M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1589 Press Mis.

123-124

Dated 5th June 1869

Not to be folded or roughly handled

No. 123. Read the following letter from the Sub-Secretary to the Board of Revenue, to the Acting Secretary to Government, Revenue Department, dated Madras, 10th May 1869, No. 3,179 :—

I am directed to submit for the approval of Government, as the ultimate appellate authority, a Circular which the Board propose to issue on the subject of Regulations IX. of 1822 and VI. of 1831

DRAFT CIRCULAR ORDER.

Some uncertainty appears to exist in the administration of Regulation VI. of 1831 on the following points :—

(1.) As to whether the regulation is retrospective or not.

(2.) As to whether appeals from the decisions of subordinates lie to the Collector or the Board in the first instance.

(3.) As to whether long possession is a sufficient reason for refusing to eject an incumbent when another claimant may appear with a better hereditary claim.

2. The Board remark that though Regulation VI. of 1831, which withdraws Village Officers from the cognizance of the Civil Courts, is not retrospective, it is simply declaratory of a previously existing law based on immemorial custom, where it states that such Officers are hereditary.

3. The regulation recognizes no judicial authority except that of the Collector and the Board. It directs that the Collector shall adjudicate, and that the appeal from his decision shall lie to the Board. Regulation VII. of 1828 vests Divisional Officers with the powers of Collectors then existing, or which might afterwards be conferred upon them. Hence a Divisional Officer acting under Regulation VI. of 1831 is in the place of a Collector as far as that regulation goes, and the formal appeal from his decision lies direct to the Board.

4. The Collector has, however, the power to revise and modify any decision passed under Regulation VI. of 1831 by his subordinates. Until modified by him it can be appealed against to the Board of Revenue. If he does modify it then his own judgment is the one to be appealed against. The Collector cannot alter a judgment of a subordinate which has once been appealed against, and confirmed, modified, or reversed by the Board of Revenue.

5. In future all Divisional Officers acting under Regulation VI. of 1831 should endorse upon the copy of their judgment, given to the parties, a notice to the effect that an appeal from the decision lies to the *Board of Revenue* or to the *Collector*, and must be presented within three months from the date of the decision. Collectors should give the parties, in cases decided by them, similar warning.

Collector or to the Board of Revenue.

6. When an appeal from the decision of a Divisional Officer, under Regulation VI. of 1831, is received by a Collector he should call for the proceedings, and after examining them confirm, modify, or reverse the decision, as the case may be. In giving the petitioner a copy of the judgment, he should notify that an appeal against that judgment lies to the Board of Revenue, if presented within three months.

7. Although the Limitation Act does not apply to cases under Regulation VI. of 1831, the decisions of the Board and Government clearly indicate that long possession has been held as a reason for deferring to give effect to claims on account of better hereditary title, until the occurrence of a vacancy by death, resignation, or dismissal.

8. In modification of paragraph 7 of Standing Order, No. 89, the procedure described above in paragraph 6 shou[illegible]etorward be adopted when appeals are presented to Collectors against the decision of their subordinates under Regulation IX. of 1822.

No. 124. ORDER THEREON, 5th June 1869, No. 1,589.

Miscellaneous. APPROVED.

(True Extract.)

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

To the Board of Revenue.

Exd. F. R. Bantleman.

Rev. 1869. Dept.
Board of Revenue,
MADRAS,
A.F. 1583.

LETTER, 10TH MAY 1869, No. 3,179.

Encl. 1

Despatched
Received

MAY.
No. 3,179.

Regulations IX of 1822, and VI of 1831,—Draft of a Circular proposed to be issued to Collectors on subject of, submitted for approval of Government.

A.F. 1589

A.G. Arundel
Asst. Secy. to Govt.

A.F. 1589 - Govt. 3rd June 69

Copy of Despatch & Enc.

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated June. 5th.

Recd. Jun

G. O., 5th June 1869, No. 1,689.

JUNE.

Nos. 123-124.

Regulations IX of 1822 and VI of 1831—Draft of a Circular proposed to be issued by the Board of Revenue to Collectors on the subject of these regulations, approved.

2-1-94
17-2-94
18-6-94
2/11/28