defendant has cleared $\frac{1}{4}$ and odd guly which was lying waste close to the above land, and cultivated it; while the second defendant procured puttah for $\frac{5}{8}$ guly of similar land. That the well in question was sunk by Amma Muttu Asari twenty years ago, but not by first defendant.

4. Second and third defendants allege that from 1860 they have cleared $\frac{1}{4}$ and odd guly that was lying waste close to their garden, as well as $\frac{1}{8}$ and odd guly in Fusly 1276, and hold the same: that the defendants need not make over the same which is called as lying within the second minor boundary.

5. Fourth defendant states that in October 1861 he purchased 1-12-0 gulies and some other lands from one Valacumaran Asari who held the same from previous to 1857, and a portion of the same is entered in Nos. 269 and 270, and denies plaintiffs' right to sue.

6. Fifth defendant admits he is in possession of 1-1-0 guly out of the first minor boundary, or on the east side of the disputed well in first defendant's possession; and he is ready to restore to plaintiffs to be appropriated as burial ground, etc.

*Proceedings of the Madras Government, Revenue Department,
28th October 1869.*

No. 336. Read the following Proceedings of the Board of Revenue, dated 1st October 1869, No. 7,313 :—

Read the following letter from the Officiating Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 19th August 1869, No. 278.

21st Dec. 1868, No. 8,993.
12th Jan. 1869, „ 183.
15th April „ „ 2,568.

WITH reference to the Proceedings of the Board noted in the margin, I have the honour to submit herewith, for their information, copy of the Judgment and

translation of a Decree in Original Suit No. 358 of 1867 on the file of the Dindigul Moonsiff.

ENCLOSURE No. 1

Dindigul Moonsiff's Court.

Suit No. 358 of 1869.

Present :—ANDIAPPA CHETTY, Moonsiff.

THE object of this Suit is to obtain a declaration that the pieces of land within the two minor boundaries, measuring six gulies, form part of the burial place, etc., belonged to the village of Nagalunaickenputty, of which the parties are the residents; and an award directing the defendants to make over the same to plaintiffs for the benefit of village community, and enjoining the first defendant to level up a well sunk by him within the first minor boundaries, and the defendants to remove the hedges formed by them, and to cancel the puttah issued in their names. Further, to compel the first defendant to restore to its former state a bund within the first boundary, and to remove the one newly erected by him. Total value of the Suit is Rupees 49-13-4.

2. Plaintiffs allege that fifteen and odd gulies of land within the principal boundaries, inclusive of the disputed pieces, were made use of since previous to Fysal towards the common purposes of the villagers of Nagalunaickenputty, such as Smashanum or burial ground, etc., and during the Fysal settlement, it has been allotted by the Government for the above purpose, and deducted from the accounts as Porumboke: ever since which, the ancestors of the parties and themselves, as well as other residents of the village, held enjoyment by appropriating it as burial ground, thrashing floor, cattle-stand, and as Oorany. About three years ago the defendants collusively took unlawful possession of the land, etc., claimed, and dealt with them as they pleased.

3. First defendant denies this claim, and alleges that on the 9th January 1863, he bought of one Amma Muttu Asari 3-13-3 gulies of land within the first minor boundary, and enjoys the same with puttahs. Prior to the sale the lands also remained in his possession on mortgage. In fusly 1276, first defendant has cleared $\frac{1}{4}$ and odd guly which was lying waste close to the above land, and cultivated it; while the second defendant procured puttah for $\frac{5}{8}$ guly of similar land. That the well in question was sunk by Amma Muttu Asari twenty years ago, but not by first defendant.

4. Second and third defendants allege that from 1860 they have cleared $\frac{1}{4}$ and odd guly that was lying waste close to their garden, as well as $\frac{1}{4}$ and odd guly in Fusly 1276, and hold the same: that the defendants need not make over the same which is called as lying within the second minor boundary.

5. Fourth defendant states that in October 1861 he purchased 1-12-0 gulies and some other lands from one Valacumaran Asari who held the same from previous to 1857, and a portion of the same is entered in Nos. 269 and 270, and denies plaintiffs' right to sue.

6. Fifth defendant admits he is in possession of 1-1-0 guly out of the first minor boundary, or on the east side of the disputed well in first defendant's possession; and he is ready to restore to plaintiffs to be appropriated as burial ground, etc.

*Proceedings of the Madras Government, Revenue Department,
28th October 1869.*

7. Sixth defendant admits that he has possession of only $\frac{1}{8}$ guly out of the first minor boundaries, and is ready to restore to its former state as burial ground.

8. On the application of the Sub-Collector he was made co-seventh defendant; and he admits that the land in dispute is set apart as burial ground, and should not have been diverted from its purpose; but as the land was found in the occupation of the defendants when plaintiffs complained and requested the defendants being ousted, puttahs were issued in defendant's name; but he is now prepared to cancel the same, provided the land is restored to its original condition.

9. First defendant filed nine documents, namely:—

No. I.—Bill of Sale executed by Amma Muttu Asari in first defendant on the 9th January 1863, disposing of his land and well, etc.

No. II.—Puttah issued in the name of Amma Muttu Asari for do. for Fusly 1270 (1860).

No. III.—Puttah issued in the name of first defendant for 3-3-0 gulies of land for Fusly 1273 (1863).

No. IV.—Do. do. do. for Fusly 1275 (1865).

No. V.—Puttah issued in the name of first defendant for 3-13-3 gulies of land for Fusly 1276 (1866).

No. VI.—Do. do. do. for Fusly 1277 (1867).

No. VII.—Attested copy of an order issued by the Sub-Collector on the 5th December 1866, to the Tahsildar, to the effect that Puduval land might be cultivated.

No. VIII.—Do. of an order issued by the Tahsildar on the 15th December 1866 with reference to the order of the Huzoor to the Nattamgar of Adianooth village, directing the cultivation of Puduval lands.

No. IX.—Do. of an endorsement made by the Sub-Collector on the 4th March 1867, on the objecting motion of one Venkatakrishnan Chetty confirming the above order.

10. Second and third defendants filed three documents, namely:—

No. X.—Puttah issued in the name of second and third defendants' father for the lands alluded to in the written statement for Fusly 1270 (1860).

No. XI.—Do. do. do. for Fusly 1273 (1863).

No. XII.—Do. issued in the name of second and third defendants for some of the lands alluded to above, for Fusly 1276 (1866).

11. Fourth defendant filed three documents, namely:—

No. XIII.—Bill of Sale executed by Valacumaran Asari on the 25th October 1861, to the fourth defendant, disposing of 1-12-0 gulies of Punjab for Rupees 36.

No. XIV.—Puttah issued in the name of Valacumaran Asari for 1-4-3 out of 1-12-0 gulies of land, for Fusly 1266 (1856).

No. XV.—Do. do. do. for Fusly 1273 (1863).

Plaintiffs examined three witnesses; first, second, third and fourth defendants examined six witnesses.

(Signed) ANDIAPPA CHETTY.

Judgment.

12. The issues in this case are—

1st.—Whether the lands in the possession of the contesters (defendants) form part of the burial ground or Smashanum, etc., allotted by the Government in the Fysal for the public utility of the village of Nagalunaickenputty; or do they belong to them (defendants).

2nd.—Whether the plaintiffs' claim is barred by law of limitation, and if barred, to what extent of land.

13. The plaintiffs, as the chiefs of the village of Nagalunaickenputty, bring this Suit, and assert that G. 15 As. 3, situated within the principal boundaries was, during the Fysal, set apart for the common purposes of the village, namely, 12-8-0 gulies as burial ground, 2-11-0 gulies as Oorany Poramboke, and all the inhabitants of the village have accordingly been enjoying the same as common property.

*Proceedings of the Madras Government, Revenue Department,
28th October 1869.*

14. The Sub-Collector, co-seventh defendant, on the strength of whose puttah the defendants hold portions of the said land, admits the right of the village community to the said land, and it should not have been diverted from the purpose for which the same was set apart. The other defendants also could not and did not deny that the land was the public property of the village community, and used as Smashanum or burying ground, etc.

15. In the Fysal settlement no numbers were given to these lands, but at a subsequent settlement in 1236 (1826), the 12 $\frac{1}{2}$ gulies of Smashanum was entered in No. 269, and the Oorany tank, 2-7-0 gulies, in No. 268. Both parties submitted plans, which not containing proper marks and correct measurement of the pieces which each defendant has possession out of the said two numbers, the Moonsiff deputed a Commissioner who measured out the lands and submitted a map marked No. 61. According to it, the first defendant is found to be in possession of $\frac{1}{8}$ guly together with a well in No. 269, and 1-10-0 guly in No. 268, and marked in the plan Nos. 2 and 5.

16. The first defendant denies his liability to restore these pieces, on the ground that one Amma Muttu Asari held them for a long time, and from whom he purchased in 1863, and that the plaintiffs' cause is barred by law of limitation. Several of the plaintiffs admit (see their depositions marked Nos. 35, 36, and 37) that Amma Muttu had sunk the well in the spot, marked No. 2 in the Commissioner's plan, more than a period of twelve years, and from the evidence of the Village Curnum, the first witness for both parties, it appears that ($\frac{7}{16}$) seven-sixteenths of a guly out of Smashanum land No. 269 was under Amma Muttu's cultivation since Fusly 1262 (1852) with entries. It did not appear from the plaintiff's statement that Amma Muttu did so with their permission, and the fact of their having been silent for so long a time speaks much against their claim, and I therefore consider that the plaintiff's right to this $\frac{7}{16}$ guly and well in it is affected by the statute of limitation, and the same is disallowed to them.

The first defendant's possession of the remaining half, $\frac{1}{16}$ guly, in No. 269, and 1-10-0 guly in No. 268, dates according to his own documents from Fusly 1270 (1860) and 1276 (1866), respectively, and it would not create any title to him, and it is accordingly awarded that the first defendant do make over to plaintiffs the lands marked Nos. 2 and 5 in the Commissioner's plan, minus $\frac{1}{16}$ guly with a well in it, so that the same be restored to its original purpose, and that the co-seventh defendant be required to cancel the puttah that was issued to the first defendant's name for the same.

17. The fifth defendant who is in possession of 1-1-3 in No. 269, and marked No. 1 in the C. plan, having raised no objection to its being restored as Smashanum, the same also is awarded to plaintiffs, and the puttah standing in fifth defendant's name is required to be cancelled.

18. As regards $\frac{1}{8}$ guly in No. 268, in the possession of the sixth defendant, he could advance no title; he stated that he was in possession of only $\frac{1}{16}$ guly which he would deliver, but the Commissioner's measurement shows that it is $\frac{1}{16}$ of a guly in No. 268 marked No. 6, and the same is accordingly awarded to plaintiffs, and the puttah in the sixth defendant's name be annulled; but as it is not clearly proved that the Oorany in No. 268 was in a good condition at the time the first and sixth defendants encroached upon No. 268, the Moonsiff declines to enjoin those defendants to restore Oorany bund to its former condition; but the plaintiffs are at liberty to make the necessary repairs.

19. The fourth defendant is also shown to have encroached upon $\frac{1}{16}$ guly and odd out of the Smashanum marked No. 3, and he failing to show his title to it, the same is awarded to plaintiffs, and the puttah standing in his name for this $\frac{1}{16}$ guly is required to be cancelled.

20. The fourth defendant is again in possession of $\frac{1}{16}$ guly and odd guly marked in the plan Nos. 8, 9, and 10. These Balagurunada Pillai in possession of $\frac{1}{16}$ and odd guly marked in the plan Nos. 8, 9, and 10. These pieces shown to belong to land No. 270 and deducted in the Fysal as "Oday Calur." I do not consider that the plaintiffs have right to this Poramboke land, inasmuch as it was not allotted for the general utility of the village community, but that it belonged to Government. The defendants hold their pieces with puttahs from the Sub-Collector, and the plaintiffs' claim to the same is therefore disallowed.

*Proceedings of the Madras Government, Revenue Department,
23th October 1869.*

21. The defendants 1 to 6 are to pay plaintiffs' proportionate costs on the portion allowed and bear their own; co-seventh defendant to pay his own costs.

Pronounced on the 5th July 1869.

(Signed) ANDIAPPA CHETTY,
Moonsiff.

(True Copy.)

(Signed) J. R. ARBUTHNOTT,
Officiating Collector.

ENCLOSURE No. 2.—Translation of Decree.

SUBMITTED for the information of Government together with copies of Board's Proceedings, dated and numbered respectively, 21st December 1868, No. 8,993, and 15th April 1869, No. 2,563.

2. As will be seen from the above papers and from the "Judgment," the Suit was instituted in order that defendants 1 to 6 might be ordered to make over to the village community certain lands which they held on puttahs granted by seventh defendant, the Sub-Collector; the said lands being represented by plaintiffs to be village burial ground, and to have been encroached on by defendants.

3. The result of the Suit is partly in favour of the plaintiffs, and the Sub-Collector has been directed to bear his own costs, amounting to Rupees 6-7-7. The Board recommend that payment of this amount be sanctioned.

No. 337.

ORDER THEREON, 28th October 1869, No. 2,863.

Miscellaneous.

PAYMENT of the costs incurred on behalf of Government in this Suit, (Rupees 6-7-7), is sanctioned.

2. The Government approve in other respects of the conduct of this case by the district officers, but take this opportunity of requesting the Board to draw the attention of all Collectors to Proceedings of Government, Revenue Department, dated 5th September 1868, No. 2,328, in which the practice of applying to the Civil Judge to transfer Suits from the Moonsiff's to a superior Court was recommended in cases where the Government is a party.

(True Extract.)

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

To the Board of Revenue.
,, the Accountant-General.

Exd. F. R. Bantleman.

*Pro-Office Board of Revenue
12 April 1900*

*Suit No. 573 of 1867, for the recovery
of certain lands in Madurai District—Board's
proceedings forwarding copy of judgment and
order, recorded.*

**RECEIVED
1105. 333-237.**

*Dated October 23rd
Recd.
G. O. 28th October 1868, No. 2,868.*

THE BOARD OF REVENUE.

REVENUE.

Oct. 1868

No. 8,993.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 21st December 1863.
Read the following letter from the Honorable D. ARBUTHNOTT, Collector of Madura, to the
Acting Secretary to the Board of Revenue, dated Camp at Bodinaiknoor, in Periacolam
Talook, 5th November 1868, No. 291:—
I HAVE the honor to request the order of the Board on an important question raised in the
accompanying copy of a letter* from the Sub-
Collector.

* 15th October 1868, No. 219.

2. The circumstances of the case are as follow:—
3. In the village of Nagalnaikenputty, hamlet of Adiyannuth village, in the Dindigul Talook, 4 Gulies of land have been, at Fysal, allotted for Odai Perumboke, and 12-8-0 for burial ground Perumboke; the former is now used as a threshing floor. A portion of these Perumboke lands has been at different periods encroached upon for cultivation, without permission of the Revenue authorities, and are now held by the parties named in paragraph 4 of the Sub-Collector's letter.
4. In Fusly 1276 encroachments to the extent of 6½ of Guly were made, of which the residents of the village complained to Mr. Levinge, who was in charge of the Sub-Collector's Office; but their petition was rejected by the Sub-Collector, Mr J. R. Arbuthnott, on the ground that sufficient Perumboke remained for the purposes for which they had been originally assigned.
5. The population of Nagalnaikenputty, according to the census of Fusly 1276, is 1,327.
6. A Suit has now been instituted in the Dindigul Moonsiff's Court by some of the petitioners for the ejectment of the Puttakidars alluded to in paragraph 4 of the Sub-Collector's letter.
7. Mr. Bliss is of opinion that the Government has no right over Perumboke lands originally allotted for common uses, but I consider that such lands are the property of Government, and can be disposed of at their pleasure, and that the Civil tribunals have no jurisdiction in such cases.
8. If the Board agree in the view I have taken, I solicit their authority to apply to the Moonsiff of Dindigul to have the Sub-Collector included as a party to the Suit.
9. Translates of the plaint filed by Alaga Pillay and eight others, and of the written Statements put in by the first, second, and fourth defendants are enclosed for the Board's information.

ENCLOSURE No. 1.

From H. W. BLISS, Esq., Acting Sub-Collector, to the Collector of Madura, dated Dindigul, 16th October 1868, No. 291.

It has accidentally come to my knowledge that a somewhat curious Suit has been filed in the Dindigul District Moonsiff's Court, to which it seems possible that Government might wish to be made a party. I have the honor, therefore, to report the facts for your information.

2. In the hamlet of Nagalnaikenputty, belonging to the village of Adiyannuth, (a suburb of Dindigul,) there were allotted, at the Fysal, the following lands for common use:—
- 4 Gulies for Odai Perumboke, used for threshing floor, etc.
- 12½ do. for Smashanam, or burial ground Perumboke.
3. In Fusly 1236 all the fields of the village were numbered, and the Odai Perumboke became No. 270. The Smashanam Perumboke was, by some accident, made into two numbers: No. 268, which is now called Chakkana Routten kuttai, from a small pond that is there, and No. 269, or Smashanam Perumboke. The former contains G. 2 and A. 7, and the latter G. 10 and A. 1.

4. The above three Perumboke lands have, at various times, been encroached on without Darkhast, and are now held for cultivation as under:—

	Measurement.		Present Puttahdar.
	G.	A.	
In field No. 268	1	10	Vellianasary.
	0	13	Ramalingasary.
	0	13½	Soobramanianasary.
„ „ 269	0	15½	Velacoomarooasary.
	1	1½	Coomaroosami Pillai.
	0	14½	Vellianasary.
„ „ 270	0	4	Velacoomarooasary.
	0	9	Caruppanasary.

5. The dates of these encroachments are not shown by the papers now in my Office. It is known that some were prior to Fusly 1260, but I have not inquired into such particulars, as they do not seem to me to be of immediate importance.

6. One encroachment (that of G. 0 and A. 4½) in No. 268, and another (that of G. 0 and A. 2½) in No. 270, were made in Fusly 1276. The people of the village protested by petition to Mr. Levinge, who was then in charge of this Office, and he referred their petition to the Tahsildar for report.

7. From the Tahsildar's Arzi it appears—First, as to the new encroachment in No. 268: this was made by one Vellayan Achari, who had already usurped 1 G. and 5½ A. in the same field. He had before partly put a hedge round this new piece, and in Fusly 1276 completed his occupation by putting a bund on another side of it, so as to incorporate it entirely with the portion he had before held. Second, as to the new encroachment in No. 270: this was made by Periakaruppan Achari, who had previously usurped and cultivated a piece measuring G. 0 and A. 6½. Round the old piece he had put a hedge including a broad margin which he left waste. In Fusly 1276, however, he cultivated this margin which was the new encroachment complained of.

8. With this report the Tahsildar intimated his opinion that quite enough Perumboke was left to the people, and, therefore, the cultivation might be allowed.

9. Mr. J. R. Arbuthnott agreed with the Tahsildar, and so endorsed the petition.

10. The people, however, were not satisfied, and petitioned Mr. Arbuthnott to inspect the place in person. He did so, but did not change his mind, and gave the people a second endorsement of the same tenor as the first.

11. Some of the above petitioners have now instituted a Suit* to eject the Puttahdars named in paragraph 3, and it appears to me

*No day yet fixed for hearing.

that if Government wish to maintain that they have a right to dispose of Perumboke lands as they please, they should apply to the Court to be made supplemental defendants. In my own opinion Government have no such right, for Perumboke lands are exactly what are known in England as common lands, to the disposal of which the Lord of the Manor (in this case Government) has no right, except for the particular purpose for which they were originally granted in commonalty. I may or may not be right, but I think I should let you know what is going on in case Government should not agree with me. If they do, it is not necessary to move in the matter; but if not, I think they should apply as I say.

12. I forward, herewith, the Dindigul Tahsildar's Arzi,† No. 356 of 1866, copies of Mr. J.

† With enclosures.

R. Arbuthnott's two endorsements, and authenticated copies of the plaint and answer which I have obtained. I request these may be returned when no longer required.

(True Copy.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector.

ENCLOSURE No. 2.

Translation of a Plaint filed in Original Suit No. 358 of 1867 on the file of the District Moonsiff of Dindigul.

Plaintiffs. versus Defendants.

1. Alagoo Pillay and eight others, of Nagalnaikenputty village, hamlet of Adiyannuth in Dindigul Talook. 1. Vallianasary and five others, of the said village.

UNDER Section 26, Act VIII. of 1859, Ramasawmy Naick, Court's Vakeel, institutes this Suit on behalf of the plaintiffs, praying for a Decree to be passed, establishing the fact of the land situated within the minor boundaries described below, and valued at Rupees 40-13-4, being attached to the burial ground, etc., the common property of Nagalnaikenputty village, and directing the defendants to restore possession of the above land to the plaintiffs, for the said common purpose; to level up, at an outlay of Rupees 4, the well which has been excavated by the first defendant in the spot lying within the first mentioned minor boundaries; to refrain themselves from cultivating the lands situated within the first and second mentioned boundaries; to remove, at a cost of Annas 8, the hedges which they have formed thereon; and to withhold themselves from receiving Pattahs in their names for the above lands; and further directing the first defendant to restore to its former state, at an expense of Rupees 4, the crooked eastern bund of the tank lying in the spot within the first mentioned minor boundaries; and to remove, at a charge of Annas 8, the bund which he has recently erected in the above tank.

1. A piece of land in extent of Gulies 15 and As. 3, situated within the grand boundaries described below, inclusive of the disputed spots lying within the first and second mentioned minor boundaries, was made use of since previous to Fysal towards the common purposes, such as burial ground, etc., in the village of Nagalnaikenputty, the residence of both parties. During the Fysal it has been allotted by the Circar for the above use, and also deducted from Accounts as "Perumboke".

2. Ever since, the ancestors of both parties and the other residents of the village held enjoyment of the above land by apportioning it for the use of burial ground, threshing floor, cattle-stand, and tank. Accordingly, both parties and others continue to enjoy the same. About three years ago, the defendants collusively took unlawful possession of the land forming a portion of the said burial ground and lying within the first and second mentioned minor boundaries. The first defendant destroyed the eastern bund of the tank lying in the spot referred to within the first mentioned minor boundaries, and raised a fence thereon as well as a bund amidst the tank from south to north. He has further formed a fence from east to west on the southern side of the spot lying within the first mentioned minor boundaries. The second and fourth defendants have formed a fence on the north side of the spot lying within the second mentioned boundaries. The defendants further continue to cultivate recently the lands lying within the first and second mentioned boundaries.

Consequently, the plaintiffs who possess an interest in the general utility, and who are the chiefs of the village, were led to bring this Suit. A Decree is, therefore, requested to the effect contained in the preamble.

Particulars of Land.

In the limits of Cooliacoundenputty, hamlet of the said Adiyannuth village, south of the garden of Coomarasawmy Pillay and the Punjab land of the first and fifth defendants; west of the garden of Madooraindrasamiar; north of Valoyudam Pillay's Punjab land and the road leading to Yamakalapuram; and south* of the threshing floor and Sunday Tope. Within these boundaries situate Gulies 15 and As. 3.

*It is so entered in the original. It must be east.

Of which Gulies 4 and As. 8, situate within the following first minor boundaries—namely, east of Sunday Tope; north of burial ground; south of the Punjab land belonging to the first and fifth defendants; and west of burial ground, etc.

And Guly 1 and As. 8, situate within the following second minor boundaries—namely, south of the burial ground, etc.; west of the tomb; north of the Punjab land of Valoyudam Pillay and the road leading to Yamakalapuram; and east of the threshing floor.

Institution Fee.

According to the present settlement, the Teervah of the above 6 Gules amounts to Rs. A. P.
Rupees 5-1-8 per annum at the rate of 4 Fanams per Guly, which if multiplied
by 8 comes to 40 13 4
Total of the minor items referred to in the preamble 49 13 4

(Signed) ALAGOO PILLAY and eight others,
Plaintiffs.

Dated 26th November 1867.

We hereby certify that what is stated above is true to our best information and belief.

(Signed) ALAGOO PILLAY and eight others,
Plaintiffs.

(Signed) RAMASAWMY NAICK,
Court Vakeel.

Filed 28th November 1867.

(Signed) AUMIAPPA CHETTY,
Moonsiff.

(True Translation.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector.

ENCLOSURE No. 3.

Translation of a written Statement filed by the first defendant in Original Suit No. 353 of 1867 on the file of the District Moonsiff of Dindigul.

THE defendants did neither take unlawful possession of the lands lying within the first and second mentioned minor boundaries, nor destroy the bund of the tank. The claim of the plaintiffs that the above lands should be left for the use of common purposes, and that the well lying in the first defendant's garden should be levelled up is quite improper. The defendants are not bound to act up accordingly for the following reasons:—

2. In the village of Nagalnaikenputty, north of the road leading to Coollanompatty, west of the Punjab land of the fifth defendant, south of that of the first defendant, and east of that of the sixth defendant, within these boundaries situate 5 Gules of Punjab land. A piece in extent of Gules 3, and As. 13-3, forming a portion thereof, and consisting of garden arable and waste lands, trees, and a well, had belonged to one Ammamoottoo Achari. On 26th Margaly of the year Doondubi, or 9th January 1863, he sold the above property to the first defendant under a deed of sale, and also presented a Razinamah in the same year to transfer the Puttah in the name of the first defendant. A proclamation was issued thereon by the Talook authority calling upon the objectors, if any, to appear in one month's time.

3. The first defendant holds unmolested possession of the above property since the date of purchase, by reclaiming the waste lands and paying Teervah under Puttahs on the extent of land which he cultivates every year. Previous to the sale the lands in question had remained in his possession on mortgage tenure.

4. The plaintiffs have included the above land and well within the first mentioned minor boundaries. The first defendant having reclaimed the waste land lying on a high level close to the usual cultivation in the said garden, cultivated about $\frac{1}{2}$ Guly in Fusly 1276 or 1866. The plaintiffs, the fifth and sixth defendants and some others improperly prevented the first defendant from cultivating the above newly converted land, and the second defendant from cultivating $2\frac{1}{2}$ Gules which he also had newly converted, and further presented objecting motions to the Revenue authorities. The Tahsildar and the Sub-Collector came and inspected the locality. The Sub-Collector issued an order authorising the first and second defendants to cultivate the newly converted lands on the ground that "Perumboke" lands are being cultivated for several years

and that no inconvenience is caused thereby in consequence of Perumboke lands being extensive. With reference to the order of the Tahsildar issued thereon, under date the 15th December 1866, and the Jummahbundy Kyphiat, a Puttah was made out in the name of the first defendant for Fusly 1276, showing the number and the exact extent he cultivated.

5. The well lying in the garden purchased as above stated was dug by the said Ammamoottoo Achari twenty years ago. It is a garden formed under Garden Rules. The well in question was not excavated by the first defendant as stated by the plaintiffs. Some other ryots continue to cultivate certain lands as the defendants do, and obtain Puttahs in their names. Burial ground situates close to the garden of one Meenatchy. No inconvenience is caused to the common utility, such as burial ground, etc.

6. The villagers of Nagalnaikenputty, inclusive of both parties, have formed into two parties. From the enmity existing between one party, consisting of plaintiffs and others inclusive of the fifth and sixth defendants, and the other party, consisting of the defendants one to four, the former had not only lodged complaints against the latter before the Revenue authorities, but also have brought this false Suit concealing the orders of the Revenue authorities, and stating as if the defendants took unlawful possession of the disputed lands in the last third year. The plaintiffs have no right to bring Suit regarding the land belonging to Government, and held under Puttahs for a long time. The first defendant, therefore, prays for justice.

Dated 6th March 1868.

(True Translation.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector.

ENCLOSURE No. 4.

Translation of a written Statement filed by the second and third defendants in Original Suit No. 358 of 1867 on the file of Dindigul Moonsiff.

THE Punjab land which hereditarily belongs to the second and third defendants in the village of Nagalnaikenputty referred to in the plaint was formerly lying waste on the north side of the garden planted under Garden Rules. They and their father converted it at pecuniary expense into a Punjab in extent of $\frac{1}{2}$ Guly, and added it to the above garden. They continue to cultivate $\frac{1}{2}$ Guly from Fusly 1270 or 1860, and the remaining $\frac{1}{2}$ Guly from Fusly 1276 or 1866 by paying Teervah thereon, and obtaining Puttahs in their names.

2. The plaintiffs have included the above $\frac{1}{2}$ Guly within the second mentioned minor boundary. The defendants are neither to restore possession of the land, nor to remove the fence as prayed for by the plaintiffs. They (plaintiffs) and some others, including the fifth and sixth defendants, having through enmity lodged complaints before the Revenue authorities touching the above newly converted land, as well as the land, etc., converted by the first defendant in his garden situated within the first mentioned minor boundaries, the Sub-Collector came and inspected the spots in company with the Tahsildar, and issued an order authorising the first and second defendants to cultivate the newly converted lands, on the ground that no inconvenience is caused thereby. The Tahsildar accordingly issued an order to the village authority, and the lands are being cultivated.

3. The villagers of Nagalnaikenputty have divided themselves into two parties. From the bitter enmity existing between the plaintiffs' party, including fifth and sixth defendants and some others, and the defendants one to four, the plaintiffs have brought this false suit. They have no right whatever to bring a Suit regarding the land belonging to Government, and held under Puttahs on a Revenue tenure. Justice is, therefore, requested.

Dated 6th March 1868.

(True Translation.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector

Institution Fee.

According to the present settlement, the Teervah of the above 6 Gules amounts to Rs. A. P.
Rupees 5-1-8 per annum at the rate of 4 Fanams per Guly, which if multiplied
by 8 comes to 40 13 4
Total of the minor items referred to in the preamble 49 13 4

(Signed) ALAGOO PILLAY and eight others,
Plaintiffs.

Dated 26th November 1867.

We hereby certify that what is stated above is true to our best information and belief.

(Signed) ALAGOO PILLAY and eight others,
Plaintiffs.

(Signed) RAMASAWMY NAICK,
Court Vakeel.

Filed 28th November 1867.

(Signed) AUMIAPPA CHETTY,
Moonsiff.

(True Translation.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector.

ENCLOSURE No. 3.

Translation of a written Statement filed by the first defendant in Original Suit No. 353 of 1867 on the file of the District Moonsiff of Dindigul.

THE defendants did neither take unlawful possession of the lands lying within the first and second mentioned minor boundaries, nor destroy the bund of the tank. The claim of the plaintiffs that the above lands should be left for the use of common purposes, and that the well lying in the first defendant's garden should be levelled up is quite improper. The defendants are not bound to act up accordingly for the following reasons:—

2. In the village of Nagalnaikenputty, north of the road leading to Coollanompatty, west of the Punjab land of the fifth defendant, south of that of the first defendant, and east of that of the sixth defendant, within these boundaries situate 5 Gules of Punjab land. A piece in extent of Gules 3, and As. 13-3, forming a portion thereof, and consisting of garden arable and waste lands, trees, and a well, had belonged to one Ammamoottoo Achari. On 26th Margaly of the year Doondubi, or 9th January 1863, he sold the above property to the first defendant under a deed of sale, and also presented a Razinamah in the same year to transfer the Puttah in the name of the first defendant. A proclamation was issued thereon by the Talook authority calling upon the objectors, if any, to appear in one month's time.

3. The first defendant holds unmolested possession of the above property since the date of purchase, by reclaiming the waste lands and paying Teervah under Puttahs on the extent of land which he cultivates every year. Previous to the sale the lands in question had remained in his possession on mortgage tenure.

4. The plaintiffs have included the above land and well within the first mentioned minor boundaries. The first defendant having reclaimed the waste land lying on a high level close to the usual cultivation in the said garden, cultivated about $\frac{1}{2}$ Guly in Fusly 1276 or 1860. The plaintiffs, the fifth and sixth defendants and some others improperly prevented the first defendant from cultivating the above newly converted land, and the second defendant from cultivating $2\frac{1}{2}$ Gules which he also had newly converted, and further presented objecting motions to the Revenue authorities. The Tahsildar and the Sub-Collector came and inspected the locality. The Sub-Collector issued an order authorising the first and second defendants to cultivate the newly converted lands on the ground that "Perumboke" lands are being cultivated for several years

and that no inconvenience is caused thereby in consequence of Perumboke lands being extensive. With reference to the order of the Tahsildar issued thereon, under date the 15th December 1866, and the Jummahbundy Kyphiat, a Puttah was made out in the name of the first defendant for Fusly 1276, showing the number and the exact extent he cultivated.

5. The well lying in the garden purchased as above stated was dug by the said Ammamoottoo Achari twenty years ago. It is a garden formed under Garden Rules. The well in question was not excavated by the first defendant as stated by the plaintiffs. Some other ryots continue to cultivate certain lands as the defendants do, and obtain Puttahs in their names. Burial ground situates close to the garden of one Meenatchy. No inconvenience is caused to the common utility, such as burial ground, etc.

6. The villagers of Nagalnaikenputty, inclusive of both parties, have formed into two parties. From the enmity existing between one party, consisting of plaintiffs and others inclusive of the fifth and sixth defendants, and the other party, consisting of the defendants one to four, the former had not only lodged complaints against the latter before the Revenue authorities, but also have brought this false Suit concealing the orders of the Revenue authorities, and stating as if the defendants took unlawful possession of the disputed lands in the last third year. The plaintiffs have no right to bring Suit regarding the land belonging to Government, and held under Puttahs for a long time. The first defendant, therefore, prays for justice.

Dated 6th March 1868.

(True Translation.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector.

ENCLOSURE No. 4.

Translation of a written Statement filed by the second and third defendants in Original Suit No. 358 of 1867 on the file of Dindigul Moonsiff.

THE Punjab land which hereditarily belongs to the second and third defendants in the village of Nagalnaikenputty referred to in the plaint was formerly lying waste on the north side of the garden planted under Garden Rules. They and their father converted it at pecuniary expense into a Punjab in extent of $\frac{1}{2}$ Guly, and added it to the above garden. They continue to cultivate $\frac{1}{2}$ Guly from Fusly 1270 or 1860, and the remaining $\frac{1}{2}$ Guly from Fusly 1276 or 1866 by paying Teervah thereon, and obtaining Puttahs in their names.

2. The plaintiffs have included the above $\frac{1}{2}$ Guly within the second mentioned minor boundary. The defendants are neither to restore possession of the land, nor to remove the fence as prayed for by the plaintiffs. They (plaintiffs) and some others, including the fifth and sixth defendants, having through enmity lodged complaints before the Revenue authorities touching the above newly converted land, as well as the land, etc., converted by the first defendant in his garden situated within the first mentioned minor boundaries, the Sub-Collector came and inspected the spots in company with the Tahsildar, and issued an order authorising the first and second defendants to cultivate the newly converted lands, on the ground that no inconvenience is caused thereby. The Tahsildar accordingly issued an order to the village authority, and the lands are being cultivated.

3. The villagers of Nagalnaikenputty have divided themselves into two parties. From the bitter enmity existing between the plaintiffs' party, including fifth and sixth defendants and some others, and the defendants one to four, the plaintiffs have brought this false suit. They have no right whatever to bring a Suit regarding the land belonging to Government, and held under Puttahs on a Revenue tenure. Justice is, therefore, requested.

Dated 6th March 1868.

(True Translation.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector.

ENCLOSURE No. 5.
*Translation of a written Statement filed by the fourth defendant in Original Suit No. 358
of 1867 on the file of the District Moonsiff of Dindigul.*

In the village of Nagalnaikenputty, referred to in the plaint, north of the Punjab land belonging to the fourth defendant, east of his another Punjab land as well as that of the second defendant, and south of the path, within these boundaries situate 1-12-0 Gulies of Punjab land. On 11th Arpisi of the year Doonmathy, or 25th October 1861, the fourth defendant purchased it for Rupees 36 from one Balacoomara Nasary together with some other lands, under a deed of sale, and holds possession thereof by cultivating it, and paying its Teervah. Furthermore, Puttahs have been issued in the name of the said Balacoomara Nasary for 1-0-3 Gulies of the said land up to Fusly 1274, commencing from previous to 1857, for 1-4-3 Gulies of land in Fusly 1275, and for 1-11-3 Gulies of land in Fusly 1276.

2. In Fusly 1276 (1866), $\frac{1}{2}$ Guly has been registered in No. 459, and the remaining land in Nos. 269 and 270. The said land and that of the second defendant situate within the second mentioned minor boundaries. It is falsely stated in the plaint as if $1\frac{1}{2}$ Gulies of land situate within the said boundaries.

3. The villagers of Nagalnaikenputty have formed themselves into two parties. From the bitter enmity existing between the plaintiffs' party, inclusive of fifth and sixth defendants and some others, and the defendants 1 to 4, the plaintiffs have brought this false suit, notwithstanding they failed in their complaints lodged before Revenue authorities in 1866. They have no right whatever to bring a suit regarding the land belonging to Government, and held under Puttahs on Revenue tenure. Justice is, therefore, requested.

Dated 6th March 1868.

(True Translation.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector.

On consideration of the circumstances brought to notice in the foregoing letter, the Board authorise the application of the Sub-Collector to be included as a defendant in the suit.

2. The Board are of opinion that the Law of "village common" does not extend to India, and that there are no such communal rights in Perumboke land as to bar the rights of the State, and give a right of Civil action against it.

3. At the same time, it is proper and politic that the feelings of the community should be regarded; and unless the sites hitherto set apart for the village burial ground, market, and tope, are unreasonably large, or some good valid reason exists, no diminution of them should be permitted. The petty amount of revenue involved cannot compensate for the discontent engendered by the curtailment of privileges enjoyed for years.

4. The Sub-Collector should apply to be made a party to the Suit, but should also endeavor, as the sites in the present case are of moderate extent, to replace them in their original condition.

(True Copies and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

To the Collector of Madura.

Copy to the Accountant General.

Exd. F. R. Bantleman.

No. 183.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th January 1869.

Read the following letter from the Honorable D. ARBUTHNOTT, Collector of Madura, to the Acting Secretary to the Board of Revenue, dated Camp at Kodikanel, 27th November 1868, No. 299:—

With reference to the enclosed copies of correspondence between me and the Acting Sub-Collector, I have the honor to request the early orders of the Board on the subject of my letter to you, dated 2nd instant, No. 291.

Letter from the Sub-Collector, 10th Nov. 1868, No. 244.
To do. 26th Nov. 1868, No. 1,856.

ENCLOSURE No. 1.

From H. W. BLISS, Esq., Acting Sub-Collector, to the Collector of Madura, dated Dindigul, 10th November 1868, No. 244.

In continuation of my letter, No. 219, dated 16th October 1868, I have the honor to inform you that I hear that the final hearing in the Suit, therein alluded to, is fixed for the 4th of next month. I request, therefore, early instructions as to what, if any thing, I should do in the matter. (True Copy.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector.

ENCLOSURE No. 2.

From the Honorable D. ARBUTHNOTT, Collector of Madura, to the Acting Sub-Collector, Dindigul, dated Camp at Kodikanel, 26th November 1868, No. 1,856.

In reply to your letter of the 10th instant, I have the honor to forward, herewith, copy of a letter, (5th November 1868, No. 291,) addressed by me to the Board of Revenue on the subject of your letter therein referred to, and to request you will present a motion in the Munsiff's Court, stating that the Collector has lately solicited the orders of the Board to apply to the Munsiff to include the Sub-Collector as a party to the Suit, the lands sued for being the property of Government, disposable at their pleasure; and requesting to extend the date of hearing to the 4th January next, within which the reply of the Board to the Collector's letter is expected to be received. (True Copy.)

(Signed) T. RAM ROW,
Deputy Collector,
for Collector.

ORDERED to be recorded, with reference to Proceedings of the Board, dated 21st December 1868, No. 8,993.

(True Copies and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

To the Collector of Madura.

Exd. F. R. Bantleman.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 21st December, 1868.

Received

No. 8,993.

Suit filed in Dindigul Munsiff's Court in Madura District by certain villagers of Nagal-naikempudy hamlet, on account of encroachment on Pernnboke lands allotted as village common. —Sub-Collector to apply to be included as a defendant in —,

Encd in 11. Pro of the Bd of
Revenue to Govt of P.
dated 10th Nov. 1868, No. 244.
1868. Department.
No. 3157/69

Suit—Filed in Dindigul Munsiff's Court in Madura District by certain villagers of Nagal-naikampully hamlet on account of encroachment on Porumboke land allotted as village common—Letter from Collector requesting early orders on his letter regarding, recorded.

JANUARY.
No. 183.

Received

Encl

PROCEEDINGS, 12TH JANUARY 1869, No. 183.

BOARD OF REVENUE, MADRAS.
1869.

No. 2,568.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 15th April 1869.

Read the following letter from J. R. ARBUTHNOTT, Esq., Officiating Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 3rd March 1869, No. 75:—

I HAVE the honor to forward, for the approval of the Board, draft of an answer which I propose to file in Suit No. 358 of 1867, on the file of the Dindigul Moonsiff's Court, in which the Sub-Collector has been admitted as a supplemental defendant.

2. Two months' time has been obtained from the 26th ultimo for putting in the written statement.

3. This answer has been prepared in accordance with the opinion expressed by the Board in paragraph 2 of their Proceedings of the 21st December last, No. 8,993.

4. The question at issue is a very important one, and I think there are strong reasons for considering that such suits may be cognizable in the Civil Courts. Moreover, I have known instances (in Cuddalore and here) in which the Revenue authorities have been included as defendants in cases in which *bonâ fide* assessed lands have been disposed of by them under the Durkhast rules.

ENCLOSURE No. 1.

Proposed Draft of written statement to be presented to the District Moonsiff of Dindigul in Original Suit No. 358 of 1867.

THE supplemental defendant submits, in the first place, that the suit is not one cognizable by the Civil Courts, because the disposal of Porumboke lands, such as those forming the subject of the present suit, just as in the case of assessed lands, rests with the Government; for when the British Government took possession of the country, either by conquest or otherwise, they, as the paramount power, became the lords of the soil, which was divided into parts of different denominations, with reference to the then existing state of things. Accordingly some lands were assessed and others not. These latter were reserved for various purposes, such as village sites, thrashing-floor, burial grounds, cattle stands, sites of rivers, tanks, and channels; other lands too, which could not be cultivated, were classed as Porumboke. These in many cases again were classed as Nunjah or Punjah Porumboke, according as their possession admitted of their being used either for wet or dry cultivation at a future time.

2. The supplemental defendant submits that the nature of this classification does not restrict the lands to the purpose for which they were originally assigned at the time, but admits of their being otherwise used if any alteration should seem expedient.

3. In many instances Porumboke lands have, on this principle, been diverted from their original use, and have been cultivated and assessed. The supplemental defendant points out that the plaintiffs in the present suit are permitted to use an Odai Porumboke as a thrashing-floor.

4. The supplemental defendant also draws the attention of the Court to the fact that the change from one purpose to another in the manner stated above is not confined to Porumboke lands, for the Government at their discretion allow assessed lands to be used as Porumboke and remit the assessment thereon.

5. The supplemental defendant submits that the Government exercise this power, with a view to securing the interests of the country and the people, and that, therefore, suits of this nature should not be entertained in the Civil Courts.

6. The lands involved in the present suit, although classed as Porumboke, were considered to be more than sufficient for the use to which they had originally been assigned. The land taken from them by the encroachments of the defendants was, therefore, permitted to be retained in their possession. The present suit has evidently resulted from enmity engendered between plaintiffs and the defendants in the course of their dealings; for if the plaintiffs really experienced any inconvenience or wish to protect their common rights, they would have taken measures to stop the encroachments at their very beginning, which dates so far back as Fusly 1257; whereas their acquiescence in the matter for about twenty years, and the fact of their having omitted to sue other persons who

have made encroachments of the same kind as the defendants, fully support the presumption that the suit has been brought through enmity to the defendants.

7. Under these circumstances the supplemental defendant prays the Court to dismiss the suit.

(Signed) J. R. ARBUTHNOTT,
Officiating Collector.

On a further consideration of the circumstances of this case, the Board see reason to modify so much of their Proceedings, dated 21st December 1863, No. 8,993, as related to the law of village common.

2. The State cannot claim to assess land appropriated to village common purposes as proved by their own vouchers so long as the community desire so to retain it, and in this case there seems to be no doubt that the land is an ancient burial ground and not ownerless waste.

3. The land is entered in the accounts as land devoted to a common purpose and belonging to the village community, and the Board consider that the District Officers should have stopped encroachments when these were brought to notice, and should certainly not have issued puttah for the cultivation of the land.

4. The following answer should be filed in place of that submitted for approval:—

1st.—“The supplemental defendant admits that the land in dispute is set apart as burial ground and is so entered in the accounts and should not have been diverted from its purpose; but states that he found the land in the occupation of the defendant when the plaintiff applied to him to oust the defendant.

2nd.—“The land having been cultivated became liable to assessment, and a puttah was therefore granted, but is no muniment of title, and gives the party holding it no right to the land.

3rd.—“The supplemental defendant will be prepared to carry out the orders of the Court and cancel the puttah should the Court require the land to be restored to its original condition.”

(True Copies and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

To the Officiating Collector of Madura.

Copy to the Accountant General.

Encl. J. Tellech.

Suit—No 358 of 1867, on file of District Munsiff's Court in Madura District, regarding encroachments on certain Porumbokk land.—Answer to be filed in, forwarded to Collector.

APRIL
No. 2,568.

Received

Encl.

PROCEEDINGS, 15TH APRIL 1869, No. 2,568.

Board of Revenue,
MADRAS.

1869.

Enclose the Copy of the Order of the Court in the Suit to the Court of the District Munsiff's Court in Madura District, dated 17th October 1869.

Revenue Department
No. 2863.

Proceedings of the Madras Government
Under date the 28th October 1869.

Read the following
Proceedings of the Board of
Revenue.

Submitting Letter from Collectors
of Madura District forwarding copy
of judgment & translation of Decree
in Suit No. 358 of 1867, instituted in
District Munsiff's Court for recovery
of certain lands stated to form
portion of a village burial ground
with recommendation to sanction
payment of Rs. 6-7-7.

(H. E. F. & Co. 1869 No. 7313.)

1. Payment of the costs
incurred on behalf of Govt. in this
suit (Rs. 6-7-7) is sanctioned.

2. The Government
approves in other respects
of the conduct of this
case by the District
officers, but takes
this

this opportunity of
requesting the Board
to draw the attention
of all Collectors to
Proceedings of Gov^t
Revenue Department,
dated 5th September 1868,
N^o 2328, in which the
practice of applying to the
Civil Judge to transfer
suits from the Munsiff's
to a Superior Court was
recommended in cases
where the Gov^t was a
party. -

Ch.

14 Letter B of Rev. with an Encl. Dec^r 29
6 - Asst Secy

Ed. Hall