

882

*Proceedings of the Madras Government, Revenue Department,
10th May 1871.*

No. 128. Read the following Proceedings of the Board of Revenue, dated 5th May 1871:—

Read the following letter from the Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 21st April 1871, No. 108.

I HAVE the honour to forward, herewith, translation of the plaint in Suit No. 222 of 1870 on the file of the District Munsiff of Palghaut, wherein I have been made defendant on behalf of Government.

2. The circumstances out of which the Suit has arisen are briefly as follow:—

3. In 1869 a piece of waste Government escheat land, measuring acres 32-8-3, and formerly the property of Chenat Nayar, was sold by the Escheat Department to the present plaintiff's brother, since deceased, and a Title-deed granted in which the eastern boundary was stated to be a certain channel.

4. Plaintiff in January 1870 (apparently after the death of the original purchaser) trespassed on the Government forest-land adjoining his own on the east, and cut down, with a view to removal, four trees standing on it. He was charged by the Forest Department before the Sub-Magistrate of Palghaut, and by him found guilty of theft.

5. In appeal before the Head Assistant Magistrate, plaintiff urged that the portion of forest-land on which the trees stood was included in the Title-deed granted by Government to his brother. The Head Assistant Magistrate, therefore, inspected the locality, and after satisfying himself that the plea was altogether groundless, upheld the Sub-Magistrate's conviction. I enclose copy of his judgment.

6. Plaintiff now sues for the value (Rs. 50) of the timber, on a charge of theft of which he was convicted, and the restoration of the piece of land lying east of the channel, and on which the offence was committed.

7. By the evidence of the officers who inspected and demarcated the land sold to plaintiff's brother before the sale was effected, as well as that of others acquainted with the locality, it is quite clear that the piece of ground sued for is no part of the land sold to plaintiff's brother.

8. If the eastern boundary given in the deed is where it is urged to be by plaintiff, he would be entitled to nearly half as much again as the extent entered in the document.

9. I also observe that there is evidence that the plaintiff was present at the inspection of the land by the escheat officials, and had the extent sold measured and the boundaries pointed out to him.

10. I beg therefore to submit for the approval of the Board a draft answer, and request that I may be authorized to file it and to defend the Suit on behalf of Government.

11. The period allowed for putting in a written statement expires on 30th May next.

THE Board approve of the draft answer, and think the Suit should be defended at the public cost on the usual terms.

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Rev. Dept.

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2. As the Suit is technically one to upset a Magistrate's decision, though it really calls in question operations of the Escheat Establishment, these Proceedings will be submitted for the orders of Government.

No. 129.

ORDER THEREON, 10th May 1871, No. 823.

Miscellaneous.

THE Government sanction the defence of the Suit at the public expense in the first instance, but will determine, when

the judgment is reported, as to who shall bear the costs.

2. The draft answer is approved.

(True Extract.)

(Signed)

D. F. CARMICHAEL,

Acting Secretary to Government.

To the Board of Revenue.

C

Answer

Gobt. of 1871 Madras

REVENUE.

To

THE BOARD OF REVENUE.

Dated May 10th.

Recd.

Encl.

G. O., 10th May 1871, No. 823.

Vide L. N. 3764 of
1871.

LIAY.

Nos. 128-129.

Suit No. 222 of 1870 against the Collector of Malabar.—Its defence at the public expense sanctioned in the first instance, and the draft and proposed by the Collector approved.

Rev. Sept.

77-873.
Pro: of the Madras Govt.
Under date the 10th May 1891

Read the following Pro:
of the Board of Revenue

Approving draft answer pro-
posed to be filed in Suit N: 222
of 1890 on file of Palghat Munsiff
J: in Malabar D: & submitting
question of defending suit at
public cost.

U.E. 5th May 1891.

The Govt. sanction the
defence of the Suit at the
public expense in the
first instance, but will
determine, when the
judgment is reported,
as to who shall bear
the costs.

2. The draft
answer

N:
A.A.
J.S.S.

answer is approved.

1st. ...
2nd. ...

11th. Bd. of Revenue

12th. ...

G.O.

Regarding ...
Sent on file ...
Diff's ...
at ...

... ..

661-821