M.R.O. 1—20,002—12-8-[illegible].

1083
8

(1) Number of Pages 16

(2) Date of repair 9-12-66

(3) Initials of the Referencer

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1083 Press
~~B.P. No.~~ Mis.

Dated 26-8-1874 ~~196~~ .

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
26th August 1874.

No. 246. Read the following Proceedings of the Board of Revenue, dated 11th August 1874, No. 2,201 :—

Read again Board's Proceedings, dated 30th June 1874, Miscellaneous No. 4,386.

Read also the following letter from the Collector of South Arcot, dated Ahmadpett, 13th July 1874, No. 432.

In reply to your endorsement on the Proceedings of the Board of Revenue, dated 30th ultimo, Miscellaneous No. 4,386, I have the honor to inform you that Muthusawmy Oodyan was put in possession of the extent (cawnies 4-6-1) assigned to him in field No. 49 soon after his durkhast appeal was decided, and that this is admitted by Muthusawmy Oodyan himself.

2. Adivaraha Pillai pays nothing for the land now, as it was granted to him under the private tope rules, and this grant was upheld by the Civil Court's decree of 1872.

3. It appears from the Board's Proceedings under reply that they are not aware of the circumstance that the original grant of the land in favor of Adivaraha Pillai was under the tope rules, and that the land was to be held by him free of assessment for 20 years. This is clear from their inquiry at the conclusion of these proceedings as to whether full assessment is now collected from Adivaraha Pillai, and from their argument that, if Muthusawmy Oodyan was in possession, he should pay for the land; while, if Adivaraha Pillai's possession was never interfered with, he is liable to pay the assessment which was levied from Muthusawmy Oodyan.

4. The facts are that, though Muthusawmy Oodyan was put in possession by the Revenue Department, the Munsif decided that the land belonged to Adivaraha Pillai, and the crops raised by the former were adjudged to the latter; that Muthusawmy Oodyan, therefore, paid for land which he did not enjoy; and that Adivaraha Pillai, who actually enjoyed the land, was not under an obligation to pay.

5. Muthusawmy Oodyan would, therefore, seem to be entitled to the refund recommended in application, No. 33, dated 16th January 1874.

No. 361.

True copy forwarded to the Board of Revenue, with reference to their Proceedings, No. 4,386, of the 30th June 1874.

(Signed) A. L. LISTER,
Acting Sub-Collector.
For Collector.

Cuddalore,
16th July 1874.

The Board resolve to recommend Government to sanction the refund of Rupees 48-0-5, being assessment collected in Fuslies 1279, 1280 and 1281 on land from which the Puttahdar obtained no profit under the following circumstances :—

The land was first given rent free for 20 years to an applicant under the tope rules. On appeal it was assigned as puttah land to the man who now wants a refund. Subsequently a Civil Court decided that the land ought all the time to have been in the possession of the first applicant under the tope rules, and decreed the land and the mesne profits of the second applicant to him.

Proceedings of the Madras Government, Revenue Department,
26th August 1874.

2. The Collector will report whether the Court's decree was appealed against, and if not, why not.

No. 247. ORDER THEREON, 26th August 1874, No. 1,083.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.
— the Accountant-General.

Exd. A. Grubert.

Govt. of [1874] Mr. [illegible]

REVENUE.

To

THE BOARD OF REVENUE.

&c., &c., &c.

Dated August 26th.

Read.

G. O., 26th August 1874, No. 1,083.

AUGUST.

Nos. 246-247.

Proceedings of Government (Rs. 48-0-5) collected on certain lands in South Arcot District in Fuslies 1279, 1280, and 1281 Questioning—

Encl.

1083/3

PROCEEDIN[illegible] the Boa[illegible]ENUE, dat[illegible]ugust 1[illegible]

Read again[illegible] 30th June 187[illegible] Miscellaneous No. 4,386.

Read also th[illegible]ving [illegible] L. LISTER, F[illegible] Acting Sub-Collec[illegible]

t[illegible]CRST, N, [illegible]llector of S[illegible]ot, dated [illegible]

[illegible]th [illegible]ug[illegible]874, No[illegible]

IN reply to your endor[illegible] on the P[illegible]ceeding[illegible] the Board of Revenue, dated 30th [illegible]une Miscellaneo[illegible] 4,386, I have the honor to inform you that Muthusawmy Oodyan was pu[illegible] session of the extent (cawnie[illegible]-1) assigned to him in field N[illegible]49[illegible] after his d[illegible]hast appeal was [illegible]ed, and that this is admitted by Muthusawmy Oodyan him[illegible].

2. Adivaraha Pilla[illegible] pays nothing for the lan[illegible] now, a[illegible] was granted to him under the private tope rules, and this grant was upheld by [illegible]e Civil Court's decree of 1872.

3. It appears [illegible]om the Board's Proceedings under reply that they [illegible] not [illegible]war[illegible] of the circumstance that the original grant of the land in favor of Adivaraha Pillai was under the tope rules, and that the land was to be held by him free of assessment for 20 years. This is clear from their inquiry at the conclusion of [illegible] proceedings as to whether full assessment is now collected from Adivaraha Pillai and from their argument that, if Muthusawmy Oodyan was in possession, he should pay for the land, while, if Adivaraha Pillai's possession was never interfered with, he is liable to pay the assessment which was levied from Muthusawmy Oodyan.

4. The facts are that, though Muthusawmy Oodyan was put in possession by the Revenue Department, the Munsif decided that the land belonged to Adivaraha Pillai, and the crops raised by the former were adjudged to the latter; that Muthusawmy Oodyan, therefore, paid for land which he did not enjoy; and that Adivaraha Pillai, who actually enjoyed the land, was not under an obligation to pay.

[illegible]sawmy Oodyan would, therefore, seem to be entitled to [illegible] application No. 33, dated 16th January 1874.

No. 361.

TRUE copy forwarded to the Board of Revenue, with reference to their Proceedings No. 4,386, of the 30th June 1874.

(Signed) A. [illegible]IST

Acting S[illegible]

for [illegible]

CUDDALORE,

16th July 1874.

THE Board [illegible]ve to recommend Government to sanction the remission of Rupees 48-0-5, being assessment collected in Fuslies 1279, 1280, and 1281 on land from which the Peishcar obtained no profit under the following circumstances: The land was first given rent free for 20 years to an [illegible]plicant under the

...ant to the man who now wants a ... Court decided that the land ought all the time to ... the first applicant under the top rules, and decreed ... its of the second applicant to him ... report whether the Court's decree was appealed against,

rule ... On ap... refund. Subsequ... have been ... the poss... the land and the m... 2. The Collector wi... and if not wh... not.

(True Copy and Extract.)

J. Grose

Secretary.

Government, Revenue Department,
Board's Proceedings, dated 30th June 1874,
Miscellaneous No. 4,386, with two original enclosures.

Acti...

No. 2844.

No. 1090

Board of Revenue
MADRAS.

1874 Department

PROCEEDINGS 11th August 1874, No. 2,201.

AUGUST
No. 2,201.

Refund of assessment—amounting to Rupees ...-0-5, collected on certain land in South Arcot District in Fuslies 1279, 1280 and 1281, for which Puttahdar obtained ... Profit.—Government recommended to sanction ... Collector ... whether Civil Court's decree, making ... and mesne profits of ... present holder ... person wh... held it ... too ...

Received 19 August

to Board ... Audit ...

14/8/74

246

No. 205

From
... Sub Collector of ... South Arcot

To
J. H. Garstin Esquire
Collector of South Arcot

Sir,

I have the honor to submit the Refund ... returned with your letter No. 285 of the 27th Ultimo and to state that in Fusli 1279 the land in question was entered in the account as cultivated with Raggy. In Fusli 1280 it was left waste ... for Fusli 1281 in the Adangal Chitta in respect to this land the head of kind of crop ... This I suppose means that young ... seedlings were planted ... the Curnum states that the raggy crop in Fusli 1279 ...

...nd that this is ... was granted to ... Civil Court's ... not

to the ... that his
decided that the land ought ...
st applicant under the top ...
e second applicant to him ... dismissed
whether the Court's decree ...
urge that

raised the crop

the Collector

Ryd.

2.
and if not wh...

will thus observe that
the Peramboolam never got
anything out of this land in either
of the three Fasles under reference.

I have &c
A. L. Lowder
Ag Sub Collector

(True copy)

H Gantz
Collector

Miscellaneous
PROCEEDINGS OF THE BOARD
Dated
No 271

From
J. H. Garstin
Collector

To,
J. Gross
Secretary to
Board of Revenue
Madras.

Sir,

I have the honour to forward herewith a petition from the Collector under date the 16th January last and to request that you will be pleased to obtain the Decision of Government on the refund of Rs 48 to Muthusamy Adayan of Karungur Vadachery Taluq.

2. The circumstances under which the refund is applied for

for as fully detailed in Column 6
of the above statement to the
Collector reports in
his letter No 205 dated 10th
April last that the Sawbwa
Muthusami & dayan never
got any crop off these lands
in any of the Fushes 1279
1280 and 1281 - vide copy en-
closed D.

3. The action of the Civil
Court in cancelling the grant
as made by Mr Hathaway
I consider open to objection.

I have &c

(Sgd) J. H. Garstin
Collector

Land
Office
Penang
15th Dec
1874

The land which was dry
land was given to Muthusami
& dayan in Fusly 1278, but
the assessment for that year
was

Fusly 1279
was cultivated with rice
but was destroyed by the rains
by Subramaniam Pillai. In
Fusly 1280 Subramaniam Pillai
filed a suit against Muthu-
sami & dayan for the land
and the land was left waste.
In Fusly 1281 Samudrum &
seedlings were planted. The
assessment for all 3 Fushes
(1279, 1280, 1281) was paid by
Muthusami & dayan. In
Fusly 1282 the suit was decided
in favour of Subramaniam
Pillai and the land
given to him.

From this it would appear
that if Muthusami & dayan
& dayan was put in possession
of the land when the Durkhast
appeal was decided in his
favour he is responsible for

the

1083
7

the assessment for Fasli 1279, 1280 and 1281. On the other hand if the lessee pays the assessment and Adivarahan Pillai was the father is responsible for it.

The Collector will report further on this point and will also state whether Adivarahan Pillai is paying full assessment on the land assigned to him by the decree of Court in Suit No. [illegible] of December 1872.

/True Copy or Extract/
/Sgd/ J. Grose
Secretary

To
The Collector of
South Arcot

/True Copy/

J. Grose
Secretary

[illegible]
Collector's Office

Two letters from the Collector of Sea Customs dated 4th June 1874 & 27/

Original
93 1/2
Rev. 2844/74.
Respecting application.
No 33.
Rev Dept.
Let Book No 357/74
Pg. of 26 August 74
in B. No 246.

Rev. 2844/74.

Enclosure in Board's Proceedings dated 11th August 1874 No 2201 to the Secretary to Govt Rev Dept

Rev 1090/76

1083

Copy of Board's Proceedings dated 30th June 1874 Mis No 4386.
Gt 26th August 1874
1083
In B. No 246.

Application for Refund submitted by the Sub Collector of South Arcot. for the sanction of the Collector of South Arcot.

No.	Dates of credit in the public Accounts.	Amount. Rs.	A.	P.	To whom.	Name of the Divisional Officer recommending.	Grounds.	Order of the Collector.
	Nos. R. & Q.							
	1279- 1-3-0 cancelled 3-2-70							
	8-0-0- 24-6-70.	48	0	5	Muthu Sami Udayan of Kooranadu Vridhachellam Taluq	F. H. Sharpe Esq. Sub Collector of South Arcot	Fasli 1277, punjah land Cs 11-1-2 in extent was granted to one Adivarahan Pillai under the Torpe rules.	
	10-4-3- 14-9-70.							
	19-4-3.							
	1280- 15-0-0 29-10-70							
	2-0-0. 18-11-70.							
	18-0-0- 6-7-71							
	19-0-0							
	1281- 1-0-0 - 1-11-71							
	18-13-7 - 17-5-72							
	19-13-7							
	These Sums include the amount of Rs 48-0-5, recommended to be refunded.						A portion Cs 1-1-6-1 of field No 69 formed part of the above grant Cs 11-1-2. One Muthusami Udayan having already held pattah for a piece in the other portion of the said field No 69, said Cs 1-4-6-1, was on appeal the grant of Fasli [illegible] Cancelled, and the [illegible] given to Muthusami Udayan on pattah by order dated [illegible] May Fasli [illegible] The one [illegible] granted then filed a suit (No 296 of 1870) in the [illegible] Chackallam District Munsiff's Court and got Muthu[illegible] ny Udayan's assignment cancelled and his original grant confir[illegible]led.	
							The date of the decree was 5th September 1872.	
							and the land in question was restored at the Jamabundy of Fasli 1282	
							deducted from the pattah of Muthusami Udayan accordingly	
							The assessment of the land for Fasli 1278 when the pattah in the name of Muthusami Udayan was granted was remitted on the ground that the land was waste; and the assessment for Fasli 1279; 1280 & 1281, amounting in the whole to Rs 48-0-5, was paid by Muthusami Udayan	
							The pattah on account of the above mentioned sum of Rs 48-0-5 assessment was due to Government and paid by Muthusami Udayan having been set aside by the Civil Court, the refund of the same being Rs 48-0-5 is recommended as the investment thereof was profitless to him from no fault on his part	
							Forwarded to the Collector with the recommendation that the refund be sanctioned.	
	16th January 1874						F. H. Sharpe Sub Collector	
	Chinnasalem						6/6/74	
							J. H. Garstin Collector	