158

M.R.O. 1—20,002—12-8-65.

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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. ~~B.P. No.~~	158	Press ~~Mis.~~
Dated	4. 2. 1874	196 .

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 4th February 1874.

Read the following :—

No. 25. Proceedings of the Board of Revenue, dated 16th April 1873, No. 583.

Read the following letter from C. T. LONGLEY, Esq., Collector of Salem, to the Secretary to the Board of Revenue, dated 17th March 1873, No. 82 :—

I HAVE the honour to submit, for the Board's orders, the undermentioned boundary dispute between the Shervaroy Hills and the Kudathoor Muttah, in the Utengarai Taluq.

2. When I was upon the Hills last year, it was brought to my notice that a dispute existed between the Hill tribes and the Kudathoor Muttahdar as to the right to certain slopes and rocks where honey was produced on the northern side of the Hills. I immediately ordered the Deputy Tahsildar to institute the necessary inquiries, and report upon the matter.

3. The Deputy Tahsildar, in his letter No. 159, dated 14th September 1872 (copy enclosed), reported upon inspection that a strip of land, on the west face of the Hill, was included within the Muttah boundaries. Upon this, I addressed the Deputy Superintendent of Revenue Survey, who deputed Mr. Gompertz to inquire and report the correctness of the demarcation.

4. From Mr. Gompertz's letter (copy of which also is enclosed for the Board's information) it appears that the demarcation was made by the Settlement Department about twelve years ago, and that the strip of land now in dispute was then made over to the Muttahdar.

5. Mr. Gompertz bases his decision of the right to the land on the ground (1) that notice must have been given to the Hill Monegar and villagers at the time of demarcation, although they themselves deny it; (2), that the copper sasanum produced by them is a forgery; (3), that the copy of a putta said to be given them is not to be relied upon; (4), that the Muttahdar is in possession; (5), that the *onus probandi* to the right to the land rests on Government.

6. As to the first of these arguments, I beg to state that there is no evidence of any notice having been given to this office, and that the reasons given for *presuming* that notice was given to the Monegar and villagers are certainly not conclusive. In the absence of any notice to Government, and of the presence of any responsible officer to look after Government interests, it was not right for the Settlement Department to have demarcated the boundary between the Muttah and Amani lands, especially as it was clear that the Muttahdar was trying to encroach upon the Hills which could not possibly belong to the plains; for I fail to see how any portion of the slopes of the Hills could belong to a Muttah situated in the plains, and the more so when it is in a different taluq altogether. Consequently, I submit, this demarcation should not be acknowledged as correct.

7. The grounds alleged by the Assistant Superintendent of Revenue Survey for considering the sasanum produced by the Hill tribes a forgery are utterly futile; because the copper plate is such as can be made in a bazaar is no reason for supposing that Colonel McLeod did not grant it. The most elaborate documents *can* be forged; and in this particular case to believe that the villagers took the trouble of inscribing on a copper plate the words it contains, simply to show it

to Mr. Gompertz, appears to me to be absurd. As regards the copy of the putta, although it may not by itself be a conclusive proof, still it forms a strong link in the chain of evidence.

8. As for the Muttahdar being in possession (it is at best a disputed possession) Mr. Gompertz himself admits that criminal prosecutions were instituted against the Muttahdar in reference to the honey-rock. Of course, the case was thrown out, as the act was done under colour of right. This, by itself, does not prove anything as to the right to the rock or the land, but, on the contrary, shows that the matter is in dispute, and has yet to be settled.

9. Under the above circumstances, I trust the Board will agree with me that the present demarcation should be annulled and the matter proceeded with *de novo*.

ENCLOSURE No. 1.

From Mr. F. J. DAWES, Deputy Tahsildar, Shervaroy Hills, to the Collector of Salem, dated 14th September 1872, No. 159.

WITH reference to your memorandum of the 3rd instant, No. 442, regarding the encroachment by the Kadathoor Muttahdar, I beg to report that, on the 10th instant, I went to the village of Pulliamputty, about two miles from the foot of the Mallapuram Ghaut, and made a careful examination of the locality, the demarcation line of the Muttah as recently fixed, and the boundaries as described in the brass plate sasanum of the Moganad Puttakaran, given by Mr. McLeod, in the year Thoonthoby.

2. The Muttahdar whose interests are identified with this portion of the Muttah kept himself away, and the other proprietor was pleading ignorance to many important matters. I regret, therefore, that I am not in a position to report definitely on the question, but hope to do so at an early date as I intend summoning up the necessary parties.

Krishna Chetty.
Krishna Iyengar.

3. Should there be any papers in the Huzur which would help me in the inquiry of the encroachment, I would respectfully beg that they may be sent to me, and every care will be taken of them. The Istimrar Sanad, I believe, was granted about sixty-seven years ago for this Muttah, and, in the event of the proprietor withholding his copy, I would beg that an extract of the boundaries from the copy in the Huzur may be sent to me.

4. An inspection of the locality enables me to say that the west face of the Hill along the village of Pulliamputty (looking from the valley below) has been thrown into the Muttah boundary for about 2½ miles in breath and 5 miles in length, containing comparatively good jungle sprinkled with bamboo, and enclosing a honey-rock, the subject of dispute in Calendar Case No. 47, of 1872. Supposing that no portion of the Muttah could rise for any considerable distance above the base or foot of the hills, certain cadjan Ayacut Accounts shown me that day make it appear that the breadth of the Pulliamputty Village should be three Indian hours' walk or four miles. If this account can be accepted as true, I find that it is impossible to give the Muttahdar four miles in the plains, and still keep him to the foot of the Hills. The Vapady River which forms the western boundary of the Muttah, and the eastern of the Womalore Division, runs so close to the foot that, in certain places, there is hardly half a mile of land intervening.

5. An inspection, however, of some more authentic documents will, I am sure, help me to come to a correct conclusion as to the nature of the encroachment, and I beg to append a rough sketch of the locality.

(True Copy.)

(Signed) J. W. JOHNSTON,
Deputy Collector for Collector.

ENCLOSURE No. 2.

From H. GOMPERTZ, Esq., 1st Assistant Superintendent, Revenue Survey, to the Deputy Superintendent, No. 1, Revenue Survey, Coimbatore, dated Kariputty, 26th November 1872, No. 19.

I HAVE the honour, with reference to your letter, No. 726, of 18th instant, to inform you that I have carefully inquired into the dispute between the Kadathoor Muttah and the Shervaroy Hills, and have confirmed the existing demarcation.

2. The Shervaroy Hills Monegar and ryots declare that when the boundary was marked out by the Settlement Department they got no notice, and were not even aware that any boundary has been fixed at all till a few months ago. I think you will agree with me that this is so highly improbable as to be almost impossible, even when taken alone.

3. The Kadathoor Muttah Gumastah, however, produces a takeed, dated March 1860,* written to him by the Manager of the estate, directing him to attend at the marking of the boundary in obedience to a Summons received from the Settlement Department, as it was not Muttah but Government boundaries that were being marked; the mere fact of the Muttahdar's having received a Summons would be sufficient to convince me that one must also have been sent to the authorities of the Government villages.

* Corresponding date, native month, and year.

4. The Muttahdar and his Gumastah both assert that the Monegar and villagers were present, and assisted in marking the line. The Shervaroy Hills Curnam who lives in Salem, and whose attendance I did not get till some days after, admits that a notice *was* received. He says the then Curnam did not attend, either on account of illness or other work; but, though he cannot say positively, he has no doubt the Monegar and villagers attended. A Vakeel who came before me on behalf of the villagers also confirms what the Curnam says: thus proving the Monegar, etc., to have deliberately given false evidence.

5. The boundary having been marked in a regular and proper manner, and some twelve years having since elapsed without complaint, it would certainly be most unfair to re-open the matter, unless the Government villagers had a most overwhelming case, or could prove fraud. In point of fact, they have no case at all. They produce a copper plate which, they say, is a putta granted by Mr. McLeod, and on this they seem greatly to rely. For reasons too long to enter into, I believe this to be a forgery. Anyhow, there is no record in the Collector's Cutcherry in any way relating to it; no rights are exercised under it over the land in dispute, and a dozen might be made in the bazaar with the greatest ease. I have, of course, rejected it altogether.

6. They also produce what they say is a copy of a putta granted for honey-stones; it is, in fact, merely a list of stones in different villages, signed by no one, and with no kist entered, and is, in my opinion, absolutely worthless, especially in the face of the Curnam's admission that the honey-rock in the disputed ground was, at least for some years, in the Muttahdar's possession, and of the fact that a charge relating to it brought against the Muttahdar by Government villagers was thrown out by the Sub-Magistrate on the ground that the rock belonged to the Muttahdar.

7. I do not consider it necessary to call on the Muttahdar to prove the land belongs to him: being in possession, it is for others to show that it does not. However, the accounts referred to by the Deputy Tahsildar in his letter to the Collector decidedly tell in his favour. I have seen his Istimrar Sanad which contains nothing to prove either one thing or the other; and the Curnam tells me he has prevented the Government villagers from cutting jungle on the land, and has pounded large numbers of their cattle caught trespassing on it, which strike me as being pretty substantial proofs of ownership, not at all likely to be submitted to, had there been any hope of opposing them successfully.

8. I return all the papers connected with the case as per list enclosed.

(True Copy.)

(Signed) J. W. JOHNSTON,
Deputy Collector.

ENCLOSURE No. 3.—Sketch Map.

THE Director of Revenue Settlement will be requested to inform the Board whether any, and if so, what inquiry was held, and in what manner the interests of Government were watched when the boundary was determined; and whether he thinks that there are sufficient grounds for acting on the Collector's recommendation.

2. The Collector will state what extent of land is in dispute, and what its value is estimated to be.

No. 26. Proceedings of the Board of Revenue, dated 25th June 1873, No. 1,110.

Read the following letter from J. F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Kistnagherry, 9th June 1873, No. 156:—

I HAVE the honour, with reference to paragraph 2 of the Proceedings of the Board of Revenue marginally noted, to report that the Deputy Tahsildar of the Shervaroy Hills, who is personally acquainted with the strip of land regarding which the dispute between the Kadathoor Muttahdar and the Government exists, estimates that its extent is not less than six square miles and its value not below Rupees 20 per acre, or Rupees 76,800 for the whole.

Dated 16th April 1873, No. 583.

2. I do not think, considering the value of the jungle, that the Deputy Tahsildar is very far out on his estimate.

THE Board await the reply of the Director of Revenue Settlement to their Proceedings of the 16th April 1873, No. 583.

No. 27. Proceedings of the Board of Revenue, dated 11th November 1873, No. 2,288.

Read again Board's Proceedings, dated 16th April and 25th June 1873, Nos. 583 and 1,110.

Read also the following letters:—

From G. BANBURY, Esq., Director of Revenue Settlement, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Madras, 8th September 1873, No. 1,902-64.

IN reply to marginally noted Board's Proceedings, regarding the boundary dispute between the Shervaroy Hill Village of Moganad and the Kadathoor Muttahdar, I have the honour to submit the following extract from a letter from Mr. Clogstoun, which details succinctly the course adopted with regard to the definition of these boundaries, and the subsequent cessation of this task:—

Dated 16th April and 25th June 1873, Nos. 583 and 1,110.

Dated 6th May 1873, No. 53.

2. "2.—The demarcation of the lands on the Shervaroy Hills was undertaken by Mr. Thomas early in the year 1861, in accordance with the orders contained in the Proceedings of the Director, No. 272, of the 19th February 1861; and, as was the practice when demarcation was conducted in the plains, Mr. Thomas, while demarcating the coffee estates and the properties on the Hills, demarcated also the boundaries of the villages in which the estates were situated. This went on for some months, until in June of the same year, Captain Hessey, the then Head of the Survey Party in Salem, raised objections to the marking out of the village boundaries. He did not consider such a course at all necessary to aid the Survey Department in their work, and was of opinion that it was a waste of time and labour trying to demarcate boundaries of villages where no such boundaries were known. The matter was then referred for decision to the Collector, Mr. Brett, who, stating that he saw no particular object in the demarcation of the boundaries in question, gave it as his opinion that the attempt to demarcate them should be discontinued. Mr. Brett says—'In my opinion it is not advisable to divide the whole plateau of the Shervaroy Hills into villages in the same way as the whole country below is divided into villages. In the low country, the village boundaries can always be ascertained from the old Survey Accounts. On the Hills the lands have never been divided by any recognized authority into villages, nor, as far as I can see, would there be any practical advantage in their dividing extensive portions of land covered with jungle into so-called villages.' The whole case was then reported to the Director, who, agreeing with Mr. Brett and Captain Hessey, decided finally* that only cultivated lands on the Hills, and as much waste as was likely to be taken up within a reasonable period, should be demarcated, leaving all village boundaries undetermined.

* *Vide* Proceedings, No. 1,185, dated 22nd July 1861.

"3.—The boundary now in dispute is between the village of Moganad and the Kadathoor Muttah. The boundary of this village was doubtless demarcated by this department some time between February and June 1861, at which latter date the work of demarcating village boundaries was put a stop to, but there is nothing in the records of this office to show by whom it was performed, or whether there was any inquiry held before the boundary was determined and marked out. It is probable that, as it was found that the village boundary demarcation was not to be surveyed and plotted in and seemed in no way necessary, all records relating to it were destroyed."

4. I have endeavoured to ascertain whether anything could be elicited from the village officers engaged, or from any of our old hands now in the party. But the Moganad villagers deny all knowledge of the matter, and profess utter ignorance as to dates, and everything else. This, as Mr. Clogstoun says, is "simply incredible." The line was no doubt settled in their presence, and it is probable that they themselves partly supplied the stones. We have likewise failed in finding any old employé who was engaged in, or can throw any light upon, this matter in dispute. It is not improbable that owing to the wild jungly nature of the country, the inquiry made was merely verbal, and the line drawn as it were approximately, as the same care was not then taken as now, regarding these Hill village boundaries.

5. I much regret having to furnish so unsatisfactory a reply, and as there is nothing in the records of this Department to throw weight on either side of the balance, the case must doubtless be settled *de novo* on its merits.

From J. F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 11th October 1873, No. 297.

With reference to the Board's Official Memorandum No. 1,516, dated 30th September 1873, I have the honour to inform you, that there are no counterparts of Istimrar Sanads on record in this office. In the case of some Muttahs, there are what are called Tulluchits (Deeds of possession), but nothing of the kind is forthcoming as regards the Kadathoor Muttah.

The papers which are before the Board make out a *prima facie* case for believing that a strip of hill slope with a honey-rock six square miles in extent and worth Rupees 76,800, which really belongs to the Government village of Moganad on the Shervaroy Hills, was wrongly, irregularly, and without authority demarcated as belonging to the Kadathoor Muttah by the Settlement Department in 1861.

2. The Hill tribes produce a copper sasanum and a putta which support their claims, and the Muttahdar seems to have no documentary evidence to produce. The reasons given by Mr. Gompertz for rejecting the claim of the Moganad villages are insufficient.

3. The unauthorized demarcation of the Settlement Department must accordingly be repudiated, and the Collector must proceed to settle the boundary under Act XXVIII. of 1860.

No. 28. Proceedings of the Board of Revenue, dated 21st January 1874, Miscellaneous No. 15-394.

From J. F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Camp Valapadi, 13th December 1873, No. 416.

Referring to the Proceedings of the Board of Revenue, No. 2,288, dated 11th ultimo, I have the honour to request that Mr. J. B. Brougham, Acting Deputy Conservator of Forests of this district, may be appointed as the officer to represent Government in the boundary dispute between the Kadathoor Muttah and the village of Moganad on the Shervaroy Hills.

2. I do so as Mr. Brougham is personally very well acquainted with the locality, and also knows the particulars of the case for Government better than any other officer in the district.

3. The sanction of Government for this appointment is, under Section 2, Act XXVIII. of 1860, required.

Submitted for the sanction of Government.

Proceedings of the Madras Government, Revenue Department,
4th February 1874.

No. 29. ORDER THEREON, 4th February 1874, No. 158.

Miscellaneous.

THE demarcation by Mr. Gompertz of the Revenue Survey being altogether unauthorized, as stated by the Board, the Governor in Council is of opinion that it is necessary for the adjustment of the question of the disputed extent of the Kadathoor Proprietary Estate in the direction of the Shervaroy Hills to appoint a special officer for the purpose under Section 2, Act XXVIII. of 1860. He resolves, therefore, to appoint Mr. J. H. B. Brougham of the Forest Department to fix the boundaries between that estate and the Government village of Moganad, Shervaroy Hills, and to exercise herein all the powers and functions given to an officer so appointed under the aforesaid Act.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.
,, the Superintendent of Revenue Survey.
,, the Director of Revenue Settlement.
,, the Inspector of Forests.

Exd. W. H. French.

Vide No 534 of 1872-60-24/2
in 246.
Vide B Coop 24 April/74 No 969

Govt. of 1874 Madras.

REVENUE.

To

The BOARD OF REVENUE,

&c. &c. &c.

Dated February 4th

Read. &c.

Ord. 4th February 1874. No. 188.

FEBRUARY.
Nos. 25—29.

Boundary dispute between Kadathoor Proprietary Estate and Government—Appointing Mr. J. H. B. Brougham of the Forest Department for the settlement of the — and investing that officer with all the powers and functions under Act XXVIII of 1860.

Read the following:- 9-M/+

No. 583.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 16th April 1873.

Read the following letter from C. T. LONGLEY, Esq., Collector of Salem, to the Secretary to the Board of Revenue, dated 17th March 1873, No. 82:—

I HAVE the honour to submit, for the Board's orders, the under-mentioned boundary dispute between the Shervaroy Hills and the Kudathoor Muttah, in the Utengarai Taluq.

2. When I was upon the Hills last year, it was brought to my notice that a dispute existed between the Hill tribes and the Kudathoor Muttahdar as to the right to certain slopes and rocks where honey was produced on the northern side of the Hills. I immediately ordered the Deputy-Tahsildar to institute the necessary inquiries, and report upon the matter.

3. The Deputy-Tahsildar, in his letter No. 159, dated 14th September 1872 (copy enclosed), reported upon inspection that a strip of land, on the west face of the Hill, was included within the Muttah boundaries. Upon this, I addressed the Deputy-Superintendent of Revenue Survey who deputed Mr. Gompertz to inquire and report the correctness of the demarcation.

4. From Mr. Gompertz's letter (copy of which also is enclosed for the Board's information) it appears that the demarcation was made by the Settlement Department about twelve years ago, and that the strip of land now in dispute was then made over to the Muttahdar.

5. Mr. Gompertz bases his decision of the right to the land on the ground (1) that notice must have been given to the Hill Monegar and villagers at the time of demarcation, although they themselves deny it; (2), that the copper Sasanum produced by them is a forgery; (3), that the copy of a putta said to be given them is not to be relied upon; (4), that the Muttahdar is in possession; (5), that the *onus probandi* to the right to the land rests on Government.

6. As to the first of these arguments, I beg to state that there is no evidence of any notice having been given to this office, and that the reasons given for *presuming* that notice was given to the Monegar and villagers are certainly not conclusive. In the absence of any notice to Government, and of the presence of any responsible officer to look after Government interests, it was not right for the Settlement Department to have demarcated the boundary between the Muttah and Amani lands, especially as it was clear that the Muttahdar was trying to encroach upon the Hills which could not possibly belong to the plains; for I fail to see how any portion of the slopes of the Hills could belong to a Muttah situated in the plains, and the more so when it is in a different taluq altogether. Consequently, I submit, this demarcation should not be acknowledged as correct.

9-M

7. The grounds alleged by the Assistant Superintendent of Revenue Survey for considering the Sasanum produced by the Hill tribes a forgery are utterly futile; because the copper plate is such as can be made in a bazaar is no reason for supposing that Colonel McLeod did not grant it. The most elaborate documents *can* be forged; and in this particular case to believe that the villagers took the trouble of inscribing on a copper plate the words it contains, simply to show it

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8. As for the Muttahdar being in possession (it is at best a disputed possession) Mr. Gompertz himself admits that criminal prosecutions were instituted against the Muttahdar in reference to the honey-rock. Of course, the case was thrown out, as the act was done under colour of right. This, by itself, does not prove anything as to the right to the rock or the land, but, on the contrary, shows that the matter is in dispute, and has yet to be settled.

9. Under the above circumstances, I trust the Board will agree with me that the present demarcation should be annulled and the matter proceeded with *de novo*.

Enclosure No. 1.

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Krishna Chetty.
Krishna Iyengar.

3. Should there be any papers in the Huzur which would help me in the inquiry of the encroachment, I would respectfully beg that they may be sent to me, and every care will be taken of them. The Istimrar Sanad, I believe, was granted about 67 years ago for this Muttah, and, in the event of the proprietor withholding his copy, I would beg that an extract of the boundaries from the copy in the Huzur may be sent to me.

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5. An inspection, however, of some more authentic documents will, I am sure, help me to come to a correct conclusion as to the nature of the encroachment, and I beg to append a rough sketch of the locality.

(True Copy.)

(Signed) J. W. JOHNSTON,
Deputy-Collector for Collector.

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From H. GOMPERTZ, Esq., 1st Assistant Superintendent, Revenue Survey, to the Deputy-Superintendent, No. 1, Revenue Survey, Coimbatore, dated Kariputty, 26th November 1872, No. 19.

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4. The Muttahdar and his Gumastah both assert that the Monegar and villagers were present, and assisted in marking the line. The Shervaroy Hills Curnum who lives in Salem, and whose attendance I did not get till some days after, admits that a notice *was* received. He says the then Curnum did not attend, either on account of illness or other work; but, though he cannot say positively, he has no doubt the Monegar and villagers attended. A Vakeel who came before me on behalf of the villagers also confirms what the Curnum says: thus proving the Monegar, etc., to have deliberately given false evidence.

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8. I return all the papers connected with the case as per list enclosed.

(True Copy.)

(Signed) J. W. JOHNSTON,
Deputy-Collector.

Enclosure No. 3.—Sketch Map.

The Director of Revenue Settlement will be requested to inform the Board whether any, and if so, what inquiry was held, and in what manner the interests of Government were watched when the boundary was determined; and whether he thinks that there are sufficient grounds for acting on the Collector's recommendation.

2. The Collector will state what extent of land is in dispute, and what its value is estimated to be.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

To the Director of Revenue Settlement, with one Sketch Map to be returned.
" Collector of Salem.

Exd. F. R. Bantleman.

25

1873.

Board of Revenue,

MADRAS.

Proceedings, 16th April 1873, No. 583.

Encl.

P.C. 24 Feby. 74
No. 158.
Rev. 1926 1874

Received

APRIL.
No. 583.

Boundary Dispute—between Shervaroy Hills and Kudathoor Muttah in Uttengarai Taluq, Salem District.—*Director of Revenue Settlement requested to furnish certain information in connection with* —. *Collector requested to state extent and estimated value of land in dispute.*

No. 1,110.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 25th June 1873.

Read the following letter from F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Kistnagherry, 9th June 1873, No. 156:—

I HAVE the honour, with reference to paragraph 2 of the Proceedings of the Board of Revenue marginally noted, to report that the Deputy Tahsildar of the Shevaroy Hills, who is personally acquainted with the strip of land regarding which the dispute between the Kadattur Muttahdar and the Government exists, estimates that its extent is not less than six square miles and its value not below Rupees 20 per acre, or Rupees 76,800 for the whole.

Dated 16th April 1873, No. 583.

2. I do not think, considering the value of the jungle, that the Deputy Tahsildar is very far out on his estimate.

...Board direct the reply of the Director of Revenue Settlement to their Proceedings of the 16th April 1873, No. 583.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Director of Revenue Settlement.
Copy to the Acting Collector of Salem.

Exd. A. S. Rodgers.

1873.

Board of Revenue,

MADRAS.

PROCEEDINGS, 25TH JUNE 1873, No. 1,110.

Encl.

Rev 2
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No. 158.

eceived

JUNE.

No. 1,110.

Boundary Dispute—between Shevaroy Hills and Kadattur Muttah in Uttengarai Taluq, Salem District.—Reply of Director of Revenue Settlement to Board's Proceedings calling for certain information in connection with —, awaited.

No. 2,288.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th November 1873.

Read again Board's Proceedings, dated 16th April and 25th June 1873, Nos. 583 and 1,110.

Read also the following letters :—

From G. BANBURY, Esq., Director of Revenue Settlement, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Madras, 8th September 1873, No. 1,902-64.

IN reply to marginally noted Board's Proceedings, regarding the boundary dispute between the Shevaroy Hill Village of Moganad and the Kadathoor Muttahdar, I have the honour to submit the following extract from a letter from Mr. Clogstoun which details succinctly the course adopted with regard to the definition of these boundaries, and the subsequent cessation of this task :—

Dated 16th April and 25th June 1873, Nos. 583 and 1,110.

Dated 6th May 1873, No. 53.

2. "2 The demarcation of the lands on the Shevaroy Hills was undertaken by Mr. Thomas early in the year 1861, in accordance with the orders contained in the Proceedings of the Director, No. 272 of the 19th February 1861, and as was the practice when demarcation was conducted in the plains, Mr. Thomas, while demarcating the Coffee Estates and the properties on the Hills, demarcated also the boundaries of the villages in which the Estates were situated. This went on for some months, until in June of the same year, Captain Hessey, the then Head of the Survey Party in Salem, raised objections to the marking out of the Village boundaries. He did not consider such a course at all necessary to aid the Survey Department in their work, and was of opinion that it was a waste of time and [illegible] trying to demarcate boundaries of villages where no such boundaries were known. The matter was then referred for decision to the Collector, Mr. Brett, who stating that he saw no particular object in the demarcation of the boundaries in question, gave it in his opinion that the attempt to demarcate them should be discontinued. Mr. Brett says—'In my opinion it is not advisable to divide the whole plateau of the Shevaroy Hills into villages, in the same way as the whole country below is divided into villages. In the low country, the Village boundaries can always be ascertained from the old Survey accounts. On the hills the lands have never been divided by any recognized authority into villages, nor as far as I can see would there be any practical advantage in their dividing extensive portions of land covered with jungle into so-called villages.' The whole case was then reported to the Director, who agreeing with Mr. Brett and Captain Hessey decided finally* that only cultivated lands on the Hills, and as much waste as was likely to be taken up within a reasonable period should be demarcated, leaving all Village boundaries undetermined.

* *Vide* Proceedings, No. 1,185, dated 22nd July 1861.

"3. The boundarynow in dispute is between the Village of Moganad and the Kadathoor Muttah. The boundary of this village was doubtless demarcated by this department some time between February and June 1861, at which latter date the work of demarcating village boundaries was put a stop to, but there is nothing in the records of this Office to show by whom it was performed, or whether there was any enquiry held before the boundary was determined and marked out. It is probable that as it was found that the village boundary demarcation was not to be surveyed and plotted in and seemed in no way necessary, all records relating to it were destroyed".

4. I have endeavoured to ascertain whether anything could be elicited from the Village Officers engaged or from any of our old hands now in the party. But ignorance as to dates, and everything else. This, as Mr. Clogstoun says, is "simply incredible." The line was no doubt settled in their presence, and it is probable that they themselves partly supplied the stones. We have likewise failed in finding any old employé who was engaged in, or can throw any light upon this matter in dispute. It is not improbable that owing to the wild jungly nature of the country, the enquiry made was merely verbal, and the line drawn as it were approximately, as the same care was not then taken as now, regarding these Hill Village boundaries.

5. I much regret having to furnish so unsatisfactory a reply, and as there is nothing in the records of this Department to throw weight on either side of the balance, the case must doubtless be settled *de novo* on its merits.

From F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 11th October 1873, No. 297.

With reference to the Board's Official Memorandum No. 1,516, dated 30th September 1873, I have the honour to inform you, that there are no counterparts of Istimrar Sanads on record in this office. In the case of some Muttahs, there are what are called Tulluchits (Deeds of possession), but nothing of the kind is forthcoming as regards the Kadathoor Muttah.

The papers which are before the Board make out a *prima facie* case for believing that a strip of hill slope with a honey rock six square miles in extent and worth Rupees 76,800 which really belongs to the Government village of Mogan[illegible] Hills, was wrongly, irre[illegible] the Kadathoor Muttah by the Settlement Department in 1861.

2. The Hill tribes produce a copper sasanum and a putta which support their claims and the Muttahdar seems to have no documentary evidence to produce. The reasons given by Mr. Gompertz for rejecting the claim of the Moganad villages are insufficient.

3. The unauthorized demarcation of the Settlement Department must accordingly be repudiated and the Collector must proceed to settle the boundary under Act XXVIII. of 1860.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

To the Acting Collector of Salem.
" the Director of Revenue Settlement.
Exd. G. A. Turton.

1873.

Board of Revenue,

MADRAS.

PROCEEDINGS, 11TH NOVEMBER 1873, No. 2,288.

Encl.

Rev. 3/12,974.
Pl. 574 Feby 74
Received No. 158.

NOVEMBER.

No. 2,288.

Hill slope in Moganad village—of Shevaroy Hills, Salem District.—Unauthorized demarcation of a strip of — by Settlement Department, as belonging to Kadathoor Muttah, to be repudiated, and Collector to settle boundary between the Village and Muttah under Act XXVIII. of 1860.

4

Forest MISCELLANEOUS No. 15/394. REVENUE DEPARTMENT. 17-M

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 21st January 1874.

Read the following

No. 416.

From The Acting Collector of Salem.

To The Secretary to the Board of Revenue, Madras.

SIR,

Referring to the Proceedings of the Board of Revenue, No. 2288, dated 11th Ultimo, I have the honor to request that Mr. J. B. Brougham, Acting Deputy Conservator of Forests of this District, may be appointed as the Officer to represent Government in the boundary dispute between the Kadathoor Muttah and the Village of Mogandoor the Shemeroy Hills

I

2. I do so as Mr Brougham is personally very well acquainted with the locality, and also knows the particulars of the case for Government better than any other Officer in the District.

3. The sanction of Government for this appointment is under section 2 Act XXVIII of 1860 required

I have &c.

Salem Collector's Office
Camp Valapadi
13th December 1873

(Sgd.) J.F. Price
Acting Collector.

Submitted for the sanction of Government.

(True Copy and Extract)

J Grose
Secretary

To
The Secretary to Government
Revenue Department

Revenue 1874 Depte
No 192.

PROCEEDINGS OF THE BOARD
OF REVENUE.

S.O. No 158 — 4 Febry/74

Dated 21st } January 1874.
Despatched 21 }
Rec'd 22

Encs. 3.

SUBJECT.

Submitting for the sanction by Govt the proposal of the Collr of Salem to appoint Mr J. B. Broughaw, Acting Deputy Conservator of Forests, to represent Govt in a boundary dispute

Papers to

28.

C 26 Jany/74 B 27 C.

Nisi

5 21-1-74 Rev. Dept.

№ 158

Read Resp. Bd Rev

d/21-1-74 № 416.

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394

The demarcation by Mr Lomperty of the Revenue Survey being altogether unauthorised, as stated by the Board, the Govr in Co is of opinion that it is necessary for the adjustment of the question of the disputed extent of the Kadathoor Proprietary Estate in the direction of the Shevaroy Hills, to appoint a special officer for the purpose under Sect II, Act XXVIII of 1860 - He therefore to appoint Mr J.H.B. Broughan of the Forest Dept to fix the boundaries between that estate & the Govt Village of Mayanad, Shevaroy Hills, and to exercise therein all the powers & functions given to an officer so appointed under the aforesaid Act.

D.V. - 24/1-74

4: Feby 1874

14 Bds of Revenue
13 Supdt Rev. Survey
13 Sir, Rev. Settlement
3 Supdt of Forests
} dor. 5 Feby/74

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25-29

H-12

C26 Henry Jones 1827

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