

No. 166. Read the following Proceedings of the Board of Revenue, dated 15th August 1872, Miscellaneous No. 5,625 :—

Read the following letters :—

From the Acting Collector of North Arcot, to the Secretary to the Board of Revenue, Madras, dated Palmanair, 15th July 1872, No. 307.

I HAVE the honour to submit the report called for in Mr. Under-Secretary C.

Board's Nos. 18, 19, 20, and 21 of 1872.

A. Galton's official memorandum dated

3rd instant, No. 88, on Government

petitions Nos. 507, 511, 544, and 719 of 1872, received with the Board's endorsement dated 9th April 1872. No report having been called for in the Government endorsement referred to in the above Board's endorsement, none was submitted from this Office.

2. The petitions were addressed by the ex-Poligar of Pulloor and the ryots of Iral and other villages in the Chittoor Taluq against the decision passed by my Assistant Mr. Sewell under Act XXVIII. of 1860.

* Board's Proceedings dated 6th January 1872, No. 202.
Proceedings of Government, 11th December 1871, No. 2,091.

3. The appointment of Mr. Sewell as an arbitrator was sanctioned by the Board, and his decision in the matter ratified by the Board and Government in the Proceedings noted in the margin.

4. Copy of that decision having been submitted to the Board by Mr. Robinson with his own comments, any remarks from me, at this distance of time, would be superfluous. Another copy of the decision was also filed in the Civil Court under Section 24 of Act XXVIII. of 1860.

5. Several petitions were presented to the local officers objecting to this decision; but as I was powerless I could not help returning the petitions with the usual endorsement that they were not presented within the time fixed by law. I could not, of course, interfere in their behalf. They ought to have at least preferred an appeal, or rather filed their objection, against the decision in the Civil Court within two months from the date of the decision. This they failed to do, and as a last resource they have addressed the Government in the hope of at least getting the appeal time extended under the proviso in Section 25 of Act XXVIII. of 1860.

6. When lately I had occasion to speak to a large number of these ryots that came to me, I understood them to say that their object in addressing the petitions to Government was to get the decision reversed, or at any rate to get the appeal time extended.

7. The ex-Poligar of Pulloor is afraid that if the decision be allowed to stand, the Government would be prevented from passing favourable orders if ever they resolve to restore the Pollier, and that he would be the sufferer then, while the ryots of Iral and other Government villages are afraid that the Punganoor Zemindar's subordinates will prevent them from enjoying, as usual, their forest and grazing rights.

8. I think there is no doubt that these ryots will suffer by the decision, which is very favourable to the Punganoor Zemindar, who, however, on his part

has promised to allow the Government ryots to enjoy their immemorial rights unmolested.

9. But the ryots cannot be induced to reconcile themselves to the change of proprietors brought about by Mr. Sewell's decision.

10. They are very anxious to try their chance in the Civil Court, and I myself think that it would not be conceding much in favour of petitioners if the Government are pleased to extend the time for appeal to the Civil Court, which would give petitioners another opportunity for establishing their rights.

11. Petitioners have represented to me that they did not know anything whatsoever of the decision now objected to until it was communicated to the Tahsildar by an order from this Office after the receipt of the Government Order, ratifying that decision in December last.

12. This, however, I can hardly believe. Mr. Sewell was at the scene of the dispute for several days, making his inquiries and examining the boundary line, etc., and I feel assured, although I have no positive information to that effect, that his decision, at any rate its substance, was pronounced openly or made known to all concerned. I have made a reference to that gentleman on the subject, and will forward his reply in a day or two.

13. The petitions referred to in the memorandum under acknowledgment are herewith returned.

From the same officer, dated Palmanair, 26th July 1872, No. 328.

IN continuation of my letter No. 307, dated 15th instant, I have the honour to inform you that my Assistant Mr. Sewell has reported in his letter No. 354 of the 22nd current, that he pronounced the judgment in detail at Iral before the assembled ryots and at Punganoor before the Zemindar in the matter of the boundary dispute between Iral and the Punganoor Zemindari.

THE Collector's letters and the petitions will be submitted to Government.

2. In 1870 Mr. Sewell was appointed arbitrator for the settlement, under Act XXVIII. of 1870, of certain boundary disputes, the parties concerned, namely, the Government, the Court of Wards on behalf of the minor Poligar of Bunga-ripolliem, and the Zemindar of Punganoor consenting. The boundary settled by Mr. Sewell's award was marked out and publicly proclaimed. No application was made, under Section 20, to set aside the award, and it became in the Board's opinion a final settlement.

3. Mr. Whiteside now reports that the petitioners wish to appeal, and recommends that the time be extended under Section 25. In the opinion of the Board Section 25 applies only to cases when the opposing parties being unable to agree the Government have themselves appointed an officer to settle the dispute. Even if this section were applicable to the case, the Government, who were parties to the arbitration, could not well extend the time, because the decision was adverse to their ryots or the ward of the Court. Nor would the ryots of Iral, nor the ex-Poligar of Pulloor, have any *locus standi* as appellants against the award.

No. 167. ORDER THEREON, 20th August 1872, No. 1,228.

Miscellaneous.

THE Collector's report does not enable Government to dispose of the petitions before them.

2. The point on which they require information is whether the claims of the petitioners in proprietary right have been in any way affected by the decision of Mr. Sewell as arbitrator under an agreement to which the petitioners, especially the representative of the former Pulloor Poligars, were no parties.

3. If this be so, the decision was evidently *extra vires* as regards them, and opportunity should be afforded them for setting it aside.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.



240

Amherst: July 5th 1872.

My dear General,

I have of this ^{the} La.
Polignac of Polono Polono in the
Lutton July has desirous of
having an interview with Lord
Robert, but of his desire I
have written to say that his
Lordship expects he cannot
comply with his request.

He directs me to
refer him to you, as he has
a long distance to represent
case, and I have accorded
him this note. For
your information the letter
which he brought to me in
the other day.

Yours very sincerely,

John A. Cook.

To,

Cotacamund,
3rd July 1872. 54

J. C. Lich Esq.

Private Secy to H. E.

The Governor of Port St. George
Cotacamund.

Honored Sir,

My name Veera Ragoonatha
Naidoo Garoo Esq. Poligar of Poolloor
Talium attached to the Chittoor Talug
in the District of North Arcot, beg
respectfully to bring to your honor's
information that the forest attached
to the above Polium has been made
over to the zemindar of Ponganoor
under an unjust decision passed under
Act XXVIII of 1860. by the Assistant
Collector Mr. R. Sewell, in the absence
of any records or proof that the same
rightly belongs to the zemindar and
that

that as my income is greatly affected
by such transfer, while the records
of the Collector's Office fully testify
that the forest in question belongs
to the Poolloor Poliam, and the
claim of the Poonganoor Zemindar
is quite unfounded and false, and
that as my several petitions sent in,
both to His Excellencies Lord Napier
and Lord Hobart concerning the same
have not as yet met with any effect.
I am come here all along from Chittoor
in the earnest hope to represent the
case in full to His Lordship, in
view that the Collector may be in-
structed to wait till such time the
decision of Government may be passed
on my several Petitions, as the Survey
Department

Department who are now engaged in
marking out the limits of such forests
are about to include it with the
Zemindar's limits, with all my re-
quest to the Collector to wait till such
time that a decision may be passed on
my several Petitions, and would, under
the above circumstances, beg respectfully
that your honor will be so good, as to
obtain an interview for me with His
Excellency so that I may represent to
him my grievances and obtain redress
from His hands.

For this act of charity & kindness
I shall as in duty bound ever pray.

I beg leave to remain,
Honored Sir,

Your Most Obedt. Humble Servt.

N. B.

Preside in the Bazaar
at Ootacamund

(Signed) Veera Ragoonatha Naikoo Jann
Ex. Poligar of Poolloor Poliam

[illegible]

Inv. 8.7.72

The Honorable W. Huddleston
Chief Secretary to Govt
Madras

The humble petition of
Veeraragsoonatha Noidoo Gurus
Ex Poligar of Poodloor Poliem
attached to Chittoor Taluq in
North Arcot District.

Most humbly, therewith,

That your humble petitioner
begs most respectfully to bring to your
honors generous notice on the eve of his de-
parture from Boston according to your
honors directions, the following few lines, to
remind of your honors humble petitioners cir-
cumstances.

circumstances. Your humble petitioner have sent in several petitions to Government as per margin, which will fully explain the whole fact connected on the subject of the Forests attached to his Polhem, unjustly made over to the Zamindar of Poonganoor, by the decision of Mr. Sewell Head Assistant Collector of Chittoor, and he has not been favored with any reply as yet.

When your humble petitioner

to inform, that the subject was referred to the collector of Chittoor for his report, and on the receipt of the same from him, the case will be finally settled.

Your humble petitioner requested the Private Secretary, to allow him to have an interview with His Excellency the Governor, but, your petitioner was not fortunate to succeed in his humble endeavours. However the Private Secretary was kind enough in forwarding a letter to your honors address which is herewith enclosed.

Although your humble petitioner circumstances were fully explained in the petitions above referred to, he has only to state at present, that the collector has requested to send in his report, on a personal inspection of all the Boundary Marks, and all monuments now existing, dividing the forests between Pooloor, and Ponganoor from time immemorial, and after a thorough investigation of the Pymash accounts of 15th Insly prepared by Government, and also the decisions passed by Messrs McDale, Pringle, and Inglis, late Assistant Collectors of Cuddap and Chittoor in our favor in the year 1830, on this very forest in question.

Your honors humble petitioner has to bring to notice in particular, the

great trouble and annoyance now caused by the Revenue Survey Department, who insist upon fixing Demarkation Stones, on the simple authority of Mr. Sewell, notwithstanding the remonstrances of your humble petitioner, and all the ryots whose interest are at stake. Your humble petitioner and ryots fully explained to the officials of Rev. Survey Department, to suspend fixing stones, till our case is finally settled by the appeal now pending, but to no purpose. On the other hand, the present Acting Director of Revenue Settlement at Chittoor fined many of the ryots 25 Rupees each, and prosecuting them to the extreme, and insists fixing stones. Your humble petitioner begs therefore your honor, to write to Banbury Esq. Director General of Rev. Settlement, to issue orders to his Department at Chittoor, to stop fixing stones till our case is finally settled by Government.

Your humble petitioner begs to point out, that according to the Act No. 28 of 1860, that the ryots ought to be first enquired into their rights, and on the final settlement of all the same, any decision to be passed, and the decision so made, to be communicated to the claimants, and obtain their consent before fixing Boundary stones. But, in this case your humble petitioner regrets to inform your honor, that no decision was sent to the petitioner, and to the ryots and

to say there was not a word of engraving
made, but they insist upon fixing stones only.

In conclusion your honors humble petitioner begs most respectfully to ask as a particular favor, to appoint a Commission consisting of the Collector of Britton, and the Director General of the Rev. Settlement, to call over to the scene of dispute, and to inspect all the existing permanent Boundary Marks, and Monuments, which divide the Forest belonging to Poulvor Poliem and that of Pungahoor, and then, send in a report on the subject, which your humble petitioner begs to state, will plainly convince Government as to the justice of your honors petitioners undoubted rights to the forest in question, and the usurpation of the same by the Zamindar of Ponganoor, and the partial and unjust decision of Mr. Sewell.

Your humble petitioner is confident
that if the Govt alone be pleased to inspect
the spot in question, he would receive
justice. For which act of kindness
your humble petitioner, as in duty bound
shall ever pray -

Melospiza cinerea

Veeraragoonatha Naikoo

Potamogeton 2

8th July 1872

Miscellaneous N^o 5625.

Revenue Department.

Proceedings of the Board of Revenue.
dated 15th August 1842.

Read the following
p. 307.

From,

W. S. Whiteside Esq.
Ag. collector of North Carol.

J.

J. Grose Esq.
Secretary to the Board of Revenue
Madras.

I have the honor to submit the report called for in Mr. Under Secretary C. A. Galton's official Memo dated 3^d instant, N^o. 88, in Government petitions Nos 507, 511, 544, & 719 of 1873, received with the Board's endorsement dated 9th April 1873. No report having been called for in the Government endorsement referred to in the above Board's endorsement, none was submitted from this office.

2. The petitions were addressed by the
ex-Poligar of Pulloor and the ryots of
Iral and other villages in the Chittoor
taluk, against the decision passed by
my

my Assistant, Mr. Sewell, under Act
XXVIII of 1860.

3. The appointment of Mr. Sewell as
an arbitrator was sanctioned by the Board,
and his Decision in the matter ratified
by the Board and Government in the
Proceedings noted in the margin.

4. Copy of that Decision having been
submitted to the Board by Mr. Robinson,
with his own comments, any remarks from
me, at this distance of time, would be su-
perfluous. Another copy of the Decision
was also filed in the Civil Court, under
Section 24 of Act 28 of 1860.

5. Several petitions were presented
to the local officers, objecting to this De-
cision, but, as I was powerless, I could
not help returning the petitions, with
the usual endorsement that they were
not presented within the time fixed
by law. I could not, of course, interfere
in their behalf. They ought to have at
least preferred an appeal, or rather filed
their objection, against the Decision in
the Civil Court, within 2 months from
the date of the Decision. This they failed
to

* Bds. Pro. dated
6 January 1860
No. 202.
D. Government
11 Dec. 1861 No. 2091.

to do, and as a last resource, they have
addressed the Government, in the hope
of at least getting the appeal time ex-
tended under the proviso in Section 25
of Act 28 of 1860.

6. When lately I had occasion to
speak to a large number of these ryots
that came to me, I understood them to
say, that their object in addressing the
petitions to Government, was to get the
Decision reversed, or at any rate, to get
the appeal time extended.

7. The Ex. Poligar of Pulloor is
afraid, that if the Decision be allowed
to stand, the Government would be
precluded from passing favorable orders,
if ever they resolve to restore the Polim
to him, and that he would be the suf-
ferer then; while the ryots of Iral and
other Government villages are afraid that
the Pungamoo Zemindar's subordinates
will prevent them from enjoying, as
usual, their Forest and grazing rights.

8. I think there is no doubt that
these ryots will suffer by the Decision,
which is very favorable to the Pungamoo
Zemindar

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Jemindar, who, however, on his part,
has promised to allow the Government
Pyots to enjoy their immemorial rights
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duced to reconcile themselves to the change
of proprietors brought about by Mr. Sewell's
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chance in the civil Court; and I
myself think, that it would not be con-
-ceding much in favor of Petitioners, if
the Government are pleased to extend
the time for appeal to the civil Court,
which would give Petitioners another op-
-portunity for establishing their rights.

11. Petitioners have represented to
me, that they did not know anything
whatsoever of the Decision now objected to,
until it was communicated to the Taka-
-siddar by an order from this office,
after the receipt of the Government Order
ratifying that Decision, in December last.

12. This, however, I can hardly believe;
Mr. Sewell was at the scene of the
dispute for several days, making his
enquiries

enquiries, and examining the boundary
line &c., and I feel assured, although
I have no positive information to that
effect, that his Decision, at any rate
its substance, was pronounced openly
or made known to all concerned. I
have made a reference to that gentle-
-man on the subject and will forward
his reply in a day or two.

13. The Petitions referred to in the
Memo under acknowledgments are here-
-with returned.

I have &c.
North West collector's office } signed/ W. S. Whiteside
camp Palmanair, 15 July 1872. } Ag. collector.

N^o 328.

From,
W. S. Whiteside Esq^r.
Ag. collector of North Arcot.
To J. Grove Esq^r.
Secretary to the Board of Revenue
Madras.

Sir,
In continuation of my letter
N^o 307 dated 15 instant, I have the
honor to inform you that my Assistant,
Mr.

Mr. Sewell has reported in his letter N. 354 of the 22nd current, that he pronounced the judgment in detail at Iral, before the assembled ryots, and at Punganoor before the Zemindar, in the matter of the boundary dispute between Iral and the Punganoor Zemindari.

North Arcot
Collector's Office
Camp Palmanair
26 July 1842.

I have &c
signed / W. S. Whiteside
Ag. Collector.

The Collector's letters and the petitions will be submitted to Government.

2. In 1840, Mr. Sewell was appointed arbitrator for the settlement, under Act ~~XXVIII~~ of 1840, of certain boundary disputes, the parties concerned, viz. the Government, the four of Wards on behalf of the minor poligar of Bungalupolheim, and the Zemindar of Punganoor, consenting. The boundary settled by Mr. Sewell's award was marked out and publicly proclaimed. No application was

was made under Section 20 to set aside the award, and it became in the Board's opinion a final settlement.

3. Mr. Whiteside now reports that the petitioners wish to appeal, and recommends that the time be extended under Section 25. In the opinion of the Board, Section 25 applies only to cases when the opposing parties being unable to agree, the Government have themselves appointed an officer to settle the dispute. Even if this section were applicable to the case, the Government, who were parties to the arbitration, could not well extend the time, because the decision was advanced to their ryots or the award of the Court. Nor would the ryots of Iral, nor the ex-Poligar of Pongani have any locus standi as appellants against the award.

(True Copies & Extract)

H. S. Stokes

Ag. Secy. Secretary.

To the Chief Secretary to Government.
Revenue Department
with 5 Petitions

