M.R.O. 1—33,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1628	Press Mis.
202-63 Dated	25-10-1870.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 25th September 1870.

No. 262. Read the following Proceedings of the Board of Revenue, dated 10th October 1870, No. 6,051 :—

Read the following letter from the Acting Collector of Tinnevelly, to the Acting Secretary to the Board of Revenue, dated Courtallum, 7th September 1870, No. 433.

With reference to Board's Proceedings, No. 7,992, dated 27th October 1869, sanctioning the defence of Original Suit No. 59 of 1869 on the file of the Principal Sadr Amin, I have the honour to forward herewith copies of Decree and Judgment passed by him in the above Suit, non-suiting the plaintiff with costs.

2. It would appear from the particulars of costs that the Court has only decreed a fee of Rupees 1-8-9 to be paid by the plaintiff to the Pleader engaged on behalf of Government at the rate of 5 per cent., but the Government Pleader begs that he may be paid Rupees 5 in full, on the strength of Board's Proceedings, No. 6,549, dated 14th September 1868, the minimum amount of fee sanctioned by Government in Suits of less than 100 Rupees value.

3. I therefore request sanction for payment of the difference of Rupees 3-7-3 between the minimum in question and the sum decreed by the Court.

Enclosure No. 1.

In the Court of the Principal Sadr Amin at Tinnevelly, Thursday, the Thirtieth day of June, One Thousand Eight hundred and Seventy.

Present:—A. P. Strinivassa, Principal Sadr Amin.

Original Suit No. 59 of 1869.

Plaintiff	*versus*	*Defendants.*
Sangilimadakone.		The Head Assistant Collector and three others.

This is an action for a declaration of the plaintiff's right to a certain land, part of which is in his possession, and part of which is held by the fourth defendant, he having purchased it at an auction-sale in the Revenue Department. The plaintiff also prays for transfer of Revenue registry to his name, and the title set up by him is that his father purchased it from one Muttia Nambian who was the former owner of the land.

2. The first and fourth defendants, who alone oppose the Suit, contend that the land in possession of the fourth defendant was waste from time immemorial, and sold to him by the Head Assistant Collector, and that in land No. 57 the plaintiff's father's alleged vendor owned only mercal 2 padi 4½, which is now in the plaintiff's possession with Revenue registry.

3. *Mr. R. A. Phillips* appears for the plaintiff and *Ramiengar* for the first defendant, and the fourth defendant appears in person ; the other defendants not appearing in person or by Vakil.

4. Plaintiff's documents :

A. Deed of Sale executed by Muttia Nambian to the plaintiff's adoptive father for 9 pons and 5 fanams, or Rupees 20-3-4, dated the 27th Chittrai, Andu 989, or 7th May 1814.

5. Plaintiff's witnesses:

1. Sivaramapokundan.
2. Mannar Naiken.
3. Ramasami Naiken.

6. Defendants' documents :

I. Sale Certificate granted to the fourth defendant by the Acting Collector of Tinnevelly, dated the 30th October 1868.

II. Puttah granted to the fourth defendant by the Acting Collector of Tinnevelly for Fasli 1278.

III. Revenue Register for the village of Strivycuntam.

IV. Alavolugu Account of the said village, dated the 2nd June 1803.

7. *Judgment.*—The issues for decision in this case are, (1), whether the plaintiff's alleged vendor was the owner of the whole of the land No. 57, and, (2), if not, what was the quantity owned and possessed by him ?

8. The parol evidence on the part of the plaintiff does not at all prove his vendor's title or possession. On the other hand, the Revenue Register produced on behalf of the first defendant shows that in land No. 57 the plaintiff holds only mercals 2 padi 4½, and the Alavolugu Account, on which the plaintiff relies as proving his vendor's title to the land specified in the plaint, specifies only the quantity of lands held by the plaintiff's vendor's adoptive father without stating the numbers of those lands.

9. The Suit is therefore dismissed, and the plaintiff ordered to pay the first and fourth defendant's costs with interest at six per cent. per annum.

(Signed) A. P. STRINIVASSA,
Principal Sadr Amin.

Enclosure No. 2.—Copy of Decree.

Submitted (together with a copy of Board's Proceedings, dated 27th October 1869, No. 7,992,) for the information and orders of Government.

2. The Court in dismissing the Suit have decreed the payment of a fee to the Pleader who appeared on behalf of Government, calculated at five per cent. on the value of the Suit, and amounting in this case to Rupees 1-8-9.

3. The Collector requests that, as sanctioned in Government Order of 5th September 1868, No. 2,328, a fee of 5 Rupees may be paid to the Pleader.

No. 263. Order thereon, 25th October 1870, No. 1,628.

Miscellaneous.

Payment of Rupees 3-7-3 to the Pleader engaged on behalf of Government in the Suit before the Principal Sadr Amin is accordingly sanctioned.

(True Extract.)

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

To the Board of Revenue.
„ the Accountant-General.

Exd. F. R. Bantleman.

Govt. of {1870 Mdrs.}

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated October, 25th.

Recd.

Encl.

G. O., 25th October 1870, No. 1,623.

OCTOBER.

Nos. 262-263.

Suit No. 59 of 1869 regarding certain land in Tinnevelly District.—Payment of fee to the Pleader engaged on behalf of Government in the Suit, sanctioned.

No. 7,992.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 27th October 1869.

Read the following letter from C. T. LONGLEY, Esq., Acting Collector of Tinnevelly, to the Acting Secretary to the Board of Revenue, dated 20th October 1869, No. 411:—

I HAVE the honour to forward, for the Board's approval, draft of an answer to a plaint filed in the District Moonsiff's Court of Tinnevelly but transferred to the Principal Sudder Ameen's Court in Original Suit No. 59 of 1869 by one Sangilimadakon of Strivycuntam, for the recovery of certain land, and in which the Head Assistant Collector of Tinnevelly was made a defendant.

2. Translation of the plaint is also sent herewith.

3. The date of hearing of the suit is fixed for the 14th November 1869.

ENCLOSURE No. 1.

Draft of written statement to be filed in Original Suit No. 59 of 1869 on the file of the Principal Sudder Ameen's Court of Tinnevelly.

Allegations of the Plaintiff.

The land within the boundaries specified in the *Thapsil* (particulars of the plaint) originally belonged to one Ramanumbian and was sold by his son Muthianumbian to plaintiff's adoptive father and enjoyed by him and afterwards by the plaintiff.

2. Out of the above land a portion having been improved by plaintiff at a cost of Rupees 200 and odd was brought under cultivation. The rest of the land was, upon the false representation of the Curnum, the 3rd defendant, who was plaintiff's enemy, sold as Government Porumboke land and purchased by the 4th defendant on the 2nd July 1869.

3. Plaintiff complained to the 1st defendant, who upon the report of the 2nd defendant passed an order that the land does not belong to plaintiff; hence the suit.

4. The 4th defendant is attempting to appropriate the entire land including the Seikal land. Therefore prays to uphold the plaintiff's right to the entire land mentioned in the Thapsil and to cancel the sale to 4th defendant.

Answers.

The plaintiff's assertion that he and his father enjoyed the whole of the land referred to in the particulars of plaint (Thapsil) is untrue. Ramanumbian, whose son is said to have sold the land to plaintiff's father, held only 2 mercals and 4¼ measures of land as shown in the Ayacut accounts. It was not possible, therefore, for the son to sell, as inherited from his father, *more* land than that belonged to the father. Besides, in the B. Register prepared in Fusly 1271, showing the holdings of each individual ryot, or what was accepted by him at the time the only extent of land abovementioned is entered in plaintiff's name, and his puttah is limited to that extent. Hence plaintiff's claim for anything over and above is inadmissible.

The land sold is entered in the Ayacut as "Kuttam" or pond, and therefore belonged to Government. Hence the sale by the Collector is legal and the representation of the Curnum was in accordance with the entries in the accounts.

On a report of the above circumstances by the 2nd defendant, the Tahsildar, the Head Assistant Collector (1st defendant) being of opinion that the plaintiff had no right to any more land than the extent shown in his puttah, rejected his claim for what clearly belonged to Government.

Not the fact. The 4th defendant therefore prays that the suit as against him may be dismissed with costs.

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

ENCLOSURE No. 2.

Plaint filed in the District Moonsiff's Court of Tinnevelly.

Plaintiff.	*versus.*	*Defendant.*
Sangilimadakon, adopted son of Lakshmanakon, of Cusbah Strivaiguntam, Tenkarei Talook—Cultivator.		1. Head Assistant Collector of Tinnevelly. 2. Tahsildar of Tenkarei. 3. Palania Pillai, Number Curnum of Cusbah Strivaiguntam; and 4. Manikamasari, son of Vaiguntamasari—Cultivator and Goldsmith.

For recovery of certain land paying an annual assessment of Rupees 3-15-4. Object of suit is to establish plaintiff's proprietary right thereto, and to cancel a fraudulent sale. Value of the suit Rupees 30-10-8.

I. The land within the boundaries specified in the Thapsil originally belonged to one Ramanumbian, and was sold by his son Muthianumbian to plaintiff's adoptive father, and enjoyed by him and afterwards by the plaintiff.

II. Out of the above land, a portion having been improved by plaintiff at a cost of Rupees 200 and odd, was brought under cultivation. The rest of the land was, upon the false representation of the Curnum, the 3rd defendant, who was plaintiff's enemy, sold as Government Porumboke land, and purchased by the 4th defendant on the 2nd July 1869.

III. Plaintiff complained to the 1st defendant, who upon the report of the 2nd defendant passed an order that the land does not belong to plaintiff; hence the suit.

IV. The 4th defendant is attempting to appropriate the entire land including the Seikal land; therefore prays to uphold the plaintiff's right to the entire land mentioned in the Thapsil, and to cancel the sale to 4th defendant.

(Here enter particulars.)

(True Translation.)

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

THE Board sanction the filing of the answer proposed by the Collector and the defence of the suit on the usual terms.

(True Copies and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary,

To the Acting Collector of Tinnevelly.

Copy to the Accountant-General.

Exd. T. Cartledge.

Confirming our Rec. of the 23rd Inst. Rec'd to the Govt. P. Dated 30th Oct. 1869.

Board of Revenue,
MADRAS.

PROCEEDINGS, 27TH OCTOBER 1869, No. 7,992.

Rec'd 31st Oct. 1869. Encl.

Received

OCTOBER.
No. 7,992.

Suit—No. 59 of 1869, on file of Tinnevelly Principal Sudder Ameen's Court, regarding certain land—Defence of —, on usual terms, authorized, and filing of proposed answer, sanctioned.

4

Revenue Department

No. 1628.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 25th Oct. 1870.

Read the following. Rec. of the Board of Revenue

Subsy: Letter from Coll. of Tinnevelly requesting sanction to pay. of Rs 3-7-3, in addition to fee of Rs 1-8-9 decreed by Court, to Govt. Pleader, in suit No. 59 of 1869 regarding certain land.

} B. of R. 10 Oct. 1870, No. 6051

Payment of Rs. 3-7-3 to the Pleader engaged on behalf of Govt. in the suit before the Principal Sadr. Ameen is accordingly sanctioned.

14 Folio B. of Rec. with Enclo. Desp. to Accts. Genl.