

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	15-06	Press ~~Mis.~~
¹⁶⁻¹¹ Dated	4-10-1870	~~N~~

Not to be folded or roughly handled

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

No. 10. Read the following Proceedings of the Board of Revenue, dated 26th September 1870, No. 5,873:—

Read the following letter from the Acting Collector of Tinnevely, to the Acting Secretary to the Board of Revenue, dated Courtallum, 15th September 1870, No. 448.

I HAVE the honour to forward, for the Board's approval, draft of answer to a plaint filed in Original Suit No. 69 of 1870 on the file of the Principal Sadr Amin's Court of Tinnevely, in which the Collector has been made a defendant.

2. Translation of the plaint and a memorandum stating the facts of the case are submitted.

3. The date for filing the answer is fixed for the 25th October next.

ENCLOSURE No. 1.

*Draft of Answer to be filed in the Principal Sadr Amin's Court of Tinnevely in Original
Suit No. 69 of 1870.*

Plaintiffs *versus* *Defendants.*

1. Minaboyammal, wife of Ramaprasad of Thanikulam.	Collector of Tinnevely and fifty-eight others, including the Minor Zemindar of Yettipuram Estate.
2. Iralal.	

2. Iralal.

3. Ramaprasad, son of Hari Ram,

4. Karunalal, son of Hari Ram.

Plaintiffs assert.

1. In Kadelkudi Zemindari and in the first three villages, shown in particulars of the plaint, two-fifth part belongs to plaintiffs and three-fifths to defendants Nos. 57 to 59.

2. On Vilattikulam villagers complaint that 220½ chains in the first three villages, shown in the memorandum of particulars attached to the plaint, had been encroached upon by the plaintiffs and certain others; an inspection was made, and the dispute settled with the consent of both parties. With reference to the settlement, the disputed land was divided in equal shares (110½ to each sharer) and demarcated with stones in 1846.

3. Taluq Sheristadar of Ottapidaram having re-examined the above land on the 22nd December 1862, reported to the Huzoor that the demarcation made in 1846 was correct.

First Defendant (Collector) replies.

1. Plaintiffs have to prove this.

2. Yes.

In executing the order, the division was not carried out in conformity with the decision, although it was reported to have been done.

3. It is true that the Taluq Sheristadar made a report stating that the demarcation was right, but from the documents which accompanied his report, it was found that there was one stone

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4. On a false complaint preferred by Mirassidars of Vilattikulam, defendants, Nos. 7 and 37; and some others, to Deputy-Collector (Mr. Underwood), the Demarcation Department again re-surveyed the land and reported to the Huzoor that the demarcation made in 1846 was inaccurate. Thereupon the stones fixed in 1846 were removed and placed to the north and south of the removed ones, including thereby 116 $\frac{1}{2}$ chains to Vilattikulam. This alteration made the plaintiffs to sustain a loss of Rs. 697-11-9.

missing and that the position of some others did not correspond with the entries in the former accounts submitted by him; consequently doubts were entertained and a regular inspection and survey was ordered by Mr. Wedderburn as shown below.

4. In 1862 and 1863 two complaints were lodged by Vilattikulam ryots that the Zemindar had incorporated with his land about 60 chains of Ayen lands with the connivance of the Curnums. An inspection was made by the Ottapidaram Taluq Sheristadar (Subba Row), to whom the petitions were referred for inquiry and report, and he represented that there was no encroachment, and the demarcation was right; but the documents which accompanied his communication showed, as above stated, that one stone was missing, and the position of some others were altered, which rendered necessary a regular inquiry and survey; this was ordered to be done by the Assistant Director of Revenue Settlement, and the result of the inquiry thus ordered was the discovery of a fraud committed by the Taluq Sheristadar, who was deputed to demarcate, having included with the Zemindari, 73 chains of which ought to go to the benefit and interest of the Vilattikulam villagers, as per award of Mr. Thomas, besides 33 chains of Subbiapuram. This extent was thereupon ordered to be included in the village of Vilattikulam, and a fresh demarcation made rectifying the mistake.

No wrongful loss could have accrued to plaintiffs from their being rightly made to give up the lands to which they had no claim whatever, as appear from the award of Mr. Thomas upon which the plaintiffs found their action.

5. Sanction was accorded by Government for the institution of the Suit.

5. The defendants, Nos. 57 to 59, being not inclined to file a Suit in Court, this plaint was not filed in due time. But with reference to Act XXVIII. of 1860, Government sanction has been obtained extending the term for civil action about the Suit in question.

6. Pray for decree in the plaintiffs' favour so as to cancel the proceedings passed by Revenue authorities with regard to demarcation, and to fix the boundary stones as usual, as well as to recover 46 $\frac{1}{2}$ chains worth of about Rupees 1,122-15-6 (plaintiff's share) with its income up to the date of decree and other losses sustained by plaintiffs from the defendants.

(Signed) C. T. LONGLEY,
Acting Collector.

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ENCLOSURE No. 2.

*Translation of a Plaint filed in the Principal Sadr Amin's Court at Tinnevely in Original
Suit No. 69 of 1870.*

Plaintiffs.

1. Minaboyammal, wife of Ramaprasad, residing at Thanikulam in Tinnevely Taluq, and one of the shareholders of Kadelkudi Zemin.

2. Ananthkumarar Irallal.

3. Ramaprasad, the minor son of Hari Ram, who is under wardship of the 1st plaintiff.

4. Karunalal, do. do. do.

By Pleader Annasawmi Iyer.

Defendants.

1. The Collector of Tinnevely.

2. Ettappa Naicker, the son of Jaganeerar, minor Zemindar of Yettiapuram in Ottapidaram Taluq.

3. Ramasawmi Pandian, the Manager of the Yettiapuram Estate.

4. Ballaram, Zemindar of Kullathur, residing at Velagapattai in Tinnevely Taluq.

5. Gopalier, residing at Yettiapuram.

6. Angiarkannammai Anni, wife of Dalavoy Ponnambalanada Moodelliar, residing at Strivaiguntam in Tenkarai Taluq.

7. Muthukristnier, residing at Vilattikulam in Ottapidaram Taluq.

8. Sinnasithambara Iyer, uncle of the above.

9. Kristnier.

10. Achier

11. Subbier.

12. Ramier.

13. Venkataramier.

14. Madura Kristnier.

15. Alaghiri Vathiar.

16. Muthurengier.

17. Kuppier.

18. Attallamier.

19. Ganapathi Iyer.

20. Venkataramier.

21. Thangamier.

22. Periasavundarier.

23. Subbaraya Iyer.

24. Narayana Iyer.

25. Kavari Vathiar.

26. Panaiyur Kristnier.

27. Authi Iyer.

28. Muthupattar.

29. Arunachelam Pillai.

30. Subramania Pillai.

31. Ramier, son of Muttuvier.

32. Venkatarengier, son of do.

33. Savundaramier, son of do.

34. Sankaranarayana Iyer, son of Sambier.

35. Venkataramier, son of Appasawmy Iyer.

36. Sankaranarayana Iyer, son of Sasthavier.

37. Sankaramier, son of Mirassi Sankaranarayana Iyer.

38. Kovilier.

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39. Achier, son of Sokkier.
40. Savundrammal, wife of Venkataramier.
41. Sellamier, son of Nagamier.
42. Guruvammal, wife of Chidambaramier.
43. Uppathur Bashkaramier.
44. Yellappa Reddiar, residing at Solaimalaimpattai attached to Vilattikulam.
45. Sunthara Reddi, son of Nagu Reddi, residing at Ramachendrapuram attached to the Kadelkudi Zemin, in Ottapidaram Taluq.
46. Sivasubramania Pillai, residing at Ottapidaram.
47. Veerabadra Pillai, brother of the above.
48. Sankaramier, residing at Koppampatti in Ottapidaram Taluq.
49. Hariharamier.
50. Ragava Muthier, residing at Nambipuram in Sattur Taluq.
51. Muthappier, residing at Singilipatti in do.
52. Kupier, residing at Strivilliputtur.
53. Valasubramania Iyer, residing at Tiruvengadam in Sankernainarkovil Taluq.
54. Solaimalai Iyer, residing at Rameswaram attached to Ramnad in the district of Madura.
55. Sirukulam Gopalier, residing at Thipam Kundu in do.
56. Sitha Venkatasubbier, residing at Ausa village in Travancore.
57. Utharam, son of Santhulal, one of the shareholders of Kadelkudi Zemin, residing at Thekkulam in Tionevelly Taluq.
58. Mayaram, brother of the above.
59. Takram, brother of the above.

Two-fifths of the Kadelkudi Zemin and its lands in the villages referred to in paragraphs 1 to 3 of the Particulars of Property belong to the plaintiffs, and the remainder three-fifths to the 57th, 58th, and 59th defendants, and they have been enjoyed by their family since a long time. Complaints having been made to the Collector that 220½ chains of land in the three Inam villages of Ramachendrapuram, Subbiapuram, and Ariyanayagipuram, referred to in the Particulars of Property, belonged to the Ayen village of Vilattikulam, and that these lands were gradually included by the family of the plaintiffs, etc., in the above villages, he ordered the Tahsildar to hold the necessary inquiries, who accordingly inspected the locality, and inquired into the matter. Upon this the Collector made an amicable settlement between the families of the plaintiffs and the villagers of Vilattikulam, divided the lands between these two parties in equal shares, ordered 110½ chains of land to be included with Vilattikulam, erected distinct boundary marks, and issued a final order in 1845, stating that twenty-three stones should be fixed on the boundary limits, and that the above villagers had no right whatever with the other portion.

2. Again the Muzumdar inspected the boundary marks in company with both the parties on the 22nd December 1862, and addressed an Arzi to the Collector, stating that the existing boundary marks are in the same state as originally erected, and Suppakavundan the Yellai Moodelly of Vilattikulam village gave a deposition corroborating the above statement.

3. The case being so, the 7th and 31st defendants presented a false complaint to the Deputy-Collector, when the village of Vilattikulam was demarcated, and a demarcating officer inspected the spot and removed the original boundary marks and fixed new boundary stones to the east and north of the former boundary marks in December 1865, as per order from the Huzoor. By this change of boundary marks about 116½ chains of land in the above three villages belonging to the plaintiffs, have been included in the village of Vilattikulam, contrary to former orders, and an assessment for this land has been paid to Government, whereby the plaintiffs have sustained a loss of Rupees 697-11-9 as stated in the 4th paragraph of the Particulars of Property.

4. The filing of the Suit was delayed as the 57th, 58th, and 59th defendants, who are the shareholders, did not come forward with the plaintiffs. The endorsement (marked A.) received

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on the Government under Act XXVIII. of 1860, extending the time to file the Suit up to 15th June of this year, is herewith produced.

5. The plaintiffs therefore pray that the boundary stones newly fixed may be removed; that the orders issued for fixing these boundary stones may be cancelled; that boundary stones may be fixed in the places where boundary marks were originally erected; that the 46½ chains of fulguzary punjah lands of the value of Rupees 1,122-15-6, referred to in paragraphs 1 to 3 of the Particulars, may be made over to the plaintiffs; that the loss of income, amounting to Rupees 697-11-9, referred to in the 4th paragraph, with an interest at 1 per cent. per mensem, and the income derivable subsequent to the date of the plaint, may be paid by 2nd to 56th defendants; and that the cost of Suit, with an interest at the above rate, may be paid by all the defendants.

(True Translation.)

(Signed) C. T. LONGLEY,
Acting Collector.

In original Suit No. 69 of 1870.

ENCLOSURE No. 3.

MEMORANDUM.

THE ryots of Vilattikulam, a Government village in Ottapidaram Taluq, complained to the Collector in 1845 that the Zemindar of Kadelkudi encroached upon Government dry lands to the extent of 220 chains. Mr. Thomas, the then Collector, deputed one Annaji Row, Tahsildar of Tenkarai, to take measurements of the lands in dispute. He (Annaji Row) reported that from his Azmaish he found that 220½ chains of land were entered in the ayacut accounts of both the Government and Zemindari villages. Mr. Thomas summoned the principal ryots of Vilattikulam and the Vakil on behalf of the Zemindar, and upon their agreeing in writing to abide by any award he (Mr. Thomas) may give in the matter, he decided that 110½ chains of land should be taken by the Zemin villagers, and the other 110½ by the Vilattikulam people, and ordered the lands to be demarcated and the boundary line being fixed with stones; this was accordingly done in 1846 by Subba Row, the then Taluq Sheristadar of Ottapidaram. Of the extent thus made over to Government village, 74½ chains was cultivated by Zemin ryots in Fasli 1256, in which year the dispute was settled by Mr. Thomas, and the assessment of Rupees 435-5-5 due thereon was collected from them and credited to the head "Land Revenue."

2. In 1862 the Vilattikulam ryots complained to the Collector, stating that the Zemindar enjoyed land in excess of Mr. Thomas's award. While inquiry into this complaint was pending in the taluq, the same ryots again in 1863 complained that the Zemindar encroached about 60 chains of Ayen lands with the connivance of the Curnum by shifting the position of the boundary stones.

3. The Ottapidaram Taluq Sheristadar, who inspected the locality, reported that no land was encroached on as stated by the complainants. However, from the report and other documents received from that officer, it appeared that one of the demarcation stones was missing, and that the position of some others did not correspond with the entries in the account of Mr. Thomas's award, and consequently doubts having arisen as to the correctness of this report, the then Collector requested the Assistant Director to ascertain, with reference to the above accounts, whether any portion of Ayen lands has actually been since included by the Zemindar with his estate.

4. Mr. Symonds reported on the 3rd November 1864 that 73 chains of Ayen land belonging to the village of Vilattikulam have been included by the Zemindar with his own lands, and further, that on another complaint of encroachment having been made by the same ryots, inquiries were made, when it was found that 33 chains of Ayen land had been included with the Zemin village of Subbiapuram.

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5. The then Collector wrote to the Assistant Director that the encroached lands above referred to should be included in the Ayan village of Vilattikulam, and a fresh demarcation made accordingly which was duly carried out in 1865, from which date the assessment on the land is collected from the cultivators. In 1868 an order was issued by Mr. Puckle to recover the arrears of past Faslies, Rupees 5,626-8-0, but the Zemindar has objected to the same.

(Signed) C. T. LONGLEY,
Acting Collector.

THIS Suit is one regarding a boundary dispute between the Government village of Vilattikulam and the Zemindari of Kadelkudi, which involves land valued at Rupees 1,123.

2. The Board resolve to recommend Government to sanction the defence of the Suit on the usual terms.

No. 11. ORDER THEREON, 4th October 1870, No. 1,506.

Miscellaneous.

THE Government sanction the defence in the first instance at the public cost of Original Suit No. 69 of 1870 on the file of the Principal Sadr Amin's Court of Tinnevely, instituted by Minaboyammal and three others against the Collector of that district and fifty-eight others; but they will determine, when copies of the judgment and decree are submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that officer or by the Government.

2. The draft answer submitted is approved.

(True Extract.)

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

To the Board of Revenue.

Exd. F. R. Bantlemen.

Rev. Dept.

No 1506

Proceedings of the Madras Court
Under date the 4 October 1870

Read the following
Proc. of the B. of Rev.

Recommending to sanction
defence of suit No 69 of 1870 in
file of Tinnevely P. S. Ameen's
Court regarding certain
boundary dispute -

M.D. 26 Sept. 1870

The Court sanction
the defence in the first
instance at the public
cost of original suit
No 69 of 1870 in the
file of the Principal
Sudder Ameen's Court
of Tinnevely instituted
by Minabiyammal &
3 others against the
Collector of that District
and

J. D. S.
A/P

J. G. 15. March 1872 No 1506

Cost. of 1870 Rs 10.15

REVENUE.

To

THE BOARD OF REVENUE.

Dated October 4th.

Recd.

For.

G. O., 4th October 1870, No. 1,506.

OCTOBER.
Nos. 10-11.

Suit No. 69 of 1870 against the Collector of
Tinnevely in connection with a boundary dis-
pute.—Its defence at the public cost, sanctioned.

Use by 1244/32
Nile 137 No. 16 July 1870
No 1506