

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	796	Press
		~~Mis.~~
1-2	Dated 1-6-	1870.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
1st June 1870.

No. 1. Read again Proceedings of Government, Petition Department, dated 16th February 1869 :—

Read also the following Proceedings of the Board of Revenue, dated 4th October 1869, No. 7,367.

Read the following papers :—

Proceedings of the Madras Government, dated 16th February 1869, Petition Department.

ABSTRACT—*Petition No. 213 of 1868.*—Board requested to submit their views on the question raised by the Mirassidars of Vysarapady respecting their claim to compensation for their land taken up for building slaughter-houses and other purposes.

Letter from the Acting Sub-Collector of Madras District, to the Sub-Secretary to the Board of Revenue, dated Chingleput, 3rd June 1869, No. 120.

With reference to your Official Memorandum, No. 332, dated 7th April 1868, I have the honour to submit an abstract of suits regarding Mirassi right decided in the Civil Court of Chingleput during the last ten years, together with copies of three decisions.

	RS. A. P.	
One Stamp paper...	0 1 0	2. The information was obtained through the Government Vakeel, to whom is due the sum of Rupees 2-15-7 the expenses incurred by him.
Copyist's fees	2 14 7	
	2 15 7	

Proceedings of the Madras Government, Revenue Department,
1st June 1870.

Court.	NUMBER OF THE SUIT.		Matter in dispute.	Judgment.	Remarks.
	Original.	Appeal.			
On the file of the Moofy Sudder Ameen disposed of by the Civil Court. Do. Civil Court	15 of 1862 ... 16 of 1862 ... 21 of 1865 ...		Mirassidars sued to oust certain Payakarry tenants, and to recover arrears of rent. Do. do. Do. do.	Suit dismissed as the plaintiffs failed to establish their claims. Copy of judgment and decree en- closed. Do. do. Judgment according to plaintiff. Copy of judgment and decree en- closed. Do. do. Judgment according to plaintiff in original and appeal. Do. do.	Government not a party. Do. Do. Do. Do. Do.
Do. Carunguly District Moonsiff Do. Tripassur District Moonsiff.	22, 23, 24 of 1865. 840, 831, 832, 833, 835 of 1862. 163, 171, 162, 172, 170, 166, 165, 164 of 1864. 487 of 1859 ...	... 110, 113, 114, 115, 116 of 1864. 83, 84, 35, 36, 37, 38, 39, 40 of 1866. 5 of 1862 ...	Plaintiff, a Mirassidar of a Shrotricum village, sued for the cancelment of a Durkhast Cowle for waste land granted by the Shro- triendar to a Payakarry. Plaintiffs sued to establish their claim to Sotuntrums on waste land granted by the Collector to Payakarries. Plaintiffs, Mirassidars, sued to recover certain land granted by the Zemindar to Payakarries, and for the cancelment of the puttah granted to them. Do. do. Plaintiffs, Mirassidars, sued to oust certain Payakarries. Defendants contended that plaintiffs had no right to the land which they, defendants, had reclaimed, and for which they obtained puttahs from the Revenue authorities.	Judgment for plaintiff cancelling the Cowle, on the ground that Mirassidars should have the pre- ference. Judgment on appeal that the de- fendants are not bound to pay Sotuntrums. Judgment for plaintiffs in the original suit reversed in appeal, on the ground that plaintiffs had failed to prove their claim to the land. Do. do. Judgment for plaintiffs in the original suit, but reversed in appeal.	Do. Do. Do. Do. Do. Do. Do. Do.
Moofy Sudder Ameen. Tripassur District Moonsiff. Do.	1 of 1860 ... 904 of 1860 ... 1,164 of 1861 ... 530 of 1861 ...	... 16 of 1862 ... 49 of 1862 ... 56 of 1863 ... 54 of 1866 ...	Plaintiffs, Mirassidars, sued to oust certain Payakarries. Defendants contended that plaintiffs had no right to the land which they, defendants, had reclaimed, and for which they obtained puttahs from the Revenue authorities.	Judgment for plaintiffs in the original suit, but reversed in appeal.	Do. Do.

Proceedings of the Madras Government, Revenue Department,
1st June 1870.

Additional Moon- siff. Civil Court	30 of 1863 ... 3 of 1864 ... 16 of 1864 ...	55 of 1866 ... 56 of 1866	Plaintiff, a Mirassidar of the village of Nonmangalum, sued to recover posses- sion of cawnies 30½ of nunjah land in that village which had been granted to him by Government for the support of a Chuttrum on the public road to Madras known as the Gollan Chuttrum; the land being partly immemorial waste, and partly seykal at the time of the grant. Defendants 1 to 6 resisted the claim plead- ing that all the Government gave or could give to plaintiff was the right as Mandiendar to receive from defendants as Mirassidars of the village the melwa- ram or landlord's share of the produce on the lands granted as maniem, the cultivation of which must remain with the defendants only.	The Court held that the proprie- tary right to immemorial waste land vests in Government who can dispose of it absolutely as it pleased, but that, in regard to waste other than immemorial waste, the Mirassidars have a preferential right. On these grounds plaintiff's claim was held valid in respect of cawnies 21-13- 4 which was immemorial waste when the grant was made, but it was decreed regarding the re- mainder, cawnies 10-14-2 of sey- kal waste, that it should be divided among the Mirassidars who must pay to plaintiff the "Melwaram." Copy of judgment and decree en- closed.	Do. Do.
Do.	15 of 1864 ...		In a suit for the division of family pro- perty. Plaintiff sued to obtain all the lands belonging to his share including immemorial waste.	Judgment that all the lands be- longing to his Mirassi share be made over to him.	Do.
Additional Moon- siff.	135 of 1860 ...	69 of 1863 ...	Plaintiff, a Mirassidar, sued to recover his Mirassi share including jungle and immemorial waste.	Judgment for plaintiff establishing his right to all the lands belong- ing to his share including jungle and immemorial waste, tope and all other samudayen, and direct- ing that he be put in possession thereof.	Do.
On the file of the Carunguly Dis- trict Moonsiff dis- posed of Moofy Sudder Ameen. Moofy Sudder Ameen.	160 of 1860 ... 16 of 1860 ...	62 of 1864 ... 83 of 1862 ...	Plaintiffs sued to obtain possession of cer- tain Mirassi shares including waste and porumboke.	Judgment according to plaintiff both in original and appeal.	Do. Do.

Proceedings of the Madras Government, Revenue Department,
1st June 1870.

Court.	NUMBER OF THE SUIT.		Matter in dispute.	Judgment.	Remarks.
	Original.	Appeal.			
Moofy Sudder Ameen.	5 of 1869	105 of 1861	Plaintiff sued to establish her right as sole Mirassidar of the village and to obtain possession of all the land including waste. Plaintiffs, Mirassidars of Kattumankupum, sued to obtain possession of certain land which they allege to belong to their village, but which the Collector granted to the Mirassidars of Chinnatipakam. Collector, who was a defendant, pleaded that it was of no consequence to which village the land belonged, as in any case the assessment should be paid; but that, as a matter of fact, the land belonged to the village of Chinnatipakam.	Judgment according to plaintiff. Judgment that the land is jungle and belongs to the village of Chinnatipakam.	Government not a party. Collector a defendant.
Civil Court.	18 of 1864		Plaintiffs, Mirassidars of Pillapakam, sued to eject certain Payakarries from lands which had been given to the latter by the Collector, notwithstanding that they, Mirassidars, offered to take these lands and to execute a Karanamah to pay the assessment whether they cultivated the land or not, and that they tendered security for the due fulfilment of the Karanamah.	The Court ruled that, notwithstanding that the plaintiffs had failed on previous occasions to fulfil the conditions of the Karnamahs, it was not proper for the Collector to give the land to Payakarries when the Mirassidars wanted it, and offered to execute a Karanamah and give security.	Do.
Do.	29 of 1867		Payakarries, defendants, pleaded that the land in question was immemorial waste, to which the Mirassidars had no claim. Collector (supplemental defendant) admitting that the plaintiffs are Mirassidars explained that the land had been given to Payakarries, because on previous occasions they, plaintiffs, had failed to pay the assessment notwithstanding they had executed Karanamahs and given security.		

CHINGLEPUT,
3rd June 1869.

(Signed) C. S. CROLE,
Acting Sub-Collector.

Proceedings of the Madras Government, Revenue Department,
1st June 1870.

ENCLOSURES Nos. 2 to 4.—Copies of decisions.

In the petitions under reference, the Mirassidars of Vysarapady claim compensation for two pieces of immemorial waste land alleged to be within the limits of their village, which have at various times been taken for public purposes without the previous assent of the Mirassidars.

2. It appears that the piece of land taken up in 1858 for the slaughter houses is within the limits of the adjacent village. The petitioners have therefore no right in respect to it. The other, the block of waste land now used as Military exercise ground and butts, is within the limits of the Vysarapady village; but the land has been so used, unchallenged, for public purposes for very many years. The claim is barred by law, and cannot now be reasonably urged or entertained, nor do circumstances or the records admit of the claim being fully examined.

3. The principle involved in these claims as to the rights of Mirassidars over the immemorial waste within the limits of ancient Mirassi villages as against Government, has been much canvassed on various occasions. There seems to be reason to conclude that, under the ancient village polity, certain rights in respect to all land within the recognized limits of their village, belonged to the descendants of the early settlers or *Mirassidars*; but these rights were, in respect to waste, subject to, and much abridged by, the right of the State to levy a discretionary demand on the land if cultivated, and by the rights of the hereditary cultivators (*Oolkudi*) to cultivate the land permanently. The *Mirassidars'* rights and dues (*Mera Cuppitam* or *Kalavasam*) as regulated by local custom, were therefore of a limited nature.

4. The testimony of early Collectors and others shows that the limited rights of *Mirassidars* over immemorial waste had survived, and were acknowledged as between man and man, down to the commencement of the British rule, and no evidence has been placed on record of their ever having been formally denied or set aside by any former Government, however the exorbitant demand of the Mahomedan rulers may have tended, in practice, to extinguish them.

5. In later years, however, much conflict of opinion has prevailed in respect to *Mirassidars'* claims over immemorial waste, and the expediency of recognizing them either as against the State or would-be-cultivators, and also in regard to the equity of the claims themselves. Former Boards have held the Government right to dispose absolutely of immemorial waste in Mirassi villages to be paramount. This opinion has been endorsed by former Governments, and in numerous instances has been acted upon; so that a considerable body of Puttah-holders have acquired lands of this description, and hold them directly and solely from Government without recognition of the rights of the *Mirassidars* to levy any swatantram.

6. But, in practice, the Government have from time to time, and apparently, for many years, recognized claims on the part of *Mirassidars* for compensation for immemorial waste land taken up for public purposes, and other concessions have been made in the direction of the recognition of some rights; and apparently the Law officers have invariably advised Government to pay compensation rather than litigate cases, when referred to for an opinion.

*Proceedings of the Madras Government Revenue Department,
1st June 1870.*

7. Under these circumstances, the present Board, notwithstanding the opinion, adverse to the recognition of any rights on the part of Mirassidars to immemorial waste, expressed in the Board's Proceedings, dated 14th May 1856, No. 1,458, would advise Government to admit such claims.

8. The law on the subject of Mirassi right, in respect to immemorial waste, appears to be still in an uncertain state, and decisions on either side may be cited. The leading case is probably Provincial Court A. S. No. 46 of 1840. The Collector of Madras had granted certain immemorial waste land in a *Mirassi* village, under cowle, to persons other than the *Mirassidars*, and contended that the Government had the power so to appropriate immemorial village waste, without the consent of the *Mirassidars*. The Court (M. Lewin J.) held "that the right of *Mirassidars*

Mirassi Collection, page 462. "to immemorial waste lands has never been disputed, while the contrary position (that the immemorial waste is the absolute property of the Circar) is incompatible with the possession on the part of the *Mirassidar*, of any property in the soil whatever," and further, I have not met with one (*authority*) which vests in the Circar power over *Mirassi* lands, further than is necessary for the temporary protection of the revenue in default of its being provided through the means of the *Mirassidar*; nor have I found any authority which extinguishes the right over waste (as property) and cultivable land, except in the purpose of their respective application."

9. The Collector was cast and costs adjudged.

10. On the other hand, in Appeal Suit No. 100 of 1849 in the Civil Court of Chingleput in a suit brought by *Mirassidars* to recover their *swatantram* from a *Payakari* who had reclaimed certain immemorial waste in a *Mirassi* village, under a cowle granted by the Revenue officers, it was held that "this point has been frequently decided in the negative.* *Mirassidars* have

* Mr. Bailey remarks in a foot-note: "It would have been better had the Civil Judge quoted the cases."

W. H. B.

"prescriptive rights, but limited by those of the Government, and they have also duties. It is their duty to arrange for the land of the village being fully cultivated; when they do so, they can claim the customary *swatantrams*; but when they fail in doing so, and the Circar exercises its right of granting cowles, they have no right to claim any perquisite from lands which have been rendered fruitful by the labour and at the expense of others without their intervention."

11. In Special Appeal Suit No. 19 of 1859, the Sudder Court held that it is not open to a *Zemindar* to put in any other tenant to cultivate land in a *Mirassi* village, unless the *Mirassidars* had refused to do so themselves.

12. In the abstract of 20 suits submitted with the Acting Sub-Collector's (Madras) letter, dated 3rd June, several cases appear in which *immemorial waste* has been decreed to plaintiffs (*Mirassidars*), but the Government were not party to any of these suits, and in Original Suit 16 of 1864, in which the Collector

*Proceedings of the Madras Government, Revenue Department,
1st June 1870.*

was a defendant, the Civil Court of Chingleput (Whiteside J.) upheld in respect to the immemorial waste (21 cawnies assessed at Rupees 60) the grant by Government of a maniem for the support of a Chuttrum to one of the *Mirassidars* of the village as against other *Mirassidars*, on the ground that "the Government and Board of Revenue have from the earliest times emphatically asserted the right of the State to dispose of immemorial waste as it pleases, irrespective of the claims put forward by the *Mirassidars*, and more especially when such alienation of the waste was for a public purpose."

13. The last case decided was that which formed the subject of the Board's Proceedings disposed of in the Government Order, 30th March 1868, No. 827. Do. 29th April 1869, ,, 1,168. A body of ryots holding under the Collector's cowle were ousted by the Civil Court after holding the land nine years, at the suit of *Mirassidars* whose alleged and conceded right of priority of durkhast had been set aside by the Collector. The High Court upheld the decision, but no point of *Mirassi* right was settled in their decree.

No. 2. ORDER THEREON, 1st June 1870, No. 796.

Miscellaneous.

This correspondence arose out of Government Petition, No. 213 of 1868, in which the *Mirassidars* of Vysarapady, in the Madras District, prefer a claim to payment of the value of certain waste land taken up in their village for a regimental practice ground and for the public slaughter-houses.

2. The claim was referred* to the Collector, who reported that the land on which the slaughter-house was built was not in Petitioners' village, and that the other land, though included in the limits of their village, was part of the immemorial waste, and therefore its appropriation to a public purpose could not entitle Petitioners to compensation. This report was forwarded to Government with the Board's Proceedings, dated 5th October 1868, No. 7,010, without any remarks or observations; and the Government, in their Order, dated 16th February 1869, (Petition Department,) referred the papers back to the Board, with a request that they would submit their views upon the question raised in the petition, both on the general principles involved, and with reference to any cases regarding *Mirassi* right which might have been decided by the Courts.

3. The Board have now replied to this reference. They state their opinion that, in the particular case under consideration, the *Mirassidars* have no claim to compensation, inasmuch as part of the land is not within the limits of their village, and the remainder has been so long used for Military purposes that any claim Petitioners might have had to it is barred by lapse of time.

4. On the general question of the right of *Mirassidars* in waste lands within the limits of their villages, the Board, as at present composed, recommend, not-

withstanding the opinion expressed by their predecessors, that the Government should, as a rule, recognize the right of Mirassidars to compensation for waste land taken for public purposes. They submit a list of cases in which the Mirassi question has been mooted, but arrive at the conclusion that the law on the subject of Mirassi right in respect to immemorial waste is still in an uncertain state, as there are decisions of the Courts both in favour and against such claims.

5. The claims made in Petition No. 213 of 1868 in regard to the two pieces of land above adverted to, are, as shown by the Board, clearly untenable, and the Government resolve to reject the same.

6. As to the general question, the Board will be informed that Government are not prepared to relinquish the right of the State to appropriate immemorial waste lands in Mirassi villages of the Madras District, for State purposes, without reference to the Mirassidars. When such lands are required for cultivation, the Mirassidars should always be allowed the option of taking them in preference to others; but when they are required for State purposes as for example, roads, canals, public buildings, etc., the Government cannot admit the claim of the Mirassidars to preferential occupation-rent or compensation.

7. Ordered that the following Endorsement be passed on Petition No. 213 of 1868:—

"The reports received by Government on the subject of this petition clearly show that the claim therein made is untenable, and it is therefore rejected."

(True Extract.)

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

To the Board of Revenue.

Exd. E. C. Shunker.

Original Petition of 1868
Present H. S. Thomas Esquire - Esq. Civil Judge
Madras 21st Dec. of 1859
Plaintiff
Ravallur Virasami Sundarigal
By Pleader
U. Ruffin Esquire
Defendant
U. Ruffin Esquire
Deft. 1. 137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-

have been processed towards the other Defendants within the last twelve years, he is entitled to collect from those Defendants in future, entitled also to the sums not paid by them in 1874. He is entitled also to oust them from their tenements for having so failed in the payment of their dues to him. —

2. There are 82, Eighty two, Defendants in this case. Out of these 82 Defendant admits he sold Plaintiff's present claim. The others to him. Twelve more Defendants to wit 3, 3, 4, 5, 19, 20, 21, 22, 34, 41, 42, 45, admitted the Plaintiff's claim on the receipt of the notice thereof issued to them. The same to wit 23, 27, 40, 44, 54, 55, 56, 61, 66, 76, were actually set off by allowing the case to be declared as against them at the first hearing - ten more again, to wit 6, 7, 13, 29, 36, 52, 53, 57, 68, 78, presented paygramahs in the course of the hearing admitting the claim. There were to wit 44, 47, 50 gave depositions, in this Court, fully admitting it, so that 38 in all, out of the Eighty two, have either positively or tacitly admitted the Plaintiff's claim on them. —

3. Out of the remaining forty six, namely, to wit 15, 16, 38, 46, 47, 48, 81, are entangled by Deceits in Trip & some are 45, 46, 48, 52, 55, 56, 57, and about 80, admit his liability to pay Kuppattans or Thundu, there remain thirty eight who contest.

different portions of the claim. —
The thirty eight contesting Defendants are 8-9-10-11-12-17-18-25-26-28-30-31-32-33-34-35-39-43-49-51-58-59-60-62-63-64-65-67-69-70-71-72-73-74-75-77-79-82 —

ISSUES.

Plaintiff asserts and Defendants (except those who admitted and gave paygramahs) deny that the latter gave Kuppattans to Plaintiff or his predecessors within the last 12 years.

The first issue therefore will be for Plaintiff to prove that Kuppattans and Thundu were given within the last 12 years.

Plaintiff asserts and Defendants, except those who admitted and gave paygramahs, and the 80 Defendants, deny that these Defendants executed agreements and Thundahs to Plaintiff & his predecessors, binding themselves to pay Kuppattans & Thundoo.

The 2^d issue therefore will be for Plaintiff to prove those documents were executed.

Plaintiff asserts and Defendants deny that Kuppattans for 1874 was withheld and that it is Waiver 950-5-1 —

The 3^d issue therefore will be for Plaintiff to prove this.

Defendant Waikel failed to give list of witnesses.

Witnesses though there called upon to do so.

Exhibits filed by Plaintiff.

A. Agreement dated 27 September 1860.

B. Agreement executed by Defendant to Plaintiff on the 8th Nov 1861.

C. Amchulka executed by 15 Depts. to Plaintiff on the 15th Aug 1865.

D. do do by 16 do do on the 19 do do.

E. do do by 16 do do on the 17 do do.

F. do do by 25 do do on the 21 do do.

G. do do by 32nd do do on the 17 do do.

H. do do by 33rd do do on the 15 do do.

I. do do by 30th do do on the 17 do do.

K. do do by 19th 57th + 36th Depts to do on the 32 do do.

L. do do by 14th 29th 48th + 53rd do do on the 2nd June 65.

M. do do by 28th Defendant to do do.

N. do do by 47th + 50th Defendant to do do.

O. do do by 35th do do.

P. do do by the son of 2nd Dept. do do on the 21st June.

Q. do do by 42nd + 45th Dept. to do do.

R. Amchulka executed by 41st Dept. to Plaintiff on the 21 June 1865.

S. do do by 4th do do on the 21 June 1865.

T. do do by 20, 21 + 22 do do on the 26 do do.

U. Account of arrears due by Defendant for Vyayamallu for Tual 1174.

V. do do do for Mantangal for do do.

W. do of collection of arrears from each individual for Tual 1264.

X. Letter issued in the Plaintiff's name for Tual 1274.

Y. Copy of Plaintiff in Suit 44, Supasore Municipality file.

Z. do do in Suit 44 do do.

AA. Written Statement of 1st Defendant in Suit 44.

BB. Plaintiff in Suit 44, Supasore Municipality file.

cc

CC. Plaintiff in Suit 44, Supasore Municipality file.

dd. Deposition of Defendant 11 in Suit 44 do do.

ee. Plaintiff in Suit 47 do do.

ff. do do by 64 do do.

gg. Deposition of Defendant 1 do do.

hh. Plaintiff in do do.

ii. do do by 56 do do.

kk. do do by 64 do do.

ll. do do by 64 do do.

mm. Written Statement of do do.

nn. Deposition of Rameswar Rajah 47 do do.

oo. Petition addressed on 1st Nov 1850 by Perumal Sankar.

pp. Just account of the village of Vyayamallu in the said suit.

qq. do do do of Mantangal do do.

rr. Receipt given by Curugger for receiving charge of

15 out of 16 shares in the village of Mantangal

in the said suit.

ss. Subhagaram do dated 11 March 1851 in the said suit.

tt. do do dated 20 October 1850.

uu. do do do do.

vv. Receipt given in the said suit by Lakshmi Doss on

receiving possession of 9 shares in the village

of Mantangal.

ww. Receipt given by village Curugger on his re-

ceiving charge of the whole village Vyayamallu of

Mantangal which had been attached on the 16th

May 1849 in the said suit.

xx. Sudantira Ditta account of the village of

Mantangal.

or ex lands.

et al. Sargal & Vijayanallur
 44. is document respecting Sundaripattanam
 and attachment sale &c, in the said Suit of one
 lands of the whole Penger of the attambagal
 Village Murasi.
 45. is document respecting Sundaripattanam
 and attachment, auction &c accounts in
 the said Suit of the whole Murasi share lands
 of the Vijayanallur village.
 a.a. Muchilka executed to the Pff on the 11 September 1856
 b.b. Decree in civil ¹⁸⁵⁴ Tripunore Munsiff's file
 c.c. do do ⁴⁴ do do do
 d.d. do do ⁴⁵ do do do
 e.e. do do ⁴⁶ do do do
 f.f. do do ⁵³ do do do

Exhibits filed by 1st Defendant

- I. Agreement dated 28th June 1852
- II. Swambhagons agreement executed to Dept. on the 10th December 1856
- III. Agreement executed to Dept. on 21st January 1857
- IV. Bond dated 2nd September 1848
- V. do 19th do 1853
- VI. do 20th January 1855
- VII. do 20th do do
- VIII. do 7th February do

- X. Bond dated 2nd July 1855
- XI. do 3rd September 1856
- XII. Extract from the Proceedings of the Tripunore District Munsiff's Court dated 25th July 1849 in Suit ²⁴¹ ₄₇
- XIII. do do do 27th August 1849 in Suit ²⁴¹ ₄₇
- XIV. Proceedings of the Civil Court of Chingleput dated 16th October 1849
- XV. do of the late Sadr Court dated 3rd October 1850
- XVI. do of the District Munsiff's Court of Tripunore dated 21st October 1850
- XVII. do do do do 26th October 1850
- XVIII. do do do do 20th do 1855
- XIX. Petition dated 26th November 1856
- XX. Deed of sale of Village Murasi executed by 1st Defendant to Plaintiff on the 21st July 64.
- XXI. Bill of sale granted to Lalab Doss. in Suit ²⁴¹ ₄₇ Trip. Dist. Munsiff's file.
- XXII. Deed of sale dated 28th July 1857
- XXIII. Bond dated 6th December 1864 executed by Sa. hapatthi Mridula to Plaintiff
- XXIV. Bond dated 14th December 1864
- XXV. Extract from Proceedings of the Civil Court dated 14th November 1851
- XXVI. do do of the late Sadr Court dated 31st December 1851

Exhibits filed by other Defendants

- XXVI Motion presented by 1st Def^t. in Suit 48, Trip. - Plaintiff's file
- XXVII do do do do do do
- XXVIII do do do do do do
- XXIX do do do do do do
- XXX do do do do do do
- XXXI Copy of Sarib Chettab dated 4th Feb 1846.

XXXII Patta mentioned in the list of documents presented on the 30th August 1865.

XXXIII Patta mentioned in another list presented on the 30th August 1865.

- XXXIV do do in the list presented on the 30th September 1865
- XXXV do do do do 19th February 1865
- XXXVI Receipt mentioned in the list presented on 19th February 1865
- XXXVII do do do do do do 26th September 1865

Plaintiff's Witnesses

1. Vallaraj Pillai
2. Vichallanaras Pillai
3. Arunda Pillai
4. Shanmuga Pillai
5. Subbaraj Pillai
6. Venkatesh Reddi
7. Ramadas Pillai

That Plaintiff is the Mirasdar of the lands in question is not denied by any of the Defendants.

That by virtue of being a Mirasdar he has, unless he be specially barred, or has forfeited them various rights some of which are inherent to his position and universally exercised in all Mirasi villages, and some of which are exceptional and specially contracted for is admitted.

That Kuppattans (the Mirasi land lords rent in kind) is of the former class, is admitted shown by Mr. Collector F. W. Ellis answers to Mirasi questions.

That though the Mirasi land lords rent over and above the Kuppattans and which is now more generally paid in money than in kind is of the same class is neither admitted nor proved. Accordingly it is argued by Plaintiff that the payment of it was specially contracted for by certain agreements which he properly makes it his business to prove.

The claim to Kuppattans being admitted to be generally inherent to the admitted position of the Plaintiff as Mirasdar, it is urged that in this instance the Plaintiff has forfeited those rights by slumbering on them for more than 42 years.

That he had not so slumbered it would have been incumbent on the Plaintiff to prove if the thirty rights contending Defendants had shown

far as regards the thirty eight contesting Defendants
though standing in the face of those who have not
contested and have agreed to pay it -

19. The next claim is for the arrears of
Kappattam withheld for fasli 1270.

20. That they have withheld it all the Defend-
ants admit except those who in other respects
have fully admitted the Plaintiffs claims, and in
this respect have simply put in unproved receipts.
That it is due is above decided against all but the
11. 35. 62 - 64 & 69 Defendants. The only question
that remains therefore is what is the just amount
thereof -

21. The amount must be held to be that
shown against each and in each in the accounts
U.V. The accounts are the Karaman's own
rough draft drafts of the accounts given
which they then to the Munsidar, used those
exceptions is taken to them as copies, it
must be remembered that it was the
Defendants the Vakil that objected to the
filing of the Munsidar's accounts on the
ground that they were presented after date.
Concerning the accounts presented by the
Karaman witnesses cannot be considered
copies, but rough drafts, more original in
fact than the Munsidar's copy which is
always prepared from them.

No real ground has been shown, though much
was ~~unsuccessfully~~ erroneously pleaded, for
doubting that these are accounts kept in the
ordinary course of business and kept ac-
curately as between the land lord and his tenants.
The accounts U.V. of the balances due are
also supported by the accounts which pur-
ports to be a copy of the ~~original~~ than the Munsidar
accounts -

22. The Plaintiff contains a prayer that de-
faulting tenants may be ejected from their
tenements. In Sadr Decision S. B. S. II. 226
1855
it is laid down that the right to eject follows
in default, from the right to collect the
land lord's share & rent -

23. The right to collect Kappattam not
having been established as against 11. 35. 62. 64. 69
Defendants, it follows by analogy, and by the
authority of the Sadr decision in S. B. S. II. 137
that 11. 35. 62. 64. 69 Defs are not liable to
ejectment -

24. The 13 Defendant urges that he has
not land at all in the villages in question
and has therefore been wrongly made a
party to this suit. His statement has not
been disputed.

25. 1st Defendant also states that he duly sold the Plaintiff his share of claim and acquiesced in the exercise of his rights & requests that his costs may be awarded to him on the ground of his having been improperly included as a Defendant in this suit.

26. Plaintiff must pay the costs incurred by the 1st Defendant and his claim against 11-35-62-64-69 & 73 is dismissed with costs. The 2-3-4-5-14-19-20-21-22-24-27-41-42-45 & 50 Defendants must pay the Plaintiff's claim against them in full with costs. The 15-16-38-46-47-48-80 & 81 Defendants must pay the Kuppattam & thimma claimed from them, together with proportionate costs thereon. The 8-9-10-12-17-18-23-26-28-30-31-32-33-34-39-43-49-51-58-59-60-63-65-67-70-71-72-74-75-77-79 and 82 Defendants & 23-37-40-44-54-55-56-61-66 & 76 Defendants, who are raskars, must pay the Kuppattam claimed against them, together with the proportionate costs thereon. The 6-7-13-29-36-52-53-57-68 & 78 Defendants and Plaintiff will be bound by the terms of their Rayshumams numbered 43 & 46. The stipulations whereof are this day ordered to be enforced & decrees. All the Defendants, except 1-6-7-11-13-29-35-36-52-53-57-62-64-68-69-73 & 78 Defendants, must restore the lands in their possession in the parts

parts of the two villages in dispute to the Plaintiff. The Plaintiff must pay the costs on the disallowed portions of his claim.

Done in Court at Chingleput the 30th January 1867.

Signed / H. J. Thomas.

Cy Civil Judge.

20-0-0-20
 30-4-09
 [Signature]

23-4-09

[Faint handwritten notes and signatures at the bottom left of the page]

In the Civil Court of Bangalore
 Original Suit No. 16 of 1864
 Present Mr. S. Whitehouse Esquire of Civil Eng.
 Under Act 10 of 1859
 Plaintiff: Venkataswami Pillai
 Defendant: Srinivasa Ragasa Chary
 and 13 others.
 1st to 5th Defendants Vakil
 6th to 14th Defendants Vakil
 15th to 18th Defendants Vakil
 19th to 22nd Defendants Vakil

In this Suit the Plaintiff seeks for a
 decree to secure to himself the possession of, and to
 restrain the Defendants from interference with
 30 1/2 Cawnies of Lakshmi Chingab land valued at
 Rs 1084-8-0 and yielding an annual income of
 Rs 64-4-0 situated in the village of Searangan
 Taluk and which land was granted by Government
 as Maunim for the maintenance of a Choultry
 on the Public Road to Chidra known as the
 Gollan Chattram.
 The Plaintiff further seeks to
 recover from the Defendants the sum of Rs 361-
 8-0 being the amount of produce on the said
 lands derived by the Defendants during 6 years
 prior to date of Plaintiff (1859 to 1864), during
 which they had been wrongfully held by the

Defendants. The Plaintiff sets forth in his Plea that in March 1854 the Government granted 32-2 Cawnies of Summangalam waste land in the Summangalam village for the maintenance of the Saller Chuttyam which was built for charitable purposes by Plaintiff's ancestors. That in June 1857 the Collector issued his order No. 1234 to the Thasildar directing him to measure and make over the said lands to the Plaintiff and this was done but the Defendants who like Plaintiff are members of the village have only allowed him to cultivate 2 Cawnies out of the said 32-2 cawnies which fall to his share in the village waste lands, and he accordingly now files this Suit to recover possession of the lands granted him by Government.

The Defendants 1 to 6 admit that Plaintiff is an Muzardar of the Summangalam village but state in their reply to the Plaintiff that he has no right to the possession of the lands for which he now sues. That all that Government gave or could give to Plaintiff was the right as Muzardar to receive from the Defendants as Muzardar of the village the Melwarum or land lord's share of the produce on the lands granted as Muzardar, the cultivation of which must remain with

14
the Defendants only and that the Defendants have in June 1863 entered into formal agreement binding themselves to pay the Melwarum on the lands to the Plaintiff regularly whether they cultivate the lands or not. That they have received & cultivated the lands regularly and were willing to pay the Melwarum to the Plaintiff but that as he himself carelessly omitted to receive it from them it is unjust for him now to sue to recover the same. That his claim for such arrears is barred by Statute of Limitation (Clause 8 Section I Act XIV of 1859) that Plaintiff's claim should be therefore rejected.

3. The Defendants 7, 8, 9, 10, 11 & 13 file a Statement praying to be recorded from the Suit on the ground that they have no objection to Plaintiff cultivating the lands for which he sues and have never hindered him from enjoying them.

4. The Defendants 7, 8, 9, 11, 12, 13 & 14 were declared se-judice.

5. The following points were recorded:—
For the Plaintiff—Whether the land in question was itself made over by Government for the endowment of the Chutty and not the Melwarum only.

For the Defendants.—I. Whether they as Muzardar

16
The holders of the village, have the right to cultivate and enjoy the lands in dispute and whether the order of Government on which Plaintiff bases his claim, merely conveyed to him the right to receive the Melwaram on the lands, and not the actual enjoyment of those lands.

Whether the Plaintiff's claim to arrears of income is barred by Statute of Limitations, if so to what extent.

Exhibits filed by Plaintiff.

- A. Sateed issued by Collector Mr. Shubrick dated 1st June 1857.
- B. Memo of a Sateed dated 20th July 1857.
- C. Copy of a Sateed dated 2nd December 1858 with the Sadaipett Sathabharani Sani et al doo to gillat.
- D. Copy of a Diary order of Muzamdeen Sahib the Sub Magistrate of Sydapett Saling dated 23rd February 1863.
- E. Copy of a Sateed issued by the Magistrate of the Madras District under date the 21st May 1863.
- F. Extract from the Minutes of Consultation under date the 23rd March 1854 No 351.
- G. Endorsement made by the Board of Revenue on the 7th November 1857 on Petition No 392 of 1857.
- Exhibits filed by Defendant.
- I. An Extract of a Sateed No 230, taken from the Revenue Matter Sateed Register No 2 of the Sydapett Saling dated 21st May 1863.

II

- II. Copy of a Sateed issued by Rajamada Chariar dated 17th June 1863.
 - III. Sateed of Rajal Dorai Chariar dated 17th June 1863.
 - IV. Sateed issued by Shreevarasa Rajar Chariar on the same date.
 - V. Copy of a Sateed dated 2nd November 1858.
- Defendants' Witnesses.
1. Vedagiri Pillai
 2. Subbaraya Pillai
- The Plaintiff declined to call any witnesses in support of his claim and the Defendants cited and examined 2 witnesses, the Curmums of the Alamanigalam village whose evidence is as vague and unsatisfactory as it could possibly be. They state that some of the lands assigned for the clearance of the Solban Chavadi (the Choultry in question) were Arudi Karambhu or Pannamora (waste) and other Portuguese Land Karambhu or Shical (land formerly cultivated but waste at the time of the grant) but that they are unable to specify from the village accounts which the 1st witness has kept for the last 5 years, the exact spot of the lands of the respective classifications, and they also are unable to state which of the lands in question have been cultivated during

during the last 5 years or by whom. The facts of the case as shown in the record. Statements of the parties and their Vakeels are as follows.

7. The Gollan Chavadi Choultry was erected by the ancestors of the Plaintiff on the side of the Road to Chodras in the limits of the Gollan Chavadi village & for some time in the receipt of a money allowance from Government but on the 23rd March 1854 the Government decided to withdraw the pecuniary grant and instead to assign a certain extent of waste land by the income from the cultivation of which the choultry might be thereafter maintained and proceeding to that effect were recorded on the above named Dab-e-Plaintiff's Exhibit I) ordering that a grant of waste land assessed at Rs. 60 per annum should be given for that purpose. Considerable delay appears to have taken place in the marking out and delivery of the lands. Plaintiff then complained to the Board of Revenue who in their endorsement No 392 dated 7th Nov. 1857 (Plaintiff's Exhibit C) inform Plaintiff that the delay in making over the lands to him of which he complained was the result of his own fault, in not attending to the necessary notices served upon him, calling him to mark out and make over the land in question.

16
upon him to point out the lands he wished to have assigned.

A Gunastob one Ranga Row, was then deputed from the Sahildars Hakeem to mark out the lands claimed by Plaintiff in the Chavadi village (of which village he, as well as each of the Defendants is a hereditary). The extent of land thus marked out and assigned as Muzim was 322 Cawans of land of which 112 Cawans were Chavadi Haramber & 110 Cawans were Sherical. Out of this total extent it seems that 112 Cawans are lands forming a portion of Plaintiff's inheritance in the village and the remaining 302 Cawans is the land now claimed by Plaintiff.

8. The question is to the right of Government to deal with and assign lands in a village must be considered on two points 1st as regards Chavadi Haramber or Commercial waste and 2nd with respect to Sherical or Sherical Haramber cultivable waste - that is to say, land which has been formerly cultivated but has since been lying waste for a series of years.

With regard to the 1st of these heads 9. it is advisable to note here some of the opinions

opinions which have been recorded on the subject of the Muzars rights or privilege with regard to the cultivation of the lands in their villages, and we find it set forth in para 13 of the Minutes of Consultation of the Madras Government dated January 8-1796 that it is the first feature in all the Governments of India that the Sovereign whether he be a Prince or a King is Lord of the soil, and hence it is that no alienation of the property of the Government or rather no possession of land without the valid authority of the Government from the superior head, and this instruction has been followed by the Congress of all the British in India and has been established in India" and again in para 14 "Gradations of rank is an effect inseparable from the growth of society of a village as in the society of the Kingdom, from the operations of it the Muzars inhabitants have derived their distinction which consists of a leading rank in the society of the village and a second share of the Hinduwaras or ryots share in the crop, the Muzars inhabitants bear the same relation to Government and both of them established by hereditary residence in a village, not a right but a preference to the cultivation."

17
of the soil, the proprietary right to the soil is exclusively vested in the Government and again in para 18 "Muzars is defined as a preference of cultivation and paid hereditary residence" and in clause 4 para 21 we find the remark "the Public Revenue depends on the cultivation of the land, the proprietary right to which is exclusively vested in Government."

Mr. Lionel Place then Collector of the Chingleput District was a strenuous advocate of the Muzari system, he in para 99 of the report on the Muzars submitted by him to the Board of Revenue dated June 6-1799 observes that "Muzars is the right to tax or enjoy a thing so long as the conditions annexed to the enjoyment is performed, is other words so long as the rent is paid in money or kind, nor does this interpretation at all interfere with the 'sovereign rights of Government' and in para 108 he speaks of the Muzars as 'usufructuary right of the soil' and paras 103 & 104 he admits the right of Government as Lord of the soil to confer Muzari lands on whom it pleases in the event of the Muzars failing in their duty. It is then apparent that from the very earliest time of the establishment of the British Government in this country the right of the Government as Lord Paramount of the soil has been not only insisted

insisted on by Government but acknowledged
by those of its servants who were not so easily
most active in upholding the Pircasi system
and from this it is also clear that the rights
of the Mirasdar were never admitted to be as
complete & exclusive as they have been later
times asserted & urged. The recording of
and the Board of Revenue also concludes
simply that even at the time when the
British Government had hardly complete
had the not obliteration of its authority
throughout the country and when the in-
fluence and importance of the Mirasdar
was acknowledged perhaps more fully than
at the present day the claims and pretensions
of the Mirasdar were regarded as restrained
and being regarded beyond all just limit
& more especially with regard to waste lands.
In their Proceedings dated July 1st 1806 the
Board of Revenue desired the collector of
Chingleput to appraise the claimants of
compensation for lands appropriated to the
construction of the Europe Canal of the right
of Government to make any appropriations
of Government land more especially if waste
conceding the occupancy rights in cases
where the lands so taken up were actually
occupied and in the letter of the Board
of Revenue to Government dated December
24

96
24.1810 para 9, alluding to the claim of Mira-
sadors to such compensation the Board ob-
serve that this claim is especially as relates
to land which neither is nor within the
necessity of man has been in a state of
cultivation. Sir Thomas Munro the greatest
authority in Revenue questions that this
view being well known, in his minute on the
state of the country and condition of the peo-
ple dated December 31st 1824 observed para-
graph that the wording of the transfer in deeds
of sale of the so called Pircasi right in
waste lands is a mere technical form which
"can give no actual proprietary right in the
waste." It is used in villages where there is no
waste as well as where there is and is ex-
posed where there is no waste. It confers a
right but not the right of ownership to the
pasture of the waste lands & fishery of the
tanks & nullahs in common with other
Mirasdars of the village. The same right
exists in villages where there is no waste
The Decrees where there is no waste are not known
* * * * * The custom from ancient times
has been where land is granted as well as other means
"are granted without any fee free of every rent
and claim public or private and appears in all
such grants to have regarded the waste as
being

being exclusively its own property; and again,
this right (exclusive use of waste lands) is good
"only against strangers, not against the Cirkas
whose possessors I think, they the managers of
the country, the absolute right of disposing
of the waste lands as it pleases in villages
which are clearances as well as in those
which are not. In the Decanid. Pindar
villages the corporations have not the right
of disposing of unoccupied land but the Cirkas
"has". In July 1839 Mr. Luce the collector of
Chingleput brought to the notice of the
Board of Revenue that certain Mirasidars
had been settling & otherwise disposing of
barren or unincorporated waste lands
without reference to him & the Mirasidars
whether the Board recognized the right
thus claimed by the Mirasidars and in
their proceedings dated 15th August 1839 the
Board distinctly declared that Mirasidars
had no such right & that the right of the
Raid was over unincorporated waste are
confined to pasturing their cattle, cutting
firewood &c. were it necessary many
similar authoritative rulings or orders
of later date could be quoted here to
show

19
show that from the earliest time up to the
present date the Government & the Board
of Revenue have, whenever the question
was directly raised, emphatically asserted
the right of the State to dispose of unincor-
porated waste as it pleases, irrespective of
the claims put forward by the Mirasidars,
and more especially when such alienation
of the waste land was for public purposes,
and the case of the Government against
the Mirasidars is strengthened if we refer
to the Preamble of Regulation XXV of 1802
(where Mirasidars are specially mentioned
and also consider the whole tenor of that
Regulation which specially declares
Zemindars to be the absolute proprietors
of the land - and authorized them to dispose
of & alienate unincorporated waste lands as
they please - and this too although as already
remarked the existence of Mirasidars
had been referred to in the Preamble of the
Regulation. It may be urged that by the
subsequent Regulation IV of 1822 the actual
rights of any description of land holders or
tenants

tenants are upheld that a perusal of that Regulation shows conclusively that it was designed solely to protect parties in the enjoyment of lands actually in their occupation, and it cannot be twisted as supporting the claims of Zamindars to lands ~~at any time in their occupation~~ and which have been ~~separated~~ from ~~their~~ ~~immemorial~~ - and if Zamindars who hold their lands under Government on payment of a yearly ~~tribute~~ are thus declared to be the absolute owners of the immemorial waste lands in their Zamindaries, a fortiori the Government from whom they hold their Estates must possess the same right as owner of the waste lands throughout the tracts of country retained under its management.

My own experience as a Revenue Officer in the Districts of North and South Arcot, Tanjore and Madras has been that in those districts the right of Government to deal as it pleases with waste lands either for public grants in ~~India~~ or otherwise is unquestioned

and regularly enforced. It appears to me that the Proceedings who now come forward to dispute and set aside the authority of Government, as owner of the soil, to make use of its own waste lands as it chooses, and who claim to substitute their own alleged proprietary right to such land must adduce some real and satisfactory evidence in support of their claims, instead of resting their claim, as they do in the present instance on mere bold assertion. In the case now under notice the Plaintiffs were not only granted a Choultry in the Road to ~~Madras~~ and placed it at the disposal of all classes of the community as a public building for the support and maintenance of this charity the Government in lieu of a money allowance that had formerly been made on the 23^d March 1854 substituted a grant of waste land the annual produce or income from which was to be made use of in the ordinary expenses connected with the Choultry - such a grant was unquestionably for "public purposes" the Government

derive no profit from those lands is
granted, nor will they, no matter how pro-
fitable they may eventually become, and
I am therefore decidedly of opinion that
the American claim to occupy the Abadi
Pirambote "land" of this grant is preferable
to the Plaintiff's right of occupation, as
undeniable. The Defendant says that these
executed documents before the Laborer
promising to pay to the Plaintiff the an-
nual Melwara, as the land as to the
they cultivated there is not and that
Plaintiff paid no objection at the time.
Doubtless the Defendant did execute these
agreements before the Laborer as they
state, & very willingly said though they
were only upholding what they had con-
ceded for, the exclusive right to deal with
either by occupying or not the American
land waste lands of their village as
they please. The Plaintiff possibly did
not protest at the moment when these
agreements were executed against their
being entered into by Defendant but that it
has

has not been proved that he was present at the time, and seeing what was going on, and seeing of his had been present it is certain that he, upon some pretext, filed this Suit to assert his right to the land granted him by Government. That grant undoubtedly includes the land itself and not a small pecuniary payment from the Government in lieu of the enjoyment of the soil. A Sakeid from the Collector's Office stating that such was really the nature of the grant cannot of course be permitted to limit the action or Decree of the Court, which must be guided by or based on clear evidence as to what are the plain facts of the case and the legal rights of both parties. Sakeids on such a vexatious question as the "Uterage right" issuing in former days from the same Department of a Collector's Office distributed with the caution, for they undoubtedly convey the impression of having been prepared and inspired by persons deeply interested in supporting the question in favor of which they are issued, and the fact that the Defendants are able to point to such a Sakeid in their favor would but a very short way to support their claim.

11. We next come to the 2nd Head into which
the Muzasi question at issue in this Suit
has been divided viz. the Plaintiff's right to the
Sheical Perambotke land which was marked
out as part of the grant made by Government
for the maintenance of the S. Chetty.
This point is simpler and more easy of settle-
ment than the former. The Muzasidari right
has been clearly shown to be the preferential
right of cultivation of lands, other than mine-
morial waste - and the Government in
their grants of lands for Luacis are always
careful to make such grants from waste lands
in the true acceptance of the term. In the
present instance such land only was ordered
to be given; and Plaintiff, in selecting the lands
he desired to have marked out for himself, was
bound to select such land as were mineral
waste; instead of that he chose some of the
lands of "Sheical Perambotke" and to this extent
of land he undoubtedly cannot make out so good
a claim as to the other portions of the grant.
This land had also already been cultivated, and
when it was about to be again similarly made
use of the Muzasidari persons a claim of un-
doubted right to have their claims recog-
nized. The Plaintiff in common with the
Defendants

Defendants is, an occupier of the village, and
he also has a corresponding claim as such to
share in the cultivation of the Sheical Peramb-
otke under dispute. It is found that in
17. In finally with regard to the concluding
portion of the Plaintiff's claim viz. to the sum
of Rs. 361-3 being the value of the profits
from the land sued for at Rs. 60 per annum
from 1859 to 1864. I am of opinion that the
claim falls under the provisions of clause 16
of the Act of 1859, and that he is therefore
entitled to recover from the Defendants for
6 years prior to the date of Plaintiff's application.

13. For the foregoing reasons the arguments
are ordered to abate from interference for the
future with all the "Sheical Perambotke" land
amounting to 21-13-4 Canals included in the
extent marked out by the Government from
the Tahsildar's office for the grant to the
S. Chetty, and the Plaintiff and his
heirs are hereby declared entitled to the ac-
crued profits and enjoyment of the same.
Regarding the Sheical Perambotke revenue account
of 18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2

1-6-3
28-6-69
Miss [illegible]
P. 23-4-69

The Court decrees that the Plaintiff is not entitled to recover from the Defendants the sum claimed by him and specifying that he is not entitled as Incumbent to oust the Defendants from the possession of their lands and take possession thereof himself or the Defendants failing to pay Malwaram Sambhar Shafipattam perquisites to him and directs that the Plaintiff shall bear the proportionate Costs of the Defendants.

Costs incurred by Plaintiff

Costs incurred as stated in the former Decree... 150-15-2
 Value of Stamp paper for Vakalatnamah... 2-0-0
 Expenses for Serving Process... 1-0-0
 Registration Fees... 5-0-0

Total Rupees 162-7-2

Costs incurred by Defendants

Costs incurred as stated in the former Decree... 78-3-2
 Expenses for Serving Process... 1-8-0

Total Rupees 79-11-2

15th September 1868

(Signed) W. S. Whiteside
 J. Civil Judge
 (att. True Copy)

(Signed) C. B. Ford
 Civil Judge

Original
 1-1-69
 2-1-69
 3-1-69
 4-1-69
 5-1-69
 6-1-69
 7-1-69
 8-1-69
 9-1-69
 10-1-69
 11-1-69
 12-1-69
 13-1-69
 14-1-69
 15-1-69
 16-1-69
 17-1-69
 18-1-69
 19-1-69
 20-1-69
 21-1-69
 22-1-69
 23-1-69
 24-1-69
 25-1-69
 26-1-69
 27-1-69
 28-1-69
 29-1-69
 30-1-69
 31-1-69
 1-2-69
 2-2-69
 3-2-69
 4-2-69
 5-2-69
 6-2-69
 7-2-69
 8-2-69
 9-2-69
 10-2-69
 11-2-69
 12-2-69
 13-2-69
 14-2-69
 15-2-69
 16-2-69
 17-2-69
 18-2-69
 19-2-69
 20-2-69
 21-2-69
 22-2-69
 23-2-69
 24-2-69
 25-2-69
 26-2-69
 27-2-69
 28-2-69
 29-2-69
 30-2-69
 31-2-69
 1-3-69
 2-3-69
 3-3-69
 4-3-69
 5-3-69
 6-3-69
 7-3-69
 8-3-69
 9-3-69
 10-3-69
 11-3-69
 12-3-69
 13-3-69
 14-3-69
 15-3-69
 16-3-69
 17-3-69
 18-3-69
 19-3-69
 20-3-69
 21-3-69
 22-3-69
 23-3-69
 24-3-69
 25-3-69
 26-3-69
 27-3-69
 28-3-69
 29-3-69
 30-3-69
 31-3-69
 1-4-69
 2-4-69
 3-4-69
 4-4-69
 5-4-69
 6-4-69
 7-4-69
 8-4-69
 9-4-69
 10-4-69
 11-4-69
 12-4-69
 13-4-69
 14-4-69
 15-4-69
 16-4-69
 17-4-69
 18-4-69
 19-4-69
 20-4-69
 21-4-69
 22-4-69
 23-4-69
 24-4-69
 25-4-69
 26-4-69
 27-4-69
 28-4-69
 29-4-69
 30-4-69
 31-4-69
 1-5-69
 2-5-69
 3-5-69
 4-5-69
 5-5-69
 6-5-69
 7-5-69
 8-5-69
 9-5-69
 10-5-69
 11-5-69
 12-5-69
 13-5-69
 14-5-69
 15-5-69
 16-5-69
 17-5-69
 18-5-69
 19-5-69
 20-5-69
 21-5-69
 22-5-69
 23-5-69
 24-5-69
 25-5-69
 26-5-69
 27-5-69
 28-5-69
 29-5-69
 30-5-69
 31-5-69
 1-6-69
 2-6-69
 3-6-69
 4-6-69
 5-6-69
 6-6-69
 7-6-69
 8-6-69
 9-6-69
 10-6-69
 11-6-69
 12-6-69
 13-6-69
 14-6-69
 15-6-69
 16-6-69
 17-6-69
 18-6-69
 19-6-69
 20-6-69
 21-6-69
 22-6-69
 23-6-69
 24-6-69
 25-6-69
 26-6-69
 27-6-69
 28-6-69
 29-6-69
 30-6-69
 31-6-69
 1-7-69
 2-7-69
 3-7-69
 4-7-69
 5-7-69
 6-7-69
 7-7-69
 8-7-69
 9-7-69
 10-7-69
 11-7-69
 12-7-69
 13-7-69
 14-7-69
 15-7-69
 16-7-69
 17-7-69
 18-7-69
 19-7-69
 20-7-69
 21-7-69
 22-7-69
 23-7-69
 24-7-69
 25-7-69
 26-7-69
 27-7-69
 28-7-69
 29-7-69
 30-7-69
 31-7-69
 1-8-69
 2-8-69
 3-8-69
 4-8-69
 5-8-69
 6-8-69
 7-8-69
 8-8-69
 9-8-69
 10-8-69
 11-8-69
 12-8-69
 13-8-69
 14-8-69
 15-8-69
 16-8-69
 17-8-69
 18-8-69
 19-8-69
 20-8-69
 21-8-69
 22-8-69
 23-8-69
 24-8-69
 25-8-69
 26-8-69
 27-8-69
 28-8-69
 29-8-69
 30-8-69
 31-8-69
 1-9-69
 2-9-69
 3-9-69
 4-9-69
 5-9-69
 6-9-69
 7-9-69
 8-9-69
 9-9-69
 10-9-69
 11-9-69
 12-9-69
 13-9-69
 14-9-69
 15-9-69
 16-9-69
 17-9-69
 18-9-69
 19-9-69
 20-9-69
 21-9-69
 22-9-69
 23-9-69
 24-9-69
 25-9-69
 26-9-69
 27-9-69
 28-9-69
 29-9-69
 30-9-69
 31-9-69
 1-10-69
 2-10-69
 3-10-69
 4-10-69
 5-10-69
 6-10-69
 7-10-69
 8-10-69
 9-10-69
 10-10-69
 11-10-69
 12-10-69
 13-10-69
 14-10-69
 15-10-69
 16-10-69
 17-10-69
 18-10-69
 19-10-69
 20-10-69
 21-10-69
 22-10-69
 23-10-69
 24-10-69
 25-10-69
 26-10-69
 27-10-69
 28-10-69
 29-10-69
 30-10-69
 31-10-69
 1-11-69
 2-11-69
 3-11-69
 4-11-69
 5-11-69
 6-11-69
 7-11-69
 8-11-69
 9-11-69
 10-11-69
 11-11-69
 12-11-69
 13-11-69
 14-11-69
 15-11-69
 16-11-69
 17-11-69
 18-11-69
 19-11-69
 20-11-69
 21-11-69
 22-11-69
 23-11-69
 24-11-69
 25-11-69
 26-11-69
 27-11-69
 28-11-69
 29-11-69
 30-11-69
 31-11-69
 1-12-69
 2-12-69
 3-12-69
 4-12-69
 5-12-69
 6-12-69
 7-12-69
 8-12-69
 9-12-69
 10-12-69
 11-12-69
 12-12-69
 13-12-69
 14-12-69
 15-12-69
 16-12-69
 17-12-69
 18-12-69
 19-12-69
 20-12-69
 21-12-69
 22-12-69
 23-12-69
 24-12-69
 25-12-69
 26-12-69
 27-12-69
 28-12-69
 29-12-69
 30-12-69
 31-12-69
 1-1-70
 2-1-70
 3-1-70
 4-1-70
 5-1-70
 6-1-70
 7-1-70
 8-1-70
 9-1-70
 10-1-70
 11-1-70
 12-1-70
 13-1-70
 14-1-70
 15-1-70
 16-1-70
 17-1-70
 18-1-70
 19-1-70
 20-1-70
 21-1-70
 22-1-70
 23-1-70
 24-1-70
 25-1-70
 26-1-70
 27-1-70
 28-1-70
 29-1-70
 30-1-70
 31-1-70
 1-2-70
 2-2-70
 3-2-70
 4-2-70
 5-2-70
 6-2-70
 7-2-70
 8-2-70
 9-2-70
 10-2-70
 11-2-70
 12-2-70
 13-2-70
 14-2-70
 15-2-70
 16-2-70
 17-2-70
 18-2-70
 19-2-70
 20-2-70
 21-2-70
 22-2-70
 23-2-70
 24-2-70
 25-2-70
 26-2-70
 27-2-70
 28-2-70
 29-2-70
 30-2-70
 31-2-70
 1-3-70
 2-3-70
 3-3-70
 4-3-70
 5-3-70
 6-3-70
 7-3-70
 8-3-70
 9-3-70
 10-3-70
 11-3-70
 12-3-70
 13-3-70
 14-3-70
 15-3-70
 16-3-70
 17-3-70
 18-3-70
 19-3-70
 20-3-70
 21-3-70
 22-3-70
 23-3-70
 24-3-70
 25-3-70
 26-3-70
 27-3-70
 28-3-70
 29-3-70
 30-3-70
 31-3-70
 1-4-70
 2-4-70
 3-4-70
 4-4-70
 5-4-70
 6-4-70
 7-4-70
 8-4-70
 9-4-70
 10-4-70
 11-4-70
 12-4-70
 13-4-70
 14-4-70
 15-4-70
 16-4-70
 17-4-70
 18-4-70
 19-4-70
 20-4-70
 21-4-70
 22-4-70
 23-4-70
 24-4-70
 25-4-70
 26-4-70
 27-4-70
 28-4-70
 29-4-70
 30-4-70
 31-4-70
 1-5-70
 2-5-70
 3-5-70
 4-5-70
 5-5-70
 6-5-70
 7-5-70
 8-5-70
 9-5-70
 10-5-70
 11-5-70
 12-5-70
 13-5-70
 14-5-70
 15-5-70
 16-5-70
 17-5-70
 18-5-70
 19-5-70
 20-5-70
 21-5-70
 22-5-70
 23-5-70
 24-5-70
 25-5-70
 26-5-70
 27-5-70
 28-5-70
 29-5-70
 30-5-70
 31-5-70
 1-6-70
 2-6-70
 3-6-70
 4-6-70
 5-6-70
 6-6-70
 7-6-70
 8-6-70
 9-6-70
 10-6-70
 11-6-70
 12-6-70
 13-6-70
 14-6-70
 15-6-70
 16-6-70
 17-6-70
 18-6-70
 19-6-70
 20-6-70
 21-6-70
 22-6-70
 23-6-70
 24-6-70
 25-6-70
 26-6-70
 27-6-70
 28-6-70
 29-6-70
 30-6-70
 31-6-70
 1-7-70
 2-7-70
 3-7-70
 4-7-70
 5-7-70
 6-7-70
 7-7-70
 8-7-70
 9-7-70
 10-7-70
 11-7-70
 12-7-70
 13-7-70
 14-7-70
 15-7-70
 16-7-70
 17-7-70
 18-7-70
 19-7-70
 20-7-70
 21-7-70
 22-7-70
 23-7-70
 24-7-70
 25-7-70
 26-7-70
 27-7-70
 28-7-70
 29-7-70
 30-7-70
 31-7-70
 1-8-70
 2-8-70
 3-8-70
 4-8-70
 5-8-70
 6-8-70
 7-8-70
 8-8-70
 9-8-70
 10-8-70
 11-8-70
 12-8-70
 13-8-70
 14-8-70
 15-8-70
 16-8-70
 17-8-70
 18-8-70
 19-8-70
 20-8-70
 21-8-70
 22-8-70
 23-8-70
 24-8-70
 25-8-70
 26-8-70
 27-8-70
 28-8-70
 29-8-70
 30-8-70
 31-8-70
 1-9-70
 2-9-70
 3-9-70
 4-9-70
 5-9-70
 6-9-70
 7-9-70
 8-9-70
 9-9-70
 10-9-70
 11-9-70
 12-9-70
 13-9-70
 14-9-70
 15-9-70
 16-9-70
 17-9-70
 18-9-70
 19-9-70
 20-9-70
 21-9-70
 22-9-70
 23-9-70
 24-9-70
 25-9-70
 26-9-70
 27-9-70
 28-9-70
 29-9-70
 30-9-70
 31-9-70
 1-10-70
 2-10-70
 3-10-70
 4-10-70
 5-10-70
 6-10-70
 7-10-70
 8-10-70
 9-10-70
 10-10-70
 11-10-70
 12-10-70
 13-10-70
 14-10-70
 15-10-70
 16-10-70
 17-10-70
 18-10-70
 19-10-70
 20-10-70
 21-10-70
 22-10-70
 23-10-70
 24-10-70
 25-10-70
 26-10-70
 27-10-70
 28-10-70
 29-10-70
 30-10-70
 31-10-70
 1-11-70
 2-11-70
 3-11-70
 4-11-70
 5-11-70
 6-11-70
 7-11-70
 8-11-70
 9-11-70
 10-11-70
 11-11-70
 12-11-70
 13-11-70
 14-11-70
 15-11-70
 16-11-70
 17-11-70
 18-11-70
 19-11-70
 20-11-70
 21-11-70
 22-11-70
 23-11-70
 24-11-70
 25-11-70
 26-11-70
 27-11-70
 28-11-70
 29-11-70
 30-11-70
 31-11-70
 1-12-70
 2-12-70
 3-12-70
 4-12-70
 5-12-70
 6-12-70
 7-12-70
 8-12-70
 9-12-70
 10-12-70
 11-12-70
 12-12-70
 13-12-70
 14-12-70
 15-12-70
 16-12-70
 17-12-70
 18-12-70
 19-12-70
 20-12-70
 21-12-70
 22-12-70
 23-12-70
 24-12-70
 25-12-70
 26-12-70
 27-12-70
 28-12-70
 29-12-70
 30-12-70
 31-12-70
 1-1-71
 2-1-71
 3-1-71
 4-1-71
 5-1-71
 6-1-71
 7-1-71
 8-1-71
 9-1-71
 10-1-71
 11-1-71
 12-1-71
 13-1-71
 14-1-71
 15-1-71
 16-1-71
 17-1-71
 18-1-71
 19-1-71
 20-1-71
 21-1-71
 22-1-71
 23-1-71
 24-1-71
 25-1-71
 26-1-71
 27-1-71
 28-1-71
 29-1-71
 30-1-71
 31-1-71
 1-2-71
 2-2-71
 3-2-71
 4-2-71
 5-2-71
 6-2-71
 7-2-71
 8-2-71
 9-2-71
 10-2-71
 11-2-71
 12-2-71
 13-2-71
 14-2-71
 15-2-71
 16-2-71
 17-2-71
 18-2-71
 19-2-71
 20-2-71
 21-2-71
 22-2-71
 23-2-71
 24-2-71
 25-2-71
 26-2-71
 27-2-71
 28-2-71
 29-2-71
 30-2-71
 31-2-71
 1-3-71
 2-3-71
 3-3-71
 4-3-71
 5-3-71
 6-3-71
 7-3-71
 8-3-71
 9-3-71
 10-3-71
 11-3-71
 12-3-71
 13-3-71
 14-3-71
 15-3-71
 16-3-71
 17-3-71
 18-3-71
 19-3-71
 20-3-71
 21-3-71
 22-3-71
 23-3-71
 24-3-71
 25-3-71
 26-3-71
 27-3-71
 28-3-71
 29-3-71
 30-3-71
 31-3-71
 1-4-71
 2-4-71
 3-4-71
 4-4-71
 5-4-71
 6-4-71
 7-4-71
 8-4-71
 9-4-71
 10-4-71
 11-4-71
 12-4-71
 13-4-71
 14-4-71
 15-4-71
 16-4-71
 17-4-71
 18-4-71
 19-4-71
 20-4-71
 21-4-71
 22-4-71
 23-4-71
 24-4-71
 25-4-71
 26-4-71
 27-4-71
 28-4-71
 29-4-71
 30-4-71
 31-4-71
 1-5-71
 2-5-71
 3-5-71
 4-5-71
 5-5-71
 6-5-71
 7-5-71
 8-5-71
 9-5-71
 10-5-71
 11-5-71
 12-5-71
 13-5-71
 14-5-71
 15-5-71
 16-5-71
 17-5-71
 18-5-71
 19-5-71
 20-5-71
 21-5-71
 22-5-71
 23-5-71
 24-5-71
 25-5-71
 26-5-71
 27-5-71
 28-5-71
 29-5-71
 30-5-71
 31-5-71
 1-6-71
 2-6-71
 3-6-71
 4-6-71
 5-6-71
 6-6-71
 7-6-71
 8-6-71
 9-6-71
 10-6-71
 11-6-71
 12-6-71
 13-6-71
 14-6-71
 15-6-71
 16-6-71
 17-6-71
 18-6-71
 19-6-71
 20-6-71
 21-6-71
 22-6-71
 23-6-71
 24-6-71
 25-6-71
 26-6-71
 27-6-71
 28-6-71
 29-6-71
 30-6-71
 31-6-71
 1-7-71
 2-7-71
 3-7-71
 4-7-71
 5-7-71
 6-7-71
 7-7-71
 8-7-71
 9-7-71
 10-7-71
 11-7-71
 12-7-71
 13-7-71
 14-7-71
 15-7-71
 16-7-71
 17-7-71
 18-7-71
 19-7-71
 20-7-71
 21-7-71
 22-7-71
 23-7-71
 24-7-71
 25-7-71
 26-7-71
 27-7-71
 28-7-71
 29-7-71
 30-7-71
 31-7-71
 1-8-71
 2-8-71
 3-8-71
 4-8-71
 5-8-71
 6-8-71
 7-8-71
 8-8-71
 9-8-71
 10-8-71
 11-8-71
 12-8-71
 13-8-71
 14-8-71
 15-8-71
 16-8-71
 17-8-71
 18-8-71
 19-8-71
 20-8-71
 21-8-71
 22-8-71
 23-8-71
 24-8-71
 25-8-71
 26-8-71
 27-8-71
 28-8-71
 29-8-71
 30-8-71
 31-8-71
 1-9-71
 2-9-71
 3-9-71
 4-9-

harvested each year. The evidence by which he
endeavors to prove the average prevailing rates
in the prices of grain, the average outturn of
such crops as are raised in the years produce
that is, it should have been deducted in a
Schedule 1271. From account of the various Merasidars
perquisites, was extremely and unsatisfactory &
vague.

The Plaintiff Exhibit K was prepared, it
was allegedly the nephew of the Curman of Secaram,
to show the average outturn of the crops (munga
and pumja) for the year 1271 in the Secaram village
and it was attempted to be argued that
that document should be accepted as evidence
whereon to calculate the outturn of the crops
in the Varadapuram village which in the Revenue
accounts is styled as a mhet of Secaram and
the Merasidars perquisites thereon for the year 1271 -
the admission of Curman out of the question. The

2^d Witness examined by Plaintiff had been
manifestly excluded out of Court before hand
in the statement he was to make for, when
sightily corroborating the 1st Witness as to the rates
of the value of grain, and the various Merasidars
perquisites in the Varadapuram village, he carefully
stated that he was then alluding only to the
rates prevalent in the year 1271 that is, in the
year 1861. He was at once asked to mention
the number of the current Sali or of the
current English year and declared his inability
to do either, and that he had merely men-
tioned the Sali 1271 and the year 1861 because
he casually recollected them. -
On a second regard to the 2^d point, the Court
after hearing the arguments of the Vakils,

on both sides, considers that the Plaintiff has
failed to show that as Merasidar he is possessed
of the right to dispossess the Defendants from their
lands and to take possession thereof whenever the
Defendants may fail in their payment of Merasidars
perquisites and dues to him or his agents. The Plaintiff
only acquired his Merasidars right in the village by
purchase and that not very many years ago.

The Defendants have been, there is no doubt,
for a great length of time in actual occupation of
the lands of the Varadapuram Village holding
Pattahs for the same, and cultivating and improving
the lands at their own expense and risk. This
Court after careful perusal and consideration of
the various important papers and Pukings bearing
on the Merasidars question, is not of opinion that
the position and rights of a Merasidar are such
as to entitle him with authority to seize on the
village lands and oust the occupants, irrespective
of the nature or length of their tenure, simply
because he has not received his perquisites regula-
rly on the harvest the villagers have raised by
their own labor and at their own risk and cost,
and to the production of which he has himself
contributed nothing. As Merasidar he is entitled
to a certain fluctuating percentage on the
produce reaped and thrashed and if that per-
centage is not paid to him properly he should
sue for it in the usual manner but this Court
considers that it would be most dangerous and
mischievous to lay down the rule that on
proof of the non-receipt of the Merasidars or
other perquisites by the Merasidar, that individual
who very possibly never started in, or even visited,

the villages in question, should at once be authorized to take possession of the lands cultivated from generation to generation by the same families of Sugamias or Sanyamias, and the occupants, and drive them forth to get their living elsewhere as best they can. There can be no doubt that if such a Decree were known to have been approved of by the High Court it would be at once looked upon throughout the Madras District as a signal that the time long hoped for by the Merasidars had at length arrived for the attainment of their great aim and desire, viz. the right to deal as they please with the Merasid lands, and dispose of the tenants whenever they choose. Fraudulent Suits would at once be instituted to show failure on the part of the ignorant cultivators, and the Courts would be swarmed round with Merasidar claims, all having for their object the ejectment of those who have for many years inherited from their forefathers the possession of Village lands.

This Court is therefore of opinion that the Plaintiff as Merasidar is not entitled to oust the Defendants from the possession of the lands they cultivate on their failing to pay him his Melwaram and other Merasi requisites.

The Court accordingly decrees that the Plaintiff is not entitled to recover from the Defendants the sums claimed by him and specified in the Plaint, and that he is not entitled as Merasidar to oust the Defendants from the possession of their lands and take possession thereof himself on the

Defendants failing to pay Melwaram tundu of Kappatham perquisite to him and directs that the Plaintiff shall pay the proportionate costs of the Defendants.

Pronounced this 15th September 1868.

By the Court *W. S. Whiteside*
Clerk of Court *W. S. Whiteside*
at True Copy /

Signed / *C. D. Good*
Civil Judge

Memro: for Orders on Nos 213 & 7367

The claim was referred to the collector who

The two claims with
which he has to deal
are clearly untenable.
I would simply reject
them.

As to the General Question
I would state the fact that
that Gov. are not au-
thorized to alienate
the right of the State
to public lands un-
der original waste lands
in many villages of the
Madras Districts, for
State purposes - without
reference to the Government
where such lands are

who reported that the land on which the slaughter house was built was not in Petitioners' village ~~and~~ that the other land though included in the limits of their village was part of the immemorial waste, and therefore its appropriation to a public purpose could not entitle Petitioners to compensation - This report was forwarded to Govt with the Board's ltr dated 5th Oct 1868 without any remarks or observations, and the Govt in their order dated 16th Feby 1869 referred the papers back to the Board with

to be paid for cultivation the Merasidars should also pay for all the other of taking them in possession for others; - but when the land is required for State purposes as for example ~~to build~~ ^{as for example} roads, canals, police buildings ~~the~~ ^{the} the Govt cannot admit the claim of the Merasidars to be treated as occupancy - land or cultivation -

If such claims as there are admit that the State has the right to take the land for public purposes or in part to initiate any improvement without having compensation - I am contented as I shall be

to the Parliament right of the State to the extent I have stated.

J. D. S.

M. A.

I agree with the view taken by Mr. Sim. We must stand upon the rights of the State. The State has the first claim to the immemorial waste - the Mirasidars the second - the actual cultivators the third - according to Mr. Sim's theory the Mirasidars hold a preferential right to take up the land for cultivation does lose something of value when the State steps in and takes the land for a public purpose but such a right can scarcely be ascertained and should stand on our first right to the waste left over by the ~~disposal~~ ^{disposal} of a tract of land.

a request that they would submit their views upon the question raised in the petition both on the general principles involved, and with reference to any cases regarding the Mirasidars' right which might have been decided by the Courts.

The Board

have

have now replied
to this reference
and state their opinion
that in the particular
case under considera-
tion the Merasidars
have no claim to
compensation in
as much as part of
the land is not
within the limits of
their village & the
remainder has been
so long used for public pur-
poses that any claim they
might have had to it
is barred by lapse of time.
Ours

On the general question
of the right of Merasidars
in waste lands within the
limits of their villages, the
present Board notwith-
standing the opinion ex-
pressed by their predecessor
recommend that the Govt.
should, as a rule, recog-
nise the right of Merasidars
to compensation for waste
land taken for public
purposes. They submit
a list of cases in which
the Merasi question has
been mooted, but arrive
at the conclusion that
the law on the subject
is

of Mera right in respect to
immemorial waste is still in
an uncertain state as there are
decisions of the Courts both
in favor and against such
claims.

This question was very
fully discussed in the Pro.
of the Bd. of Rev. dated 14th May
1856 No. 1458 and the then
Govt. when disposing of the
Pro. in their order under date
27 Jan'y 1857 observed that they
apprehended that the views
on the subject recorded by
Sir Tho. Munro would be
generally acceded to, viz. that
Merasidars have no rights
over lands reclaimed by
others without their assent
and that their rights in regard
to immemorial waste are good
against straggling ryots but not
against the Govt.

It is believed that this is
the

the latest opinion recorded
by Govt on the general
question. But six years
later or in July 1863 the
Govt on the advice of their
Solicitor Mr. Boyson
paid upwards of Rs
13,000-0-0 as compensa-
tion for waste land, in
the same village as that
for which the present
claim is made, which
had been taken up
for the Railway some
years previously. There
is however, nothing to
show that all the
points against making
such a grant were
before the Solicitor
when he so recommended
the

the fort, but on the other hand it is probable that it was so before him, as it is unlikely that the Solicitor & Advocate General would have advised Govt. in so important a matter without going thoroughly into the merits of it.

The Govt are doubtless aware that a provision was inserted into the Waste Lands Act XXIII of 1903, at the instance of the present Chief Secy, then Member of the Govt's Legislative Council, for the express purpose of determining Merani rights. Sec. XV provides that if on any suit under the

The case was brought on by various questions of fact & proceedings of Govt & its officers - and the Law Officers can decide it preferable to pay the money than risk an adverse decision on a point of fact in consequence.

the Act any question shall arise involving any principle of general importance, or the rights of a class then it shall be the duty of the Court to draw up a statement of the case and submit it with its opinion for the opinion of the High Court. Hence should the Govt desire to have the rights of Merasidars in the waste lands of their villages finally set at rest, a convenient mode of doing so is provided.

It would be necessary for the J. of the Madras District under Sec. I of the Act to "deal with the

the waste land of some
known Merasi village
by proposing either to
grant it to a non-
Merasidar, or to take
it up for a public
road without compen-
sation. The Merasi-
dars of the village would
then make a claim
which the Court would
reject under Sec. 4, the
Merasidar would then
appeal to the Board
under the same section
who would again reject
their claim. The
Waste Lands Court
to be constituted under
Sec. VII would then
give the Merasidars
notice to file their
suits

suits which they would
do, when the Court
under Sec. XV would
make the reference
to the High Court

I do not ^{think} the Act has
been declared appli-
cable to Madras District.
But even if it has I could
not call it in to operate
here. The Board show
that we have a sound
legal defence to both
claims. I see no reason
why we should go beyond
this. J. D. S.

S. D. S.

No. 796.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 1st June 1870.

Read the following. ^{again} Proceedings of

Govt. Petition Department
dated 16th Febry. 1869.

Read also the following Pro.
of the Board of Revenue.

Subj. Report on claim preferred
by Petrs in No. 213 of 1868, to compensation
for certain immemorial waste lands
alleged to be within limits of Kysarpady
village, Madras Dist. & taken up for public
purposes, without previous assent
of Mirassidars

Nb. 21st Oct. 1869. No 7364.

J. D. S.

[Handwritten signature/initials]

This correspondence
arose out of Govt. Petition No. 213
of 1868, in which the Mirassi-
dars of Kysarpady in the
Madras District, prefer a
claim to payment of the value
of certain waste land taken
up

in their village for a regimental practice ground and for the public slaughter houses.

2. The claim was referred to the collector, who reported that the land on which the slaughter house was built, was not in Petr's village, and that the other land, though included in the limits of their village, was part of the immemorial waste, and therefore its appropriation to a public purpose, could not entitle petitioners to compensation. This report was forwarded to Govt with the Board's Resolution dated 5 Oct 1860, No 4010, without any remarks or observations; and the Govt in their order dated 16 Feb 1869 (Pet. Spt) referred the papers back to the Board with a

x 14: Feb 1860 Petr. Spt.

a request that they would submit their views upon the questions raised in the petition both on the general principles involved, and in reference to any case regarding Inerasi rights which might have been decided by the Courts.

3. The Board have now replied to this reference. They state

state their opinion
that in the particular
case under considera-
tion, the Inerasidars
have no claim to com-
pensation, in as-
much as part of
the land is not
within the limits
of their village,
and the remainder
has been so long
used for military
purposes that
any

any claim Petitioners
might have had to
it is barred by
lapse of time.

4 On the general
question of the right
of Inerasidars in
waste lands within
the limits of their
villages, the Board
as at present composed
recommend, notwithstanding
the opinion expressed
by their predecessors,
— that the
Government

Government should, as
a rule, recognise the
right of Incasidore to
compensation for waste
land taken for public
purposes. They submit
a list of cases in which
the Incasid. question has
been mooted, but arrive
at the conclusion that the
law on the subject of
Incasid right in respect to
immemorial waste is still
in an uncertain state, as
there are decisions of the Courts
both in favor and against
such claims. *The*

5. The claim
made in Petition No 213
of 1868 in regard to
the two pieces of land
above adverted to, are,
as shown by the Board,
clearly untenable, and
the Govt. resolve to reject
the same.

6. As to the general
question, the ^{Board} will be in-
formed that Govt. are
not prepared to relin-
quish the right of the
State

State to appropriate im-
memorial waste lands
in Mirassidars villages of the
Madras District, for State
purposes, without reference
to the Mirassidars. When
such lands are required for
cultivation, the Mirassidars
should always be allowed
the option of taking them
in preference to others; but
when they ^{are} ~~land~~ required
for State purposes, as for
example, roads, canals,
public buildings, &c., the Govt.
cannot admit the claim of
the Mirassidars to pre-
ferential occupation - rent
or compensation.
Ordered

7. Ordered that the following
endorsement be passed on
Petition No. 213 of 1868.

8. - The reports received
by Govt. on the subject of
this Petition clearly shew
that the claim therein
made is untenable, and
it is therefore rejected.

14. To the Board of Revenue
The Board of Revenue on 2 June

1868/12/5
S. H. Ball