M.R.O. 1—80,000—16-10-33.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1427 Press Mis.
585-588

Dated 21 st May 1869

Not to be folded or roughly handled

1427

Proceedings of the Madras Government, Revenue Department, 21st May 1869.

No. 505. Read the following Proceedings of the Board of Revenue, dated 4th May 1869:—*N°3018*

Read the following letter from the Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Cocanada, 21st April 1869, No. 75.

I HAVE the honor to inform you that the Civil Judge of Rajahmundry has just issued a Warrant for the recovery from me of Rupees 19,862-1-4 on account of the amount of the Decree passed by him in Suit No. 3 of 1867 in favor of the Zemindar of Vizianagram, regarding the disputed island in the river Godavery between Kota and Kotipilli—*Vide* correspondence noted in the margin. The particulars of the above sum are given below:—

Board's Proceedings, 27th January 1868, No. 648.
Government Order, 2nd November 1868, No. 2,749, communicated with Board's Proceedings, 7th November 1868.

		Amount of Decree.		
		Rs.	A.	P.
Proceeds of the Lanka from Fusly 1260 to Fusly 1276 inclusive, ...		16,618	0	0
Costs incurred by the plaintiff, ...		1,824	3	0
Amount now included in the Warrant, interest on Rupees 1,824-3-0, the amount of costs at 1 per cent. from 23rd April 1868, the date of the Decree, ...	218 14 4			
Shist of the Lanka for Fusly 1277, ...	1,200 0 0			
Petition Stamp for Warrant, ...	1 0 0			
		1,419	14	4
Total...		19,862	1	4

I have the honor to request sanction for the payment of Rupees 19,862-1-4. There are only Rupees 800 provided for in the Budget for 1869-70 under the head "IV. Allowances, Refunds, and Drawbacks". I therefore request that the Board will be pleased to make such arrangement as they consider proper for the payment of this sum.

2. I beg to observe that I object to the charge of interest on the amount of costs, because no interest on any account was adjudged in the Decree. Rupees 1,200 are included in the Warrant as the shist of the disputed Lanka for Fusly 1277, while its assessment collected and credited in the Government accounts is only Rupees 1,052. The amount of over-demand is therefore Rupees 148. I have just now written to the Government Vakeel to present a petition to the Court, objecting to the over-demand of the above two sums, amounting to Rupees 366-14-8. I will report in due course the result of the petition.

SUBMITTED to Government with the Board's recommendation that sanction be granted for the payment of the sum of Rupees 19,862-1-4 to the Zemindar of Vizianagram, in satisfaction of the Decree of the Civil Judge of Rajahmundry in Suit No. 3 of 1867.

2. In the absence of any provision in the Budget of the current year to meet this large demand, the Board would suggest the payment of the sum by a credit in the accounts of Peishkush payable by the Zemindar to the Collector of Vizagapatam.

3. The Board will await the receipt of the report promised by the Collector in paragraph 2 of his letter.

No. 506.

ORDER THEREON, 21st May 1869, No. 1,427.

Miscellaneous.

THE Government sanction payment of the amount of the Decree in favor of the Maharajah of Vizianagram, (Rupees 19,862-1-4).

2. They consider, however, that the plan, advocated by the Board, of providing funds by a credit to the Vizianagram Zemindary is open to objection on the ground of irregularity.

3. The Accountant-General is, therefore, requested to give the subject his early consideration, and to communicate his views as to how the amount is to be debited through the Board of Revenue.

(True Extract.)

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

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

Rd. F. R. Bantleman.

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c

Dated May, 21st.

Rec'd. Encl.

G. O., 21st May 1869, No. 1,427.

MAY.

Nos. 505-506.

Telegram from Collr of Vizagapatam
dt 19th

Suit No. 3 of 1867 in Rajahmundry Civil Court.—Payment of the amount of the Decree in favor of the Maharajah of Vizianagram, sanctioned. Accountant-General to report as to how the amount is to be debited.

Ro Board of Revenue
1 July/69 Encl: 2407.

Résumé de pos 11

Memorandum on a suit disputing a bunka in the river Godaveri which has been decided by the Civil Judge against the Collector of Godaveri = (C.S. 1452.)

1. The cause of action in this case originated in a bunka which began to form in the river Godaveri in the year 1850.

2. The point upon which the Civil Judge was called upon to decide was whether the island was a formation pure and simple in the bed of the river, or whether it was an accretion to the island of Bhavalunka belonging to the village of Kolipaka. In the former case it would belong according to all precedent, to Govt. in the latter to the Maharajah of Vizianagram who is the owner of the village in question =

See last page

the

8. The following is a summary of the case. The original dispute arose between the inhabitants of Kotipalli & those of Kota which at that time was also a Zemindary village, but which has since become the property of Govt. In 1838 W. Mason Head Assistant Collector of Vizagapatam, & W. Knox, Assistant Collector of Rajahmundry were appointed to settle the dispute, which they accordingly did. At that time, the bunkas did not exist, but as it appears likely that one would form, they provided for such a contingency by determining that the boundary line between the two villages should be produced across the river, and that the land to the east of the line should belong to Kota and that to the west to Kotapalli. On the formation of the island which

which is the subject-matter of the suit in 1860, the ryots of Kotapilli wished to adhere to the settlement arrived at by Messrs Mason and Knox, but those of Kota demanded that a new line should be drawn due South from the boundary on the main-land, and that all to the east of that line should be given to them. Strangely enough this dispute remained unsettled for the next ten years. The Collector ordered the bunks to be cleared out & the rival claims to be put, till he could have an opportunity of personally inspecting the place. The duties were kept in deposit.

In 1860, W. Morris the Sp. Collector of Rice Settlement visited the spot, & in a Memorandum dated 30th January 1860, he recommended that

that the Mason-Dixon boundary line should be adhered to in dividing the island. By this time the village of Katapilli had come into the possession of the Rajah of Vizianagram, who therefore became the contesting party on one side. Mr. Purvis the Collector forwarded Mr. Master's opinion to the Board, and supported it himself. But the Board of Revenue would not consent to this arrangement, and considered that the boundary line set up by the agents of Kotapad & the chiefs of the two Shekawat Board further instructed the Collector to ascertain whether the Rajah of Vizianagram was willing to submit the case to arbitration. The consent: but the Govt. to whom the case was submitted declared the Rajah's claim to be inadmissible in an order dated 1st May 1862.

1862. In taking this step the Govt. were guided by Mr. Dale, who considered that the island was advantageously formed in a manner possible since. But no claim can be attached to Mr. Dale's for, on perusal of the papers relating to the case, it seems that up to the date on which he gave his opinion, the land under dispute had always been alleged to be newly formed island.

4. It was however, proved to the satisfaction of the Sub Judge that the so called island was merely an accretion to the island of Bhavanilanka which admittedly belongs to the Zemindar of Vizianagram & rejected of objection on the score of formality, the claim of Govt. to the land in question will be found to attend on the statement of fine witnesses to the effect that when the accretion was

was first formed or over 19 years ago that was a broad stream is between it and the island of Betaranka - an assertion which was in contradicted by double that number of witnesses on behalf of the Zemindar.

5. Who then is responsible for the institution of this suit? Clearly Mr. Collector Purvis who in his letter dated 16th May 1860 reported through the Board of Revenue that the "Island in dispute was unquestionably a new formation". It is strange that up to the time the suit was decided, not a word should have reached Govt. as to the true nature of the accretion.

6. It has already been decided by Govt. in an Order dated 1st October 1868, that an appeal from the decision of the Civil Judge would not be advisable.

7. The Collector now requests sanction for the payment of Rs. 1982-1-4 in satisfaction of the suit. He states that only Rs. 800 are provided for in the Budget under the head "Allowances, Refunds & Drawbacks". He however objects to the charge of Rs. 218-14-4, for interest on the amount of costs, because such was not adjudged in the decree.

8. The Board suggest payment of the sum by a credit in the accounts of Peishcush payable by the Zemindar to the Collector of Vizagapatam.

9. No objection to this course suggests itself.

[illegible]

I would authorize the Board to pay the amt. of warrant by credit to Vizianagram Peishcush, but to ... the applicant ... of the Court ... mode of adjustment, the Pl[ff]. ... must file a Miscellaneous Petition. W.R.

[illegible]

I think it [illegible] ... to pay the ... to ... amount in cash ... general head ... sanction of the Govt. of India ... to be obtained. ... a charge by a ... of ... in ...

[illegible signature]

Memo: on a Suit respecting a Land in the Driven Gardens

1652/69

Mr. Forsyth

Agreed with Mr Arbuthnot

A

Mr. Forsyth

Charge, Object to

Bills made of debits

& grounds stated and

Cert. Authorised to

be com with Stated to

how funds are to be

made available

TD

C. 12 May 69. R. 17 Jany.

8.

Revl. Department

the 1627

Proceedings of the Madras Government

Under date the 23rd May 1869.

Read the following

Proceedings of the Board

of Revenue.

Recommending sanction payment of Rs. 19,862-1-4 to Zemindar of Vizianagram in satisfaction of decree of suit No. 3 of 1867 in Rajahmundry Civil Court.

(M.E. 4 No. 4 May 69.)

1. The Government sanction payment of the amount of the decree in favour of the Maharajah of Vizianagram (Rs. 19,862-1-4)

2. They consider however

however, that the plan
advocated by the Board
of providing funds by
a credit to the Vizia-
nagram Zemindary is
open to objection on the
ground of irregularity.

3 The Accountant
General is therefore re-
quested to give the sub-
ject his early considera-
tion and to communicate
as to how the amount of the debit
his views through the
Board of Revenue.

Sd/-

Sd/-

Sd/-

Sd/-

Certified Copies True Copy
Asst Secy

Part of the above
Mentioned Messuage
Tenement Garden &
Premises