M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 10.

(2) Date of repair 6-4-67.

(3) Initials of the Referencer M.N.

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue. DEPARTMENT

G.O. No. / B.P. No.	1530	Press / Mis.
Dated	9 - 12 - 1874	196 .

Not to be folded or roughly handled

No. 115. Read the following Proceedings of the Board of Revenue, dated 14th November 1874, No. 3,286 :—

Read the following letter from W. M. SCHARLIEB, Esq., Acting Government Pleader, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 10th November 1874, No. 170 :—

I HAVE the honor to acknowledge the receipt of the Proceedings* of the Board of Revenue, dated 30th October 1874, communicating the Proceedings of Government, in the Revenue Department, dated 5th October 1874, No. 1,270, and previous correspondence connected therewith, on the subject of certain arrears due by one Subbaroyer of Alamelumangapuram, South Arcot District, the attachment and sale of his land for the arrears, and the subsequent cancelment of such sale.

* All the enclosures returned herewith.

2. This Subbaroyer is the brother of the late Tahsildar of Cuddalore, and appears to have been systematically in the habit of falling into arrears. He thus fell into arrears to the extent of Rupees 549-5-10, for which about fifty cawnies of land held by him in the Village of Alamelumangapuram were attached and sold under the provisions of Act II. of 1864. The sale took place on the 10th October 1867, and a certificate issued to one Mahomed Murad Mercayer who purchased the land for the sum of 910 Rupees, which certificate was, however, about ten months afterwards, viz., on the 14th August 1868, cancelled by the Collector on the ground that the sale had been most irregularly conducted. Meantime, Rupees 549-5-10 of the purchase money had been carried to the credit of Government, and the balance Rupees 360-10-2 only was held in deposit. The purchaser thereupon sued Subbaroyer and the Revenue officers in Original Suit 7 of 1869, to enforce the sale; and Mr. Parker, the Judge, who tried the case on the Principal Sadr Amin's side of his Court, pronounced the Collector's act in cancelling the sale illegal, but he nevertheless dismissed the purchaser's suit on the ground that the sale had been both irregularly and fraudulently conducted. The purchaser appealed to the District Court, but the appeal did not come to a hearing, because the purchaser and Subbaroyer, without notice to the Government officers, compromised their differences and filed a razeenamah, under which Mahomed Mercayer was to get about half the lands in dispute and receive back his purchase money. The District Judge simply passed a decree in the terms of the razeenamah.

3. The point for determination now is, what is the position of Government in respect to its claim to the arrears of revenue due on the land when held by Subbaroyer. There is no doubt whatever that Mahomed Mercayer and Subbaroyer colluded to defraud the Government and to gain as much as they could for themselves. But the claim of Government cannot be defeated. The sale of the fifty cawnies of land, originally attached and sold, having now been set aside, as well by the Collector in his Revenue capacity as by a Court of competent jurisdiction, and an order made for the return of the purchase money, the claim of Government to the arrears of revenue due on the land in question revives, and follows the land into whosoever's hands it goes. I am of opinion therefore, that the Collector is perfectly competent to re-attach the whole fifty cawnies of land,

and proceed to sell the property, unless the full amount of the original arrears, with subsequent interest, is tendered by Mahomed Mercayer, or by Subbaroyer, or by both in agreement between themselves. When that is done, the purchase money paid in by Mahomed Mercayer at the cancelled sale may be returned to him. Perhaps, however, before actually attaching the land, it will be better that the Collector should give notice that as the sale has been set aside, the purchase money is available for return to the purchaser; but that, as such setting aside of the sale revives the arrears of revenue due on the land, the Collector will proceed to attach and sell the fifty cawnies of land in question, unless the amount of arrears due on the property is tendered with interest within a week, or fortnight, or some other reasonable time, from the date of the notice.

SUBMITTED for the orders of Government with reference to G. O., dated 5th October 1874, No. 1,270.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

No. 116. ORDER THEREON, 9th December 1874, No. 1,530.

Land Revenue, No. 3.

THE Board will instruct the Collector to act according to the advice of the Government Pleader and report the result.

2. Sanction is granted for the refund of Rs. 549-5-10 when necessary.

(True Extract.)

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

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

Exd G. A. Turton.

3/1530

No. 3,286.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th November 1874

Read the following letter from W. M. SCHARLIEB, Esq., Acting Government Pleader, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 10th November 1874, No. 170:—

I HAVE the honor to acknowledge the receipt of the Proceedings* of the Board of Revenue, dated 30th October 1874, communicating the Proceedings of Government, in the Revenue Department, dated 5th October 1874, No. 1,270, and previous correspondence connected therewith, on the subject of certain arrears due by one Subbaroyer of Alamelumangapuram, South Arcot District, the attachment and sale of his land for the arrears, and the subsequent cancelment of such sale.

* All the enclosures returned herewith.

2. This Subbaroyer is the brother of the late Tahsildar of Cuddalore, and appears to have been systematically in the habit of falling into arrears. He thus fell into arrears to the extent of Rupees 549-5-10, for which about fifty cawnies of land held by him in the Village of Alamelumangapuram were attached and sold under the provisions of Act II. of 1864. The sale took place on the 10th October 1867, and a certificate issued to one Mahomed Murad Mercayer who purchased the land for the sum of 910 Rupees, which certificate was, however, about ten months afterwards, viz., on the 14th August 1868, cancelled by the Collector on the ground that the sale had been most irregularly conducted. Meantime, Rupees 549-5-10 of the purchase money had been carried to the credit of Government, and the balance Rupees 360-10-2 only was held in deposit. The purchaser thereupon sued Subbaroyer and the Revenue officers in Original Suit 7 of 1869, to enforce the sale; and Mr. Parker, the Judge, who tried the case on the Principal Sadr Amin's side of his Court, pronounced the Collector's act in cancelling the sale illegal, but he nevertheless dismissed the purchaser's suit on the ground that the sale had been both irregularly and fraudulently conducted. The purchaser appealed to the District Court, but the appeal did not come to a hearing, because the purchaser and Subbaroyer, without notice to the Government officers, compromised their differences and filed a razeenamah, under which Mahomed Mercayer was to get about half the lands in dispute and receive back his purchase money. The District Judge simply passed a decree in the terms of the razeenamah.

3. The point for determination now is, what is the position of Government in respect to its claim to the arrears of revenue due on the land when held by Subbaroyer. There is no doubt whatever that Mahomed Mercayer and Subbaroyer colluded to defraud the Government and to gain as much as they could for themselves. But the claim of Government cannot be defeated. The sale of the fifty cawnies of land, originally attached and sold, having now been set aside, as well by the Collector in his Revenue capacity as by a Court of competent jurisdiction, and an order made for the return of the purchase money, the claim of Government to the arrears of revenue due on the land in question revives, and follows the land into whosoever's hands it goes. I am of opinion therefore, that the Collector is perfectly competent to re-attach the whole fifty cawnies of land, and proceed to sell the property, unless the full amount of the original arrears, with subsequent interest, is tendered by Mahomed Mercayer, or by Subbaroyer, or by both in agreement between themselves. When that is done, the purchase

Govt. of 1874 extending.

REVENUE.

To

THE BOARD OF REVENUE.

&c. &c. &c.

Dated December 9th

Read.

Encl.

G. O., 9th December 1874, No. 1,530.

DECEMBER.
Nos. 115-116.

Arrears of Revenue on lands in Alamelumangapuram, South Arcot.—Directing the Board of Revenue to instruct the Collector to act according to the advice of the Government Pleader in the matter of the — and to report the result as the period of Rupees 549-5-10.

money paid in by Mahomed Mercayer at the cancelled sale may be returned to him. Perhaps, however, before actually attaching the land, it will be better that the Collector should give notice that as the sale has been set aside, the purchase money is available for return to the purchaser; but that, as such setting aside of the sale revives the arrears of revenue due on the land, the Collector will proceed to attach and sell the fifty cawnies of land in question, unless the amount of arrears due on the property is tendered with interest within a week, or fortnight, or some other reasonable time, from the date of the notice.

SUBMITTED for the orders of Government with reference to G. O., dated 5th October 1874, No. 1,270.

(A true Copy and Extract.)

J Grose
Secretary.

To the Acting Secretary to Government, Revenue Department.
Copy to the Collector of South Arcot.
" to the Acting Government Pleader.

Exd. G. A. Turton,

Revenue Department.

No. 1530

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 9th November 1874.

READ the following Proceedings of the Board of Revenue.

Submitting opinion of Govt. Pleader that the Collector of South Arcot is competent to re-attach and sell certain lands in Alamelmangapuram which were attached and sold for arrears of revenue but which sale was subsequently cancelled, unless the amount of arrears is tendered with interest within a fixed time. —— H. E. 14th November 1874 No. 3286.

The Board will instruct the Collector to act according to the advice of the Government Pleader and report the result.

2. Sanction is granted for the refund of Rs 549. 5. 10. when necessary.

To The Board of Revenue Dec 10 Dem
14
6 . Accountant General.

Proceedings, 14th November 1874, No. 3,286.

Dupd 24 Nov 1874
Encl.

Received 25.

NOVEMBER.

No. 3,286.

Arrears of Revenue on Lands in Alamelmangapuram Village—in South Arcot District, which were attached and sold, but which sale has been subsequently cancelled.—Opinion of Government Pleader that Collector is competent to re-attach and sell the lands unless amount of arrears is tendered with interest within a fixed time—submitted for orders of Government.

Board of Revenue,
MADRAS.

Dupd 24 Nov 1874. Despatch
Rec'd 1874.

Post Cutchery 24 Nov 74

115

115-116.