

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 3161	Press Mis
<u>168-169</u>	
Dated 13 th Dec. 1889	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
13th December 1869.*

No. 168. Read the following Proceedings of the Board of Revenue, dated 13th November 1869, No. 8,419 :—

Read the following letter from the Acting Collector of Tinnevely, to the Acting Secretary to the Board of Revenue, dated 16th October 1869, No. 401.

WITH reference to Board's Proceedings, No. 3,513, dated 12th May 1868, I have the honour to forward, for the information of the Board, translation of the Decree in Original Suit No. 561 of 1867 on the file of the District Moonsiff's Court at Brummadesam, or No. 133 of 1868 on the file of the Principal Sudder Ameen, to whose Court the Suit was since transferred.

ENCLOSURE No. 1.—Translation of Decree.

SUBMITTED, together with a copy of Board's Proceedings, dated 12th May 1868, No. 3,513, for the information of Government.

2. The Collector's costs have been ordered to be paid by the second defendant.

No. 169. ORDER THEREON, 13th December 1869, No. 3,161.

Miscellaneous.

ORDERED to be recorded.

(True Extract.)

(Signed) H. WELLESLEY,
Acting Under-Secretary to Government.

To the Board of Revenue.

Ed. F. R. Bantleman.

REVENUE
THE BOARD OF REVENUE
No. 118601
Dated December 18th.
Recd.
G. O. 13th Dec 1868, No. 311.
1708.100-100
Sd/- J. B. Pennington, Sub-Collector
of Tinnevely. - A copy of the letter is
forwarded to the Board of Revenue with the
original.

No. 3,513.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th May 1868.

Read the following letter from R. K. PUCKLE, Esq., Collector of Tinnevely, to the Acting Secretary to the Board of Revenue, dated 29th April 1868, No. 198:—

1. I have the honour to forward, for the Board's approval, an answer proposed to a plaint filed in Original Suit, No. 561 of 1867, on the file of the District Munsiff's Court of Bremmadesam in this district, wherein the Sub-Collector has been included as a defendant.
2. Copy of the Sub-Collector's letter, explaining the facts of the case, is also sent for the Board's information.
3. The date of answer was fixed for the 21st March last; but the Sub-Collector has applied for a postponement of hearing for three months.

ENCLOSURE No. 1.

From J. B. PENNINGTON, Esq., Sub-Collector of Tinnevely, to the Collector of Tinnevely, dated Shermadevi, 17th March 1868, No. 59.

No. 561 of 1867.

1. I have the honour to request sanction for the defence of the suit, noted in the margin, as against the Sub-Collector, at the public expense.
2. A copy of the plaint and the decision referred to are submitted. The time allowed by the Court for putting in the Sub-Collector's statement expires on the 21st instant; but I have applied for further time till the 21st of June next.
3. The facts of the case are briefly these—
4. A puttah is claimed by the plaintiff for the lands specified in the plaint by right of purchase from the first defendant. The second defendant, who is at present the Puttahdar, protests against the transfer, and the rules preclude the alteration of puttahs in such cases.
5. A suit was instituted in the Nelliambalam Munsiff's Court, in Original Suit No. 361 of 1865, for a puttah for the lands which the plaintiff alleged were in his exclusive possession and enjoyment. The second defendant who claims the lands by purchase also denied the sale to the plaintiff and his exclusive possession. The Munsiff decreed for the plaintiff, on appeal the Principal Sudder Ameen reversed the decision on the ground that it was not in the province of the Munsiff to decide upon claims to puttah.
6. On the production of this appeal decision, I declined to make a puttah in the plaintiff's name; for, though the right acquired by the plaintiff as vendee for the lands, &c., was declared by the lower Court, the entire decision was set aside by the Principal Sudder Ameen.
7. A fresh suit is now instituted making the Sub-Collector a defendant. The plaintiff might have sued for a mere declaration of his right of purchase for the lands, and such declaration would have been sufficient for the Revenue Authorities to make a puttah in the plaintiff's name.
8. I think it is right also to plead, as a general rule, that any one injured by a subordinate's order has a right of appeal to the Collector in the first instance, and has no right to apply directly to the Courts against such an order.
9. The draft answer is submitted for approval.

(True Copy.)

(Signed) R. K. PUCKLE,
Collector.

ENCLOSURE No. 2.

Original Suit No. 561 of 1867, on the file of the District Munsiff of Bremmadesam.

Plaintiff.

versus

Defendants.

1. Vanumamaliperumal Pillay, son of Subramania Pillay.

1. Papanasam Pillay, son of Muttia Pillay.
2. Sivasubramania Pillay, son of Diraviyam Pillay.
3. H. Sewell, Esq., Acting Sub-Collector of Tinnevely.

This suit is instituted, under Section 26 of the Civil Procedure Code, for the establishment of the plaintiff's right as Vendee in 1 Cottah, 10 Mercals, and 6½ Measures of land in his enjoyment, and the assessment on which for eight years amounts to Rupees 229-1-4, and for the registry in his name of the said lands.

1. On the 26th December 1864, the plaintiff purchased, for Rupees 190, from the first defendant, the lands particularized below, which belonged to him; he has been since in possession and enjoyment of them

2. In Original Suit No. 361 of 1865, on the file of the District Munsiff of Nelliambalam, the plaintiff instituted an action claiming the right of puttah for the lands in question, which are now registered in the name of the second defendant. That Court, after considering the evidence adduced, found the objections raised by the second defendant to be vexatious, confirmed the plaintiff's purchase and possession, and decided that puttah should be made in his name.

3. Against this decision the second defendant preferred an appeal in Appeal Suit No. 378 of 1865; without going into the merits of the case, the Appellate Court reversed the decree of the lower Court, because application had not been made to the Collector by the plaintiff for the transfer of registry, and that officer had not been made a defendant in the original suit.

4. The plaintiff applied to the third defendant for a puttah, submitting copies of the original and appeal decisions on the 22nd June 1867. He endorsed the plaint that the second defendant and plaintiff should jointly apply for the transfer of the puttah, while the second defendant was told upon his counter-petition that no orders would be passed. The third defendant is now made a party to this suit.

5. The plaintiff now prays that the third defendant be directed to register in the plaintiff's name, instead of in the second defendant's, 20 Mercals and 1½ Measure of Nunjah land, and one-fourth chain of Punjah, (now converted into 11 Mercals and 5½ Measures of Nunjah,) and to prohibit the second defendant from further interfering with the plaintiff in his possession of the said lands.

(True translation.)

(Signed) R. K. PUCKLE,
Collector.

ENCLOSURE No. 3.

To the District Munsiff of Bremmadesam.

DRAFT ANSWER.

Original Suit No. 561 of 1867.

Plaintiff,

1. Vanamamaliperumal Pillay,

versus

Defendants.

1. Papanasam Pillay.
2. Sivasubramania Pillay.
3. H. Sewell, Esq.,
Acting Sub-Collector.

1. The plaintiff claims the right by purchase of the lands specified in the plaint, which he alleges he has bought from the first defendant, and to be in his exclusive possession and enjoyment.

This point is for first and second defendants to answer.

2. The plaintiff prays for the registry in his name of the puttah which now stands in the second defendant's name. The third defendant is prepared to issue a puttah accordingly on the Courts declaring the plaintiff's right of purchase and enjoyment, which is denied by the second defendant. He (third defendant) was precluded by the rules for the transfer of puttahs from making the puttah for the lands in question in the plaintiff's name in the face of the Puttahdar's, the second defendant's protest; neither could he act upon that part of the Nelliambalam Munsiff's decision in Original Suit No. 361 of 1865, which established the plaintiff's right as vendee to the lands, as the decision was entirely set aside on appeal by the Principal Sudder Ameen in Appeal Suit No. 278 of 1865.

3. Moreover, plaintiff should have appealed to the Collector in the regular course against third defendant's orders.

4. The third defendant, therefore, prays that the suit as against him may be dismissed, and that the second defendant be ordered to make good third defendant's costs.

(Signed) R. K. PUCKLE,
Collector.

The Board approve the proposed answer, and sanction the defence of the suit at the public expense.

(True Copies and Extract.)

(Signed) A. MacGREGOR,
Acting Secretary.

To the Collector of Tinnevely.

Copy to the Accountant General.

Exd. J. Wright.

Rev. 1869. *Opt.*
Board of Revenue,
MADRAS.

No. 3961.

PROCEEDINGS, 13TH NOVEMBER 1869, No. 8,419.

Recd. 19 Nov 1869
Received 20th

Encl. 2
100

NOVEMBER
No. 8,419.

Suit.—No. 133 of 1868, on file of Tinnevely
Principal Sudder Ameen's Court regarding
Puttah for certain land.—Letter from Collector
forwarding translation of Decree in, submitted
to Government. *22.3.1869*

RECORDED.

W. H.

13th Nov 1869

27 Nov 69 B. H. D. A.

14th Nov 1869 in Lucke B. H. D. A.

*Encd in the Order of the
P. of R. of the Board of Revenue
No. 3961 dated 13 Nov 1869*

No. 1868. Department.
No. 3961/69

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 12th May 1868.
Received

No. 3,513.

Sanctioning defence, at public expense, of Suit
No. 561 of 1867, filed in District Munsiff's
Court of Brimmalesam, in Tinnevely district,
regarding certain land, and approving proposed
answer.

Answer to Suit No. 561 of 1867.