No. 44. Read the following Proceedings of the Board of Revenue, dated 21st January 1873, Miscellaneous No. 386:—

Read the following letter from the Acting Collector of North Arcot, to the Secretary to the Board of Revenue, dated Vellore, 8th November1872, No. 587.

ADVERTING to your Official Memorandum, dated 10th February last, No 230, I have the honour to forward copies of Judgment,* Decree* and Sale order, connected with Suit No. 5 of 1862, on the file of the Civil Court at Chittoor, regarding the Darmavadi Village, in Wallajah Taluq.

* To be returned.

2. Immediately on the receipt of your Memorandum, the Head-Assistant Collector was requested to procure and forward the same. I was unable to get them until the 24th ultimo, although three reminders were sent to him, and finally, I only received copy of the Sale order.

3. As it was not possible to get the Judgment earlier through the party, I applied to the Civil Court for it through a Vakil and received it on the 7th instant. I request sanction for payment of the enclosed bill sent by the Vakeel for costs of obtaining copy.

THE payment of the Vakeel's fees Rs. 3-14-6 is sanctioned.

2. The Collector's reports will be submitted to Government, with reference to their endorsement,† dated 9th May 1871.

† Government Petition, No. 976, 1871.

No. 45. ORDER THEREON, 7th February 1873, No. 155.

Miscellaneous.

IN Government Petition No. 976 of 1871 one Setaram Lala, styling himself the Jaghiredar of Dharmanidhi, a village in the Wallajah taluq, North Arcot District, set out that the said village, which has not been enfranchised under the Inam Rules, had been attached by the Civil Court and sold in satisfaction of a decree; that the village was granted by the British Government to his ancestors "and his heirs for ever" in the year 1802, for services rendered at the siege of Seringapatam; and that, consequently, by the foregoing alienation, Regulation IV. of 1831 was evaded to the direct injury of Petitioner and with danger to the reversionary rights of Government.

2. It would appear from the late Collector's letter of 31st January 1872, No. 38, and from the enclosures to the present Collector's Report No. 587 of 8th November last that the village has of late years been held in equal moieties, one part by Petitioner and the other his uncle Mokam Lala. Against Mokam Lala the Petitioner held a decree for the payment of certain money. Some time since Mokam Lala died, without discharging this liability. Meanwhile a third party got a judgment against Petitioner for money due, and in execution attached the aforesaid decree, and proceeded against the half share of Mokam Lala in the village, which was sold by public auction by the Court's Amin on the 27th March last.

3. In the first place therefore it is shown to be untrue that Petitioner has any ground for complaint. The two branches of the original grantee's family

divided long since, as is proved by their standing in the relative position of debtor and creditor, and Petitioner's moiety of the village continues in his possession. But it remains to decide what steps are to be taken by Government in regard to the other moiety, the share of Mokam Lala deceased.

4. If Mokam Lala had died without heirs, his share would have been immediately resumed, any alienation of it by execution under decrees of Court and any assignment made by him on long leases or otherwise notwithstanding. But it appears he left a mother and a widow, and that the latter is still alive. During her lifetime therefore the Government will claim no interest in the property, but at her death it will revert to the State. This should be announced to all parties concerned, and the Taluq officers instructed to make a note of the same.

5. Meanwhile it is of course open to the widow, or to Petitioner if he is so advised, to bring a suit to set aside the proceedings of the Court in attaching and selling the lands, as being opposed to Section 3, Regulation IV. of 1831, which, though now repealed by Act XXIII. of 1871, was still in force at the time.

(True Extract.)

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

7th Feby 1873.

8J-155.

Rent Proj. 2d Ben. No 386 Inscoll.

8/21-1-73.

In Govt Petn No 976 of 1871 one Lutchmun Lala, styling himself the Zagirdar of Dharmapuri, a village in the Salem District, Madras, sets out that the said village, which has not been enfranchised under the Inam Rules, had been attached by the Court of Wards in satisfaction of a decree; that the village was granted by the British Govt to his ancestors "and his heirs for ever" in the year 1802, for services rendered to the Raja of Seringapatam; and that, consequently, by the foregoing clause in Regn III of 1831 and contained in the deed of grant of Petr and also by the reversionary rights of Govt.

2. He asks to learn from the Collr's letter of 31st January 1872 No 38 whether the enclosures to the present letter report the sum of Rs 607 8 8 were not that the village has been held in equal moieties, one part by Petr and the whole Mokam Lala - against whom Lala the Petr holds a decree for the payment of certain money - since which time Mokam Lala died, without discharging the debt - the moiety of which part of the village now held by Petr for money due and in execution attached to satisfy

the Tabula officers incumbent
to make a note of the name -

5. Meanwhile it is of course open to
the widow, or to Peter if he is so advised,
to bring a suit to set aside the
proceedings of the Ct in attaching
& selling the lands, as being opposed
to Sect III, Page IX of 1831, which
Act was repealed by Act XXVII
of 1871, was still in force at the
time -

J.T. - 28/1/73.

114 No The Board, dep Acc D-8 Feb
1 - the Collector Despatch Collectorate

Govt. of 1873 Madras

REVENUE.

To

THE BOARD OF REVENUE.

Dated February 7th.

Read. Encl.

G. O. 7th February 1873, No. 155.

FEBRUARY.
No. 4446.

Dharmapuri Village in North Arcot.—Passing orders on Proceedings Board of Revenue relating to certain claims to a part of it.

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