roceedings of the Madras Government, Revenue Department,
17th March 1871.

...he following Proceedings of the Board of Revenue, dated
14h March 1871:

...e Acting Col... e Acting
...h March

...., No. 132.

I HAVE the honour to submit copy of Plaint in Original Suit ... of the file of the Chittoor Civil Court, in which the Collector, Sub-Collector, and the Vellore Tahsildar, are included as defendants, and request sanction for conducting the defence at public cost.

2. The circumstances which gave rise to this Suit are given *in extenso* in my letter, No. 263, dated 29th June 1870, recorded in the Board's Proceedings, dated 14th July 1870, No. 4,878, and from it the Board will observe that petitioner attempted to withdraw a formal Razeenamah presented by him of his own accord, transferring to one Kullasani Nattan his right in the Seduperi tank fishery in the Vellore Taluq, which he had a few days before rented for five years from the Government.

3. The Razeenamah and the Deed of Acceptance by Kullasani Nattan, agreeing to take the fishery in question, are both dated 3rd September 1869, and about seven months later (in April 1870) after the plaintiff had heard that the Sub-Collector ...thdrew his objections to the transfer, and had actually ordered it, addressed a ...nent with Kullasani Nattan, and

...mitted ...ery rent himself.

4. At this time the Razeenamah was accepted and acted upon, and possession of the fishery given over to Kullasani Nattan.

5. Petitioner was, therefore, referred to the Civil Court for redress, as nothing could be done for him in the Revenue Department.

6. I request the Board will be pleased to approve of the accompanying draft answer, which I propose to file on behalf of myself and the other defendants.

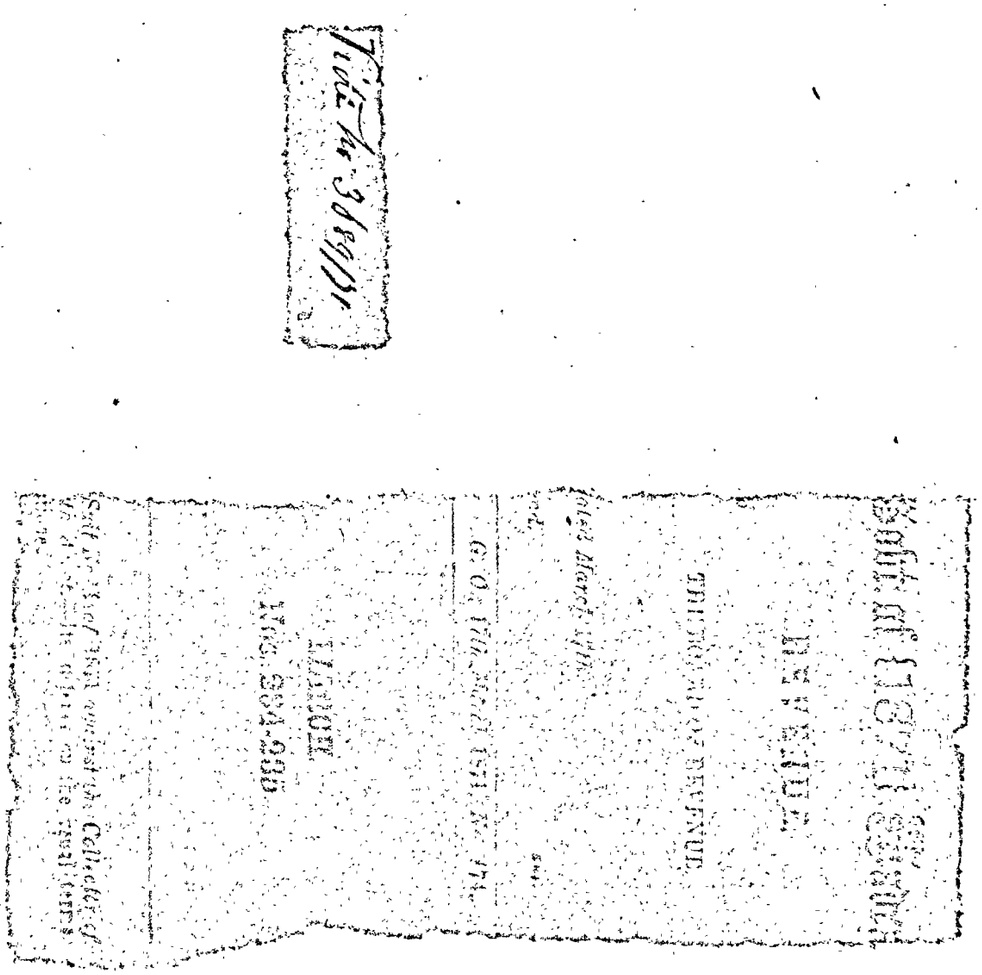
SUBMITTED for the orders of Government, the amount at issue exceeding Rs. 1,000.

2. The Board recommend that the defence of the Suit be sanctioned on the usual terms. The draft answer seems to be sufficient, but the *numbers* in the designation of the answerers in the last two paragraphs are wrong.

No. 235. ORDER THEREON, 17th March 1871, No. 474.

THE ...of

Miscellaneous.



No. 1,127.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th March 1871.

Read the following letter from W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 8th March 1871, No. 132 :—

I HAVE the honour to submit copy of plaint, in Original Suit No. 4 of 1871, on the file of the Chittoor Civil Court, in which the Collector, Sub-Collector, and the Vellore Tahsildar are included as defendants, and request sanction for conducting the defence at public cost.

2. The circumstances which gave rise to this suit are given in *extenso*, in my letter No. 268, dated 29th June 1870, recorded in the Board's Proceedings, dated 14th July 1870, No. 4,878, and from it the Board will observe, that petitioner attempted to withdraw a formal Razeenamah presented by him of his own accord, transferring to one Kullasami Nattan his right in the Sethaperi tank fishery, in the Vellore Talook, which he had a few days before rented for five years from the Government.

3. The Razeenamah and the Deed of Acceptance by Kullasami Nattan agreeing to take the fishery in question, are both dated 3rd September 1869, and about seven months later (in April 1870) after the plaintiff had heard that the Sub-Collector withdrew his objections to the transfer and had actually ordered it, addressed a petition to the Collector, repudiating his agreement with Kullasami Nattan, and requested orders to be permitted to hold the fishery rent himself.

4. At this time, the Razeenamah was accepted and acted upon, and possession of the fishery given over to Kullasami Nattan.

5. Petitioner was therefore referred to the Civil Court for redress, as nothing could be done for him in the Revenue Department.

6. I request the Board will be pleased to approve of the accompanying draft answer, which I propose to file on behalf of myself and the other defendants.

ENCLOSURE No. 1.

In the Civil Court of Chittoor.

Original Suit No. 4 of 1871.

Amount of plaint Rupees 1,100.

Plaintiff	*versus*	*Defendants.*	
Mohudin Hussein Sahib, Mahomedan Merchant, residing in Vellore.		1. Chembada Kullasami Nattan. 2. Chembada Arunagherry. 3. Chembada Merkuthi Arunagherry,	residing in Vellore, Fishermen.
		4. W. S. Whiteside, Esq., residing in Chittoor, Acting Collector of North Arcot.	
		5. W. H. Comyn, Esq., Sub-Collector of North Arcot.	
		6. Pillai Muthu Pillai, Tahsildar of Vellore Talook, residing at Vellore.	

THE relief sought for is—

1. For a decree establishing the right of the plaintiff to the fishery of Sethaperi tank, in Vellore Talook, in the District of North Arcot, from 2nd September 1869 to 2nd September 1874, and to recover possession thereof.

2. For payment by defendants to plaintiff of the sum of Rupees 1,100, as damages for having wrongfully dispossessed the plaintiff of the said fishery from 25th April 1870, to this date, with further mesne profits.

3. For the costs of this suit.

4. For such other relief as to this Honorable Court may seem meet and the justice of the case may require.

Subject of the claim.

1. On the 2nd September 1869, the right to the fishery in the Sethaperi tank for five years, was sold by public auction by Vellore Tahsildar, when plaintiff purchased it at 350 Rupees a year, and paid the requisite deposit of Rupees 87-8-0. On the next day plaintiff having received Rupees 87-8-0 from 1st defendant, presented a petition to the said Tahsildar that the 1st defendant might be registered as the purchaser and he be held responsible for due fulfilment of the contract. This was refused. The plaintiff thereupon entered into a written agreement according to the terms of the purchase and continued in possession of the said fishery till 25th April 1870, paying the instalments of the teerwah as they fell due.

2. The 1st defendant who observed that the season was favourable without the knowledge of the plaintiff, petitioned the Collector of North Arcot, who, without hearing plaintiff and without his knowledge or consent, ordered the fishery to be put in possession of 1st defendant, which accordingly was done on 25th April 1870, from which date, the 1st, 2nd, and 3rd defendants are in the enjoyment of the fishery.

3. As the season in the beginning of 1870 was favourable and plaintiff had with much trouble and expense taken care of the tank up to April 1870, the amount of loss sustained by him was very large.

Cause of action.

The wrongful dispossession from plaintiff of the aforesaid fishery of Sethaperi tank. It occurred on 25th April 1870.

Particulars.

				Rs.	A.	P.
The value of fish taken by 1st, 2nd, and 3rd defendants in April and May...				1,500	0	0
Deducting the teerwah paid to Government... ...	350	0	0			
Amount of money paid by 1st defendant to plaintiff.	87	8	0	437	8	0
				1,062	8	0
Interest on the above sum at 1 per cent. per mensem, from June to date of plaint				77	14	8
				1,140	6	8
Amount relinquished by plaintiff...				40	6	8
				1,100	0	0

(Signed in Hindustanee) MOHUDIN HUSSEIN SAHIB,

I, Mohudin Hussein Sahib the petitioner above-named do declare that what is stated therein, is true to the best of my information and belief.

(Signed in Hindustanee) MOHUDIN HUSSEIN SAHIB,

Filed on the 24th January 1871.

(Sealed) C. G. PLUMER,
Acting Civil Judge.

(True Copy.)

(Signed) W. S. WHITESIDE,
Acting Collector.

Enclosure No. 2.

Draft answer proposed to be filed in Original Suit No. 4 of 1871, on the file of the Civil Court of Chittoor.

The plaintiff is bound by the agreement which he had executed in favour of the 1st defendant under date the 3rd September 1869, transferring to him unconditionally all his (plaintiff's) rights in the Sethaperi tank fishery for five years from Fusly 1279.

2. With this agreement, the 1st defendant had executed a counterpart agreeing to accept plaintiffs' rights in the fishery in question, and as these agreements were executed by both parties, of their own free will and consent, without compulsion of any kind, it was not competent for the Revenue authorities either to refuse to register 1st defendant's name as the renter, in violation of the written consent of the plaintiff.

3. Moreover the Revenue Officers have no authority to cancel that registry and to oust the 1st defendant from his possession of the fishery in question without a written agreement from the 1st defendant giving up his right in the fishery; nor have the Revenue authorities power to effect the transfer desired by plaintiff on his own unsupported statement.

4. Under these circumstances, the 4th and 5th defendants pray that the suit against them and the 6th defendant, may be dismissed with costs.

5. The 6th defendant having acted under the orders of his principal, the Sub-Collector, no separate defence or appearance is put on his behalf.

Chittoor,
8th March 1871.

(Signed) W. S. WHITESIDE,
Acting Collector.

Submitted for the orders of Government, the amount at issue exceeding Rupees 1,000.

2. The Board recommend that the defence of the suit be sanctioned on the usual terms. The draft answer seems to be sufficient but the *numbers* in the designation of the answerers in the last two paragraphs are wrong.

(True Copies and Extract.)

J Grote
Acting Secretary.

To the Secretary to Government, Revenue Department,
with two enclosures.

Copy to the Acting Collector of North Arcot.

Exd. G. A. Turton.

Amount of Plaint — 1100 — — — —

In the Civil Court of Chittoor.

Original Suit No. 4 of 1871.

Mohudin Hussein Sahib Mahomedan merchant residing in Vellore — Plaintiff

1. Chembada Kullasami Battan
2. Chembada Arumaghery
3. Chembada Merkuthi Arumaghery residing in Vellore

Fishermen.

4. W. S. Whiteside Esqre residing in Chittoor & Collector of North Arcot.
5. V. A. Conyn Esqre Sub Collector of North Arcot
6. Pillai Muthu Pillai Tahsildar of Vellore Taluq residing at Vellore

Defendants.

The relief sought for is

1. For a Decree establishing the right of the Plaintiff to the fishery of Sethapéri tank in Vellore Taluq in the District of North Arcot from 2d September 1869 to 2d September 1874, and recovery possession thereof.

2. For payment by Defendants to Plaintiff of the sum of Rs one thousand and one hundred as damages for having wrongfully dispossessed the Plaintiff of the said fishery from 25th April 1870 to this date with further mesne profits.

3. For the costs of this suit.

4. For such [illegible]

8 47 —

1871.

Board of Revenue,

MADRAS.

PROCEEDINGS, 14TH MARCH 1871, No. 1,127.

Dept. of Revenue

Received 17th March 1871

Encl. to Proceedings No. 4 of 14

MARCH.

No. 1,127.

Suit, No. 4 of 1871,—on file of Chittoor Civil Court in North Arcot District, regarding Sethapéri tank fishery,—Copy of plaint in, and draft answer proposed to be filed by Collector, submitted to Government, with recommendation that defence of suit be sanctioned on usual terms.

No 234

may seem meet and the justice of the case may require.

Subject of the Claim.

1. On the 2d September 1869 the right to the fishery in the Sethapari tank for 5 years was sold by Public Auction by Vellore Tahsildar when Plaintiff purchased it at 380 Rs a year and paid the requisite deposit of Rs 87-8-- On the next day Plaintiff having received Rs 87-8-- from 1st Defendant, presented a petition to the said Tahsildar that the 1st Defendant might be registered as the purchaser and he be held responsible for due fulfilment of the Contract. This was refused. The Plaintiff thereupon entered into a written agreement according to the terms of the purchase and continued in possession of the said fishery till 25th April 1870 paying the instalments of the hire as they fell due.

2. The 1st Defendant who observed that the season was favorable without the knowledge of the Plaintiff petitioned the Collector of North Arcot who without hearing Plaintiff and without his knowledge or consent ordered the fishery to be put in possession of 1st Defendant which accordingly was done on 25th April 1870 from which date to the 18th

Defendants are in the enjoyment of the fishery.

3. As the season in the beginning of 1870 was favorable and Plaintiff had with much trouble and expense taken care of the tank upto April 1870 the amount of loss sustained by him was very large.

Cause of action.

The wrongful dispossession from Plaintiff of the aforesaid fishery of Sethapary tank. It occurred on 25th April 1870.

Particulars

The value of fish taken by 1st, 2nd and 3rd Defendants in April and May	1500	-- --
Deducting the hire paid to Government 350 Rs.		
Amount of money paid by 1st Defendant to Plff 87-8-	437-8-	
	1062-8-	
Interest on the above sum at 1 per cent per mensem from June to date of Plaint	77-14-8.	
	1140-6-8	
Amount relinquished by Plaintiff	40-6-8	
	1100	-- --

(Signed Mohudin Hussein Saib.

I Mohudin Hussein Saib the Petitioner above named do declare that what is stated therein is true to the best of my information and belief.

(Signed Mohudin

[illegible]

Filed on the 24th January 1871

Sealed C. G. Plumer
Asst Civil Judge.

(True Copy)

(Signed) W.S. Whitcombe
Asst Collector

(True Copy)

J Grole
Acting Secretary

C A Campbell

Draft answer proposed to be filed in Original Suit No 40 of 1871 on the file of the Civil Court of Chittoor.

The Plaintiff is bound by the agreement

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have no authority to cancel that registry and to oust the 1st Defendant from his possession

Filed on the 24th January 1871

Sealed C. G. Plumer
Asst Civil Judge.

[True Copy]

Rev. 84/71.

Enclosure in Board's Proceedings dated 14th March 1871.

In No 234

7

Draft answer proposed to be filed in Original Suit No 4 of 1871 on the file of the Civil Court of Chittoor.

1. The Plaintiff is bound by the agreement which he had executed in favor of the 1st Defendant under date the 3d September 1869 transferring to him unconditionally all his (Plaintiff's) rights in the Sedupéri tank fisheries for five years from Fasli 1279.

With this agreement the 1st Defendant had executed a counterpart agreeing to accept Plaintiff's rights in the fisheries in question and as these agreements were executed by both parties of their own free will and consent without compulsion of any kind, it was not competent for the Revenue authorities either to refuse to register 1st Defendant's name as the renter in violation of the written consent of the Plaintiff.

Moreover the Revenue Officers have no authority to cancel that registry and to oust the 1st Defendant from his possession

possession of the fishery in question without a written agreement from the 1st Defendant giving up his right in the fishery nor have the Revenue Authorities power to effect the transfer desired by Plaintiff on his own misup= =ported statement.

Under these circumstances the 4th & 5th and 2nd Defendants pray that the Suit against them and the 3rd Defendant may be dismissed with costs.

The 3rd Defendant having acted under the orders of his principal the Sub Collector no separate defence or appearance is put on his behalf.

North Arcot Collector's office Chittoor 8th March 1871. } (signed) W.S. Whitcombe

(True Copy)

J G Wale
Acting Secretary

Enclosure in Board's Proceedings dated 14th March 1871.

No. 847/71

In No. 234

Revenue 1871 Oct.
No. 847.
Proceedings of the Board
of Revenue

Dated 14th March 1871
Despatched 14 — " —
Received 15th
C 162.5

Submitting for orders
of Govt. letter from Coll. &
North arcot requesting
sanction for defence &
Suit. No. 4 of 1871 on file
of Chittoor Civil Court.
No. 17 March/71

No 234 & 235

15 March/71 Dispd

Proceedings of the Madras Government, Revenue Department,
17th March 1871.

No. 236. Read the following Proceedings of the Board of Revenue, dated 14th March 1871:—

Read the following letter from C. W. READE, Esq., Collector of South Arcot, to the Secretary to the Board of Revenue, dated Cuddalore, 11th March 1871, No. 68.

I HAVE just received the original of the enclosed from my Head Assistant Mr. Lister in reference to Board's Proceedings of the 3rd instant, and I shall be glad if the Board and Government will favourably regard the apology and expression of regret contained in the letter, as I am very willing myself to accept them, and to think no more of the matter.

2. The lesson will, no doubt, be of value to Mr. Lister, and I venture, therefore, to hope that his official offending may on this occasion be overlooked by Government, and that it will not entail on him any consequences beyond such intimation of displeasure at his conduct as His Excellency the Governor in Council may consider to be imperatively called for.

SUBMITTED to Government, with reference to Government Order, 9th March 1871, No. 424.

2. This letter and its enclosure appear to have been written after Messrs. Reade and Lister had received Board's Proceedings, 3rd March 1871, No. 951, but before the Government Order thereon had reached them.

No. 237. ORDER THEREON, 17th March 1871, No. 475.

Miscellaneous.

As Mr. Lister spontaneously offered an apology to Mr. Reade, which that gentleman accepted, the Government consent, at Mr. Reade's request, to retain Mr. Lister in his present post instead of removing him elsewhere as had been resolved.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.