

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1160	Press Mis.
51-52. Dated	4-8-1870	19

Not to be folded or roughly handled

17

*Proceedings of the Madras Government, Revenue Department,
4th August 1870.*

No. 51. Read the following letter from the Government Pleader, Madras, to the Under-Secretary to Government, dated 27th July 1870, No. 105 :—

With reference to the Order of Government, Revenue Department, noted in the margin, I have the honour to forward, for the information of Government, copy obtained from the High Court of the judgment of that Court in Special Appeal No. 605 of 1869.

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ENCLOSURE No. 1.

*In the High Court of Judicature at Madras, Wednesday, the Twenty-ninth day of June,
One thousand Eight hundred and Seventy.*

Present: {The Honourable Mr. JUSTICE HOLLOWAY.
 {The Honourable Mr. JUSTICE INNES.

Special Appeal No. 605 of 1869.

The Collector of the Kistna District, Special Appellant (3rd Defendant.)
Kalareagunta Chinnamrazu, Special Respondent... .. (Plaintiff).

Special Appeal against the decree of the Judge of the Court of Small Causes at Masulipatam on the Principal Sudder Ameen's Side, in Regular Appeal No. 1 of 1869, confirming the decree of the Court of the District Moonsiff of Masulipatam in Original Suit No. 219 of 1868.

This Special Appeal coming on for hearing, the Court delivered the following *judgment* :—
We are of opinion that this Suit is barred by the operation of Section 3 of Regulation VI. of 1831 as contended by the Appellant. That Section provides that claims to the possession of or succession to hereditary village or other offices or to the enjoyment of any of the emoluments annexed thereto shall not be cognizable by the ordinary Courts of Judicature. It is admitted that this is a claim for the emoluments attached to the office of Curnum in an unsettled district, but the Principal Sudder Ameen has decided that there is jurisdiction apparently because Section 52 of Madras Act II. of 1864 being needed to effectuate an order passed, the application of that Section lets in all the other provisions of the Act, and Section 59 gives this action.

2. The Section, however, deals only such the mode of receiving the arrears after they have been ascertained and such recovery or perhaps failure or refusal to recover could alone be proceedings under this Act. The complaint here, however, is of the amount of arrears determined by the Collector, and it is obvious that the regulation in the case of Curnums of unsettled districts withdraws this question from the cognizance of the Civil Courts.

3. The decree of both the Lower Courts must be reversed and the Original Suit dismissed. As this Special Appeal was admitted after the time for appealing had expired, we shall not allow the 3rd defendant any costs.

(A true Copy.)

(Signed) H. WIGRAM.
Acting Registrar, Appellate Side.

No. 52.

ORDER THEREON, 4th August 1870, No. 1,160.

Miscellaneous.

COMMUNICATED to the Board of
Revenue.

*Proceedings of the Madras Government, Revenue Department,
4th August 1870.*

2. The Court's judgment should be circulated for the information of all
lectors.

(True Extract.)

(Signed) H. E. STOKES,

Under-Secretary to Government.

To the Board of Revenue.
the Government Pleader.

Ed. F. R. Bantleman.

no 1160

1. CD to the Bd of Rev
2. The Local Judgments which
it is intended for the information
of all Collectors

1. To the Bd of Rev. Despl. of
2. To the Bd of Rev. Despl. of
3. To the Bd of Rev. Despl. of

RMA
4 Aug 770

Colt. of 1870: ~~REVENUE~~

REVENUE.

To

THE BOARD OF REVENUE.

Ac., Co., &c.

Dated August, 4th.

Recd.

Encl.

G. O., 4th August 1870, No. 1,160.

AUGUST.

Nos. 51-52.

Special Appeal No. 605 of 1869 on the file
of the High Court—Letter from Government
pleader forwarding copy of judgment in this case
communicated to Board of Revenue with instruc-
tions that the judgment be circulated for the
information of all Collectors.