M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1798 Press Mis.

237-38 Dated 17-11-1820

Not to be folded or roughly handled

31/3/20

Proceedings of the Madras Government, Revenue Department,
17th November 1870.

No. 237. Read the following Proceedings of the Board of Revenue, dated 4th October 1870, No. 5,972:—

Read the following letter from the Acting Collector of Tinnevelly, to the Acting Secretary to the Board of Revenue, dated Courtallum, 5th September 1870, No. 429.

With reference to the Proceedings of the Board of Revenue, of 21st July 1870, No. 4,987, directing the Government Pleader to defend the Appeal Suit No. 65 of 1870 on the file of the High Court, in the boundary dispute between Government and the Ettiapuram Zemindar, I have the honour to request sanction for payment of the fee demanded by Mr. Handley in his letter, No. 110, of the 28th July, a copy of which I herewith forward. Information on the point mooted in the Government Pleader's letter will be submitted separately.

Enclosure No. 1.

From J. W. HANDLEY, Esq., Government Pleader, Madras, to the Acting Collector of Tinnevelly, 28th July 1870, No. 110.

I have received instructions from the Board of Revenue to appear on behalf of Government at the hearing of the Appeal (Regular Appeal No. 65 of 1870), preferred to the High Court by the Zemindar of Ettiapuram, against the Decree of the Civil Court of Tinnevelly in Original Suit No. 5 of 1867. I have accordingly entered my name on the record as Counsel for the respondent, the Collector, and shall appear in due course at the hearing, which will not take place for some months to come.

Proceedings, 11th July 1870.

2. I think it is not unlikely that the case will have to be remitted to the Lower Court for further investigation. The Civil Judge has decided against the plaintiff on the ground that it is admitted that the lands in dispute never were in the possession of the Zemindar, but have always been cultivated by ryots, paying rent to Government, and that, therefore, the Suit is barred by the Limitation Act. Judging from the papers before me, I cannot see that this is either admitted or proved. The plaintiff's case is that the lands were originally waste lands attached to his Zemindari, and have been gradually encroached upon by the Ottapedaram ryots. It appears from the Collector's memorandum on the case, that at least some of the lands were waste as late as 1861. Now, with regard to such of the lands as were originally waste, it seems to me that, if the plaintiff shows that they originally formed part of the Zemindari, the Limitation Act will only run against him from the time when they were first taken into cultivation by Government ryots. Even if revenue was paid to Government in respect of such lands, that alone would not, I think, constitute hostile possession as against the Zemindar. For these reasons, I doubt whether the case was rightly disposed of in the summary manner adopted by the Civil Judge; but of this I cannot judge properly until I have seen the evidence which was adduced in the case.

3. I have the honour, therefore, to request that you will favour me with any information which may throw light upon the above question, and with any observations upon the case which may occur to you.

4. The Suit has been valued in appeal at Rupees 1,72,343. The regular fee will, therefore, be Rupees 1,000, which amount I request may be remitted to me.

Submitted to Government, with the request that they will sanction payment of the Government Pleader's fee, Rupees 1,000.

Proceedings of the Madras Government, Revenue Department,
17th November 1870.

2. The case is the one referred to in Government Order, 6th June 1870, No. 31, passed on Proceedings containing the judgment of the Civil Judge.

3. The Collector has been requested to send a copy of his answer to the Government Pleader and to the Board.

No. 238. ORDER THEREON, 17th November 1870, No. 1,794.

Miscellaneous.

PAYMENT of a fee of Rupees 1,000 to the Government Pleader is accordingly sanctioned.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
,, the Government Pleader.
,, the Accountant-General.

Exd. F. R. Bantleman.

Revenue Department

No. 1794-

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 17th June 1870.

Read the following Pro. of the Board of Revenue.

Requesting sanction payment of a fee of Rs. 1000 to the Govt Pleader for appearing at hearing of Appeal suit No 85 of 1869 filed in High Court by Ellia Jeevarama Zemindar of Jinnevelly -

M.O. 4th Oct: 1870, No 597

Payment of a fee of Rupees 1000 to the Govt Pleader is accordingly sanctioned.

Sd.

S. D. S.

B/P.

11 To the Govt Pleader Despatch
9 — Govt Pleader
6 — Asstt Govt

Govt. of Madras.

REVENUE.

THE BOARD OF REVENUE.

JOVENDER.

Nos. 237-238.