M.R.O. 1—20,002—12-8-55

(1) Number of Pages 4

(2) Date of repair 16.10.55

(3) Initials of the Referencer

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / ~~B.P. No.~~	106	~~Press~~ / Mis.
Dated 26-9-1872		196 .

Not to be folded or roughly handled

No. 230.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 31st January 1872.

Read the following letter from J. W. HANDLEY, Esq., Government Pleader, Madras, to the Secretary to the Board of Revenue, dated 25th January 1872, No. 13:—

(27th December 1871, No. 5,135.)

WITH reference to the Board's Proceedings, noted in the margin, I have the honour to report that I telegraphed to the Collector to apply for further time to put in an answer in the Zemindar of Cottam's suit, against certain Officers of Government, and have received a reply from him, stating that the first hearing has been adjourned until the 12th February. I now enclose draft written statement, such as I advise being filed in the case, embodying substantially the same defence as is set up by the Collector's draft, but stating the facts rather more fully.

2. From the papers before me, it does not appear quite clear whether the Peddapur fort was actually attached at the time of the attachment of the Zemindari for arrears of revenue, and subsequently sold with the rest of the Zemindari, but I presume the attachment and sale comprised the fort, as there appears to have been no exception made. There is nothing in these papers to show whether the Zemindari was sold in one or several lots which may be important upon this point.

3. If it should turn out that the fort was not attached and sold with the rest of the Zemindari, I can see nothing to prevent the Government from now attaching and selling it for the balance of arrears still outstanding against the estate, the right of Government to its revenue not being affected by lapse of time. Perhaps, it might be suggested to the Plaintiff that this will be the only result of his suit even if successful.

4. I return all the papers forwarded to me with the above Proceedings.

ENCLOSURE No. 1.—Draft Written Statement.

ENCLOSURE No. 2.—Correspondence.

THE Draft Written Statement furnished by Mr. Handley is forwarded to the Acting Collector who will sign and present it in Court.

2. With reference to the question whether "the Fort was actually attached" the Board presume that the entire estate of Peddapur was duly attached and sold in one lot.

3. The Collector will intimate to the Plaintiff that he has been advised by Counsel that, in the improbable event of Plaintiff obtaining judgment, the Government will still be at liberty to attach and sell the fort, their right to their revenue (of which there is an arrear of several lakhs against the Peddapur Zemindari,) not being affected by the time that has elapsed since it became due. It is probable also that they could attach and sell on the same account the Zemindari of Cottam and all other property of the defaulter, whether movable or immovable.

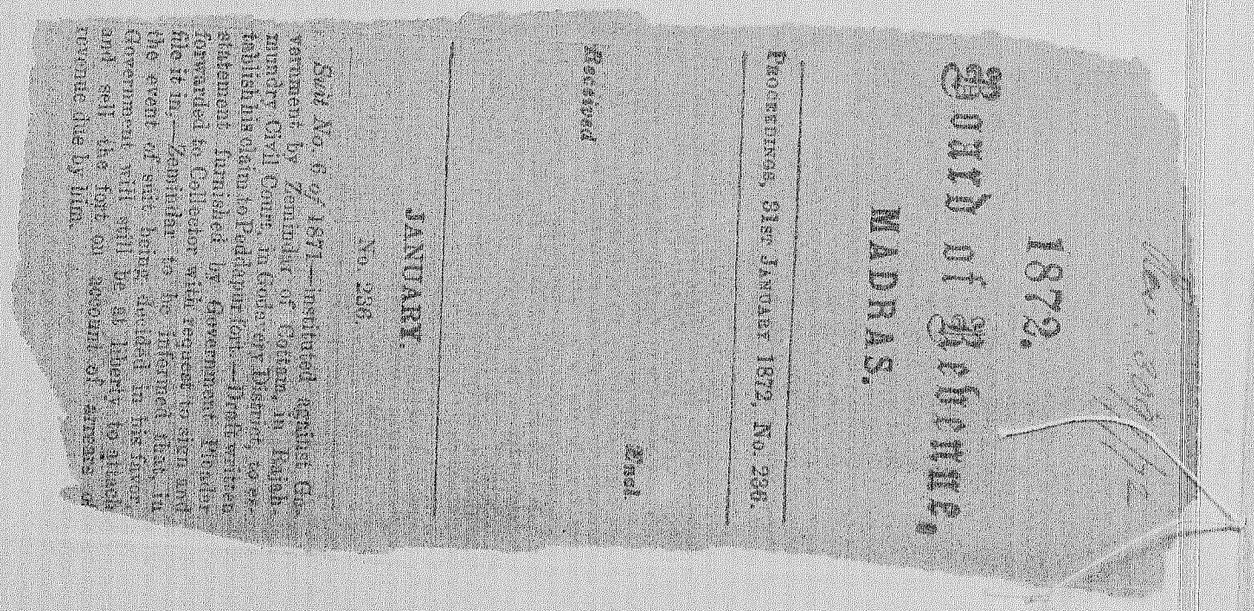
(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of the Godavery District, with Draft Written Statement.

Copy to the Government Pleader.

Exd. G. A. Turton.



PROCEEDINGS, 31ST JANUARY 1872, No. 236.

Received

Read

JANUARY.

No. 236.

Suit No. 6 of 1871—instituted against the Government by Zemindar of Cottam, in Rajahmundry Civil Court, in Godavery District, to establish claim to Peddapur fort.—Draft written forwarded to Collector with request to sign and file it in.—Zemindar to be informed that, in the event of suit being decided in favour of Government will still be at liberty to attach and sell the fort on account of arrears of revenue due by him.

No. 1,864.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th September 1872.

Read again Board's Proceedings, dated 31st January 1872, No. 236.

Read also the following letter from W. S. FOSTER, Esq., Acting Collector of the Godavery District, to the Secretary to the Board of Revenue, dated Cocanada, 27th August 1872, No. 272 :—

I HAVE the honour to report that the Civil Court have, on the 24th instant, dismissed with costs the Suit No. 6 of 1871 preferred by the Zemindar of Cottam for the recovery of damages for the removal of stones from the walls of the Fort at Peddapur.

2. Copies of the judgment and decree will be forwarded when received.

SUBMITTED for the information of Government with reference to G. O., dated 20th December 1871, No. 2,153.

(A true Copy and Extract.)

Secretary.

To the Chief Secretary to Government, R. D.,
with Board's Proceedings, No. 236 of 1872.
Copy to the Acting Collector of the Godavery District.

Exd. J. Tulloch.

No 3097
Rev. 1872. Sept.

Board of Revenue,

MADRAS.

PROCEEDINGS, 18TH SEPTEMBER 1872, No. 1,864.

Sup 20 Sept 72

Encl. 1

Received 23rd Sept. 1872.

SEPTEMBER.

No. 1,864.

Suit—No. 6 of 1871 filed against Government in Rajahmundry Civil Court by Zemindar of Cottam for recovery of damages for removal of stones from walls of the Fort at Peddapur.—Report from Collector of dismissal of—with costs, submitted to Government.

RECEIVED