

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	428	Press ~~Mis.~~
<i>340-41</i>		
Dated	19 th February	1869.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
19th February 1869.*

No. 340. Read the following Proceedings of the Board of Revenue, dated 7th January 1869, No. 53:—

Read the following letter from the Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 23rd November 1868, No. 73.

1. I have the honor to forward Judgment and Decree, (with Translations of the same as far as my Office has been able to make them out,) of the Principal Sudder Ameen of Calicut on the Nellumboor Tirupad's Suit, regarding certain lands west of the Pykara river.

2. The Suit has been dismissed with costs against the Tirupad on the ground that he (Principal Sudder Ameen) had no jurisdiction, because Act XXIII. of 1863 provides for a Special Court to try such cases.

3. I see nothing in the Act to prevent such cases being tried by the ordinary Courts, but the Principal Sudder Ameen thinks otherwise.

4. I request permission to disburse Rupees 332-13-6 to K. Shakera Korook, the Government Pleader, and to instruct him further to recover the Decree costs, Rupees 333-9-0, from the Tirupad by the usual process of execution.

5. The Tirupad's Suit arose out of two pieces of land, Nos. 16 and 17, west of Pykara river (see Board's Proceedings, 2nd May 1868, No. 3,223,) which had been advertised for sale under the Waste Land Rules. The sale of these two lots was postponed pending the Suit. As the Principal Sudder Ameen has not gone into the merits of the case, and there is nothing final about the Decree, I suppose the sale of the two lots must still be postponed.

ENCLOSURE No. 1.

Judgment.

ORIGINAL SUIT No. 69 OF 1866.

Present.—J. K. RAMEN NAIR, Principal Sudder Ameen.

1. Plaintiff's Vakeel states, in his deposition, that defendant has published in the *Fort Saint George Gazette* of the 17th July 1868 a Notification of Sale, fixing the 1st October 1866 to sell in the Special Assistant Collector's Office at Ootacamund, near the Joint Magistrate's Office at Ootacamund, four pieces of waste land in the Wynaad Talook, in the District of Calicut, as described in the Plaint, which were given to the late Nellumboor Thatchackavul Man Vickremen Teeromalappadoo Rajah, plaintiff's maternal uncle, in the month of Vreeshubha (May) of the year 1012, by Valoollavar, called by the name of Numbolackottai Ooroockara Veelumben Kaloo Kaloo, for the interest due by him; that this land is a part of the Jummum land purchased in the month of Vreeshubha (May) of the year 1028 by Sooboothra Valloola Ummal, the sister of the latter; that this land has been included in the boundary line of the Coimbatore Collectorate, in accordance with the Government Order, No. 478, dated 6th March 1863, marked A.; that by the above publication of the Notice of Sale in the Gazette, the defendant has caused the plaintiff to be dispossessed of the above land; that therefore the plaintiff, Teeromalappadoo, sues to establish his Jummum right to the land valued at Rupees 9,000; and that the plaintiff gives up his claims to two pieces of the above land mentioned in the Plaint, and marked as Nos. 16 and 17 in the Notice of Sale, published in page 71 of the *Fort Saint George Gazette* of the 17th July 1866, as it is now learnt that the plaintiff, Teeromalappadoo, has no right to them, and they belong to the Collectorate of Coimbatore.

his

above land; that in prevention of the sale of this land the plaintiff, in his Urzee to the Special Assistant Collector of Ootacamund, dated 26th September 1866, represented his right to the land on the ground that his maternal uncle purchased Jummam in auction with some other detail accounts, but that no mention is made of this land either in the list of Numbolackottai etc., land prepared in 1835, in excess of those in the Decree of the Wynaad Munsiff, or in the document for the interest claimed by plaintiff, or in the Jummam document; that this plaintiff had before represented to Government regarding his right, and that it was decided by Government, in their Order No. 701, dated 30th March 1865, that the plaintiff's claim is not a good one; that the lands, within the boundary of the Collectorate of Coimbatore, belong to Government; and that they should be disposed of according to the Waste Land Rules.

3. On my perusal of the whole of the records in this case, it appears that the plaintiff's claim is for certain waste lands in Wynaad, proposed to be sold by the Revenue authorities; that as a Special Court is established in the Malabar District for the adjudication of claims to such waste lands under Act XXIII. of 1863, it is against the object and provisions of the said Act for any other Court to exercise the powers conferred on that Court by the said Act; and that though the defendant did not prove his plea, yet it is my natural disposition not to interfere in a matter in which I have no jurisdiction, and therefore the Suit is dismissed, and the plaintiff is saddled with the costs of the defendant.

14th September 1868.

(Signed) J. K. RAMEN NAIR,
Principal Sudder Ameen.

(Copy of Judgment.)

(Signed) J. W. BREEKS,
Commissioner.

ENCLOSURE No. 2.—Decree.

SUBMITTED for the information of Government, with reference to their Proceedings, dated 27th May 1868, No. 1,476.

2. The circumstances under which the Suit arose are clearly stated in the letter from the Collector of Coimbatore, dated 12th March 1868, No. 84, embodied in the Proceedings of Government above quoted.

3. In those Proceedings, Government concurred with the Board in considering that it was unnecessary to constitute a Special Court, under Act III. of 1863, for the investigation of the claims of the Nellumboor Tirupad, and that the trial might be left to the ordinary Courts.

4. It will be seen that the Principal Sudder Ameen of Calicut, before whom the case was brought, has dismissed the Suit on the ground that special legislation (Act XXIII. of 1863) is provided for the adjudication of such disputes.

5. Sanction is requested for the disbursement of Rupees 332-13-6 to the District Government Pleader, and for the issuing of instruction to him to recover from the Tirupad Rs. 333-9-0, being the amount of costs awarded against him.

(True Copies and Extract.)

W. H. B. B.
Acting Secretary.

To the Acting Secretary to Government, Rev. Dept.,
with an Enclosure.

Copy to the Commissioner of the Neilgherries.

Erd. F. R. Bantleman.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th January 1869.

Read the following letter from J. W. BREEKS, Esq., Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 23rd November 1868.
No. 73:—

I HAVE the honor to forward Judgment and Decree, (with Translations of the same as far as my Office has been able to make them out,) of the Principal Sudder Ameen of Calicut on the Nellumboor Tirupad's Suit, regarding certain lands west of the Pykara river.

2. The Suit has been dismissed with costs against the Tirupad on the ground that he (Principal Sudder Ameen) had no jurisdiction, because Act XXIII. of 1863 provides for a Special Court to try such cases.

3. I see nothing in the Act to prevent such cases being tried by the ordinary Courts, but the Principal Sudder Ameen thinks otherwise.

4. I request permission to disburse Rupees 332-13-6 to K. Shakera Korook, the Government Pleader, and to instruct him further to recover the Decree costs, Rupees 333-9-0, from the Tirupad by the usual process of execution.

5. The Tirupad's Suit arose out of two pieces of land, Nos. 16 and 17, west of Pykara river (see Board's Proceedings, 2nd May 1868, No. 3,223, which had been advertised for sale under the Waste Land Rules. The sale of these two lots was postponed pending the Suit. As the Principal Sudder Ameen has not gone into the merits of the case, and there is nothing final about the Decree, I suppose the sale of the two lots must still be postponed.

ENCLOSURE No. 1.

Judgment.

ORIGINAL SUIT No. 69 OF 1866.

Present.—J. K. RAMEN NAIR, Principal Sudder Ameen.

1. Plaintiff's Vakeel states, in his deposition, that defendant has published in the *Fort Saint George Gazette* of the 17th July 1863 a Notification of Sale, fixing the 1st October 1866 to sell in the Special Assistant Collector's Office at Ootacamund, near the Joint Magistrate's Office at Ootacamund, four pieces of waste land in the Wynad Talook, in the District of Calicut, as described in the Plaint, which were given to the late Nellumboor Thatchackavul Man Vickremen Teeromalappadoo Rajah, plaintiff's maternal uncle, in the month of Vreeshubha (May) of the year 1012, by Valoollavar, called by the name of Numbolackottai Oorookara Veelumben Kaloo Kaloo, for the interest due by him; that this land is a part of the Jummum land purchased in the month of Vreeshubha (May) of the year 1028 by Sooboothra Valloolla Ummal, the sister of the latter; that this land has been included in the boundary line of the Coimbatore Collectorate, in accordance with the Government Order, No. 478, dated 6th March 1863, marked A.; that by the above publication of the Notice of Sale in the Gazette, the defendant has caused the plaintiff to be dispossessed of the above land; that therefore the plaintiff, Teeromalappadoo, sues to establish his Jummum right to the land valued at Rupees 9,000; and that the plaintiff gives up his claims to two pieces of the above land mentioned in the Plaint, and marked as Nos. 16 and 17 in the Notice of Sale, published in page 71 of the *Fort Saint George Gazette* of the 17th July 1866, as it is now learnt that the plaintiff, Teeromalappadoo, has no right to them, and they belong to the Collectorate of Coimbatore.

2. Defendant's verbal statement that, under Section 14, Act VIII. of 1859, this Court has no jurisdiction in the matter, as the lands in dispute, with the exception of two pieces of land to the east of Pykara river, to which the plaintiff has given up his claim, being included in the principal boundary of the Neilgherries to the west of Pykara river, transferred to Coimbatore District from Malabar District, in accordance with the Government Order, No. 396, dated 16th March 1860; that the value of the four pieces of land in dispute is lac and a half Rupees; that neither Numbolackottai Vallomaver had any right, nor was in possession of the land attached to the Neilgherry Hills, to west of Pykara river, nor has the plaintiff at any time exercised any right of ownership on the

*Proceedings of the Madras Government, Revenue Department,
19th February 1869.*

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3. On my perusal of the whole of the records in this case, it appears that the plaintiff's claim is for certain waste lands in Wynaad, proposed to be sold by the Revenue authorities; that as a Special Court is established in the Malabar District for the adjudication of claims to such waste lands under Act XXIII. of 1863, it is against the object and provisions of the said Act for any other Court to exercise the powers conferred on that Court by the said Act; and that though the defendant did not prove his plea, yet it is my natural disposition not to interfere in a matter in which I have no jurisdiction, and therefore the Suit is dismissed, and the plaintiff is saddled with the costs of the defendant.

(Signed) J. K. RAMEN NAIR,
Principal Sudder Ameen.

14th September 1868.

(Copy of Judgment.)

(Signed) J. W. BREEKS,
Commissioner.

ENCLOSURE No. 2.—Decree.

SUBMITTED for the information of Government, with reference to their Proceedings, dated 27th May 1868, No. 1,476.

2. The circumstances under which the Suit arose are clearly stated in the letter from the Collector of Coimbatore, dated 12th March 1868, No. 84, embodied in the Proceedings of Government above quoted.

3. In those Proceedings, Government concurred with the Board in considering that it was unnecessary to constitute a Special Court, under Act III. of 1863, for the investigation of the claims of the Nellumboor Tirupad, and that the trial might be left to the ordinary Courts.

4. It will be seen that the Principal Sudder Ameen of Calicut, before whom the case was brought, has dismissed the Suit on the ground that special legislation (Act XXIII. of 1863) is provided for the adjudication of such disputes.

5. Sanction is requested for the disbursement of Rupees 332-13-6 to the District Government Pleader, and for the issuing of instruction to him to recover from the Tirupad Rupees 333-0-0, being the amount of costs awarded against him.

*Proceedings of the Madras Government, Revenue Department,
19th February 1869.*

No. 341.

ORDER THEREON, 19th February 1869, No. 428.

Miscellaneous.

1. Sanction is granted for Rupees (332-13-6) three hundred and thirty two, Annas thirteen and Pice six.

2. The Board will inform the Commissioner, with reference to the latter part of paragraph 5 of his letter, dated 23rd November 1868, No. 73, that it is not necessary to postpone the sale of the two pieces of ground alluded to, unless their sale be further restrained under an injunction from a competent Court.

(True Extract.)

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

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

Exd. G. A. Turton.

his

Revenue 1869 Defiant

S. 90.

BOARD OF REVENUE, MADRAS.
1869.

PROCEEDINGS, 7TH JANUARY 1869, No. 53.

Decd 11-3-
Received 12-3-

Encl. 1
Ordo

JANUARY
No. 53.

S. O. 11-3-19 July 1869

Suit—No 69 of 1866 filed in Calicut Principal Sudder Ameen's Court by Nellumboor Tirupad regarding certain land on Neilgherries,—Government requested to sanction disbursement of Rupees 332-13-6 to Government Pleader for conducting defence of, and to instruct him to recover Decree costs.

288 Jan 10 1869

Count of 1869 Quantities

To REVENUE.

THE BOARD OF REVENUE,

Secy, Secy, Secy, Secy,

Dated February, 1869.

Recd.

Encl.

G. O., 19th February 1869, No. 428.

FEBRUARY.

Nos. 340-341.

Nellumboor Tirupad's Suit.—Cost incurred in its defence, sanctioned. Commissioner of the Neilgherries not to postpone the sale of the two pieces of ground unless restrained by a competent Court.

his letter dated 23rd

November 1868, at p. 73,

that it is ~~unexpedient~~

to postpone the sale

of the two pieces of

ground alluded to,

unless ~~under~~ an

injunction from

a competent court.

Q Should say
"not necessary"
W.D.

their sale be further
restrained

16 Copies To the Reg. Dist. Dec 20 20
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H. C. Bell

33
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S. D. Bell

L. P.
 Swift regarding
 certain Land &c
 Netherlands.

L. P.
 Swift regarding
 certain Land &c
 Netherlands.