No. 2,019.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 16th October 1872.

Read the following letter from W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Secretary to the Board of Revenue, dated Chittoor, 30th September 1872, No. 497:—

I HAVE the honour with reference to the Order of Government, dated 20th ultimo, No. 1,228, communicated to me with the Board's Miscellaneous Proceedings, dated 4th instant, No. 6,054, to submit copy of a letter* from my Assistant Mr. Sewell, from which it will be seen that his decision in the Iral and Pungnoor Boundary disputes did not in any way affect any person's proprietary right in the strict sense of the term. The only rights it affected were the right of the representative of the former Pullur Poligars to rent a Tamarind tope, and the right of the ryots in and about Iral to graze cattle and cut wood in the jungles in dispute. These however, are not proprietary rights, and as the landlord in both cases was the Government, neither the renter of the Tamarind tope, nor the other ryots who now complain, had any voice in the appointment of an arbitrator.

* Dated 27th September of 1872, No. 539.

ENCLOSURE No. 1.

From R. SEWELL, Esq., Assistant Collector, to the Acting Collector of North Arcot, dated Chittoor, 27th September 1872, No. 539.

IN reply to your docket No. 1,750, dated 18th September 1872, calling on me to furnish the information called for by the Government, in paragraph 2 of their Order, No. 1,228, dated 20th August 1872, I have the honour to state, that I believe my decision in the Iral and Pungnoor Boundary Dispute case did not in any way affect the proprietary right of any body, except in two ways.

2. As stated in previous letters, the Pullur Poligar held a lease for the enjoyment of the Tamarind trees in the disputed land, but as his landlord was the Government, I should imagine he would have no voice in the appointment of an arbitrator. His was not *proprietary right*.

3. Secondly, the ryots in and about Iral had enjoyed the rights of grazing and cutting in the jungles in dispute for about seventy years; but this enjoyment was constantly interrupted by the ryots on the Pungnoor side and always disputed; and, moreover, I should suppose that grazing and cutting rights are not proprietary rights in the sense that would render the landholder (the Government) unable to appoint an arbitrator without reference to the holders of those rights; even supposing the holding had been uninterrupted and undisputed, and thus long user had established a prescriptive right, which, in my opinion, it had not in this case.

4. Beyond these I believe there are no rights of any kind in the disputed land.

(True Copy.)

(Signed) W. S. WHITESIDE,
Acting Collector.

SUBMITTED to Government with reference to the order quoted.

(True Copies and Extract.)

H. L. Stokes

Acting Sub-Secretary.

To the Chief Secretary to Government, Revenue Department.

Copy to the Acting Collector of North Arcot.

Exd. G. A. Turton.

No. 109
Revenue Dept.

No. 3430. Dept. Rev. 1872.

Board of Revenue.

MADRAS.

PROCEEDINGS, 16TH OCTOBER 1872, No. 2,019.

Copy with Dept. Enclosure.

Received 24/10/72

OCTOBER.
No. 2,019.

Boundary disputes.—Letter from Collector of North Arcot forwarding copy of one from Assistant Collector Mr. Sewell, stating that his decision in the Wal and Pungnoor Boundary disputes did not affect any person's proprietary right, submitted to Government.

S.O. No. 1575—18 Nov 72

2H

B/No. 1575.

Read Pro. Bd. Rev. No 2019
dt/16-10-72

From the correspondence in this case, it clearly appears that the proprietors interested in this Boundary dispute were (1) the Govt., (2) the Zamindar of Punganur, and the Pálegar of Kukatapúri (Banjára), and that they all three accepted the arbitration of the Asst. Collr. Mr Sewell. The parties who have now petitioned have no interest as Proprietors, and even if they were one or other of the parties enumerated above, the question could not be reopened, as the Award, in cases of this kind, is not liable to be set aside except on the ground of corruption or misconduct on the part of the arbitrator, neither of which has been alleged.

2. The Petitions will be endorsed that the dispute has been decided in strict conformity with Law & that the Govt. are unable to interfere.

Pro. Govt No 2091
11-12-71.

Sect XX. Act 28/60.

pp. 13/11-/72.
18 Nov /72.

14 To the Board of Rev dtd 19 Nov/72
p. Petition Dept.

No. 108-109

N. Arct. Boundary dis-
-pute settlement &c.

Sundry Petitions disposed of