Read the following :—

No. 141. Proceedings of the Board of Revenue, dated 6th May 1872, No. 724.

Read the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 11th March 1872, No. 31 :—

I HAVE the honour to reply to the Proceedings of the Board of Revenue, dated 12th May 1871, No. 1,970, addressed to the Collector of Malabar, which contained my report on a petition regarding certain applications for land in a disputed tract of country.

2. In that report I pointed out that when my acting predecessor, adopting his Head-Assistant's report after personal inspection, had assumed that the disputed tract was within the Coimbatore District, the conflicting party to the dispute was not present, or heard on his behalf.

3. The boundary dispute having been decided more than twenty years ago by Commissioners, and a map prepared, the Collector of Malabar was directed by the Board, in communication with the Collector of Coimbatore, to ascertain and report on which side of the well-defined boundary the disputed land lay.

4. I consequently arranged a meeting with the Acting Head-Assistant Collector of Malabar to inspect, and (with a view to obviate the recurrence of further complaints) to demarcate the said boundary line.

5. Accompanied by Captain Cloeté of the Survey, I met, by appointment, Mr. Austin, deputed by the Collector of Malabar, who was accompanied by the Agent of the Numbiddy of Collengode, the complainant in the boundary dispute, and the party chiefly affected thereby.

6. When we arrived on the disputed ground, I showed and explained the Commissioners' decision and the map framed thereon, and the Numbiddy's Agent at once admitted that by the decision and by the map the disputed territory was assigned to the Coimbatore District; but added that his master was no party to the decision, received no copy of it, or of the map or communication regarding it, from any authority.

7. Being called upon to substantiate his dissent by proof, he produced what he stated was a "Granthwari" or record of boundary, from which I took an extract in reference to the land in dispute, and called upon him to point out the various boundary marks therein referred to, and a rough sketch, herewith enclosed, was made by Captain Cloeté on the spot.

Enclosure A.

8. On comparing the extract from the "Granthwari" with the marginal note to paragraph 5 of the Commissioners' report, I found that there was not a correspondence, and that, moreover, the line of demarcation shown in the Commissioners' map was not in accordance with the boundary line defined by the "Granthwari." The Board will easily see this by reference to the map; the difference is nearly $6\frac{1}{4}$ square miles in extent.

9. As nothing further could be done then in the matter, I decided, with Mr. Austin's concurrence, that the land must remain unallotted until a reference were made to the Collector of Malabar and the Board's decision obtained. Copies of my letter* to the Collector of Malabar and of his reply†, are annexed.

* Enclosure B.
† Do. C.

10. The question is in one place said to be the "interpretation" of a boundary line; the actual question is, whether the line is an aerial line, drawn from peak to peak of two hills enclosing a valley, or a detailed line of alleged boundary marks enclosing the plain land at the foot of their spurs.

Mr. Sullivan's letter to Mr. Logan, dated 15th February 1871, No. 65.

11. On referring to the Commissioner's report it will be observed that they based their decision entirely on the Numbiddy's document termed "Granthwari." They considered it the only and the ancient authentic record, and, as there did not appear to be any old survey record on the Coimbatore side of the question to oppose to it, and the oral evidence, as is usual in such cases, was conflicting, the question was then so settled. But the dispute cropped up again at intervals, as the marginal correspondence shows.

1860 to 1871.

From the Malabar Collector, No. 3,024 of 25th July 1860.
To do.
From do. No. 270 of 26th August 1860.
To do. ,, 247 of 11th February 1871.
,, 53 of 15th ,, ,,

12. So far as the waste land involved in the durkhast dispute now actually under reference to the Board is concerned, if it were adjudged to Coimbatore, I would recommend it not being given for cultivation at all, but retained as a fuel reserve; but there is the major question now brought into prominence of a large extent of land under present cultivation by the ryots of Coimbatore, which apparently has not been opposed, during the last 15 or 20 years by the Numbiddy or his Agents.

13. If the Board decide that the boundary of the Granthwari, theoretically accepted by the Commissioners, but practically ignored in this instance in their map, and in note to paragraph 5 of their report, is to be adopted in demarcation, orders will be required to the Survey Department. It will involve an ayacut of about acres 1,300 being struck off the limits of Anamallay village of the Coimbatore District.

14. If the Commissioners' report had not been formally adopted by Government, there might be room for suggesting a further enquiry, and, if possible, a compromise; but when the decision was formally given in the Numbiddy's favour, it would, I think, be out of place to dispute the matter. The Commissioners in their report state their opinion that a Civil Court would have decided in favour of the Numbiddy on the strength of his family document. However that may be, the case would be still stronger now, and equity would seem to require that when a boundary document is accepted as authentic and conclusive, it should be adopted and carried out in its details.

15. It is impossible now to account for the discrepancy between the and the boundary details. Mr. MacGregor suggests it arises from an "abbreviation," but a straight line across instead of a line round a disputed land involves the whole subject at issue.

16. There appears to me to be a sole other alternative. The Numbiddy by his Agent repudiates the Commissioners' report, the Government decision chiefly in his favour, and the map defining the boundary. It does not appear that he bound himself to accept arbitration in the matter. The controversial parties in

Proceedings of the Madras Government, Revenue Department,
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those days were the Collectors of Malabar and Coimbatore. Were these officers *legally* competent to decide a matter to which the Numbiddy was no consenting party? There has been a tacit acquiescence in the cultivation by Coimbatore ryots of a large extent of land within the Numbiddy's alleged boundary. Has he not thrown doubt on the validity of his boundary line by such acquiescence, and might not the whole question of his boundary line be revived?

The answer to this, I think, would be that, by having formally and officially acknowledged his boundary document, the fact would be considered as binding against the claims of Government.

17. It might be suggested that on demarcating the land according to the Granthwari boundary, and in so conceding the subject of controversy, the Collector of Malabar might obtain an agreement from the Numbiddy that no claims for mesne profit should be made.

18. I have forwarded a copy of this letter to the Collector of Malabar for his remarks and reference to the Board.

Enclosure No. 1.—Sketch.

Enclosure No. 2.—Copy of letter from Collector of Coimbatore, to Collector of Malabar, dated 21st September 1871, No. 222.

Enclosure No. 3.

inquiry is therefore necessary.

7. It is clear however that a new boundary line must be drawn, and the Board resolve to recommend Government to direct that this be done in strict accordance with the *granthwary*, and that the land to the west of it be given up to the Numbidi on the condition that he makes no claim for mesne profits, and that present occupants are left in possession.

8. A map should then be submitted to the Board showing the position of the *granthwary* marks as determined on the spot after sufficient inquiry.

No. 142. Order thereon, 19th July 1872, No. 1,081.

Miscellaneous.

As it appears that the Commissioners in 1850, relied on the Numbiddy's "Granthwari" and that this document can be identified beyond dispute, the Government approve of the boundary being laid down in detail in accordance with it.

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

To the Board of Revenue.

Exd. G. A. Turton.

Granthwari. The correctness of that document is insisted on by the Commissioners, and they set forth no reason for distrusting it at this particular point, nor in fact is there anything to show that they here depart from it save the facts now actually brought to light on inspection.

8. This appears to furnish a further agreement against holding the Numbiddy a party to the former decision and concluded by an imaginary line drawn in a map. A boundary formed by a straight line from peak to peak is contrary to all experience. For these reasons it appears to me that in reporting to the Board the fact that the land now under dispute is east of the Commissioners' line we should intimate our opinion that the matter needs further enquiry.

9. I regret that some delay has occurred in replying to your reference. I was absent from head-quarters till the end of the year, and have since been anxious to make certain that the records contained no evidence of the decision having been communicated to the Numbiddy. I find that just about the time of the final decision the Head-Assistantship was removed to Tellicherry.

Particulars of the boundaries of Kolankot Forests, the jenm of Venganat Nambiyadry Tirmelpad Kovil Karoovrgal, written in the month of Magarom (January) of the year 957 (1782).

Boundary of Agahmalla Forest, its jungle and flats :—East, the eastern portion of Pandaraparamalla and the western portion of Annahmalla ; this side towards the south of it, the Perumkarum Kolam, the eastern paramba, and the paramba on the western side of Annahmallah, and from thence this side south, Konganalla parah, Punapulom Cholanoramba Keyatti Mallah, from east of Thonakadavoo to west of Annahmallah up to Kavala Koonoo, the Perumbamben hill on the southern side of it, the southern Penkooyee hill, southern Payarah Todu Parah (rock) ; thence south-west, Koothparamba ; thence south, Paramba Kolam Kurani Keya Chal river ; thence south, Pambala Parah (rock) ; south-west Kally Para ; south-west ; south-west Pathe[illegible] Puramavaram Forest :—Thalapaney, Cherupathi, [illegible] Attempathi, Chamamvampathi, Moondipáthi, Kari Kanompathi, Padayampathi, Trandripathi, Pooliyamtompathi. Memo :—The original document is written on cadjan.

18th Medom 1017.
28th April 1842.

(True translation.)
(Signed) A. MACGREGOR,
Collector.

(True Copy.)
(Signed) M. VENCATACHELLUM,
Acting Treasury Deputy-Collector.

THE Collector of Coimbatore will be requested to return the Commissioner's map, one copy of which was sent to Coimbatore with Board's Proceedings, dated 23rd October 1852, and another with Board's Proceedings, dated 27th January 1860, No. 482.

No. 141-A. Proceedings of the Board of Revenue, dated 17th June 1872, No. 1,022.

Read again Board's Proceedings, dated 6th May 1872, No. 724.

Read also the following letter from A. WEDDERBURN, Esq., Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 21st May 1872, No. 73 :—

ABSTRACT.—Returning the Commissioner's Map of Collengode boundary, called for in Proceedings No. 764 of 6th May 1872.

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Narachee Marathpara ; thence south Otookompalom, from thence to Attampathy. From Otookompalom to south-east, Charala Kallu Chemana Valom ; thence south-east Kurathi Kadava Valia Parah ; thence south-east Chermilom Kadava.

Boundary of Chamanapathy eastern boundary—South of Chermelom Kadava ferry, Churripalom, thence south-eastern Mada ; thence south from the top of Devanoo Karada Malla westward, east Annamalla from Devanoor Karada Malla to south Moonga mada ; right south of it Kattoli, right of Kuchi Malla towards the south of Pandarom Kanom.

Particulars of the stones placed to indicate the said boundaries.

One stone on the northern boundary of Talapathy towards the south of Nanekad ; one ditto in Chalakalu karatil on the eastern hill ; one ditto in Tamara Vally tank which is on the northern extremity of the eastern boundary of Attambathy and south of the Vallapara rock bearing the inscription ; one ditto on the southern side of ditto in Nalakaduka Mearath Velliparamba ; from thence south one ditto in Narachi Modathupara in Nadakandamah Kovilingnel ; one ditto in Ottakompalom Chemma Attambathil south of Kallamkolathil ; one ditto south of Chenamanapalom Ellavanpalikel in Cheranillam kadava ferry ; one ditto from thence south in Manga Madakel the southern side of Erota Nadah Devanoor Karada malla.

Names of Elambelavoo and other hills situated on the east.

Elambelavoo Mooringa Mala Ulli Malla its jungle and flats ; Athekot Koomben Malla jungle and flats ; Poonam Malla Meyakashin Malla jungle and flats ; Poolyanthum Malla jungle and flats ; Kachen Kurshi Koomben Malla jungle and flats ; Chatom Parah Malla jungle and flats ; Sedar Koonda Malla jungle and flats ; Navah Tootic Malla jungle and flats ; Palakambandi Malla jungle and flats ; Mechera Koomba Malla Panni Moodu Malla jungle and flats ; Peroo Malla jungle and flats ; Maneyalla Malla jungle and flats ; Pokah Malla Kuchee Malla jungle and flats ; Anakadavoo Chengal Kanoovaya Melakatil, Thalapotil Puhcee Pooree Malla, Allampathil Karadi Koonoo Malla, Thondu[illegible]il Killi Malla.

Part[illegible] [illegible]alla Cherriakod pathi. [illegible]ulars of jun[illegible] ; thence south [illegible]adi or (toll post) ; thence [illegible]anthalr[illegible] river, south-west Velanjee Mooka road Ambalaparah Mooka road ; thence south the Travancore country. From Ambalaparah Mooka road towards the west Panjichal parah, Odom Kowyil river, west Koopel Chaval Parah (rock) ; thence west Maden Poorah Parah (rock), west Oroo Komben Parah ; thence north-west Mavalah Parah ; thence north-west Erakom Koot Poya (river) ; thence north Kareyala Todu Muthula Kooyee Chottooparah Todu ; thence north Chalom Kurunda Medah ; thence north Manha Koonoo (hill) Kanialuva Todu ; thence to Vaga Palom Todu, Charana Todu, Kalpadi Ayee Todi, Kurumben Kandom Vayil, north Shaniyashi Konoo Vayah Vayambah Kolam, Kamen Kolam Moothayangirah Poya (river) Nelli Poya, west Cochin north of Nalli Poya (river) Karran Pooyah Thoni Kayan, north Telli Kavala Malla, Valvecha Thanda Poolayan Koodambi Mallah Poolayen Parah Peroom Perugah Parah, north Thanda road Koondoor Ellamara Kavoo Vattee Malla Valia Malla, north Ellambelavoo Ullur Malla.

Particulars of the stones placed to indicate the boundaries aforesaid.

One stone is placed in Thuna Kadava ferry on the eastern boundary ; one ditto in the Paramba in Karamba Kolathil Paramba ; one ditto on the eastern side of Pambala parah (rock) ; one ditto on the eastern bank of Ellanthalachee river ; one ditto in the southern boundary on the southern side of Mooka Vayee parah ; one ditto on the southern side of Madan poorah parah [illegible]ock) ; one ditto on the southern extremity of Orookamben parah ; one ditto on the brink of [illegible]kom Koota poya (river) ; one ditto on the western boundary in Chota parah (rock) ; one ditto [illegible]dayam parakel ; one ditto in Ellamarakavil ; one ditto in Ellambelavoo Ully Mooringa Malakel.

Boundary of Puramalla Forest, its jungle and flats :—North from the northern boundary of Kottupadom to the east Nanekode, thence east towards the north of Vattikolam on the southern side of the road east of Vathikolam Kulla Karada ; thence east through Nellimadom Chunkom towards the south ; north Cochin country.

Boundary of Attambadi Choori Parah :—East of Nellimadom Chunkom Kupandi Thavenla, south-east of Wattapara boundary ; thence south Nelakuduka Maratha Velli ; thence south-east

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THESE papers will be submitted for the orders of Government.

2. They refer to a boundary dispute between the Numbidi of Collengode in Malabar and the Government village of Annamallai in Coimbatore, involving about 1,300 acres, a large extent of which has been cultivated, without opposition, by Coimbatore ryots for the last 15 or 20 years.

3. This boundary was part of that settled by the Commissioners whose decisions were concurred in by Government in Extract Minutes Consultation, dated 18th September 1850, No. 883.

4. The Commissioners grounded their decision entirely on a *granthwary* or boundary roll belonging to the Numbidi which they considered of the greatest authority as being very old, authentic in all respects, and confirmed by the acknowledgments of officers of Government.

5. In the margin to paragraph 5 of their report they give an extract from the *granthwary*, enumerating the Kucha malai and the Pundara veera malai as points in the boundary. From their map it appears that they drew the boundary line straight along the map from peak to peak of these two hills. It seems clear, however, that the *granthwary* enumerates many intermediate marks, and shows that the boundary embraces the eastern spurs of the hills and the plain between them.

6. The map and sketch which are amongst the papers are not in sufficient detail to enable the Board to compare with them the extract from the *granthwary* printed in their Proceedings of the 6th May 1872, No. 724. It appears, too, that the Collector of Coimbatore accepted the assertion of the Numbidi's agent "to the identification of the places named in the *grant*. [illegible] question."

From the Collector of Malabar, to the Collector of Coimbatore, dated Calicut, 24th 1872, No. 356.

IN reply to your letter of the 21st September I have the honour to state that it does not appear that any depositions were taken from the Nimbiddy's Agents at the time of the Commissioners' enquiry.

2. In paragraph 2 of your letter you allude to a discrepancy between the entry in the Granthwari shown to you, and the extract noted in paragraph 5 of the Commissioners' report dated 28th May 1850.

3. I find in my records an old copy of the Granthwari, and enclose an extract, from which it would seem that the Commissioners prepared an abbreviated extract.

4. I have no means of ascertaining what was the wording of the document shown to you, but I presume it has been noted. There is, however, very little danger of any alteration having been made in the Granthwari as originally produced before the Commissioners, as all the leases of the Numbiddy are based in this document and many could be collected of great antiquity which would at once contradict any forgery.

5. I have had the records carefully searched both here and at Palghaut for the purpose of ascertaining whether the decision of the Commissioners was ever communicated to the Numbiddy, and there is nothing to show that it ever was.

6. There can be no doubt that he was a party to the enquiry, but it must be remembered that the enquiry was chiefly directed to places far away to the west, and that virtually the points then contested were all decided in his favour, and the large tract of country under dispute assigned to him. It seems quite natural that he should have been satisfied with the idea that he had gained his point, and it would very likely not occur to him that a line would be marked out as defining the eastern side of the disputed tract without any further enquiry.

7. From your verbal statement I inferred that you came to the conclusion that the line as drawn by the Commissioners does not follow the direction assigned to it in the Numbiddy's

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Rev. 1872. Dept

Board of Revenu

MADRAS.

PROCEEDINGS, 17TH JUNE 1872, No.

Encl 22 June/72

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Received 26th June/72

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No. 1,022.

Boundary dispute—between the Nu
of Collengode in Malabar and the Govern
village of Annamallai in Coimbatore.—Ce
papers relating to —, submitted for orders
vernment, with recommendation as to
boundary line to be drawn.

No 1081 - 19th July 1872.

14 to the Board 2 Rec'd 26th June/72

12th July 1872 R 19th July

பொ. ப. புது எண். 24

துறை.

குறிப்பிட்டவர் பொறுப்பிலிருக்கும் பதிவுக் கட்டினின்றும் எடுக்கப்பட்ட தாள்.

எண் 1082, தேதி 19.7.1872 198 .

ஏதன் பொருட்டு.			தாள் எடுக்கும் எழுத்தர் அல்லது பிறழுத்தர் கருக்கொப்பம்.	திருப்பிக் கொடுத்த தேதி.	பிறழுத்தரின் கருக்கொப்பம்.
துறை.	நடப்பு எண்	ஆண்டு.			
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