M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. Proceedings of the Madras Government Dated 27th August 1869 Press ~~Mis.~~

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
27th August 1869.

No. 401. Read the following Proceedings of the Board of Revenue, dated 11th August 1869, No. 5,913 :—

Read the following letter from the Collector of Madras, to the Acting Secretary to the Board of Revenue, dated Sydapet, 10th July 1869, No. 225.

With reference to Board's Proceedings, dated 13th December 1864, No. 7,965, sanctioning the defence of Original Suit No. 220 of 1864, on the file of the District Moonsiff's Court of Poonamallee, I have the honour to forward translation of the decision passed by the Moonsiff, dismissing the suit with costs.

Enclosure No. 1.

Before the District Moonsiff of Poonamallee.

Original Suit No. 220 of 1864.

Plaintiff.	*Versus*	*Defendants.*
Pammal Deyvanayaka Mudaliar, son of Vengu Mudaliar, residing at No. 53, in the western side of Acharappen Street, in Peddu Naick's Pettah, Madras, represented by Sabapathi Mudaliar.		Vencatacamachi Aiyer, son of Camachari Ballai Ramasawmy Aiyer, living in Amoor, in Ponneri Talook. 2. Sama Row, living in Ponneri, Sheristadar of the said talook. 3. E. G. R. Fane, Esq., Collector of this district, living in Sydapet, Sydapet Talook. 4. Coopoo Row, living in the said village of Ponneri, Tahsildar of the said talook. The first defendant represented by Vencata Row, and the second, third, and fourth defendants represented by Sri Narasimma Chary.

The plaint marked 2, presented by the plaintiff's Vakeel on the 20th August 1864, sets forth that the plaintiff is the Zemindar of the said Amoor Muttah, that on the eastern border of the said Amoor there is an old Thangal, about 300 yards long, called Vadathangal Poodoo achicut; that whenever injured the Thangal used to be repaired at the plaintiff's expense; that about thirty cawnies of Nunjah achicut lands above the said Thangal, and about fifteen cawnies of Nunjah irrigated lands below it, used to be fed by the said Thangal, and yielded an average Melwaram of 602-7-0 a year to the plaintiff; that all about the said lands there are many such achicut lands with Thangals feeding them; that the first defendant, with the assistance of the second preferred in 1863, a false complaint before the fourth defendant against the plaintiff and others, alleging that there was a supply-channel flowing through the said fields and Thangals, and finally through the said Vadathangal to the tank of Atregamungalum, the first defendant's Shrotriem, and that the plaintiff has filled up the same; that though it was the duty of that Officer to have immediately sent for the Tharapadi, Vagayedu Rowdri dowle, Irrigation, and other accounts of the Atregamungalum village and to have examined them or the Amoor village accounts, and ascertained whether an entry to the above effect is contained in any of the said accounts, he failed to do so; but that certain pits near the said Vadathangal, wherein earth had been taken for forming the ridges of some paddy fields, having been pointed out by the first defendant as being the site of the supply-channel, and this information, communicated to the fourth defendant by the second who is a friend of the first defendant, being believed by the fourth defendant, the latter decided that the pits constituted the site of the supply-channels, and in accordance with the wishes of the first defendant passed an order on the 18th December 1863, directing that two yards of the earth-work of Vadathangal should be cut through and removed, and that the plaintiff should pay a fine of Rupees 28, for having raised that earth-work newly; that on the plaintiff appealing against the decision to the third defendant, the latter decided that the bund of the Thangal was old; but only reducing the fine from 18 to 10 Rupees, passed an order on the 31st May 1864,

directing that the plaintiff should pay the remainder Rupees 10, and that the bund should be removed according to the Tahsildar's decision ; that accordingly on the 15th June 1864, the bund two yards in length, one-and-a-half yards in height, and four yards wide at the turn on the south side of the Thangal, where the water was prevented from flowing, was removed ; that if the Court should send one of the Court Ameens and cause the place to be inspected, and also send for and examine the accounts of both the villages, it would be apparent that there is no supplying-channel in that locality ; that the said Officers having, without due inquiry into the case, removed the said Vadathangal in the plaintiff's land, and caused thereby unnecessary loss to him ; that the said Thangal will not hereafter hold a full supply of water, and the said 45 Cawnies of achicut lands will become unproductive owing to the want of water ; and that the plaintiff therefore begs that Rupees 602-7-0, being the loss of Melwaram accruing to him for Fusly 1274, corresponding to 1864, upon the said 45 Cawnies by the doings of the defendants, and Rupees 2 being the sum required to restore the earth-work of the bund to its original state, making a total of Rupees 604-7-0, as calculated by the Samprati of the Mootah, may be recovered from the defendants and paid to the plaintiff, that the fine imposed on him, and that the order issued by the Collector, may be cancelled.

2. The petition presented by the plaintiff's Vakeel, marked No. 6, states that the assertion in the 3rd paragraph of the plaint to the effect that the fourth defendant having coincided with the first as to the spot pointed out by the latter, being the disputed supply-channel, ordered the bund of the Vadathangal to the extent of two yards to be removed, should have been that the second defendant had so coincided ; that again, the statement in paragraph 6, to the effect that the Vadathangal would not get a full supply, a portion of its bund two yards in extent, having been removed according to the above decision, should have been that there would be no supply of water at all, and that the plaintiff begs that the above corrections may be made by the Court.

3. The Statement marked No. 9, presented by the first defendant's Vakeel, sets forth that the only supply to the tank of Atregamungalum was derived from the rain water usually carried down the channel in dispute, and the drainage of the plaintiff's fields in Amoor ; that with a view of entailing loss on the defendant, the plaintiff, etc., attempted to divert the whole water to the lands of another village, by filling up the said channel, and newly erecting a bank across the said channel and in the fields ; that on the defendant complaining against this to the Magistrate a fine was imposed on the plaintiff, and the newly erected bank was directed to be removed ; that according to the said decision, the bank has been removed by the plaintiff so as to allow the water to flow freely down the channel as has heretofore been the case ; that the disputed channel had been always receiving all repairs from the defendant, etc , as can be proved by accounts in possession of the Village Curnum ; that an inspection of the spot by the Court would satisfy them that the disputed channel has been the supplying means to the tank of the defendant, etc , from olden times ; that the rain-water flowing down the disputed channed was ever or could ever be used for the zemin lands of the plaintiff, that this in no way interfered with plaintiff's cultivation, and that under these circumstances, the Court may be pleased to inspect the disputed channel, and pass a decision dismissing the plaint, and directing the defendant's costs to be paid by the plaintiff.

4. The Statement marked 11, filed by the second defendant's Vakeel, states that the act complained of by the plaintiff having been done by him (defendant) in his official capacity, as Sub-Magistrate of Ponneri Talook, and in good faith, he is freed under Act XVIII. from liability to a civil action, and that therefore the Court should dismiss the suit as against him, and recover all his costs from the plaintiff.

5. The Statement marked No. 13, filed by the third defendant's Vakeel, sets forth that the act complained of by the plaintiff having been done by him in his official capacity, as Magistrate of the Madras District, and in good faith he is not, under Act XVIII. of 1850, amenable to civil action, and that therefore the Court should dismiss the suit as against him and recover all costs from the plaintiff.

6. The Statement marked No. 16, filed by the fourth defendant's Vakeel, sets forth that he (defendant) took no part whatever in the proceedings of the case from which the present action

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27th August 1869.

has arisen ; that the plaintiff is wrong in having included him as defendant in the suit ; and that therefore the Court should dismiss the suit as against him at once.

7. In the settlement of issues, the points settled for the plaintiff were that he should prove that the complaint preferred by the first before the second defendant, to the effect that there is a supplying-channel flowing to Atregamungalum, the defendant's village, through a thangal in Amoor, called Vadathangalpudu achicut and finally through the achicut fields of Amoor, and that the said channel was filled by the plaintiff is a false one ; that the second defendant having in his Magisterial capacity, caused the removal of two yards of the bank of the Vadathangal, the said reservoir has ceased to contain fullsupply of water ; that this diminution in supply has interfered with plaintiff's cultivation; he was also directed to show the amount of Melwaram loss accrued to him in Fusly 1274 by the removal of the said bank, and prove the fact that the restoration of the bank would cost him 2 Rupees.

The points settled for the first defendant were that there is channel through the said Vadathangal which carries the rain-water to the village of Vadathangal, and that the same was filled up by the plaintiff. The first defendant was also directed to refute any proof adduced by the plaintiff.

No points were necessary for the other defendants.

Plaintiff's Exhibits.

Decision passed in plaintiff's case by Sama Row, Sub-Magistrate, on the 18th December 1863, marked A., No. 24.

2. Decision in appeal by the Collector passed on the 31st May 1864, marked B., No. 25.

3. Copy of an account, showing the out-turn of cultivation under the disputed Vadathangal for the period commencing Adi and ending Ani of Fusly 1273, prepared by Gopala Pillay, Curnum of Amoor, marked C., No. 45.

4. Copy of account, showing the out-turn of cultivation under Vadathangal Poodoo Achicut for the period commencing Adi and ending Ani of Fusly 1274, prepared by Gopala Pillay, Curnum Goomastah, marked D. No. 46.

5. Copy of an account being a comparative statement, showing the out-turn of Fusly 1273 and 1274, prepared by Gopala Pillay, Curnum Goomastah of Amoor.

Plaintiff's witnesses.

1. Ramasawmy Moodelly, 1st witness, No. 30.
2. Krishna Dectchathar, 3rd witness, No. 31.
3. Gopala Pillay, 4th witness, No. 32.
4. Annasawmy Pillay, 5th witness, No. 33.

1st Defendant's witnesses.

1. Krishna Aiyer, 1st witness, No. 36.
2. Sanu Reddy, 3rd witness, No. 37.
3. Appasamy Pillay, 4th witness, No. 38.
4. Govindoo Pillay, 5th witness, No. 39.

8. A petition marked No. 40, was presented by the first defendant's Vakeel referring to the allegations in the first defendant's statement, that the bund raised by the plaintiff across the supplying channel, carrying rain-water through Amoor to the village of Atregamungalum, has been removed by the Collector's order, and that if the Court should proceed to the spot in dispute, and personally inspect the bank and observe the present condition of the channel, it would feel satisfied of the truth of the first defendant's defence and the falseness of the plaintiff's claim, and praying that, as requested by his client, the Court might proceed to and personally inspect the spot before passing judgment.

JUDGMENT.

It has not at all been proved in the suit that the complaint preferred before the second by the first defendant was a false one, nor has it been shown that the decision marked A. of the second defendant, passed after a personal inspection of the disputed spot, and the decision marked B. of the Magistrate, who is the appellate authority in the matter, reducing the fine imposed

in the said decision marked A., but confirming it in other respects, all opposed to Act XVIII. of 1850. Below is an out-line representing the disputed spot.

2. A personal inspection of the disputed spot by the Court has led to the conclusion that the body of water formed by rain-fall on the eastern fields of Amoor, the plaintiff's village flows to the south of the Amoor fields, situated above the tank of Atregamungalum, the first defendant's village, and running in an easterly direction along the inner edge of the southern bank of Atregamungalum tank falls into the said tank; and though it cannot be asserted that the said spot is the site of the supplying channel, still there is no doubt at all of its being the tract along which rain-water flows; the specific term (in Tamil) for such a track is வரி, and the fact of its being called by the generic term கால் (channel) cannot, as appears to the Court, affect the plaintiff's rights in any manner. It is also probable that the first defendant has been using it as கால் as it has been asserted by his witnesses that he had in some years executed some repairs in it. It must, however, be observed that at the time of the Court's inspection it did not appear to have been a channel actually excavated and kept in repair, so that any repair (if made at all,) could not have been made within a recent time, and the banks should have been wasted away by flood-water since the repair. At any rate it does not appear that the said Atregamungalum tank has any other source of supply than this, and it would be impossible for any tank to be without a source of supply of any kind if the lands situated on the outside of the southern bank of the Atregamungalum tank belong to another village. The said water track is situated to the south-east of Amoor, and does not at all appear to have been a cultivated land. The lands to the east of the Amoor village form an inclined plane, the southern portion being lower than the northern. The piece is bounded on the east by achicut banks, and the circumstance that there are achicut banks along the northern edge of the disputed strip of land shows beyond all question that it is the rain-water track and nothing else; consequently there is no doubt that the erection of an embankment by the plaintiff across this track, and in continuation of the achicut banks of his own lands, is injurious to the tank of the first defendant as interfering with its supply, and the Court is of opinion that the decisions A. and B. passed for the purpose of preventing such an injury are perfectly just. The removal of the said bank cannot, in the Court's opinion, interfere with the cultivation of Amoor lands, as they are fed by a large and independent tank which communicates by numerous channels with those fields of Amoor which are situated above the Atregamungalum tank; the plaintiff moreover can enjoy all the rain water contained within the achicut banks, but as this water is not sufficient for his cultivation, there is nothing to prevent his using his tank water for the purpose, allowing all the rain-water overflowing the achicut banks to run into the Atregamungalum tank along the said track. It has been admitted during the hearing, by the Vakeels of both the parties, that there is no allusion in any of the account books to the existence of a supply-channel to the Atregamungalum tank.

3. As there was no reason to include the fourth defendant as party in the suit, his name was removed therefrom in the very first hearing.

4. The plaintiff having totally failed to establish the first two points settled for him, it is not necessary in this district to say anything respecting the others, which are dependent upon the former.

5. The fact that the plaintiff brought against the first defendant such a complaint so utterly groundless, forces the Court to the conclusion that the plaintiff in adopting this course, was only prompted by some private animosity existing between himself and his opponent.

6. From the foregoing grounds, the Court arrives at the conclusion that the plaintiff failed to establish his claim and the plaintiff's suit is dismissed with all costs.

(Signed) CHILLAPA NAICKER,
District Moonsiff.

27th August 1867.

(True Translation.)

(Signed) E. G. R. FANE,
Collector.

No. 7,965.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th December 1864.

Read the following letter from E. G. R. FANE, Esq., Collector of Madras, to W. HUDLESTON, Esq, Secretary to the Board of Revenue, dated Trivellur, 3rd December 1864, No. 542:—

1. I have the honor to forward translation of two plaints, the one original, and the other supplemental, filed in Original Suit No. 220 of 1864, on the file of the District Munsiff of Trippasore, by one Daivanaiga Moodelly, Muttahdar of Amoor, against; first, Venkatakamatchi Iyer, Shrotriemdar of Adreyamangalum in the Ponneri Taluk; second, Sama Row, Sub-Magistrate of Ponneri; third, myself as Magistrate; and fourth, Cooppa Row, Tahsildar and Taluk Magistrate of Ponneri.

2. I also forward draft of the answers proposed to be filed by myself, and answers on behalf of the 2nd and 4th Defendants, and beg the Board will be pleased to accord their sanction for the defence of the suit at the public expense.

3. The object of this suit is to obtain the cancelment of a sentence passed by the 2nd Defendant, Sub-Magistrate of Ponneri, and confirmed by me on appeal, fining the Plaintiff's Gumastah Ramalinga Pillay, and certain others, in the sum of Rupees 10, and directing the removal of land which the Plaintiff's Gumastah and servants had newly erected, as also to recover damages to the amount of Rupees 604 for loss sustained by the Plaintiff in the current Fasli, owing to the removal of the said bund.

4. The circumstances under which this action rose were as follow:—

Venkatakamatchi Iyer, the 1st Defendant and the Shrotriemdar of Adreyamangalum preferred a complaint to the 2nd Defendant, Sub-Magistrate of Ponneri, in November last, to the effect that the Plaintiff's Gumastah, Ramalinga Pillay, together with certain others, had blocked up the supplying channel of the tank of the Adreyamangalum village in the limits of Amoor, the Plaintiff's Muttah village, and had newly raised an embankment so as to stop the usual flow of water.

5. The charge falling under Section 426 of the Indian Penal Code, was taken up and tried by the 2nd Defendant, the Sub-Magistrate.

6. The Plaintiff's Gumastah, Ramalinga Pillay, stated in defence that there never existed any channel within the limits of Amoor, the Plaintiff's Muttah village as stated by the 1st Defendant, and that the embankment objected to by the 1st Defendant had been raised many years previously by the late Zemindar, but as it got out of repair, he simply restored it to its previous dimensions.

7. The witnesses named by the Plaintiff, while confirming the statement of his Gumastah, acknowledged that the drainage of the Plaintiff's wet lands in the village of Amoor had always discharged itself into the 1st Defendant's tank in the Shrotriem village of Adreyamangalum, whenever there was a super-abundant supply, or enough to flow over the above-named embankment.

8. The evidence produced by the 1st Defendant Venkatakamatchi Iyer corroborated thoroughly his own statement, which was to the effect that his village tank always had had the channel in question running out of the lands of the Plaintiff, which having been stopped up by the Plaintiff's Gumastah and some others, by raising an embankment across it, so kept out all the water from his (1st Defendant's) tank.

9. Owing to the contradictions between the evidence on the one side, and that on the other, the 2nd Defendant (Sub-Magistrate) himself visited the disputed locality, and recorded the result of his inspection to the following effect., viz., that the 1st Defendant's tank has no other source of supply beyond the drainage water of the Plaintiff's wet land, and other similar lands in the neighbourhood; that the traces of the old channel were clearly visible running through the lands of the Plaintiff and belonging to the village of Amoor into the 1st Defendant's tank in the village of Adreyamangalum; that the channel had evidently been stopped up by having an embankment one yard high thrown across it; and that the general drainage of the surrounding lands, which the Defendant was also evidently entitled to, had been also stopped by the ordinary field villages having been newly raised. Under such circumstances, the 2nd Defendant concluded that the charge of mischief was clearly established against the Plaintiff's Gumastah and others by whom

the ridges had been thus raised and the channel thus stopped up, and, therefore, sentenced them to pay a fine, amounting in the aggregate to Rupees 28.

10. Plaintiff, dissatisfied with the sentence of the Sub-Magistrate, appealed to me, and on a perusal of all the records, and the plan which was prepared by the Sub-Magistrate, I agreed with that officer that the Plaintiff's people, under pretence of repairing the formerly existing field banks, had taken the opportunity of injuring the 1st Defendant's only source of supply to his tank; and as the Plaintiff's village Amoor had a tank of its own to irrigate its Nunjah lands, Plaintiff's people had no right to bank out the water flowing into the Adreyamangalum tank by the erection across the channel; I therefore confirmed the sentence of the Sub-Magistrate, and simply mitigated the fine from Rupees 28 to Rupees 10.

11. The Board will thus see that the sentence of the Sub-Magistrate and my own in appeal were both perfectly legal, and on the merits of the case.

12. There is one point in the plaint which seems to me to call for a remark, that is, the Plaintiff now contends that the removal of the disputed embankment, according to my final sentence, tended to affect materially the storage of any water at all in the "Vadathangal *alias* Pudu Achikuttuthangal," thereby implying that there was a tangal or reservoir; but of this tangal no mention whatever was made either in Plaintiff's defence before the 2nd Defendant (Sub-Magistrate), or before me in appeal. The records also go to show that there is no such tangal. The Taluk Magistrate of Ponneri, who took no part in the proceedings excepting that he was present at the time when the 2nd Defendant inspected the disputed locality, has been included as 4th Defendant in the suit; but no reason is assigned for so doing.

13. Both myself and the other Defendants did nothing more than our duty as Magistrates, and removed nothing but what were proved to be new erections, and kept things as they were; and therefore plead non-liability to a Civil action.

14. The time for filing the answer expires on the 25th January 1865.

ENCLOSURE No. 1.

To the District Munsiff of Trippasore in the Chingleput Zillah.

The plaint filed by Court Vakeel Soondaravarada Pillay, on behalf of Pummel Deivenayaga Mudali, son of Vencoo Mudalliar, residing in the western side of Acharappan street (door No. 53) in Peddu Naick's Pettah, Madras; *versus* Vencata Camtchi Iyer (Brahmin) living in Amoor, son of Ramasawmy Iyer, and living by means of a Shrotriem; second, Sama Row, living in Ponneri, Serishtadar of the said Taluk, father's name not known; third, Mr. E. G. R. Fane, Collector of this District, living in Sydapet in the Sydapet Taluk; fourth, Cooppa Row, Brahmin (father's name not known), living in Ponneri, Tahsildar of the said Taluk.

The Plaintiff sues for payment by Defendants of Rupees 604-7-0, being the sum of Rupees 2-0-0, the estimated cost of restoring to its former condition two yards of the southern turn of the bund of the Vadathangal Poothoo Atchikut Thangal in Amoor removed by the Defendants, and Rupees 602-7-0, the loss of Melvaram produce sustained by Plaintiff for Fasli 1274, corresponding to the year 1864, by the said bund having been removed; and Plaintiff begs also that the decision passed by the Collector and others may be reversed, and Rupees 10, the amount of fine imposed upon him, be refunded to him.

1. Plaintiff is the Zemindar of the said Amoor Mutah; on the eastern border of the said Amoor, there is an old thangal called Vadathangal Poodoo (new) Thangal Atchikuttoo. The Plaintiff always made any repairs to it if required; about 30 Cawnies of Nunjah Achikuts (lands with little embankments) above the bed of this thangal, and about 15 Cawnies of Nunjah under it used to be cultivated with the water of this thangal, and yielded an average yearly Melvarum of Rupees 602-7-0 to the Plaintiff. All about and around there are many such like Atchikut lands with thangals for each.

2. The 1st Defendant, with the assistance of the 2nd, preferred in 1863 a false complaint before the 4th Defendant against the Plaintiff and others, to the effect that there was a supplying channel flowing through some of their (Plaintiffs') fields and thangals, and finally through the said Vadathangal to the tank in Adreyamangalum, the 1st Defendant's Shrotriem, and that the Plaintiff had filled up the same.

3. It was the duty of that officer to have immediately sent for the Tharapady Vagayadu (detailed account,) Rowdri Dowle irrigation and other accounts of the Adreyamungalum village, and to have examined them, or the Amoor village accounts, to see whether any entries were made regarding such a supply channel. But he did not do so. The 1st Defendant pointed out certain pits near the said Vadathangal wherein earth had been taken out for forming the banks to the paddy fields as being the supply in channel, and 4th Defendant, trusting the information of the 2nd Defendant, (a friend of the 1st,) concluded that the pits were the supplying channels, and ordered accordingly, on the 18th December 1863, and according to the wishes of the 1st Defendant, that two yards of the earthwork of the Vadathangal should be cut through and removed, and fined the Plaintiff Rupees 28 for having raised that earthwork newly.

4. The Plaintiff appealing to the 3rd Defendant, he decided that the bund of the said thangal was old, but reduced Rupees 18 from the fine, and decided, on the 31st May 1864, that the Plaintiff should pay the remaining Rupees 10, and that the bund should be removed according to the Tahsildar's decision; and on the 15th June 1864, the bund, 2 yards in length, 1½ yard in height, and 4 yards wide, at the turn on the south side of the thangal, where the water was prevented flowing, was removed.

5. If the Court will send one of the Court Ameens to see the place, and will also send for and examine the accounts of both villages, and inquire into the case, it will be apparent that there is no supplying channel in that locality.

6. The said officers, without having duly inquired into the case, having removed the bund of the said Vadathangal in Plaintiff's land, and caused thereby unnecessary loss to him, as the said thangal will not hereafter hold a full supply of water, and the said 45 Cawnies of Atchikut lands will not yield produce owing to the want of water; the Plaintiff, therefore, begs that Rupees 602-7-0, being the loss that will accrue to him by the doings of the said Defendants upon the said 45 Cawnies, and Rupees 2 that will be required to restore the earthwork of the bund to its original state, making a total of Rupees 604-7-0, as calculated by the Samprathy (Accountant) of the Muttah, may be recovered from the Defendants and paid to him (Plaintiff), and that the fine imposed upon him (Plaintiff) may be refunded to him, and that the orders issued by the Collector may be cancelled.

(Signed) SOONDARA VARADA PILLAY,
Court Vakeel.

(True Translation.)
(Signed) E. G. R. FANE, Collector.

ENCLOSURE No. 2.

To the Taluk Munsiff of Trippasore.

Supplemental Plaint preferred by Soondra Varada Pillai, Court Vakeel, on behalf of Davanayaga Mudali, Plaintiff in Suit No. 220 of 1864, under Section 29, Act VIII of 1859. In the plaint filed in the above suit it has been stated that the 4th Defendant having coincided with the first as to the spot pointed out by the latter being the disputed supplying channel, ordered the bund of the Vadathangal to the extent of two yards to be removed, whereas it ought to have been that the 2nd Defendant had so coincided; I beg therefore that this oversight may be corrected. In paragraph 6, it has also been stated, by mistake, that the Vadathangal will not get a full supply of water, as a portion of its bund, two yards in extent, has been removed according to the above decision, whereas it ought to have been stated that there will be no supply of water. This also the Plaintiff begs may be corrected.

(Signed) SOONDARA VARADA PILLAY,
Court Vakeel.

Solemn affirmation.

I, the Plaintiff in this suit, do solemnly affirm that what is stated in this is true.

24th September 1864.

(Signed) DEVANAYAGA MUDALI.
(„). CHELLAPPA NAIKER,
District Munsiff.

(True Translation.)
(Signed) E. G. R. FANE, Collector.

ENCLOSURE No. 3.

ANSWER proposed to be filed by the 4th Defendant, Cooppa Row, Tahsildar and Sub-Magistrate of Ponneri Taluk, in Original Suit No. 220 of 1864, on the file of the Munsiff's Court at Trippasore.

The 4th Defendant begs to submit that he took no part whatever in the proceedings of the case, from which the present action has risen; the Plaintiff is wrong in including him as a Defendant in the suit. He therefore prays the Court will dismiss the suit as against him at once.

TRIVALLUR,
3rd December 1864.

(Signed) E. G. R. FANE,
Collector.

ENCLOSURE No. 4.

DRAFT of Answer proposed to be filed by E. G. R. FANE, Esq., Collector and Magistrate of the Madras District, and 3rd Defendant in Original Suit No. 220 of 1864, on the file of the District Munsiff's Court of Trippasore.

The 3rd Defendant begs to submit that the act complained of by the Plaintiff having been done by him in his official capacity as Magistrate of the Madras District, and in good faith, he is not answerable to Civil action. He, therefore, begs the Court will dismiss the suit as against him, and recover all costs from the Plaintiff.

TRIVALLUR,
3rd December 1864.

(Signed) E. G. R. FANE,
Collector.

ENCLOSURE No. 5.

DRAFT of Answer proposed to be filed by the 2nd Defendant, Sama Row, the Sub-Magistrate of Ponneri, in Original Suit No. 220 of 1864, on the file of the Munsiff's Court of Trippasore.

The 2nd Defendant begs to submit that the act complained of by the Plaintiff having been done by him in his official capacity as Sub-Magistrate of Ponneri and in good faith, he is not amenable to a Civil action. He, therefore, begs that the Court will dismiss the suit as against him, and recover all costs from the Plaintiff.

TRIVALLUR,
3rd December 1864.

(Signed) E. G. R. FANE,
Collector.

The Board sanction the defence of the Suit at the public cost in the first instance on the usual terms, and authorize the Collector to file the proposed answers, quoting in them, however, the Act exempting Judicial officers from liability to be sued for official acts done in good faith.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To E. G. R. Fane, Esq., Collector of Madras.

Copy to R. W. Lodwick, Esq., Civil Paymaster.

Exd. J. Wright.

Sanctioning the defence at the public cost, and on the usual terms, of O. S. No 220 of 1864, and authorizing the filing of the proposed answer with certain addition.

Dated 13th December 1864.

No. 7,965.

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

Department.

Enclosure in the Proceedings of the Board of Revenue, dated 11th August 1869 No. 5,913.

Rev. 2751/69

Rev. 1869. Despatch

Board of Revenue,

MADRAS.

No. 2751.

PROCEEDINGS, 11TH AUGUST 1869, No. 5,913.

Rec'd 18th Augt 1869 Encl. 1

Received 17th

AUGUST.

No. 5,913.

Suit—No. 220 of 1864, on file of Poonamallee District Munsiff's Court in Madras District,—Letter from Collector forwarding copy of Judgment in, submitted to Government.

Read

Noted

27th August 69

C 21st Augt 69 R 23d

In Letter to Collr Rev Despatch 20