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

No. 88. Read the following petition from COMARASAMY NADON, Abkari Contractor of Perambalur Taluq, in Trichinopoly District, to the Right Honourable the Governor and President in Council, Fort St. George, dated Trichinopoly, 7th November 1872 :—

THAT a memorial is sent herewith for the Secretary of State for India, with English translations of the vernacular documents accompanying, which petitioner prays your Lordship's Government will be pleased to forward to England and communicate to petitioner its due transmission, for which, as in duty bound, petitioner will ever pray.

ENCLOSURE No. 1.

To

HIS GRACE THE DUKE OF ARGYLL, K.G.,

H. M. Secretary of State for India in Council,

East India House, London.

The humble memorial of COMARASAMY, NADON, Abkari Renter of Perambalur Taluq, Trichinopoly District, Madras Presidency.

MOST HUMBLY SHOWETH,

That your memorialist obtained the abkari rent of the said taluq for three years, commencing from 1st July 1869, for Rs. 12,800 per annum, more than double the rent of former years, and that, owing to the irregular manner in which the arrangements were carried out by the officials concerned, your memorialist sustained a heavy loss of 3,707 Rs.

2. That your memorialist appealed both to the Collector of the district, to the Board of Revenue, and to the Madras Government, praying for redress, but his claim was rejected without any just reason, as the accompanying endorsements will prove, and he now submits his hard case for the consideration of your Grace, with the full confidence that his claim to the loss incurred, though no fault of his own, will be acknowledged to be fair and equitable.

3. That, when your memorialist obtained the rent in question, he received the license for the same so late as the 18th August 1869. As, however, your memorialist was bound to pay the monthly kist to Government from 1st July 1869, he made the necessary arrangements with forty sub-renters to open shops and furnished them with the customary permits.

4. That, had these arrangements been permitted to stand, your memorialist would have had no cause for complaint notwithstanding that the license referred to was delayed for a month and a half; on the contrary, three sub-renters were seized with all the liquor in their possession, charged with selling liquor without licenses, were placed in custody, were ultimately tried and punished by the Taluq Sheristadar.

5. That such illegal proceedings proved detrimental to your memorialist's interests as other sub-renters deserted him and those who had already rented shops failed to pay the deposit money and absconded with some loss to themselves, consequent on such proceedings your memorialist was prevented from keeping any shop under his management and has thus suffered a loss of Rs. 2,000.

6. That your memorialist, in July of the same year, was forbidden to sell liquor without a license by the Tahsildar of the taluq, and, although your memorialist remonstrated on the ground of the loss arising from the delay of issuing the license to which he was entitled, still he had to sign a summons from the late Collector enforcing such prohibition, and this was on the 18th July of that year.

7. That your memorialist did not receive his license until the 18th August 1869, and he then had to use strenuous efforts to prevail on sub-renters to open shops after that date. In spite of the irregularities committed by the officials, and notwithstanding that his license was granted after great delay, yet your memorialist was pressed upon by the Tahsildar to pay the kist from the 1st July to 18th August, a period in which, as above shown, he was prohibited from carrying out his rent. It will be apparent to your Grace that such a course adopted against your memorialist was extremely arbitrary and oppressive, especially to one who had purchased the rent for an amount more than double of previous years.

8. That the parties seized were punished and the liquor in their possession was, contrary to the Abkari Act, sold by the Sheristadar at reduced rates and the proceeds carried to the credit of Government. The fines imposed were remitted and the sentence of the Sheristadar reversed on appeal to the Collector; but that officer passed no orders on the loss sustained by your memorialist.

9. That your memorialist has to state that, owing to the irregularities and arbitrary acts detailed, the sub-renters had to break their contracts with him as they also sustained loss; besides, when the license was obtained, they declined to take any shop for the value originally fixed. Your memorialist was too weak to contend against such a combination and was forced to accept their terms, thereby entailing to him a monthly loss of 267 Rs., which for three Faslis *minus* the period the license was delayed will amount to 9,198 Rs.; but this loss your memorialist does not now claim although it was caused by the proceedings of the officials.

10. That your memorialist begs respectfully to bring to your notice the manner in which petitioners are invariably treated by officials. Your memorialist appealed several times, his first being in November 1869; eleven documents which he transmitted to the Collector in proof of his losses were not returned to him, and on application for them he received the significant reply that they were lost, but after the disposal of his appeal to the Board of Revenue the under-mentioned documents were returned to him, which he begs to submit herewith: hence the delay in bringing his case to the consideration of your Grace; however, in doing so he trusts that your Grace will be satisfied that what your memorialist has stated about his losses is substantiated thoroughly:—

- I. Application to convert fourteen stills into shops, dated 13th May 1869, and endorsements thereon.
- II. Criminal Appeals Nos. 61, 62, and 64 of 1869 of the Calendar of the District Magistrate's Court of Trichinopoly.
- III. Petition given on the 3rd July 1869 to the Tahsildar of Perambalur and the Tahsildar's urzee thereon.
- IV. Takeed issued by the Deputy Collector with reference to the above petition, dated 5th July 1869.
- V. The Deputy Collector's letter to the Collector of Trichinopoly, dated 5th July 1869.
- VI. The Collector's reply to the above, dated 12th July 1869.

11. That the Collector, while admitting memorialist's loss, observed in his endorsement that that loss was incurred by his neglect in executing the required muchilka, which ought to have been done within 14th April 1869. (*Vide* Enclosure A.) The sale took place on the 8th April at Serungum, which is forty miles away from Arealore, where the muchilka was to be executed, and the sale notice declares that the said muchilka should be executed by the 10th and not the 14th April. It was practically impossible to travel this distance in so short a time and to abide by the conditions of the notice. Were there any wilful breach of the terms of agreement, as is now ingeniously imputed to him, it was the duty of the Collector to have annulled the lease, which he was at liberty to enforce, as provided by the 14th clause of the special conditions of the sale notice. Your memorialist here begs to remark that, although the Board of Revenue unjustly refused his prayer, they deemed the conduct of the officials, in regard to the delay in granting him a license, as *very* reprehensible.

12. That your memorialist begs to observe further, with regard to the imputed delay on his part, that, as he took the rent for a much larger amount than heretofore, it was essential to his interests as a renter to have fourteen stills converted into shops *before the muchilka was executed*, consequently he petitioned the Collector on the 13th May 1869, which was rejected, and after further representation was sanctioned in November of the same year, so that your Grace will see the extraordinary delay which had occurred in obtaining the necessary sanction. Again, the imputation of delay against your memorialist cannot stand. Even if the muchilka was executed within the required time the subsequent action of the Collector rendered it useless, as he issued a takeed to the Tahsildar, dated 8th July 1869, intimating that licenses are being printed and they will be obtained from the Treasury as soon as possible. A copy of the takeed is forwarded for the information of your Grace. (*Vide* Enclosure B.)

13. That your memorialist brought all these circumstances to the notice of the Revenue Board and the Madras Government and implored for justice and redress, but they very summarily rejected memorialist's claim (*vide* Enclosures C. and D.), consequently your memorialist presumes to approach your Grace's august presence, praying that the injustice and oppression your memorialist is suffering from will meet your Grace's favourable consideration.

14. That your memorialist has shown that the losses he has sustained was not through any fault of his own and that it emanated from the irregular, arbitrary, and illegal proceedings of the officials, he has to add that he has benefitted the State as his rent is more than double the amount of previous years. Your memorialist, therefore, considers that the loss sustained by damage to his stock and by demands for kist for a period when he was prohibited from carrying on his rent should be refunded to him as such loss was occasioned by the illegal acts of public officials. Your memorialist accordingly prays that your Grace will be pleased to mete out to him that justice which has been denied by the Collector, the Board of Revenue, and Government and issue such instructions for the disbursement to him of the loss sustained, amounting to Rs. 3,707 in the aggregate, as already shown.

For this act of kindness your memorialist will, as in duty bound, ever pray.

TRICHINOPOLY,
29th June 1872.

(Signed) COMARASAMY NADON.

No. 89.

ORDER THEREON, 13th January 1873, No. 43.

Miscellaneous.

PETITIONER is informed that his memorial has been transmitted as requested.

(True Extract.)

Secretary to Government.

To the Petition Department.

Exd. A. S. Rodgers.

Petitioner is informed that his memorial has been transmitted as requested.

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Vernacular documents
accompanying; prays
that the same may be
forwarded to England;
and its due transmission
may be communicated
to pet.

Government of Madras,
~~Revenue~~ DEPARTMENT.

~~77-3759~~
Petition No. 2216 of 1872.

From Comarassamy Nadon

Occupation. Akkary Contractor
of

Village.

Talook. Perumbalur

District. Trichinopoly

Dated 7th November 1872

Received 25th

Enclosures. 10

W. Order No 43-13 Jan/73
Abstract.

Submitting a Memo-
rial to the address of
the Secretary of State
for India with English
translations of the Ver-

With Order

No. 86-87

20 Nov 72 R 4 Jan/73