

*Proceedings of the Madras Government, Revenue Department,
1st July 1871.*

No. 14.

Dated 1st July 1871, No. 1,145.

Miscellaneous.

Revenue to Government regarding suits brought against Government might be curtailed.

Up to the date of the G. O. marginally specified, every case had to be referred to the Government; but it was then ruled that the Board might sanction the defence of "all suits in the

"Revenue Department in which questions of principle are not involved, and the "amount at issue does not exceed Rs. 1000."

2. It was added, however, that this sanction was to be conditional *as to costs*, if they are awarded against Government. Consequently, cases are repeatedly coming up where the Board request leave to debit the Government with the costs incurred. These never can be otherwise than petty. In a suit of the full value of Rs. 1,000 the costs of the plaintiff's Vakeel (when he employs one) would come, at the prescribed percentage, to Rs. 50, to which must be added batta for his witnesses, and perhaps, occasionally, one or two other trifling charges.

3. In submitting these applications the Board of course have to accompany them with a concise history of the case, and to add their reasons for the course they propose; all of which corresponds, together with much valuable time and considerable expense for printing in the Government Office, might be saved by what appears to be a very reasonable corollary to the G. O. of 1862, namely, "that "in cases where the Board have power to sanction the defence of a suit, they "shall be competent to order the payment of the costs that may be awarded "against the defendant."

4. In approving these proposals for the future, it must, at the same time, be provided that where the Board see reason to propose that the Collector or other official should pay the costs, and so practically to fine the officer concerned, it should not be done without the sanction of Government; this form of censure involving a somewhat high form of prerogative, not to say that it would be sure to come before Government in another way by appeal.

5. It sometimes happens that when Government is worsted in the Court of First Instance, the Board desire to carry the suit forward into regular appeal. They will now be authorized to do so in suits of this nature, namely, up to Rs. 1,000, without further reference, and with the same power as to costs.

6. In cases where the Board, after consulting the Government Pleader on the expediency of the step, desire to present a special appeal to the High Court, the decision of Government is to be awaited.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

7/1/18
19-9-18

9a/2438/8771

Ref. 2nd 995 of 1899

JULY
NO. 14

THE BOARD OF REVENUE

REVENUE

1871

N. 1145
Pro. Govt

Memo for Orders.

to R. H. & G. inf.
It seems to me that the present frequent references from the Bd of Rev. to Govt regarding suits brought against Govt might be curtailed.

Pro. Govt of Decr 62
No 2,565

Up to the date of the G.O. marginally specified, every case had to be referred to the Govt; but it was then ruled that the Bd might sanction the defence of "all suits in the Revenue Dept in which questions of principle are not involved, & the amount at issue does not exceed Rs 1000".

however,
2. (But) It was added, that this sanction was to be conditional as to costs, if they are awarded against Govt. Consequently, cases are repeatedly coming up, where the Bd request leave to debit the Govt with the costs incurred. There never can be otherwise than party. In a suit of the full value of 1000 Rs, the costs of the Plff's counsel (where he employs one) would come, at the present rate percentage, to 50 Rs, which must be added to the

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6. And even, if they will carry it
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C^t of last resort - the High Ct
might they not likewise do so
if the Govt Pleader (who must
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1st July/71

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Paper Lab
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