

1668
*Proceedings of the Madras Government, Revenue Department,
4th October 1873.*

No. 36. Read the following Proceedings of the Board of Revenue, dated 26th September 1873, No. 1,959 :—

Read again Board's Proceedings, dated 16th September 1873, No. 1,856.

Read also the following letters :—

From Colonel F. J. B. PRIESTLEY, Superintendent of Revenue Survey, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chepauk, 16th September 1873, No. 2,197-105.

REFERRING to paragraph 2 of the Board's Standing Circular, No. XVI. of 1872, I have the honour to transmit, for approval and sanction of the Board of Revenue, the original defence, in a tabular form, proposed by the Deputy Superintendent, No. 5 Revenue Survey, Chingleput and North Arcot Districts, in reply to Plaint No. 173 of 1873, filed in the District Munsif's Court of Chingleput by the Shrotriendar of Anaikunnum, Madranticum Taluq.

2. The suit comes on for hearing on the 3rd proximo.

Plaint in full with translation.
Sketch of the disputed land.
Translation of the opinion of the Tahsildar of Wandewash.

3. The papers, as per margin, are also submitted for reference if required and to be returned.

ENCLOSURE No. 1.—Translation of Plaint.

ENCLOSURE No. 2.—Defence in Tabular Form.

ENCLOSURE No. 3.—Plaint in Tamil.

ENCLOSURE No. 4.—Sketch.

ENCLOSURE No. 5.—Translation of Opinion of Tahsildar.

From W. S. WHITESIDE, Esq., Collector of North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Palmanair, 15th September 1873, No. 569.

I HAVE the honour, with reference to my letter, No. 562, dated 5th instant, to forward copy of letter, No. 2,026-509, dated 8th instant, received from the Deputy Superintendent of Revenue Survey.

2. As the Deputy Superintendent is included in the suit as one of the defendants I am not certain if it is necessary to represent the interests of Government through the Collector. The Deputy Superintendent will, in defending the suit, I think sufficiently represent Government interests. If the Board agree with me in this view I beg that I may be informed of the same at once to enable me to withdraw my application to the Court to include the Collector as one of the defendants.

3. The village officers who have been made defendants in the suit should be defended at Government cost if it be decided by the Board to undertake the defence on behalf of Government. In that case Mr. Beaumont may be directed to file the required answer on account of the village officers concerned.

ENCLOSURE No. 1.

From W. BEAUMONT, Esq., Deputy Superintendent, No. 5 Revenue Survey, to W. S. WHITESIDE, Esq., Collector of North Arcot, dated Mount, 8th September 1873, No. 2,026-509.

WITH reference to your letter, No. 790, of 5th instant, I have the honour to inform you that my name is included as 1st defendant in the suit in question filed in the District Munsif's Court

Proceedings of the Madras Government, Revenue Department,
4th October 1873.

at Chingleput, and I am preparing my defence to be sent to Colonel Priestley, to be transmitted to the Board of Revenue and their permission obtained to defend it.

2. The land between the villages of Badur and Anaikunnum is jungle waste and that claimed by the Shrotriendrar is included in Badur according to its Pymash accounts. The Shrotriendrar produces no records to prove his right to the land except his own Pymash accounts, which are not attested and cannot, therefore, be accepted in evidence. I will send you a copy of the plaint and my defence as soon as it is prepared.

(True Copy.)

(Signed) W. S. WHITESIDE,
Collector.

From W. S. WHITESIDE, Esq., Collector of North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Palmanair, 19th September 1873, No. 581.

ADVERTING to the correspondence noted in the margin I have the honour to forward copy of Letter to Board, dated 15th September 1873, No. 569. a statement received from the Deputy Superintendent, Revenue Survey, No. 5 Party.

2. It will be seen that Mr. Beaumont only defends his own conduct but states nothing as regards the village officers who are also made defendants in the suit.

3. The village officers acted only under the orders of Mr. Beaumont, and for this they should not be left undefended.

ENCLOSURE No. 1.—Copy of a Statement received from Deputy Superintendent of Revenue Survey.

SUBMITTED for the orders of Government as the value of the suit exceeds Rupees 1,000.

2. The suit relates to a boundary dispute involving sixty-five cawnies of immemorial waste. This land, which has been demarcated as being within the limits of Badur, a Government village in the North Arcot District, is claimed by plaintiff as belonging to Anaikunnum, in the Chingleput District, of which he is Shrotriendrar and sole Mirassidar.

3. It appears that at the request of the Deputy Superintendent of Revenue Survey, Mr. Beaumont, two Tahsildars—one from Chingleput and the other from North Arcot—accompanied by a Sub-Assistant of the Survey Department went to the village to investigate the matter. Pymash in hand they proceeded to identify the disputed boundary with reference to certain fixed marks mentioned in the Pymash of the Government village and still existing. The dotted red line in the plan submitted represents the boundary so determined by them. The plaintiff and the Monegars and others of the Government village approved of this boundary and signified their consent by signing a muchilka which the Tahsildar of Wandewash sent with his own opinion in favour of plaintiff's claim to Mr. Beaumont, who declined to endorse the Tahsildar's opinion and had the boundary as shown by the continuous red line demarcated. The Tahsildar's boundary line is fixed with reference to marks mentioned in the Pymash of the Government village; but Mr. Beaumont's seems to have been determined with reference to measurement. He says that according to Barnard's Tarapadi account* the land in dispute is not included in the plaintiff's village.

* The old survey of the jaghire.

He says also that the Government Village Pymash supports him; but this, unless it refers to area alone, is inconsistent with the Tahsildar's opinion. The entries as to area in the Pymash account would probably be considered unimportant; but it seems to the Board that the mention therein of specific marks still existing carries great weight.

4. Mr. Beaumont further objects that the Pymash of the shrotriem village not being attested is not admissible in evidence. The Board are of opinion that this objection cannot be maintained. It is observed that Mr. Beaumont's line excludes from the shrotriem village the remains of an ancient building which it is admitted belonged to plaintiff's ancestors.

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4th October 1873.

5. Plaintiff sues to have the boundary defined by the Tahsildars and approved by the representatives of the Government village established. The case involves a question of fact the decision of which must depend on the weight of evidence, which, as far as can be judged from the papers before the Board, seems to be in plaintiff's favour.

6. The Collector of North Arcot suggests that the village officials* should be defended at the cost of Government. The Board do not see what defence can be made for them since they

* Defendants 2, 3, and 4.

are bound by their written admission (the muchilka signed before the Tahsildar) in favour of plaintiff's claim.

7. Having regard to all the circumstances of the case the Board are of opinion that there is not sufficient reason for recommending the defence of the suit at the public cost.

8. The date fixed for the hearing of the suit is 3rd October, but the Board have directed that application be made to the Court for a month's extension.

No. 37. ORDER THEREON, 4th October 1873, No. 1,068.

Miscellaneous.

THE Government concur with the Board in considering that the suit cannot be defended at the cost of the

State. The action of the Deputy-Superintendent of Revenue Survey was clearly incorrect.

2. Endeavours should be made to compromise the matter by making over the land claimed to the plaintiff, but should these fail the Collector should withdraw his application to be made a party to the suit, and the village-officers should plead that they merely acted in accordance with orders received from the Deputy-Superintendent of Revenue Survey.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Supd of Revenue

Fxd. F. R. Bantleman.

Ms. No. 3062 from the 1894-1895
26 Nov 75.

North West Collector
Office, Camp Palamalai
15th September 1873.

No. 569.

From. Mr. S. Whitehead Esquire
Collector of North West

Mr. H. C. Stokes Esquire
Ag. Secretary to the
Board of Revenue
Madras.

Sir,

1. I have the honor, with refer-
-ence to my letter No. 562 dated

3rd Instant, to forward copy of
letter No. $\frac{2026}{509}$ dated 8th Instant
received from the Deputy Super-
-intendent Revenue Survey.

2. As the Deputy Superintend-
-ent is included in the suit
as one of the Defendants, I am
not certain if it is necessary to
represent the interests of
Government through the Collector.
The Deputy Superintendent will
in defending the suit I think
sufficiently

sufficiently represent Government interests. If the Board agree with me in this view, I beg that I may be informed of the same at once to enable me to withdraw my application to the Court to include the collector as one of the Defendants.

3. The village officers who have been made Defendants in the suit should be defended at Government cost if it be decided by the Board to undertake the defence on behalf of Government. In that case Mr Beaumont may be directed to file the required answer on account of the village officers concerned.

North Creek
Collectors Office
Chilton 15th September
1873

I have &c
Signed W. S. Whiteside
Collector

No. 2026
509.

From. The Deputy Superintendent
W. S. Revenue Survey
To. The collector of North Creek District
Chilton
Sir, With reference to your letter

No. 790 of 5th Instant, I have the honor to inform you that my name is included as 1st Defendant in the suit in question filed in the District Munsiff's Court at Chingleput, and I am preparing my defence to be sent to Colonel Priestley to be transmitted to the Board of Revenue and their permission obtained to defend it.

The land between the villages of Bedur and

W. S. Whiteside

By Secretary.

W. S. Whiteside
By the Secretary

therefore be accepted in evidence.

I will send you copy of the
Plaint, and my defence as
soon as it is prepared.

I have

(Sigs) W. Beaumont
Deputy Supt. Res Survey

(True copy)

(Sigs) W. S. Whiteide
Collector

(True copies)

Kraicunnaw is jungle waste
and that, claimed by the
Shrotriendar is included
in Bedir according to its
Pymash accounts. The

Shrotriendar produces no
records to prove his right
to the land except his own
Pymash accounts which are
not attested and cannot
therefore

12-3054/73
Enclosure in Board's
Proceedings dated
26th September 1873
to the Secretary
to Government Revenue
Department, referred.
= inf a suit in Court
atoot 2^{1/2}.

40 4 October 1873 No 1068

613
Revenue Department

Proceedings of the Board of Revenue
Dated 16th September 1873.

Read the following:—
No 562.

From
W. S. Whiteside Esquire
Collector of North Arcot

To
H. E. Stokes Esquire
Secy. Secretary to the Board of Revenue,
Madras.

Sir

There was a boundary dispute
affecting about 65 kanies of land
between the Bodoor Village in the
Kandemash Taluk of this district and
the Shrotrian Village of Anaikolam in
the Madarantakam Taluk of the Chinn-
gelpet District. The dispute was
first settled by Mr. Bullock,
Assistant Superintendent of the Sur-
vey party according to a Muchilika
signed

signed by the Shrotriendar, and the Bodoor Monegars, and byots, by which 65 Karies of land was ordered to be transferred to the Shrotri Village.

2. Mr Beaumont, Deputy Superintendent of the Revenue Survey, cancelled the above Settlement, and made a fresh Settlement, by which the disputed lands were demarcated as belonging to Bodoor. Against this Settlement, the Shrotriendar filed a Suit in the Chingleput District Munsiff's Court No. 173 of 1873.

against Mr Beaumont and the Monegars of Bodoor for the recovery of the above land together with Rs 300 being the value of the trees cleared out of the land when demarcation stones were planted.

3. The Monegars of Bodoor complained to the General Deputy Collector that one of them would give evidence in support of the Shrotriendar, and that he signed the Muchilika under address

115
address, as the Shrotriendar promised not to proceed with a Magisterial Complaint of assault that he had made against them in the Madurantakam Sub-Magistrate's office.

4. The Monegar Agappa Reddi states that the Shrotriendar has a Tope and a house upon a portion of the disputed tract, and that it was always enjoyed by the Shrotriendar.

5. As the interests of Government are involved in this Suit, I have in anticipation of the sanction of the Board, made arrangements to move the Court to include the Collector as one of the Defendants, and to grant an adjournment of 2 months.

6. The date fixed for the hearing of the Suit is the 23rd instant. The General Deputy Collector's report was only received this day. It does not show why Mr Bullock's Settlement was set aside by Mr Beaumont. The report itself is based upon the Statement of the Village Monegars made before

before the Tahsildar, and Copy of the
late Tahsildar's opinion, recorded upon
personal inspection of the disputed
locality. I have therefore called upon
Mr Beaumont to report the particulars
of the Case, and when his reply is re-
ceived, I will lose no time in communi-
cating the same to the Board.

I request the early orders of the
Board on this reference.

North Arcot } I have H^{rs}
Collectors Office }
Chittoor 5 Sep- } Signed, R. S. Whiteside
-tember 1853 } Collector.

To H. E. Stokes Esquire
My Secretary to the Board of Revenue, Madras.

The Collector's action in moving the
Court to include him as a party to the
suit is approved. His further report
is awaited.

1 True Copy & Extract,
Signed, H. E. Stokes
My Secretary

To The Collector of
North Arcot.

(True Copy)

C. J. M. P.
Copy to the Collector

H. E. Stokes
My Secretary

16th September 1873.

From,
The Superintendent of Revenue & Survey
To, The Secretary to the Board of Revenue,

Sir,
Referring to Para 2 of the Board's Standing Circular No. XVI of 1872, I have the honor to transmit for approval and sanction of the Board of Revenue, the original defence in a tabular form proposed by the Deputy Superintendent No. 5 Revenue Survey Chingleput and North Arcot Districts, in reply to Plaint No. 173 of 1873 filed in the District Munsiff's Court of Chingleput by The Shrotriendar of Annicum and Madranticum talook.

2. The suit comes on for hearing on the 3^d Proximo.

Plaint in full with translation.
Sketch of the disputed land —
Translation of the opinion of
the Tahsildar of Mandewash

3. The papers as per margin are also submitted for reference

1008
Enclosure in proceeding
of the Board of Revenue to
the L^d. Secretary of Government
Revenue Department, dated
26th September 1893 -

12 1/3057495

Sheep

[illegible]

if required and to be returned.

I have Yew

(Signed) F. J. B. Priestley Col
Superintendent Rev. Survey.

(True Copy)

H. K. Johns

My Secretary

[Faint, illegible handwritten text, possibly a list or ledger]

[Handwritten signature]
C. J. R.

North Arcot Collectors Office
Camp Palamanair 19th September 1873

N^o 581

From,

W. L. Whiteside Esq.
Collector of North Arcot

To,

H. E. Stokes Esquire
Asst. Secretary to the Board of Revenue
Madras

Sir,

Adverting to the correspondence noted
to Board in the margin I have the honor to forward
tember 569. Copy of a statement received from the Deputy
Superintendent Revenue Survey N^o 5 party.

2. It will be seen that Mr. Beaumont only
defends his own conduct, but states nothing as
regards village officers who are also made
Defendants in the suit.

3. The Village Officers acted only under
the orders of Mr. Beaumont and for this they
should not be left undefended.

I have run
(Signed) W. L. Whiteside
Collector

/ True copy /

Altoin
Acting Secretary

[Signature]

ret.

12 2/3
30/24/3

Enclosure in Process
-wise of the Board of
Revenue to the Secretary
to Government
dated 24th September 1873

Copy of letter from Supdt
Rev. Survey transmitted
for approval & sanction
of the Board of Revenue
the original defences
in a tabular form
prepared by the Deputy
Supdt. N^o 5 Rev. Survey
Office 4th 11th 1873
North Arcot District

20 4 Oct 1873 1065



Enclosure in Proceedings
of the Board of Revenue to the
Secretary to Government
dated 26th Sept 1873 No. 2

12 3
3052/43

20 4 Oct 73 No. 1008

123

REVENUE DEPARTMENT.

No. 3052.

20.10.

From
No. 43 of Revenue Dated 26 September 1873 187.

FOR ORDERS.

I concur in the Board
I would give up the land.

J. D. L.

FOR ORDERS.

Conced

c. 30 Sep 73 to 2 Oct.

1413

Revenue Department
Proceedings of the Board of Revenue
dated 26th September 1873.

Read again Board's Proceedings
dated 16th September 1873.

Read also letters from the Super-
intendent of Revenue Survey dated 18th
September 1873, No. ²¹⁹⁴/₁₀₅, and from the
Collector of North Arcot dated
15th & 19th September 1873. Nos 569 & 581,
respectively.

Submitted for the orders
of Government as the value of the
suit exceeds Rupees 1000.-

The suit relates to a boundary
dispute involving 65 Cawnis of im-
memorial waste. This land which
has been demarcated as being within
the limits of Badur a Government
Village in the North Arcot District
is claimed by plaintiff as belonging
to Anaikunnam, in the Chingleput
District, of which he is Shrotrindar
and sole Mirasidar.

It appears that at the request
of the Deputy Superintendent of Revenue
Survey Mr. Beaumont, two Tahsildars
one

one from Chingleput and the other from North Arcot accompanied by a Sub Assistant of the Survey Department went to the Village to investigate the matter. Pymash in hand they proceeded to identify the disputed boundary with reference to certain fixed marks mentioned in the Pymash of the Government Village and still existing. The dotted red line in the plan submitted represents the boundary as determined by them. The Plaintiff and the Mamejars and others of the Government Village approved of this boundary and signified their consent by signing a Mutchka which the Tahsildar of Wandewash sent with his own opinion in favor of the Plaintiff's claim to Mr. Beaumont who declined to endorse the Tahsildar's opinion and had the boundary as shown by the continuous red line demarcated. The Tahsildar's boundary line is fixed with reference to marks mentioned in the Pymash of

+ The old Survey
of the Jaghirc

1573
of the Government Village but Mr. Beaumont's seems to have been determined with reference to measure-ment. He says that according to Barnard's Tarapadi Account the land in dispute is not included in the Plaintiff's Village. He says also that the Government Village Pymash supports him but this, unless it refers to area alone, is inconsistent with the Tahsildar's opinion. The rubric as to area in the Pymash account would probably be considered unimportant, but it seems to the Board that the mention therein of specific marks still existing carries great weight.

Mr. Beaumont further objects that the Pymash of the Shrotrian Village not being attested is not admissible in evidence. The Board are of opinion that this objection cannot be maintained. It is observed that Mr. Beaumont's line excludes from the Shrotrian Village the remains of an ancient building which it is admitted belonged to Plaintiff's ancestors.

Plaintiff

Dependants.
2, 3 & 4.

The

True Expect

Secretary to
Government
Revenue Department

~~Chinnappa~~
Chinnappa

3009/2384.204

June 13th 3 O'Clock
Proceedings of the
Board of Revenue

Order 265 16th March 1873
June 26 —
Revised 29 —
encl. 10.
x 6 1/2 1/2 1/2 1/2

Submitting for order
of Govt. certain papers
on subject of a suit
relating to a land
= my signature in A. West
26

Indemnity

No. 1068.

1. The Govt. concurs with the Board in considering that the suit cannot be defended at the cost of the State. The actions of the Dy. Supt. of Rev. Survey were clearly incorrect.
2. Indemnity should be made to compensate the matter by making over the land claimed to the Dy. Supt. but should these fail the
3. Dy. Supt. should make his application to be made a party to the suit, and the village officers should plead that they nearly acted in accordance with orders received from the Dy. Supt. of Rev. Survey.

Paradise Copy - 13/10/73 with 6 Encls
Submitted for order

Copy in No. to H. of Revenue
13/10/73