

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	981	Press ~~Mis.~~
384-85 Dated 30-6-1820. N		

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
30th June 1870.*

No. 384. Read the following Proceedings of the Board of Revenue, dated 23rd May 1870, No. 3,529 :—

Read the following letter from the Acting Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 22nd April 1870, No. 83.

I HAVE the honour, with reference to the Board's Proceedings, dated the 5th June last, No. 4,002, to report on the claims of Ramasawmy Moodelly to certain lands at the foot of the Anamallay Hills near the timber-slip, the boundaries of which include the ground occupied by the Government Elephant Establishment, and the browsing grounds of the elephants along the foot of the Bundara Hills; and, with reference to paragraph 10, to submit my opinion in regard to the conduct of the public servants who held office at the time the land was measured out and the boundaries fixed.

2. The Order from the Collector, directing the measurement and demarcation of the land, is dated September 9, 1856. At that time one Bheema Rao, since deceased, was Tahsildar, but was then under suspension, and the duties of his office were carried on by the Sheristadar Bhoojinga Rao, who is no longer in the service. Bheema Rao, it appears, was dismissed, and on the 10th October 1856, Bhowany Sunka Rao, who is now Tahsildar of Odoomulpetta Talook, was appointed in his room. Immediately on his taking charge the measurement account of the land in question was submitted for his signature by the Sheristadar, and as it appeared that it had been prepared in accordance with the order above referred to, he signed it without making any personal inquiry, and submitted it to this office, with an Urzee, dated 20th October 1856, ten days after taking charge of the talook. A translation of his Urzee, dated 20th January 1870, No. 7, relating what he remembers of the circumstance, is enclosed (marked A.). I do not think that any blame attaches to him, and of his immediate predecessors in office—one is dead, and the other is no longer in the service.

3. The village servants at the time the land was measured were—

1. Bisram Singh, Monigar.
2. Soorappa Moodelly, do.
3. Ramasawmy Moodelly, Joint Monigar.
4. Poodoovanaigum Pillay, Curnum.

4. Of these, (1), Bisram Singh appears to have resided at Coimbatore, and to have conducted his duties through his son-in-law, Narrain Singh; (2), Soorappa Moodelly died five years ago; (3), Ramasawmy Moodelly, the present holder of the land, was appointed Joint Monigar on the 15th September 1856, but it appears conducted his duties through a Goomastah named Rasuppa Moodelly, who died three years ago; (4), Poodoovanaigum Pillay is alive, and still fills the post of Curnum. Translations of the depositions given by Ramasawmy Moodelliar and Poodoovanaigum Pillay, marked B. and C., are enclosed.

5. The measurement account is signed by Poodoovanaigum Pillay, Narrain Singh, Soorappa Moodelly, and Rasuppa Moodelly. The latter, as stated above, was Ramasawmy Moodelly's Goomastah, and the fact of his signature, and not that of his principal, being attached to the account supports Ramasawmy's statement, that he at that time performed his duty by proxy, as his father had done

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Before him. He, however, must of course be held responsible for the acts of his Deputy. Poodoovanaigum Pillay must also be held liable for his remissness in not bringing to notice that the tract applied for was used by, and required for, the Government Elephant Establishment.

6. But, on the other hand, I submit that there are several circumstances which entitle the conduct of the village officers in this case to a favourable consideration. In the first place the land was applied for and granted to the subordinate of the Forest Department, who was in immediate charge of the timber-operations on the Anamallays. This being the case the village officers, and possibly the Tahsildar who was then (1855) in charge of the talook, were led to suppose that the Forest Department did not particularly care to reserve the tract for public purposes, and, as pointed out by Mr. Wedderburn, the fact of the Puttali having been granted to a member of that department accounted for the occupation of the land for private purposes not being challenged. Had an ordinary ryot obtained the Cowle, and commenced clearing, the Overseer would have been the first to bring the subject to notice; but in this case the Overseer was the Puttali, and the village servants may, I think, be held excused under the circumstances for not looking more keenly after the interests of the department. Again, the base of the Anamallays was at that time so over-grown with jungle that a clearance of 100 bullahs more or less would not have made any appreciable difference in the browsing grounds of the Government elephants, and a premium in the shape of Cowles was offered to all who would undertake the risk of converting jungle into arable land; and as there had been no official definition of the tract reserved for forest-operations it is more than probable that the village officers were under the impression that the State would benefit by this land being taken up for cultivation and brought under assessment. I have been led to form these conclusions from a perusal of the records of the case, and from personal inquiries made in the talook.

7. I now proceed, in reply to paragraph 11, to state, when Ramasawmy Moodelly first asserted his claim, what rights of occupancy he has exercised, and the course which I would advise being pursued.

8. From a letter, dated 12th March 1866, No. 25, from Captain Beddome, the Deputy-Conservator of Forests, to Dr. Cleghorn, the Conservator, (copy enclosed,) it appears that Ramasawmy Moodelliar asserted his claim about that time by cutting timber and bamboos on the land in question for which he paid the progressive Cowle rates of assessment up to 1864 when the full cess was charged, which he continues to pay to this day. I have already shown that, considering the manner in which the tract originally passed into private hands, neither Ramasawmy Moodelliar nor the other village officers can fairly be held responsible for its surrender; and further, taking into consideration the fact that he acquired it by purchase after it had been in the legal possession of two private individuals successively, I am of opinion that he would not have the least difficulty in establishing his title to the same in a Civil Court. Looking at these circumstances I deemed it advisable to come to terms with Ramasawmy Moodelliar, and I trust that the arrangement I have made with him will have the sanction and approval of the Board.

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9. The land within the specified boundaries is found to measure in round numbers 106 bullahs, of which 44 bullahs are under cultivation. These, with 6 bullahs of jungle which could only be reached by traversing the cultivated lands, Ramasawmy Moodelliar wishes to retain. For the remaining 56 bullahs he has executed to me a formal Razeenamah (translation enclosed, marked D.). As this latter portion includes the Timber Depôt, and the jungle now used as feeding grounds for the elephants; and as the cultivated land cannot be of any use to the Forest Department, I strongly recommend this settlement of a rather difficult question being adopted. I have personally informed Ramasawmy Moodelliar that the final disposal of the matter rests with the Board of Revenue, and I venture to hope that I may receive their early instructions on the subject.

10. I have to apologize for the delay which has occurred in submitting this report. I drafted a letter just after visiting the talook last January, but as full information was not then before me I was obliged to lay it aside until I could obtain it, and for this purpose the records of fourteen or fifteen years back had to be searched.

ENCLOSURE No. 1.

From the Conservator of Forests, to the Collector of Coimbatore, dated 16th March 1866, No. 1,676.

I beg to enclose a letter from Captain Beddome, Deputy-Conservator of Forests, in charge of the Anamallay Range, regarding the proceedings of Ramasawmy Moodelliar of Chittoor, who claims the land at the foot of the timber-slip, and is felling trees at Adewaram and at foot of the Poonachy Ghaut.

2. The want of grazing land for the forest elephants is attended with inconvenience and expense. The animals have to be secured and forage brought to them instead of feeding at large as formerly.

3. There is surely a mistake as to the claim to the ground on which the rice godown and Duffadar's hut have stood for sixteen years, and where the Timber Depôt now is.

4. I shall be much obliged by your acquainting me with the real state of the case.

From the Deputy-Conservator of Forests, to the Conservator of Forests, dated Pollachy, 12th March 1866, No. 25.

I HAVE the honour to inform you that Ramasawmy Moodelliar of Chittoor lays claim to nearly all the land at the foot of our timber-slip: he is now cutting timber and bamboos on tracts where I cut Satinwood for our department some six years ago: he also lays claim to the ground on which the Government store and our Duffadar's hut are situated. These buildings have been standing for about fifteen years; and he is cutting timber at the foot of the Poonachy Ghaut and elsewhere. I have no means of ascertaining what land along the foot of these hills really belongs to this man, and what belongs to Government. I request therefore that you will apply to the Collector for full information on this point. Unless some steps are immediately taken there will shortly be no jungle available for the grazing of the forest elephants.

ENCLOSURE No. 2, A.

ABSTRACT.—Translation of an Urzee from the Tahsildar of Odoomulpettah, dated 20th January 1870, No. 7.

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30th June 1870.*

ENCLOSURE No. 3, B.

ABSTRACT.—Translation of a Deposition given by Chittoor Ramasawmy Moodelliar on the 21st January 1870.

ENCLOSURE No. 4, C.

ABSTRACT.—Translation of a Deposition given by Poodoovanaigum Pillay, Sani Curnum of Anamallay village, dated 2nd July 1869.

ENCLOSURE No. 5, D.

ABSTRACT.—Translation of Razeenamah Moochilkah executed to Her Majesty's Government of India by Chittoor Ramasawmy Moodelliar on the 16th December 1869.

UNDER the circumstances the Board assent to the compromise proposed by the Collector and agreed to by Ramasawmy Moodelly.

No. 385.

ORDER THEREON, 30th June 1870, No. 981.

Forests, No. 22.

APPROVED.

(True Extract:)

(Signed) H. E. STOKES,
Under-Secretary to Government.

To the Board of Revenue.
,, the Officiating Conservator of Forests.

Exd. F. R. Bantleman.

No. 4,002.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 5th June 1869.

Read the following letter from A. WEDDERBURN, Esq., Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 6th October 1868, No. 259:—

With reference to the 11th paragraph of the Proceedings of the Madras Government, dated 13th August 1868, No. 2,155, and Board's Proceedings, 23rd September 1868, directing the Collector of Coimbatore to give immediate attention to the settlement of the claim which has been set up to the land at the foot of the timber slip, in the Polachy Talook, I have the honor to annex a Memorandum drawn up by me after a reference by the Deputy Conservator, on a perusal of the correspondence connected therewith.

2. My predecessor, Mr. Grant, was unsuccessful in obtaining a settlement of the question.
3. Mr. Campbell's report disposes of the matter.
4. I have nothing further to add than that either the present Puttahdar's proposal should be accepted, or that I may be authorised to take the land under the Act under grant of compensation.
5. All that the Puttahdar asks for is that in the—not probable—event of the land not being longer required for public purposes, he may have a prior claim to it, which is quite in accordance with the Durkhast Rules in force.
6. Dr. Cleghorn, imperfectly acquainted with the state of the case, however, claimed to set aside the grant of the original puttah by Mr. Thomas, and that the land should be unconditionally surrendered.
7. This fact prevented the settlement of the matter, which was endorsed to "lie over" by my predecessor.
8. If I cancel my predecessor's puttah of 15 years' standing, and make over the land to the Forest Department, I must be prepared to defend the proceeding in a Civil Court, and I am not prepared to do so without the express Orders of the Board.
9. I think my alternative suggestion in paragraph 4 to be a preferable course of proceeding.

ENCLOSURE No. 1.
MEMORANDUM.

On a perusal of the papers connected with the dispute about the land at Timacadavoo, it appears that an application was made by a Forest Overseer to the late Collector Mr. Thomas in 1853 for 100 bullahs of land at the foot of the Timacadavoo Ghaut. The original application is not forthcoming, but an Order* was sent by the late Collector Mr. Thomas to the Tahsildar to measure the land; 100 bullahs were measured off. The puttah dated 6th September 1853 for the same contained specified boundaries:—

- 1st. On the west, four teak logs, the property of Government, lying near a dry jungle stream.
 - 2nd. On the east, the Bundara hill.
 - 3rd. On the north, the Vellaragu stream.
 - 4th. On the south, a rock in the Collengode road running east and west, and near a white apple tree.
2. These boundaries are stated by Mr. L. Campbell, Assistant-Collector, after personal inquiry and inspection, to contain the space occupied by timber slip and forest buildings.
 3. The fact that the objectionable inclusion of the land at the foot of the timber slip was unchallenged at the time, and for five years or more, arose from the fact of the puttah having been obtained by an Overseer of the Forest Department. There is no doubt of the land being within the boundary, as it is within the river which is the boundary. Mr. Campbell advocated the terms proposed by the present owner of the land, namely, he was willing to resign it so long as it was required for public purposes, and that the jungle contained in his puttah was not to be destroyed by Government Elephants. The terms appeared to Mr. Grant to be very reasonable,

Colt. of 18703 *STANDARDS.*

REVENUE.

THE BOARD OF REVENUE.

Dated June, 30th.

Recd.

Accl.

G. O., 30th June 1870, No. 981.

JUNE.

Nos. 384-385.

Ground occupied by Elephant Establishment at foot of Annamalai Hills—Proposed compromise with the owner in the matter of his claim to it, approved.

but Dr. Cleghorn declined to consider them, arguing that the boundaries in the puttah were fraudulent, the puttah of an improper nature, and irregular.

4. I have no doubt that the grant of land to the Forest Overseer, was irregular, especially when the puttah boundaries included land occupied by Elephant Sheds. But the question now is, the land having been acquired by puttah, has now passed into a third hand, and either his terms must be accepted, or whatever land is required for public purposes should be taken out of his puttah under the Act, and compensation granted.

(Signed) A. WEDDERBURN,
Collector.

COIMBATORE, 30th July 1868.

From these papers it appears that in 1855 a subordinate of the Forest Department applied for and obtained a Cowle for 100 bullahs or 382 acres of land at the foot of the Anamallay Hills near the Timber slip. No boundaries were specified or marked out.

2. In 1856, a Mr. Scott purchased the portion of this grant which had been cleared comprising 30 bullahs and obtained a renewed Cowle for the other 70 bullahs from the Collector, and on this occasion boundaries were specified and marked out under the superintendence of the late Tahsildar of Pollachy, who, the Board presume, was assisted by the village servants.

3. These boundaries have now been verified and are found to include the ground which the Government Elephant establishment has occupied since 1850, and the browsing ground of the Elephants along the foot of the Bandara Hill.

4. In 1858 the whole of the land was purchased by Ramasawmy Moodelly, the present holder, who is a Moneagar of the village, and in that capacity, as it seems to the Board, must either have assisted at, or at all events have been cognizant of, the fixing of the boundaries.

5. The Forest Department insist that the including of land occupied for Government purposes in a puttah must have been the result of fraud, and claim that it should now be unconditionally given up. The area thus claimed by them is not stated.

6. Ramasawmy Moodelly is willing to let Government use the site of the Elephant sheds, but on two conditions, first, that if the establishment is given up the land shall revert to him, and second, that the Elephants shall not be allowed to browse in his jungles.

7. The Collector considers that this will be a fair arrangement.

8. The Board, however, consider it clear that the land has been in the rightful occupation of the Forest Department ever since 1850, that neither the Tahsildar of Pollachy nor the Collector himself had the power to surrender it, and that considering that Ramasawmy Moodelly who bought the land immediately after it was demarcated was the principal Village Officer, the inclusion of the disputed land in the grant was probably fraudulent.

9. Ramasawmy Moodelly's offer to surrender the usufruct of the ground at all events temporarily cannot be accepted, if for no other reason, because he requires that the browsing ground of the Elephants shall at once be relinquished, and this appears to be a matter of paramount importance.

10. Ramasawmy Moodelly's claim cannot therefore be admitted. The Collector must sift the history of the transaction with the view of discovering with whom the responsibility for the negligence or fraud which certainly attended the fixing of the boundaries rests, and report the names of the public servants who are implicated.

11. He will also state when Ramasawmy Moodelly first asserted his claim, and whether he has ever, and if so, how far, exercised any rights of occupancy in the land held by the Forest Department either as a site for sheds or as a browsing ground.

(True Copies and Extract.)

(Signed) J. GROSE,
Sub-Secretary.

To the Collector of Coimbatore.

Copy to the Conservator of Forests.

Exd. T. Cartledge.

13 August 1870

Recd- 1870. Oct.
Board of Revenue,
MADRAS. No. 1683.

PROCEEDINGS, 23RD MAY 1870, No. 3,529.

Received 4 June 70 Encl. 1
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MAY.
No. 3,529.

Land—at foot of Annamalai Hills, near timber slip in Coimbatore District, boundaries of which include ground occupied by Government Elephant Establishment and browsing ground of Elephants.—Proposed compromise with one Ramasawmy Moodelly, in matter of his claim to certain, approved. No. 981.

Approved J. G.
30 June 70