

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1305	Press Mis.
343-344	
Dated 23 — 8 — 19870	

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
23rd August 1870.*

No. 343. Read the following Proceedings of the Board of Revenue, dated 12th July 1870, No. 4,830:—

Read the following letter from the Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Cocanada, 11th June 1870, No. 170.

Nos. of the Suits.		Names of the Plaintiffs.	
Original Suit No.	7 of 1863	...	Dodda Lakshminarayana.
"	258 of 1863	2 of 1863,	
Principal Sudder Ameen's	...	...	Godaverti Ramanna.
Original Suit No.	9 of 1863	...	Muppavarapu Venkatanaudam Pantulu.
"	300 of 1866	...	Garapati Ramasawmy.
Appeal Suit	8 of 1863	...	Kanduri Lingaiya.
Original	550 of 1867	...	
Appeal	335 of 1863	...	Andurty Lakshmi Narsimham.
Original	35 of 1867	...	
"	12 of 1863	...	Vadrevu Vizaramaiya.
"	46 of	(Small Cause)	Mr. Remmy Pierre.
"	47 of	(do.)	Mrs. Remmy Pierre.
"	46 of	(Regular)	Mrs. L. Vigie.
"	36 of	...	Collector of Godavery District.

1. 14th Nov. 1863, No. 8,077	7. 12th Sept. 1863, No. 6,533.
2. 22nd Dec. " " 9,048	8. 16th March " " 1,913A.
3. 2nd Sept. " " 6,277	9. 4th June " " 4,142.
4. 5th Jan. 1867, " 63	10. 9th Oct. " " 7,236.
5. 5th Nov. 1863, " 7,874	
6. 21st Sept. 1867, " 6,093	

COPIES and translations of Decrees and Judgments in the margin, the defence of which was sanctioned in the Proceedings of the Board of Revenue marginally quoted, are herewith submitted for the information of the Board,

with reference to their Proceedings, dated 12th December 1867, No. 8,029.

ENCLOSURE No. 1.—Judgment and Decree in Suit No. 36 of 1863.

ENCLOSURE No. 2.—Decree in Suit No. 47 of 1863, Cocanada Small Cause Court's file.

ENCLOSURE No. 3.—Judgment and Decree in Suit No. 46 of 1863.

ENCLOSURE No. 4.—Decree in Suit No. 46 of 1863, Small Cause Court's file, Cocanada.

ENCLOSURE No. 5.—Judgment and Decree in Suit No. 9 of 1863.

ENCLOSURE No. 6.—Judgment and Decree in Suit No. 300 of 1866.

ENCLOSURE No. 7.—Decision in Suit No. 12 of 1863.

ENCLOSURE No. 8.—Judgment and Decree in Suit No. 7 of 1863.

ENCLOSURE No. 9.—Judgment and Decree in Suit No. 8 of 1863.

ENCLOSURE No. 10.—Judgment and Decree in Appeal Suit No. 335 of 1863, (Appeal.)

ENCLOSURE No. 11.—Judgment and Decree in Suit No. 2 of 1863.

With this letter the Collector submits eleven Decrees and Judgments passed in twelve cases by Civil Courts in the Godavery District from March 1863 to July 1869.

2. No explanation is given as to why these documents have been withheld so long.

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3. In one of them the Decree was against the Collector with costs. It was passed on the 29th September 1868, and the reasoning of the District Moonsiff, who disposed of the case, is open to question, whilst it tends to limit the authority of Government over village sites very materially. Nevertheless, the Decree is not submitted to the Board until June 1870, a year and three-quarters after it was passed. The Collector will explain this grave omission. He will also quote the Proceedings in which the defence of Suit No. 12 of 1868, before the Principal Sudder Ameen, was sanctioned.

4. It ought not to be necessary to point out that it is a most inconvenient arrangement to submit so many Judgments in one letter, and there has not been the slightest necessity for doing so.

5. The Judgments and Decrees will be submitted to Government, with reference to Government Order, 2nd December 1867, No. 1,961, Judicial Department.

6. A brief abstract of the cases, taking them in the order they were disposed of, is subjoined—

1. No. 46 of 1868, Court of the District Moonsiff of Cocanada. Defence sanctioned in Board's Proceedings, 16th March 1868, No. 1,913-A. A Suit against the Collector for Rupees 7 worth of property attached for arrears of water-rate. Dismissed with costs.

2. No. 47 of 1868, in the same Court. Defence sanctioned in the same Proceedings. A Suit against the Collector and others for Rupees 43 worth of property attached for arrears. Decree for plaintiff, but Collector exonerated from costs.

3. No. 46 of 1868, in the same Court. Defence sanctioned in Board's Proceedings, 14th May 1868, No. 3,580, followed by Proceedings, 4th June 1868, No. 4,142. A Suit against the Collector and others for Rupees 76 worth of property attached for arrears. A small portion of it was given to plaintiff, but the Collector was exonerated from costs.

4. No. 300 of 1866, before District Moonsiff, Govindarajulu Ramachendra Row. A Suit against the Collector and others for a piece of village site worth Rupees 60. Defence sanctioned in Board's Proceedings, 5th June 1867, No. 63. Decree for plaintiffs on the ground that they had long enjoyed the land by tying cattle on it, and that Government did not intend to delegate to Collectors authority to permit an encroachment on waste land, (by giving it to others,) which would interfere with private (the plaintiffs') interests. The Collector had to pay his share of costs which were, however, trifling. As far as the Board can gather from the papers, this Decree ought to have been appealed against.

5. No. 9 of 1868, Rajahmundry Principal Sudder Ameen's Court. A Suit by the Zemindar of Vizianagarum for Rupees 1,602, held in deposit by the Collector pending the settlement of a dispute about an accretion to a lunka. The Collector was directed to pay the money into Court in Board's Proceedings, 2nd September 1868, No. 6,277. He did so, and though the money was given to the plaintiff, he was exonerated from costs.

6. No. 2 of 1868, before the Civil Judge of Rajahmundry. A Suit against the Collector and another for acres 5.06 of land attached and sold for arrears.

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The plaintiff had lent Rupees 100 on the land, and it was decreed that the money should be paid him by the borrower, but the Collector was exonerated from costs.

7. No. 8 of 1868, in the same Court. A Suit against the Collector and another for the property of a deceased Inamdar. The right of succession was disputed, and the Collector left the question to the Court in accordance with Board's Proceedings, 5th November 1865, No. 7,874. The Collector was exonerated from costs.

8. No. 7 of 1868, in the same Court. A Suit against the Collector and another for a piece of village site worth Rupees 30 on the ground that it belonged to a pagoda. Defence sanctioned in Board's Proceedings, 14th November 1868, No. 8,077. The Suit was dismissed with costs.

9. No. 335 of 1868, in the same Court. This was an appeal in a Suit for a dwelling site worth Rupees 1,100. Defence in the Lower Court sanctioned in Board's Proceedings, 21st September 1867, No. 6,093. The decision of the Lower Court was in favour of the Collector, and the plaintiff then appealed. The question was one of disputed boundaries. The decision of the Appellate Court was also in favour of the Collector.

10. No. 12 of 1868, in the Principal Sudder Ameen's Court. The plaintiff and the first defendant seemed to have been parties to the case given above as No. 6, but the Board cannot discover what the Suit was, or what proceedings of theirs sanctioned its defence. The Suit against the Collector and another was dismissed on technical grounds.

11. No. 36 of 1868, in the Principal Sudder Ameen's Court. This was a Suit against Navob Sahib, late District Moonsiff of Narsapur, for Rupees 161-0-11, due on account of expenses of a dāk laid for him. It was instituted by the Collector in accordance with Government Order, 19th June 1868, No. 183. Navob Sahib pleaded that the revenue officials did not keep bearers ready for him, so that he had to wait at nearly all the stations. It was shown that this was his own fault, as he had started later than he said he would. The Court decreed against him.

No. 344. ORDER THEREON, 23rd August 1870, No. 1,305.

Miscellaneous.

ORDERED to be recorded.

(True Extract.)

(Signed) H. E. STOKES,
Under-Secretary to Government.

To the Board of Revenue.

Exd. E. C. Shunker.

Received of the Collector of Godavry District
the sum of Rs. 1000/- (One thousand rupees)
for the purpose of the Godavry District
Sudder Ameen's Court, was sanctioned.

17th July 1870

G.O. 12th July 1870 No. 4830

REVENUE

REVENUE

GOVT. OF 1870

14th July 1870

Rev 1870. Sept
Board of Revenue,
MADRAS. 2218.

PROCEEDINGS, 12TH JULY 1870, No. 4,830.

Received 25th July 70 Encl.

No. 1305

RECORDED.

J.D.S. 23rd July 70
JULY.
No. 4,830.

Suits.—Letter from Collector of Godavry District, forwarding Decrees and Judgments passed by Civil Courts in certain, submitted to Government.—Collector requested to quote Board's Proceedings in which defence of one of these Suits, viz No. 12 of 1868 on file of Principal Sudder Ameen's Court, was sanctioned.

18th Aug 70