

*Proceedings of the Madras Government, Revenue Department,
3rd September 1873.*

No. 15. Read the following Proceedings of the Board of Revenue, dated 25th August 1873, No. 1,655:—

Read the following letter from W. S. WHITESIDE, Esq., Collector of North Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chittoor, 12th August 1873, No. 478:—

ADVERTING to the correspondence noted in the margin I have the honour to forward copies (to be returned) of judgment and decree of the Chittoor District Court in Original Suit No. 4 of 1873.

Board's Proceedings, 21st March 1873, No. 434.
Do. 24th June „ „ 1,093.

2. The Board will observe that the suit was decided in favour of the plaintiff and her costs ordered to be paid by the 1st defendant, the Judge holding that the disputed property was legally transferred to the plaintiff by the 3rd and 4th defendants for her maintenance; that the attachment of that property by the Revenue authorities for the arrears of abkâri rent due by the 3rd defendant was not binding upon the plaintiff; and that the Sub-Collector was not justified in refusing to register the transfer upon an application made to him long before the attachment was made.

3. The whole case went against the Government upon the failure of the Sub-Collector to register the transfer. The Judge considers that, as no arrear of revenue upon the land was alleged, the Sub-Collector ought not to have refused the application for transfer of putta. It appears from the counterpart of that application that it was presented to Mr. Wilson, the late Acting Sub-Collector, who recorded thereon, in red pencil, the following remarks: "I will not accept this pending the disposal of the question of the abkâri rent arrear."

4. The existence of this document in the Sub-Collector's office was not referred to in the several reports received from the Sub-Collector on the subject of the plaintiff's claim made to the Revenue authorities, probably because the application was not accepted, and, as the putta stood in the name of the 3rd defendant, the land was attached for arrear of abkâri rent due by him.

5. Against the Sub-Collector's order refusing the transfer it does not appear that the plaintiff made any appeal, and, as no mention of the fact was made by the plaintiff herself in her petition against the attachment, the matter attracted no further notice until this suit was instituted.

6. I am not prepared to advise an appeal against the judgment in this case, and, as the Sub-Collector refused to register the transfer *bonâ fide* to secure the interests of Government in the matter of the abkâri arrear due by the 3rd defendant, I request that the Board will be pleased to sanction the payment of Rupees 279-6-11 to plaintiff together with her costs, amounting to Rupees 211-3-3, and the costs of the defence. Mr. Gooch was first engaged for the defence; but he left the district after the issues had been settled, and he has informed me he does not want any fees. I recommend, therefore, that Rupees 60, instead of Rupees 81-10-3 entered in the decree, be paid to the vakeel who succeeded Mr. Gooch in this case.

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SUBMITTED for the orders of Government.

2. In 1869, 3rd and 4th defendants, brothers, on a division of family property assigned to plaintiff, their mother, certain land for her maintenance. The 3rd defendant, in whose putta the land was entered, presented a Razinamah requesting that it might be registered in plaintiff's name. The Sub-Collector refused to accept the Razinamah "pending the disposal of the question of the abkari arrears" due by 3rd defendant, an abkari renter. In July 1871 the land was attached on account of these arrears. Plaintiff objected to the attachment, but her objection was not admitted. She, therefore, brought a suit for the removal of the attachment and for the recovery of rents and profits.

3. On behalf of the Collector it was pleaded that the alleged transfer of the and to plaintiff not having been registered as required by Regulation XXVI. of 1802 is invalid.

4. The Court, holding that, in the circumstances of the case, this plea is inadmissible, has decreed in favour of plaintiff.

5. The Board are of opinion that an appeal is not advisable.

6. The sanction of Government is solicited for the payment of Rupees 553-3-2, viz.:—

	RS.	A.	P.
Amount decreed to plaintiff	279	6	11
Costs awarded to do.	211	3	3
Collector's costs	62	9	0

7. The Collector should withdraw the attachment at once.

16. ORDER THEREON, 3rd September 1873, No. 940.

Miscellaneous.

SANCTIONED Rs. 553-3-2.

(True Extract.)

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

2 Sept 1893 163 Sept

Dec 1893 Sept

No 2623

Proceeding of the
Board of Revenue

Dec 25 Sept 173

Dec 25 - " - "
Dec 25 1893

SD-3 September 1940

Submitting for order

of Govt. report of both
of A. West on Decision
House of Representatives
in Oct 29 & of 1893 in
District Govt of British
regarding certain lands
also for areas of
Agriculture Revenue &
requesting attention for
payment of costs in
= cases 71th Order

Min

1891

To the Board with 2 cases
on 11th and 12th 1893

No 940

Sanctioned Rs 555.52

3 Sept 173

4/48