Proceedings of the Madras Government, Revenue Department,
18th November 1872.

No. 110. Read the following Proceedings of the Board of Revenue, dated 14th October 1872, No. 2,009:—

Read the following letter from A. WEDDERBURN, Esq., Collector of Coimbatore, and A. MACGREGOR, Esq., Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 17th September 1872, No. A:—

WE have the honour to report that, in order to carry out the instructions contained in G. O., dated 19th July 1872, No. 1,081, we have met and carefully examined the disputed boundary, having with us the Assistant Conservator in charge of the Anamallai Forests, the Assistant Superintendent, Revenue Survey, the Tahsildars of Polachy and Palghaut, the chief Coimbatore ryots interested in the dispute and the Agent of the Numbiddy of Collengode, with the original Grantwary. The Grantwary marks as pointed out by the Numbiddy's agent and identified with the natural features of the country have been indicated by the Assistant Superintendent of Revenue Survey on the annexed map.

Enclosures 4, including the Commissioner's map of 1850.

2. The description of the boundary as given in the Grantwary, proceeds in a direction from north to south, and it is, therefore, necessary to observe this general direction in discussing the subject, and to place ourselves first on what he claims as the northern most boundary of the tract of country under dispute.

3. For this point he indicates a conspicuous Hill called "*Devanur Karadu Malay*" regarding the identification of which there is no room for dispute. The next point entered in the Grantwary is described "from *Devanur Karadu Malay* south *Mungy Mada*" and accordingly a swamp, or rather two small swamps close together are pointed out, bearing due south from the above Hill, and distant about half a mile. Both parties admit the correct nomenclature of this spot. The Grantwary says that the point is marked by a stone, but no stone is forthcoming.

4. The next boundary recorded is "due south of this *Kaltotti*." Regarding this point the greatest uncertainty prevails. Last year, the Numbiddy's Agent pointed out a small rock about a mile and a half due south from the above mark. "*Kaltotti*" means a stone trough, but the rock shown was a plain rock, and is not identified by any one as bearing the name of *Kaltotti*. It is distant only two or three hundred yards from a conspicuous rock, admitted by all parties to bear the name of "*Yenipara*," but not alluded to in the Grantwary.

5. This year the Numbiddy's Agent pointed out first as "*Kaltotti*" the same rock as last year, but subsequently fixed on another rock slightly to the east of south of the former rock, and distant two miles from it. The rock now indicated is a small slab, only a few hundred yards distant from our camp, and right in the middle of Coimbatore villages and cultivation. There is a small depression in the rock holding water, but nothing to lead to its identification as any boundary mark —far less as "Kaltotti."

6. The next point named in the Grantwary as a boundary mark is "straight from that south to the part of *Pandara Malay* which joins *Kuvu Malay*."

The Agent points out a low spur of the *Pandara Malay* as *Kuvu Malay*, but admits he only learned the name since last year's enquiry from some hill-people, whom he does not produce; no one else appears ever to have heard this name applied to the spot which is called "*Tamata Karady*" and is of very peculiar

character, having almost a pavement along its ridge of huge flat boulders and a stone Ganapady idol of great antiquity on the summit of a projecting point, after which the ridge dips and then ascends to the well known *Pandara Malay*, a rocky Peak rising to some 4,000 feet above the plain, and admitted on all sides to form the most southerly boundary mark of the disputed tract. The point shown as *Kuvu Malay* bears from the first *Kaltotti* south, and from the second nearly due west instead of, as it should, due south. This is the first occasion on which it has been alleged on behalf of the Numbiddy that the sister Peak to *Pandara Malay*, *Kucha Malay*, is not one of the boundaries of the estate. Last year it was admitted, and the only claim put in was that instead of the Peak a point on a spur should be taken. The difference in writing between *Kuvu and Kucha* is very trifling as shown in the margin, and the Commissioners of 1850 and everybody ever since till now have read *Kucha Malay*, a point known to all. The lease of the teak forests signed in 1867, defines them as the tracts bounded on the east by the boundary line specified in the Grantwary from *Kucha Malay* to Vengoly Peak, etc.

7. Taking the marks then backwards from Pandara Malay which is beyond dispute, there is Kuvu Malay which we consider as pointed out, altogether imaginary and Kaltotti, to which even the Numbiddy's Agent fails to assign a definite locality; we believe this to have been an ordinary road-side drinking trough, which has since disappeared.

8. The only boundary marks therefore now pointed out by the Numbiddy which we have seriously to deal with, in considering whether the Grantwary warrants the altering of the Commissioner's line are *Manga Madu* and *Devanur Karadu Malay*.

9. In connection with the latter point it is essential to review briefly a former boundary dispute further to the north of which this latter forms the extreme southern point. The Numbiddy has taken advantage of the survey and demarcation to agitate this boundary also, and has in fact demarcated it by flags for the survey, but we are of opinion that the orders that have already been issued on the subject preclude the possibility of this question being re-opened in this form. The question was fully argued by the Principal Collector of Coimbatore and the Collector of Malabar for several years, and formed the subject of repeated orders of the Board and Government, as noted in the margin. The final order of Government passed twenty-eight years ago was that the Collengode Numbiddy could not be recognized as in possession of any land east of the Meengarry river. The teak he had cut to the number of some 700 logs was seized, he was prohibited from cutting any more, and he was referred to the Civil Court of Coimbatore for the vindication of any claim he might consider himself improperly debarred from by that order, and to

Board's Proceedings, dated 11th May 1843.
Do. dated 3rd August 1843.
Do. dated 29th July 1844.
Do. dated 28th Nov. 1844.
Do. dated 6th July 1845.
Do. dated 20th Feb. 1845.
Do. dated 17th April 1845.
Communicating Extract Minutes of Consultation, dated 3rd April 1845, No. 427.
Board's Proceedings, dated 19th June 1845, communicating Extract Minutes of Consultation, dated 14th June 1845, No. 705.
Board's Proceedings, dated 15th July 1870.
Do. dated 23rd Sept. 1850.
Communicating Extract Minutes of Consultation, dated 18th Sept. 1850, No. 883.

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simplify matters the whole of the disputed tract up to the Meengarry river was temporarily attached to the Coimbatore District.

10. Matters have remained in this position to the present with this exception that occasionally a cowle for land across the river has been obtained from the Malabar authorities by concealing the fact that it was so situated, that occasionally on the representation of the Numbiddy, the Malabar authorities have raised objections to the cultivation of land by Coimbatore ryots on spots east south-east of the river.

11. When attempts have been made by Malabar lessees to cultivate, counter-claims have at once been raised by the inhabitants of Coimbatore and the Cowle been placed in abeyance. Virtually however, the river has been the recognized boundary. Some of the disputes, such as the Cowles which led to this enquiry, were south of the source of the river, and were therefore not decided by the G. O., but by the line decided by the Commissoners which was never demarcated.

12. It was to this dispute that Mr. Robinson alluded in paragraph 7 of his letter of the 2nd August 1850, when in reply to the question of the Board as to whether the Grantwary boundaries had been uniformly adopted, he reported that in the case of Attampadi and Chumanampatti they had been over-ruled. We consider that the former order of Government entirely disposed of the *Devanur Karadu Malay* as one of the Numbiddy's boundaries, and that he cannot now take it as a point of departure of a claim which is in fact but a continuation of the former unsuccessful claim. The source of the Meengarry is in the precipitous cliffs which form the northern face of the *Kucha Malay*, the ground intervening being for the most part inaccessible and valueless, and it was doubtless because the peak formed the next natural mark to the river that it was taken by the Commissioners of 1850 as their point of departure. We entertain no doubt that it is this huge mountain peak that is referred to in the Grantwary; though the description of it as joining Pandara Malay leaves room for some ambiguity, and not the insignificant hill three miles off, pointed out by the Agent now for the first time as Ruvu Malay. The wording of the deed of the Lease Forests, dated 1867, fully supports the conclusion of the Commissioners on this point. It is the flat valley intervening between these two peaks that is really at present the chief bone of contention, and we have examined the ground and find that a line demarcated across the flat north and south, in a line with the two peaks, and up so far as the precipitous nature of the ground admits, will be in accordance with the decision and map of the Commissioners, and with the Grantwary so far as we are able to interpret it with reference to undisputed marks.

13. As the Grantwary boundary at this point is specified as the eastern boundary of the Forests, leased to Government in 1867 for ninety-nine years, the leased Forests will be definitely bounded by the line now proposed to be drawn. This point is however contested by the Numbiddy's Agent.

Translation of the lease is enclosed.

14. To avoid all further controversy which would be sure to arise if the Coimbatore ryots were permitted to clear the land up to the boundary, as well as

for other reasons, it seems desirable that the valley flat between this line and the high road from Adivárum to Chumanampatti which will now be definitely assigned to Coimbatore, and which is now covered with scrub jungle, interspersed with a few tamarind and inferior timber trees should be demarcated and proclaimed as a fuel reserve under Conservancy. Unless this is done, the passing of the whole area into the hands of some influential ryot under a Cowle, in conformity with the immemorial practice of the district is inevitable, and is only a question of time and of the opportunities afforded by temporary changes in the District Officers. The best proof of the necessity of this precaution is found in the fact that Mr. Sullivan in 1871 (1870) accepted two Dharkasts for 600 acres, in this one tract, and subsequently accepted a third application from one Ramaswamy Mudaly, apparently in supersession of these for the whole tract, estimated to contain 1,200 acres, he giving instead a piece of land measuring 200 acres at Adivarum, when his occupation interfered with the Government Elephants, etc. These grants have never been acted on, and it seems necessary that they should be formally cancelled by the Board.

15. With reference to the objections taken by the Numbiddy's Agent on the commencement of the local enquiry last year, we find that there is strong reason to believe that the decision of the Commissioners was duly communicated to the then Numbiddy, who was a man of great ability and business habits, and known to be in constant communication with one of the Commissioners of 1850, more especially as immediately on the decision being passed, the Collectors entered into a treaty with the Numbiddy, in reference to the leasing out of the teak forests which were assigned to him by the Commissioners. Whereas the Agent ignored decision, map, and all information on the subject; further, that on the enquiry in last year he also concealed the fact which he admits was known to him, that the important northern boundary he pointed out as the beginning of his line was disposed of by Government in 1845, and was consequently not within the province of the Commissioners of 1850 to determine.

16. The fact too that this important boundary question to the north, disposing of land actually touching the eastern boundary investigated by the Commissioners had been decided only five years before, does away with any argument in the Numbiddy's favour based on the hypothesis that he may have had his attention solely directed to the western portions. Knowing as he did the exact decision arrived at in the former case (and we have Mr. Conolly's pencil notes in the margin of the originals showing how all important paragraphs were translated for the Numbiddy) it may be fairly assumed that he anxiously watched the decision of the Commissioners as to his boundary in the neighbourhood of Kucha Malay, and his silence indicates that he accepted the award in its integrity.

17. To sum up our conclusions, therefore, we find that there is but one Grantwary mark shown and identified on the ground within the tract now under investigation, viz: *Mungy Mada* and that of the other three points, *Devanur Karadu Malay* has already been rejected, and *Kaltotti* and *Kuru Malay* are not ascertainable. We see nothing to warrant a departure from the Commissioners' decision, and find that the limited tract now contested by the Numbiddy, east of the line

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fixed on by that decision, is not in his possession, and should be left to follow the event of the larger tract adjoining it to the north. The only acts of ownership attempted in it by the Numbiddy, have invariably been challenged, and the inspection of the land clearly shows that while westward of the Meengarry river, even up to the point when it debouches from the hills, the Malabar tenants of the Numbiddy have cultivated extensively up to the river bank, there is then a belt of a mile of uninhabited jungle, after which comes a series of lands either being cultivated by Coimbatore ryots, or the Cowle lands lying waste owing to disputes raised, and never fully enquired into and disposed of.

18. The Survey will have no difficulty in laying down and demarcating the Commissioners' line from Vengoly Peak northwards over Pandara Peak to Kucha Malay Peak. Thence to the source of the Meengarry river no line has ever yet been drawn, but the distance is small, and the ground mostly precipitous, and a line following the general direction of the boundary and coinciding as nearly as may be with the Trigonometrical Map should be drawn. The river reached, its course should be followed to a point when it almost touches the Cochin frontier.

19. The question of how the boundary should run after the river ceased to afford a mark, was raised in 1861, in reference to the grant of a Cowle to a nominee of the Numbiddy. The ground was inspected by the Acting Sub-Collector, and afterwards by the Acting Head-Assistant, of Malabar, and on the final report made, the Collectors of Malabar and Coimbatore agreed to draw the line at a small nullah called the Ayappan Tode which here connects the river and the frontier; the cowle was accordingly cancelled.

20. There seems no reason to suggest any other boundary now, and if these proposals are approved, there will be nothing to prevent the survey from completing their work in this part of the Coimbatore District.

21. As any delay will in consequence of the limited working season entail unnecessary expense by preventing the closing of the surveys, it is very desirable that early orders should be passed.

22. A precis of the correspondence on the Northern dispute is annexed.

Enclosure No. 1.—Rough Sketch of tract in dispute between the Numbiddy of Collengode and Coimbatore District.

Enclosure No. 2.—Map of 1850.

Enclosure No. 3.—Extract from translation of the Karar of Collengode Numbiddy's Forest.

Enclosure No. 4.—Precis of former correspondence.

Submitted to Government with reference to G. O., 19th July 1872, No. 1,081.

2. In March 1872 the Collector of Coimbatore reported that the boundary of the Collengode Numbiddy had been wrongly settled by Commissioners in 1850

as running straight from the peak of the Kucha Malay to the peak of the Pandara Vera Malay, whereas an admitted "Grantwary" or boundary record belonging to the Numbiddy showed that it curved round the most eastern spurs of those hills.

3. It now appears that this conclusion was hastily formed and must be abandoned. It rested on an incautious reliance on the statements of the Numbiddy's Agent as to the identification of points named in the Grantwary.

4. The line fixed by the Commissioners from peak to peak is part of the line described as "the boundary line specified in the Grantwary from Kucha Malay to the Vengoly Peak" which is named in the Numbiddy's Karar as the eastern boundary of the teak forests leased to Government by the Numbiddy in 1867, and it is a direct continuation of the Meengarry river line which was fixed as a boundary in 1845.

5. On the other hand the line claimed by the Numbiddy's Agent is a continuation of a line a long way to the east of the Meengarry river which was expressly disallowed in 1845, and of the marks named in the Grantwary which were said to establish it, viz., Devanur Karadu, Manga Madu, Kaltotti and Kuvu Malay, the first was fully considered and rejected in 1845, the second must be taken to have been rejected at the same time and the third and fourth cannot be identified.

6. Under these circumstances there can be no doubt but what the Commissioner's straight line from the peak of Kucha Malay to the peak of Pandara Vera Malay is the right one.

7. The fact that the Numbiddy "has taken advantage of the survey and demarcation to agitate" the question of the rejected boundary stretching north from Devanur Karadu "and has in fact demarcated it by flags for the survey" shows that the dispute now under notice is part of a bold attempt to re-open the question which was finally settled in 1845.

8. The account of the boundary of the Estate given in paragraphs 18 and 19 should be carefully attended to by the Survey Department.

9. The Inspector of Forests will be requested to report whether the valley flat between the Commissioner's line (from peak to peak) and the high road from Adivarum to Chumanampatti can conveniently be made a fuel reserve. If so it is evidently desirable that it should be devoted to this purpose.

10. The Collector of Coimbatore will report whether the grants of land within the tract alluded to in paragraph 14 can be resumed without opposition.

No. 111. ORDER THEREON, 18th November 1872, No. 1,576.

Miscellaneous.

THE question of this boundary has again been most carefully considered, going over the disputed ground in company with the parties primarily interested. The Government concur in the opinion expressed by the Collectors of Coimbatore and Malabar in their joint report, and adopted by the Board of

Revenue in the above Proceedings, that no ground exists for questioning the propriety of the settlement made by the Commissioners twenty-two years ago.

(True Extract)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Superintendent of Revenue Survey.

Ed. F. R. Bantleman.

No 3386

Rev 1872. Dept

Board of Revenue,

MADRAS.

PROCEEDINGS, 14TH OCTOBER 1872, No. 2,009.

Desp 17 Oct 72

Encl. 4 Nos

Received 21

OCTOBER,

No. 2,009.

Boundary.—between the Estate of the Collengode Numbiddy in Malabar District, and the Government village of Anamallai in Coimbatore District. Report from the Collectors of those districts regarding the settlement of — submitted to Government with remarks.

No 110

Rev 72 R 15

S. O. No 1576 – 18 Nov 72

613 18 Nov 1872

Read Resp. Bd Rev. No 2009 dy 14 Oct 72.

No. 1576. dy 14 Oct 72.

The question of this boundary has again been most carefully considered, the local officers European & Native ~~displeased~~ ~~with the decision passed~~ going over the disputed ground in Company with the parties primarily interested. The Govt concur in the opinion expressed by the Collectors of Coimbatore & Malabar in their joint Report, and adopted by the Board of Revenue in the above Proceedings, that no ground exists for questioning the propriety of the settlement made by the Commissioners 22 years ago.

Dy. 12/11/72.

14 To the Board of Rev desd Nov/72
13 Draft of Rev Lrny

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