Proceedings of the Madras Government, Revenue Department,
21st August 1873.

No. 177. Read the following Proceedings of the Board of Revenue, dated 16th August 1873, No. 1,593:—

Read the following letter from R. W. BARLOW, Esq., Acting Collector of the Chingleput District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Saidapet, 11th August 1873, No. 326:—

I HAVE the honour to forward translation of a plaint filed in Original Suit No. 8 of 1873 on the file of the District Judge of Chingleput, in which I have been included as 3rd defendant, together with a draft answer which I propose to file, and request the sanction of the Board to the suit being defended at the public expense.

2. The case is briefly that 1st defendant, one of the two trustees to the Streekaliyana Vurdarajahswamy Pagoda, who do work alternate years, filed a Razinamah, stating he had sold all his rights to the plaintiff, and requesting that his share of the Tusdeek, etc., allowance, might be paid to him; but almost immediately after, and before orders were passed, the co-trustee objected, and the 1st defendant withdrew his Razinamah, so I declined to order payment in accordance with it.

3. The time for filing the answer expires on the 25th instant.

ENCLOSURE No. 1.—Translation of Plaint.

ENCLOSURE No. 2.—Draft written Statement.

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

2. First and second defendants are joint-trustees of a pagoda. The former sold to plaintiff his right to the trusteeship, and presented to the Collector a Razinamah regarding the transfer. Plaintiff, at the same time, presented a petition accepting the transfer, and requesting payment of the pagoda-allowance.

3. The other co-trustee objected to the transfer, alleging that the office is inalienable.

4. First defendant then addressed a petition to the Collector, withdrawing his Razinamah on the ground that the purchase-money in full had not been paid.

5. In these circumstances, the Collector declined to pay the allowance to plaintiff. Hence the suit.

6. The Board recommend that the defence of the suit be sanctioned, and submit for approval the following

DRAFT ANSWER.

FIRST and second defendants are co-trustees or durmacartas of the pagoda mentioned in the plaint. Each officiated every alternate year. On the 18th October 1872, first defendant presented a petition to this defendant, stating that he

had sold to plaintiff his interests in the durmacartaship with all the rights and privileges appertaining to the office, and requesting that plaintiff might be recognized as co-trustee with second defendant. At the same time plaintiff presented a petition accepting the transfer, and requesting payment to him of the pagoda Tusdeek-allowance. On the 22nd October 1872, second defendant objected to payment of the allowance to plaintiff, and to his being recognized as joint-trustee, on the ground that the transfer was invalid, the office being inalienable from the family of the original grantee.

2. On the 1st November 1872, first defendant addressed a petition to the Collector, withdrawing his consent to the transfer and to payment of the allowance to plaintiff, on the ground that the latter had not paid him the full amount of the purchase-money.

3. In these circumstances, this defendant declined to pay the allowance to plaintiff.

4. This defendant is willing to abide by the terms of the Court's decree. He prays for his costs.

No. 178. ORDER THEREON, 21st August 1873, No. 889.

Miscellaneous.

THE defence of the Suit at the public expense is sanctioned on the usual terms, and draft answer proposed by the Board is approved.

(True Extract.)

Revenue Department.

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

Read the following:—

No. 326

From

R. W. Barlow Esquire
Ag. Collector of the Chingleput Dist.

To

J. Grose Esquire
Secretary to the Board of Revenue
Madras.

Sir,

I have the honor to forward translation of a plaint filed in O. S. No. 38 of 1873 on the file of the District Judge of Chingleput, in which I have been included as 3rd Defendant, together with a draft Answer which I propose to file, and request the sanction of the Board to the Suit being defended at the public Expense.

2. The case is briefly, that 1st Defendant, one of the two trustees to the Sree Kalyana Varadarajah Swamy Pagoda who

who do work alternate years, filed a Razenamah stating he had sold all his rights to the Plaintiff, and requesting that his share of the Jasdeek Rs. allowance might be paid to him. but almost immediately after, and before orders were passed, the co-trustee objected, and the 1st Defendant withdrew his Razenamah, so I declined to order payment in accordance with it.

3. The time for filing the answer expires on the 25th instant.

I have &c.
(Signed) R.P. Barlow
Ag. Collector.

Chingleput District
Collector's Office
Sandapet
11th August 1873

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

First and Second Defendants are joint-trustees of a Pagoda. The former sold to Plaintiff his right to the trusteeship and presented to the Collector a Razenamah regarding the transfer. Plaintiff at the same time presented a petition accepting the transfer, and requesting payment of the Pagoda allowance.

3d

The other co-trustee objected to the transfer alleging that the office is inalienable. 1st Defendant then addressed a petition to the Collector withdrawing his Razenamah on the ground that the purchase money in full had not been paid.

In these circumstances the Collector declined to pay the allowance to Plaintiff. Hence the Suit.

The Board recommend that the defence of the Suit be sanctioned and submit for approval the following

Draft answer.

1st & 2d Defendants are Co-trustees or Dharmakartas of the Pagoda mentioned in the plaint. Each officiated every alternate year. On the 18th October 1872, 1st Defendant presented a petition to this Defendant stating that he had sold to Plaintiff his interests in the Dharmakartaship with all the rights and privileges appertaining to the office and requesting that Plaintiff might be recognised as co-trustee with 2d Defendant.

At

At the same time Plaintiff presented a petition accepting the transfer and requesting payment to him of the Pagoda Tusdeek allowance. On the 22nd October 1872 second Defendant objected to payment of the allowance to Plaintiff; and to his being recognized as joint-trustee on the ground that the transfer was invalid the office being inalienable from the family of the original grantee.

On the 1st November 1872 first Defendant addressed a petition to the Collector withdrawing his consent to the transfer and to payment of the allowance to Plaintiff on the ground that the latter had not paid him the full amount of the purchase money.

In these circumstances this Defendant declined to pay the allowance to Plaintiff.

This defendant is willing to abide by the terms of the Courts' decree. He prays for his costs.

I True copy & Extract I

J Grose
Secretary.

To The Sy. Secretary to Government
Revenue Department
Original with 2 original Enclosures W.C. returned.
Copy & Extract

Mis

№ 889.

The defence of the suit at the public expense is sanctioned, on the usual terms, and draft answer proposed by the Board is approved

Ist

21 Augt 73

to B.L.A Rec Dep in M Smoby
To Cols of Chesapeake Dep in M Smoby 4
Accts Genl Dep 30/8.

Rec'd 23 Aug
Read 25 "
Board of Revenue
Cols 15 "
Read 26 "
Rec'd 20 "
Rec'd 1873

Subject

Authority for the Solicitor of Customs to defend Actions brought against the Collectors of Customs, Officers of Customs, and the Commissioners, regarding the Boarding Station at the Nore

L.C. 1777-1778