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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	211	Press
~~B.P. No.~~		~~Mis.~~
Dated	16. 2.	1874 196

Not to be folded or roughly handled

211

*Proceedings of the Madras Government, Revenue Department,
16th February 1874.*

No. 136. Read the following Proceedings of the Board of Revenue, dated 3rd February 1874, No. 202:—

Read the following letter from J. W. HANDLEY, Esq., Government Pleader, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 13th January 1874, No. 5:—

With reference to the Proceedings of the Board of Revenue, noted in the margin, I have the honour to submit the following opinion:—

Dated 3rd December 1873, No. 8,281.

2. I cannot suggest any simpler method of securing for the pariahs of Parambakum the right of way to their burying ground than that proposed by the Collector, viz., to take up the land for public purposes, under Act X. of 1870. The Collector might, as Magistrate, if he was satisfied that a right of way existed, have proceeded under Section 532 of the Criminal Procedure Code, and ordered the Puttadar not to obstruct such right of way, but such proceeding must have been taken within three months of the obstruction, which period has probably long ago expired. The only other remedies which could be suggested are, a Civil suit and proceedings, under Section 521 of the Criminal Procedure Code. The former is of course not so simple a remedy as that proposed by the Collector, and I doubt whether the latter applies to the case of an obstruction of a right of way confined to a particular class of individuals. The word thoroughfare used in the section is not defined by the Act, but in its ordinary interpretation, it signifies a way open to the general public, and does not include a right of way claimed by only a section of the community. If proceedings were taken under this section, there would doubtless be an appeal, and the Magistrate's order might be set aside. The question, however, is a doubtful one, and if the Magistrate thinks he has jurisdiction under the section, there can be no harm in his exercising it, and a decision of the question by a higher tribunal will probably in this way be obtained.

3. I return the enclosure to the above Proceedings.

SUBMITTED to Government with reference to G. O., dated 22nd November 1873, No. 1,287.

2. The Board think the land should be taken up under the Land Acquisition Act.

No. 137. ORDER THEREON, 16th February 1874, No. 211.

Miscellaneous.

THE Board are requested to ascertain if the Magistrate is prepared to act under the section cited by the Government Pleader.

(True Extract.)

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

To the Board of Revenue.

211
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No. 202.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd February 1874.

Read the following letter from J. W. HANDLEY, Esq., Government Pleader, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 13th January 1874, No. 5:—

WITH reference to the Proceedings of the Board of Revenue, noted in the margin, I have the honour to submit the following opinion:—

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3. I return the enclosure to the above Proceedings.

SUBMITTED to Government with reference to G. O., dated 22nd November 1873, No. 1,287.

2. The Board think the land should be taken up under the Land Acquisition Act.

(A true Copy and Extract.)

J. Grose
Secretary.

To the Secretary to Government, Revenue Department,
with an enclosure received with G. O., dated 22nd November 1873, returned.
Copy to the Government Pleader.
.. to the Collector of South Arcot.

Ed. G. A. Turton.

With Board's No. 9 of 1874

GOVT. OF 1874

REVENUE.

THE BOARD OF REVENUE.

3rd February 1874.

G. O. 10th February 1874, No. 211.

REVENUE.
Nos. 186-187.

Part of ground of Parambakum village, South Arcot. Request Revenue Board to ascertain Magistrate is prepared to act in for the Criminal Procedure Code in the matter of securing for it the right of way to—

211/3

Notification

Under the provisions of Section 6. Act of 1870 the Right Honorable the Governor in Council hereby declares that of the land amounting to 12 Annas & 1 pie of the pinyak field No 33 held by Kodialum Raghava Gengayuttadan No 42, in the Village of Shokaswady Parambatur in the Taluk of Villapuram in the District of South Arcot, two Annas & two pies are required for a public purpose, viz for a pathway from Paracherry

4. 22. Received 13. 11. 1874
5. 5. 1874

1874. 22 Feb

Board of Revenue,

MADRAS. No 436

PROCEEDINGS, 3RD FEBRUARY 1874, No. 202

29 Feb 74

Encl. 1

Received 10

FEBRUARY.

No. 202.

Burial ground—of Parambatur village, in South Arcot District.—Letter from Government Pleader stating that he cannot suggest any method of securing for parials of the village right of way to — simpler than that proposed by Collector, viz., to take up the land for public purposes under Act X. of 1870, submitted to Government, with opinion that land should be taken up as proposed.

28 Feb 74

The Pleader is requested to maintain the right of way to the burial ground in the village of Parambatur. 28 Feb 74

136-137

5. 5. 1874. 17 Feb 74

Paracherry to Thokavady
Perumbakudi:

By order of the
Right Honorable the
Governor in Council

Per
Acting Collector

R 3310/73

In addition from the
Folklore of South
West dated 13th
October 1973 No:
63

Page 436/44.

In front of 2700/13

R 3310/73
In front of 2700/13