

*Proceedings of the Madras Government, Revenue Department,
13th March 1873.*

Read the following letters:—

No. 129. From Colonel F. J. B. PRIESTLEY, Superintendent of Revenue Survey, to the Secretary to Government, Revenue Department, Fort St. George, dated Chepauk, 20th December 1872, No. 2,829-78.

In reply to paragraph 2 of G. O. No. 1,424 of the 15th October last, I have the honour to state that it is not usual to apply to Government for sanction for transfer of lands from one village to another, *vide* G. O. dated 9th February 1864, No. 244.

2. I enclose a sketch showing the disputed portions as per margin included in the Pymaish Accounts of both villages, Nos. 3 and 7, channels. Kontakuly and Konchur, to which parties No. 5, wet cultivation. to the dispute laid claim. „ 6, waste.

3. Water-rights in channels, Nos. 3 and 7, having been admitted without any opposition whatever by the villagers of Kontakuly to belong solely to Konchur, the former, channel No. 3, forms the natural boundary of No. 6, of which the exact ownership is undecided, as the evidence produced before the officer who investigated the claims, under Section 25 of Act XXVIII. of 1860, was equally in favour of both parties.

4. The statement of the petitioners, that No. 6 block is their property, is therefore not correct, and Mr. J. Tomlinson, under these circumstances, decided that the line A O should form the boundary between the two villages as being “the natural one” and convenient for survey. To shape the boundary for the mere purpose of including No. 5 (claimed by the petitioners by right of putta) in Kontakuly would lead to a division of Nos. 6 and 3 between the two villages—a course which would have been advisable only if No. 3, the irrigation channel, had belonged to Kontakuly.

No. 130. From the same officer, dated Coimbatore, 13th January 1873, No. 84-4.

In reply to your official memorandum No. 3 of the 6th instant, I have the honour to state that the proceedings of Mr. Tomlinson, referred to in my letter of the 20th ultimo, No. 2,829-78, were not based on the orders of Government as per margin, but on Section 25 of Act XXVIII. of 1860; the approval of the Collector of the Ganjam District was not therefore obtained.

2. I beg further to represent that the proceedings of Mr. Tomlinson in this case are only subject to revision by the head of the department, and that his decision can only be set aside by a formal decree of a Civil Court.

No. 131. ORDER THEREON, 13th March 1873, No. 305.

Miscellaneous.

COLONEL PRIESTLEY was informed in G. O., 15th October last, No. 1,424, that transfers of land from one village to another for the convenience of survey merely were not within the authority of

9th February 1864, No. 244.

3. If this is so, it is not clear why the Superintendent adverted to the terms of the Government order in his first letter. The original papers are not before the Government, but accepting Colonel Priestley's later statement it is necessary to repeat the terms of the G. O. mentioned in the first paragraph *supra*, that the mere convenience of the survey will not justify the transfer of land classed in the Revenue Accounts as part of village A to village B by any of the officers specified in Section 2 of the Act. There must be a *bona fide* dispute subsisting between the villagers, the prompt adjustment of which appears necessary before the course indicated can be taken. This appears clear from Section 10 "boundaries under dispute," and Section 25 "conflicting parties."

(True Extract.)

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

to the Superintendent of Revenue Survey.
the Director of Revenue Settlement.
the Board of Revenue.

W. L. G. (initials)

Enclosures to

Read the following papers

From Supt. Prov. Survey No 78 of 20/12/72

Off. Memo. to dets.

From Dets. No 84 of 18-1-73.

305

Col. Priestley was informed in G.O. 15th Oct last No 1424, that transfers of land from one village to another, for the convenience of Survey merely, were not within the authority of Survey Officers under Act 28 of 1860, and that the sanction of Govt was necessary -

2. In reply he referred to the Prop of Govt marginally noted, wherein it was noted that "questions respecting changes of lands from one village to another village in the same taluk shall be left to the Settlement Dept. & be settled for disposal, subject to appeal to the Board." Whereupon he was asked to state if he had concurred with the Settlement Officer in the case under notice, but he explained that the adjudication was not made with any reference to the Progs quoted, but to the 25th Section of the Act.

3. If this is so, it is not clear why the Supt. adverted to the terms of the Govt. Order in his first letter. The original papers are not before the Govt., but accepting

10/1

No. 2829 of 20th Dec 187

No. 4080/72

Coch. Priestley's later
 statement, it is necessary
 to repeat the terms of the G.O. men-
 tioned in the first para supra, that
 the mere convenience of the Survey will
 not justify the transfer of land elapsed
 in the Revenue accounts as parishes
 Village A to Village B, by any of the
 officers specified in Sect II of the Act.
 There must be a bona fide dispute sub-
 sisting between the villagers, the adjust-
 ment of which appears necessary, before
 the course indicated can be taken.
 This appears clear from Sect II "bona fide"
 "dispute" and Sect IV
 "conflicting parties".

17/1/73.

I would add that

13 Supd. of Rev Survey
 Des 16 March 73
 13. Dir. of Rev Sett
 16. Board of Rev

these towns from
 village to village
 are to remain clear
 of the rights as a rule
 that the Survey Com
 missioner should be
 very decided to land

18 March 73 R. S. S.

4-0.

Transfer of certain land from
one village to another in the
Butanpore Taluk. Gangjam St.

Govt. of 1873

REVENUE.

THE SUPERINTENDENT OF

REVENUE SURVEY.

Secy. Secy. Secy.

Dated March 1873.

Recd.

G. O. 134. March 1873. No. 505.

WACCE.

Nos. 123-131.

Transfer of Land from one Village to
another for convenience of Survey.—Letter
from the Superintendent Revenue Survey sub-
mitting explanation in connection with this sub-
ject, with orders thereon.

Prof 10/3

Secy

18 Jan 73 R 10: March