however, to remove the trees and building, against which order the present petition is an appeal.

5. The matter cannot, of course, be disposed of in this off-hand way. Possession must be taken in a legal manner. The villagers should be informed that on resigning their claim to the land, they will be allowed the full value of the trees and wells, with liberty, of course, to remove the materials of the temple. If they reject these terms the Collector will file a suit for recovery of possession and for the amount of the past assessment.

6. Petition will be endorsed, "The Collector has received orders in the case."

(True Extract.)

(Signed) D. F. CARMICHAEL,

Acting Secretary to Government.

Proceedings of the Madras Government, Revenue Department, 23rd May 1871.

No. 316. Read the following endorsement of the Officiating Secretary to Government, Military Department, dated Fort Saint George, 9th May 1871.

Read the following letter from the Officiating Quartermaster-General, to the Officiating Secretary to Government, Military Department, dated Fort Saint George, 8th May 1871, No. 3,151.

IN reply to your endorsement No. 630 of 1871 on petition of Moonoosawmy Naick (herewith returned), I have the honour, by order of the Provincial Commander-in-Chief, to report that the petitioner has no right to the ground in question. The so-called Pagoda, a small building some 9 feet square, was built some years ago by a Peon without permission on ground admitted by the villagers to which the petitioner belongs to be Government property. The idea of building a latrine on the site has been long since abandoned, but its propinquity to the family quarters at the Mount renders it desirable, in General Shubrick's opinion, that decisive measures should be taken at once to enforce the proprietary right of Government thereto, and to check any further attempts on the part of the villagers at Nundumbaukum to assert theirs to it.

2. Correspondence on the subject accompany, with a request that they may be returned at convenience.

TRANSFERRED with the petition from Moonoosawmy Naick to the Revenue Department for disposal.

(Signed) A. C. SILVER, Colonel,
Officiating Secretary to Government.

No. 317. ORDER THEREON, 23rd May 1871, No. 913.

Miscellaneous.

THESE papers refer to a garden near Saint Thomas' Mount, measuring cawny 0-12-6 and containing 326 trees of different kinds, two pucka wells, and a small temple called "Nágáttal Covil."

2. This land, the Acting Collector reports, was originally a portion of the village of Nundumbaukum, but in the Pymaish account of Fasli 1235 (A.D. 1825-26) it is entered as part of the Military Cantonment. Many years ago—whether subsequently to the Pymaish or not is nowhere stated—the temple was raised and garden planted by a Peon of the Sayer Department from subscriptions collected in the neighbourhood. Since his death, thirty years since, sundry other custodians have succeeded one another, and the man at present in charge calls himself the nominee of the Nundumbaukum villagers.

3. It was proposed recently to build a latrine on the spot. That idea has been abandoned, but the Military authorities are still desirous of getting possession of the site, as, owing to its propinquity to the new family quarters, it is very likely to be needed for some public purpose or other.

4. The late Acting Collector, after an inquiry by the Tahsildar, decided that the Nundumbaukum ryots, who appear to have petitioned now in the matter, had no title to the land, and gave them two months time to vacate, with liberty,

Fort St George
9th May 1871.

Transferred with the Petition from Moonoosawmy Naick to the Revenue Dept for disposal.

(Signed) A. C. SILVER Colonel
Offg Secy to Govt

To The Revenue Dept
With 4 Enclosures
Petition No 630 of 1871.
No 316
of May 1871

Revenue 1871
Military Dept.
No 2057.
From H. 1562.
The Offg Quartermaster General
To the Military Secretary to Govt
Mily Dept.
Dated 8 May 1871
Recd 13 do
No 3151. Encl 4
Reports that Petitioner has no right to the piece of ground on which the Pagoda stands at Nundumbaukum the same being admitted by the Villagers to be Govt property with Remarks
S.O. No 913 - 23rd May/71

REVENUE DEPARTMENT.

No.

From

Dated 18

FOR ORDERS.

The piece of land in question, in extent 0.12.0 Cawnies is within the village of Nundambakkam but apparently since 1825-26 has formed part of the Cantonment of St. Thomas' Mount. It is said to be called "Kasi Mettu Land belongs to Govt." that no permission was ever granted to build a temple on it."

2. The Military authorities state that "owing to its proximity to certain Military Buildings it may be at any moment required by Government," and that it is desirable that decisive measures should be taken for enforcing the proprietary rights of Govt. thereto, and for checking any further attempts on the part of the villagers to assert their right to it".

3. It seems that more than 30 years ago a sayer Peon built the Temple with subscriptions raised apparently by the villagers. Since then additions have been made to the Temple and trees planted on the land. There is nothing to show that this encroachment has ever been noticed, or any claim on the part of Govt. asserted.

4. The late Asst Collector issued an order objecting to the Pujaries now in charge of the Temple to remove the Temple, cut down the trees and vacate the ground within 2 months. This is the order appealed against.
Respondent acting Collector considers that there is no legal method for enforcing this order, if opposed or not noticed except a civil suit for Ejectment.

There seem to be 3 modes of procedure open to Govt.

(1). To direct the latter as Collectors order to be carried out, assuming the risk of the Petitioners ~~bringing~~ bringing an action against Government, which it is possible he might not do.

(2) To take up the land under the acquisition for public purposes act: but this is undesirable as compensation must in that case be granted, & it is a bad precedent to give compensation for unauthorized encroachments on Govt. land.

(3). To negotiate with the Petitioner or others who appear to have an interest in the land for an exchange of land, giving them a piece equivalent allowing them to remove the materials & the trees.
I should think they would accept this, and acceptance would obliterate all claim they may have to the land. and I am not at all sure that they have not by adverse possession acquired a prescriptive right to it.

6. It seems very desirable that the Collector should issue strict orders to prevent any further encroachments in or near the Cantonment, & assert the rights of Govt: in any cases in which possession has not gone on long enough to give a title.

F.B.

Read letter & enclosures from [illegible] the Q. M. G. of the army to the Secy [illegible] Mil. Dept — transferred by endorsement to this Dept under date 9th May [illegible]

These papers refer to a garden near St Thomas's Mount, measuring Cawnies 0.. 12. 6. and containing 320 trees of different kinds, two [illegible] wells & a small temple, called 'Nagatal Coil'.

This land, the Ag Collr reports, was originally a portion of the village of Nandambakkam, but in the Pymaish account of $\frac{7\ 1235}{A.D.\ 1825\text{-}6}$ it is entered as part of the Military Cantonment. Many years ago — whether subsequently to the Pymaish or not is unknown — the temple was raised & garden planted by a Peon of the Sayer Dept from subscriptions collected in the neighbourhood — since his death, 30 years since, sundry other custodians have succeeded one another, & the

There has been no [illegible] in the case. I shall not take the Coll's [illegible] without seeing the value of the coll[illegible] I [illegible]

J. D. S.

If they decline to claim it I should give it to [illegible] claiming but [illegible] to

J. D. S.

D 5 — 19/5/71

Man at present in charge
calls himself the nominee of
the Nundambákum villagers.

3. It was proposed recently to build
a latrine on his site. That idea
has been abandoned, but the
Military authorities are still
desirous of getting possession of
the site, as owing to its proximity
to the new Family Quarters, it
is likely to be needed for
some public purpose or other.

The Collr, after an inquiry
by the Tahsildar, decided that
the Nundambakkum Raju who
appear to have petitioned him as
the makers had no title to the
land, & gave them two months
time to vacate, with liberty thereafter
to remove the trees & buildings
against which order the present
petition is an appeal.

4. The makers cannot of course
be dispossessed of his hujth &
mighty way - Encroachments of
this kind are ordinarily met by
pushing on the ordinary afsest-
but where, as in this case, the
Govt require the land themselves,
we may put on a prohibitory
afsest.

This will drive out the
claimants - but time must be
allowed them to remove the
Coirl of the pandals - Give two
reasons before them the timber
of the trees.

by 15/5/71

* Not 6 people since
when the place, otherwise.

Make above a draft. Copy

with trivial deletions of Para 4. then

5. The makers cannot of course be
disposed of in this offhand way - Pos-
session must be taken in a legal
manner. The villagers must be informed
on receiving their claim to the
land, they will be allowed the full
value of the trees & walls, with liberty
of course to remove the materials of
the temple. If they reject these terms,
the Collr will file a suit for recovery
of possession, & for the amount of
the past afsest.

6. Petn will be endorsed "The Collr
has ordered in the case"

19/5/71

Rev. Dept.

Memo for Orders

Regarding a Garden & Pagoda
in Rundeumbaukum, Chunkel-
put-Dt, claimed by the
Villagers -

Revenue Department.

Fort St. George.

Proceedings of the Madras Government,
under date the 23d May 1871.

Read the following

Endorsement from the Military
Department.

Transferring letter
from the Offg Quarter Master
General, reporting that Petitioner
has no right to the piece of
ground on which the Pagoda
stands at Nundrum Caukum,
the same being admitted by
Villagers to be Govt property -

Dated 9th May 1871.

These papers refer to
a garden near Saint Thomas
Mount, measuring Cawnies
12-6 and containing 326
trees of different kinds, two
pucka wells and a small
temple, called Nagatta Cha
This

2. This land, the Ag Collector reports was originally a portion of the village of Nundum-bakkam, but in the Fymaish account of Fasli 1235 — A.D 1825-26 it is entered as part of the Military Cantonment. Many years ago — whether subsequently to the Fymaish or not is nowhere stated — the temple was raised and garden planted by a Rev. of the Sayer department from subscriptions collected in the neighbourhood. Since his death, 30 years since, sundry other Custodians have succeeded one another and the man at present in charge calls himself the nominee of the Nundambakkam Villagers.

3. It was proposed recently to build a Latrine on the spot. That idea has been abandoned, but the Military authorities are still desirous of getting possession of the site, as owing to its proximity to the new Family Quarters, it is very likely to be needed for some public purpose or other.

4. The late Ag Collector, after an enquiry by the Tahsildar, decided that the Nundambakkam Ryots who appear to have petitioned now

now in the matter had no title to the land, and gave them two months time to vacate, with liberty however to remove the trees and building; against which order the present petition is an appeal.

5. The matter cannot of course be disposed of in this off hand way. Possession must be taken in a legal manner. The villagers should be informed that on resigning their claim to the land, they will be allowed the full value of the trees and wells with liberty of course to remove the materials

materials of the temple. If they reject these terms, the Collector will file a suit for recovery of possession and for the amount of the past assessment.

6- Petition will be endorsed. "The Collector "has received orders in the case."

7 Copies to the Military Dept with 4 Encls Dec 26
14 —— B of Revn
1 —— Petition Dept

4

Government Revenue Department,