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MADRAS RECORD OFFICE.

Government of Madras.

Revenue. **DEPARTMENT.**

G.O. No. 278 Press ~~Mis.~~

Dated 13. 2. 1871.

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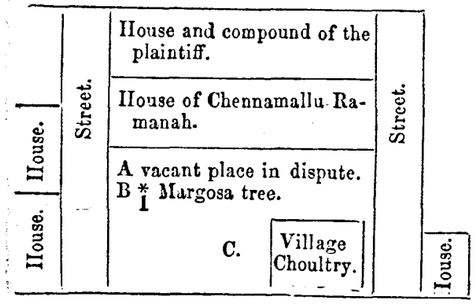
Proceedings of the Madras Government, Revenue Department, 13th February 1871.

No. 148. Read the following letter from the Officiating Collector of the Kistna District, to the Chief Secretary to Government, Judicial Department, Fort Saint George, dated Gudewada, 31st January 1871, No. 324 :—

I HAVE the honour to submit translation of a complaint in Original Suit No. 244 of 1870, Guntur Munsiff Court's file, preferred by Chennamallu Amaralingum of Dharanikota in Sattenapalli Taluq against defendants Syed Alli and two others of the same village, for establishing plaintiff's right to a piece of vacant ground alleged to have been occupied by the first defendant who built a thatched house thereon.

2. The facts of the case are as follow :—

3. In the village of Dharanikota there is a vacant site (A.) on Gramanuttum as shown in the marginal sketch. One Bundlamudy Ramanah, ryot of this village, having lopped down some branches of a margosa tree (వేపచెట్టు) marked B., the first defendant, who is the Village Munsiff, prevented him and reported the same to the Police Officer in charge of the Amaravaty station, informing him, at the same time, that the site in question is unoccupied and belonged to Government, and that Ramanah pleaded that he cut down the branches with the permission of the plaintiff. The station officer sent an Occurrence Report to the Sub-Magistrate of Sattenapalli Taluq, stating that it is not known to whom the site really belonged, inasmuch as some villagers said that the site belonged to the plaintiff, while others affirmed that it was the property of Government, and that inquiries should be made about it. With the permission of the Sub-Magistrate, the Taluq Revenue Inspector inquired into the matter, and reported to the Sub-Magistrate that the site in question belonged to Government, and that it had been vacant and unoccupied from a long time. This was communicated to the station officer, who made preliminary inquiries and sent up a Charge Sheet to the Sub-Magistrate, including the plaintiff and Ramanah as defendants. In his inquiry it having been fully proved that Ramanah illegally cut down the branches of the tree with the permission of the plaintiff, who corroborated this statement, and pleaded that the ground was in his occupation eight years before, that subsequently it had been unoccupied and vacant, and that he was unable to prove his right thereto, the Sub-Magistrate punished both parties by a fine under Sections 379 and 109 of the Indian Penal Code. The plaintiff accordingly paid the fine of 6 Rs., and brought the present complaint against the defendants, the first of whom is the Village Munsiff who reported the matter, and the second of whom is a Curnum.



4. During the inquiry held by the Revenue Inspector it was clearly proved that the site in dispute formerly belonged to a Banian, who some years before the famine of 1832 deserted the village, and that ever since the ground has been vacant and unoccupied. C. in the sketch is a village choultry built about five years ago by

the first defendant with the permission of the Tahsildar. This ground was formerly occupied by a cattle pound.

5. The Munsiff's Court adjourned the Suit till 1st March 1871 to allow the right of Government to sites A. and C. to be proved.

6. When a building on Gramanuttum is pulled down, and the owner of the house deserts the village, the vacant ground is always considered the property of Government, and no one can occupy it without permission. The Court has included the Collector as a supplemental defendant in this Suit.

7. Under the foregoing circumstances I request the sanction of Government to defend the Suit at public cost, and to put in the enclosed answer.

8. Translation of the statement filed by the defendants is forwarded for the information of Government.

ENCLOSURE No. 1.

O. S. No. 244 *of* 1870, *filed in the Munsiff's Court at Guntur.*

PROPOSED ANSWER.

THE sites marked A. and C. are the property of Government. They were formerly under the occupation of a Banian of Dharanikota village, who deserted the village some years before the famine of 1832. They have been ever since vacant and unoccupied. The thatched house C. was built by the Munsiff of the village for the use of the Village Cutcherry. This was done with the permission of the Tahsildar some years ago. When a building on Gramanuttum is pulled down, and the owner of the house deserts the village, the vacant ground is always held to be at the disposal of Government, and no one can occupy it without permission. Under these circumstances the plaintiff has no right to claim the sites in question as his ancestral property. The supplemental defendant, therefore, prays the Court to dismiss the plaint with costs.

(Signed) J. A. C. BOSWELL,
Officiating Collector.

ENCLOSURE No. 2.

Suit No. 244 *of* 1870, *in the District Munsiff's Court at Guntur.*

Plaintiff	*versus*	*Defendants.*
Chennamallu Amaralingum, goldsmith, living by Carpentry, an inhabitant of Dharanikota.		1. Syed Alli, Mahomedan, living by employment as Village Munsiff. 2. Konduri Guravayya, Bramin, living by Curnum Office, etc. 3. Davuluri Atchenna, Bramin, living by cultivation, an inhabitant of Dharanikota.

PLAINT preferred under Section 26 of the Civil Procedure.

2. The site marked A. within the limits of the plan herewith presented is the property of the plaintiff, it having lineally descended to him from his forefathers. It has been under his occupancy and enjoyment. The 1st defendant, at the instigation of the 2nd and 3rd defendants, built a thatched house of one beam about five months ago at the site in question, during plaintiff's absence from the village. This Suit is brought for the removal of the house; for establishing plaintiff's right to the site marked B. (which the defendants improperly reported to be the waste land belonging to Government, and thereby tried to disturb the plaintiff's right), and to the trees thereon situated. The sites are bounded—

On the east by the high road about forty-five yards in the village of Dharanikota.
On the south by the high road forty-five yards.
On the west by a vagu (water-course) further on by the high road about sixty yards.
On the north by the plaintiff's ground about fifteen yards.

On the east by the plaintiff's ground about fifteen yards.
On the north by the plaintiff's ground about thirty yards.

	RS.
The site within these limits is about sixty yards in length and forty-five yards in breadth, square-yards 2,700, of which 450 unavailing yards being deducted on account of angles, there remains a net ground of 2,250 marked A. and B., the estimated value of which is	40
Cost required for removing the house built at the site marked A.	5
Estimated value of six trees, namely, two Vapa, three Tamarind, and one Ravi, situated on the site marked B.	5
	50

3. The plaintiff prays the Court will be pleased to pass a decree for removing the house (at a cost of Rs. 5) newly built by the first defendant at the site marked A., for hindering the defendants from throwing impediments in the way of his (plaintiff's) occupying the sites marked A. and B., and for recovering all the costs from the defendants, and paying them to the plaintiff.

(Signed) KRUTEVENTY LAKSHMENARAYANA,
19th July 1870. *Pleader.*
(,,) KRUTEVENTY SOWBHAGIAROYDU.

I, Chennamallu Amaralingum, plaintiff in the above Suit, do declare that what is herein stated is true to the best of my information and belief.

Mark of Chennamallu Amaralingum.
(Filed 19th July 1870.)

(Signed) V. SESHAYYA,
District Munsiff.

(True Translation.)

(Signed) J. A. C. BOSWELL,
Officiating Collector.

ENCLOSURE No. 3.

SUIT No. 244 OF 1870.

To the District Munsiff's Court at Guntur.

Plaintiff	*versus*	*Defendants.*
Chennamallu Amaralingum, *alias* Amarappa, an inhabitant of Dharanikota.		1, Syed Alli; 2, Konduri Guravayya; and, 3, Davuluri Atchenna, inhabitants of Dharanikota.

STATEMENT of the defendants under Section 120 of the Civil Procedure Code.

1. The Suit is false and groundless.

2. The sites marked A. and B. were inhabited by Divala Pari Setti who left them about 50 years ago, consequently they became the property of Government, and have ever since been vacant; the plaintiff had no right to them; the sites were not in his possession and enjoyment.

3. On the southern boundary of the plaintiff's compound is the compound of Chennamallu Ramanah; on the south side of the latter compound is the site claimed marked A; therefore it is not adjacent to the compound of the plaintiff; hence the allegation that it has been in his possession and enjoyment is preposterous.

4. A small portion of the disputed site marked B. is curved on the west side of the plaintiff's compound, but the plaintiff leaving that curve, raised his compound wall. Had he a right to it, there would have been no reason for him to leave the curve. That he possessed the site is utterly improbable.

5. Moreover, in one part of the disputed site marked A. Government had a cattle pound, enclosed by a hedge. If the plaintiff had any right to it, there would be no reason for him to have abstained from preventing it from being enclosed at that time.

6. Further, as the site marked A. is the property of Government, the 1st defendant (Village Munsiff) had a village choultry built five years ago at the site of the former cattle pound under the orders of the Tahsildar, but the house was not built five months ago as alleged by the plaintiff for private use. If the plaintiff had any right to the site, there is no reason why he did not prevent it at the time and neglected to complain to the Magistrate on the subject.

7. About forty days ago the plaintiff having by stealth caused the branches of the Vapa tree, situated on the disputed site marked A., to be lopped, the 1st defendant, by virtue of his office, reported the matter to the Magistrate of Sattenapalli Taluq, who examined the neighbours and the plaintiff's witnesses. In the inquiry it having been found that the disputed site was the property of Government, the plaintiff, when he was about to be punished, had absconded, and with a view to escape punishment, brought this fictitious Suit. One Bundlamoody Ramanah, who lopped the aforesaid branches under the orders of the plaintiff, was alone punished by the Magistrate who directed the Police to arrest the plaintiff.

8. While, in fact, the defendants have not encroached on any part of the disputed site, and while the Magistrate recognized it as the property of Government, the act of the plaintiff in bringing this Suit against the defendants excluding the Tahsildar is irregular. The Suit is therefore liable to be dismissed at the first hearing.

9. The 2nd and 3rd defendants have no concern whatever in the Suit. It is improbable that the above individuals should have intrigued in causing the 1st defendant, who is a Government servant, to build this public choultry.

We therefore pray the Court to dismiss the Suit with costs.

Mark of Syed Alli, 1st defendant.
(Signed) Konduri Guravayya, 2nd defendant.
(,,) Davuluri Atchenna, 3rd defendant.

We, Syed Alli, Konduru Guravayya, and Davuluri Atchenna, defendants in the above Suit, do declare that what is herein stated is true to the best of our information and belief.

(Signed) DAVULURI ATCHENNA,
Mark of Syed Alli.
(,,) KONDURI GURAVAYYA.

(Signed) V. SESHAYYA,
District Munsiff.

(True Translation.)
(Signed) J. A. C. BOSWELL,
Officiating Collector.

No. 149. ORDER THEREON, 13th February 1871, No. 278.

Miscellaneous.

THE defence of the Suit on the usual terms is sanctioned.

2. The Collector should have submitted his letter through the Board of Revenue.

(True Extract.)
(Signed) W. HUDLESTON,
Secretary to Government.

To the Officiating Collector of the Kistna District.
,, the Board of Revenue.

Exd. F. R. Bantleman.

278 Revenue Dept.

Proc. of the Madras Govt. 13th
Order date the 13th Feby. 1871

Read the following
Letter from the Collector of
Kistna District.

Submitting translation
of a Complaint in O.S. No. 244
of 1870, Gundur Munsiff's Court
file, requesting sanction to
defend the Suit at Stamps
cost.

H. E. M. Forsyth. No. 224.

The defence of the Suit
on the usual terms is sanctioned

2. The Collector should
have submitted his letter
through the Board of
Revenue.

1. Off. Collector, Kistna D. Dec. 14 & Feb. 2 Encls. Copy No. 13.
11. Board of Revenue.

Govt. of {1871} Madras.

REVENUE.

To

THE OFFICIATING COLLECTOR,

KISTNA DISTRICT.

&c., &c., &c.

Dated February 13th.

Recd. Read.

G. O., 13th February 1871, No. 278.

FEBRUARY.
Nos. 148-149.

Suit No. 244 of 1870, relating to certain land in Kistna District.—Its defence on the usual terms, sanctioned.

No. 13 Feby 11 1813

No. 10 Feby 11 1813

L. O.

Sanction for defence of certain Public Property in Sierra Leone.