

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1971	Press Mis.
¹⁶⁸⁻⁶⁹ Dated	7-12-1870	RM

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
7th December 1870.*

No. 168. Read the following letter from the Acting Collector of Bellary, to the Secretary to Government, Revenue Department, Madras, dated Ramandrug, 21st September 1870, No. 103:—

With reference to Government Order, No. 1,435, dated 12th instant, directing that certain lands attached in a Civil Suit should be sold by me, I have the honour to request instructions as to whether it is meant that I am personally to conduct the sale, or whether I may depute an Assistant.

2. Mr. Weld, Assistant Collector, is at present in revenue charge of the taluq.

No. 169. ORDER THEREON, 7th December 1870, No. 1,971.

Miscellaneous.

RECORDED with reference to G. O.,
1st December 1870, No. 1,905.

(True Extract.)

(Signed) H. WELLESLEY,
Acting Under-Secretary to Government.

To the Collector of Bellary.
,, the Board of Revenue.

Exd. F. R. Bantleman.

[Handwritten signature]

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Revenue Department

Proceedings of the Madras Government
Under date the

Recd the following
letter from the Asst Collector
of Bellary.

he agreed the Asstants
not to do it in Council
yesterday. N.
Requesting to know whether
he is personally to conduct the sale
of certain lands attached in an
Civil suit or he can depute an Asst.

(H.E. 21st Sept/70 No 103)

The Collector
is at liberty to depute an
Assistant for the purpose of
conducting the sale in question.

Yrs.

But see Mr Ashwell.
Asst Asstn. which
is pt. 1, if the "Rule"
is not yet Law
L.O.
Does the Asst of 25 apply?
Mr Bell is not
Law. A.P.

Edith
C. C.

Govt. of 1870: 1875.

REVENUE.

THE COLLECTOR OF BELLARY.

to do, &c., &c.

Dated December, 7th.

Recd.

G. O. 7th December 1870, No. 1,971

DECEMBER.
Nos. 168-169.

Land attached by a Civil Suit in Bellary
District.—Letter from the Collector requesting
to know as to who is to conduct its sale, recorded.

Revenue Dept.

Memo on 11/29/12

"Section 248. - x x x. If the property to be sold shall be land paying revenue to Govt, and the Govt shall so direct, the sale shall be conducted by the Collector on the requisition of the Court."

Sloan's Judicial & Land Revenue Code p. 1109.

Section 248 of the Civil Procedure Code refers only to the Collector, and not to the Sub or Asst. Collector, or any other Subordinate Revenue Officer empowered by the Collector & the late Sudder Court have ruled, with reference to this Section, that "until the Govt vests Collection generally, or any Collector particularly, with the power of selling revenue-paying land in execution of decrees the Courts are under this Section to effect such sales by means of their own officers."

In Bengal, under a Notification of the Local

Govt. Sales of land or of
any interest in land pay-
ing revenue to Govt. are made
by the Deputy Commissioner
upon the requisition of
the Court.

Broughton's Civil Code
p. 192.

The Code of Civil Pro-
cedure does not contain
any definition of the
word "Collector". But
the Bill for Consolidating
& amending the laws relating
to the procedure of the
Courts of Civil Jurisdiction
in British India, contains
a clause defining the
term, as follows:-

"Collector" denotes every
Officer performing the
duties of collector of
Land Revenue."

It is submitted that
under this latter definition
the Collector's deputy has
power in the case in question
to sell.

Yes. I think so
L. D. S.

Yes. but is the Bill
passed? A. S.

Handwritten notes, mostly illegible due to fading.

Cur

For index

Dr. F. Kennedy - Lee

Dr. W. H. ...

Wendell Lee
Reference to
summarizing duplicate
of ...

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H-1971-

Recorded with reference
to G. O. 1, December 1870, No. 1905

ye Decem 70

1. John College of ...
in ...