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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	213	Press
B.P. No.		Mis.
Dated	16 th Feb	1874 196

Not to be folded or roughly handled

No. 140. Read the following Proceedings of the Board of Revenue, dated 12th February 1874.

Read the following letter from A. MACGREGOR, Esq., Collector of Malabar, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Calicut, 3rd February 1874, No. 35.

I HAVE the honour to submit, herewith, translation of a plaint filed by the parties noted, in Original Suit No. 7 of 1873, in the subordinate Court, North Malabar, wherein the Collector and the

1. Pathumiah Tharagan.
2. Bramhasoori Tharagan.

Deputy-Collector of Wynad are included as the 1st and 2nd defendants.

2. It will be seen that plaintiffs seek to set aside the Government jenm right to a land called Chempothan Poyil, in Manantoddi, which is used by the people as a market every Sunday; and to recover possession thereof, with the rent Rs. 720, alleged to be due on it for three years as a market site.

3. The land, which is a waste, forms portion of a large tract of land. It is not the property of the plaintiffs nor have they any right over it. It is a portion of the land owned by Edachena Kunken who, with his master, the Pychi Rajah, rebelled against the British Government, and whose property was in consequence confiscated. The whole land has been in the possession of Government for more than sixty-four years, and is now the site of a Taluq Cutcherry and other public ga. A house has been erected and a weekly market established at the place with the permission of Government.

4. A few years ago certain tenants took up this very land in dispute for Coffee plantation, and Jenmabhogam (proprietor's share) was collected on it on account of Government from Fasli 1272 to 1277. Afterwards, the tenants vacating the land, the Jenmabhogam was struck off the accounts. Since then no one made use of the land until 1869, when a weekly market was established through the Deputy-Collector, and it is still kept up.

5. Certain other portions of the tract of which the land now sued for also forms a part, were once before declared the property of Government by the Principal Sadr Amin of Tellicherry, in Original Suit No. 39 of 1848.

6. The sole evidence upon which plaintiffs seem to found their right is certain Kychits on plain cadjan alleged to have been executed to 1st plaintiff by certain tenants who took up portions of the land for coffee cultivation, and a decree of the Civil Court passed in 1840. As to the first of these documents, it could be easily fabricated, and the plaintiffs themselves deny that the land is in the possession of the tenants according to these Kychits.

7. As regards the second, it was possibly obtained collusively in a suit in which the Government was not a party. Neither of these documents seems sufficient to invalidate the Government title. Besides the Civil decree alluded to in paragraph 5, several public records including the accounts connected with the levy of Jenmabhogam by Government are forthcoming. These are in course of collection, and will be produced along with certain old witnesses at the final hearing of the case.

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

8. I think the Government have a good case. I accordingly forward, herewith, a draft answer and request the Board's sanction to defend the suit at the public expense. The hearing of the case is fixed for the 10th March next.

SUBMITTED for the orders of Government.

2. Plaintiff sues to establish his claim to the Jenm right of certain land belonging to Government which has been in their possession for the last sixty-four years. It forms part of a large property which was confiscated in consequence of its owner having rebelled against Government. With the permission of the Revenue authorities the land sued for has for some time been used as a site for a weekly fair.

3. Plaintiff also claims Rupees 720 as rent for the use of the land for the above purpose for three years.

4. The Collector seems confident that he will be able to prove that the Jenm right to the land vests in Government.

5. The Board recommend that the defence of the suit be sanctioned and the draft answer approved.

No. 141.

ORDER THEREON, 16th February 1874, No. 213.

Miscellaneous.

SANCTIONED

(Tern-act)

(Signed)

D. F. CARMICHAEL,

Secretary to Government.

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

Ed. G. A. Turton.

Revenue Department
 Proceedings of the Board of
 Revenue dated 12th February 1874

Read the following
 No. 35.
 From
 A. Mac Gregor Esquire
 Collector of Malabar

To,
 J. J. Grose Esquire,
 Secretary to the Board
 of Revenue
 Madras.

I have the honor to
 submit herewith the translation of
 a plaint filed by the parties
 noted in O.S. No. 7 of 1873
 in the Subordinate Court, North
 Malabar,

1. Pothumial Tharagan.
2. Bramhasoori Tharagan.

1002/1667/75

Govt. of 1874
 REVENUE.

To

THE BOARD OF REVENUE,

Secy, Secy, &c.

Dated February 16th.

Recd.

And.

G. O., 16th February 1874, No. 218.

FEBRUARY.
 Nos. 140-141.

Suit No. 7 of 1873 filed in Subordinate
 Court of North Malabar.—Sanctions defence
 of—

Mialahar wherein the Collector
and the Deputy Collector
of Wynad are included as
the 1st and 2^d defendants.

2. It will be seen
that plaintiffs seek to set
aside the Government's
right to a land called Chem-
-potham Pozhil in Manantoddi
which is used by the people as a
market every Sunday; and to
recover possession thereof with the
rent Rupees 720 alleged to be
due on it for 3 years as a
market site.

3. The land which is a
waste, forms portion of a
large tract of land. It is not
the

212
the property of the plaintiffs nor
have they any right over it. It is
a portion of the land owned
by Edakkenda Thirukem, who with
his master the Pychi Rajah
rebelled against the British
Government and whose property
was in consequence confiscated.
The whole land has been
in the possession of Government
for more than 64 years and is
now the site of a Taluk Office
and other public buildings. A ha-
zuar has been erected and a
weekly fair established at the
place with the permission of
Government.

4. A few years ago certain
plaintiffs took up this very land
in

in dispute for coffee plantations
and Jemmal Bhogam (proprietor
share) was collected on it
on account of Government
from fiscal 1272 to 1277 - Afterwards,
the tenants vacating the land,
the Jemmal Bhogam was struck
off the accounts. Since then no
one made use of the land until
1869 when a weekly market
was established through the Deputy
Collector and it is still kept up.
5. Certain other portions
of the tract of which the land
now sued for also forms a
part, were once before declared
the property of Government by
the Principal Sudr Amin of
Tellicherry.

Tellicherry in O.S. No 397 of
1848.
6. The sole evidence upon
which plaintiffs seem to found
their right is certain *Tijchits* or
plain Cadgum alleged to have
been executed to the plaintiffs
by certain tenants who took up
portions of the land for coffee
cultivation, and a decree of the
Civil Court passed in 1840. As
to the first of these documents,
it could be easily fabricated
and the plaintiffs themselves deny
that the land is in the possession
of the tenants according to
these *Tijchits* and so on.
7. As regards the second
document (the second *Tijchit*)

it was possibly obtained
collusively in a suit in which
the Government was not a party.
Neither of these documents seems
sufficient to invalidate the
Government's title. Besides the
Court's decree alluded to in
yours, several public records
including the accounts connected
with the levy of Jemmalahogam
Shay Government are forthcoming.
There are in course of collection
and will be produced along with
certain old witnesses at the
final hearing of the case.

8. I think the Govern-
ment have a good case. I
accordingly forward herewith a
draft answer and request the
Board's

23
Board's sanction to defend the
suit at the public expense. The
hearing of the case is fixed
for the 10th March next.

I have &c.
Malabar Collection Office (signed) W. Austin
Calicut 3rd February 1874
Ag. Head Assistant
for Collector

Submitted for the orders of
of Government.
Plaintiff sues to establish
his claim to the Jemmalahogam
certain land belonging to Govern-
ment which has been in their
possession for the last 64 years.
It forms part of a large
property which was confiscated
in consequence of its owner having
rebelled against Government.
With

7
With the permission of
the Revenue authorities the land
sued for has for some time
been used as a site for a
weekly fair.

Plaintiff also claims
Rs 720 as rent for the use of
the land for the same purpose for
three years.

The Collector seems confident
that he will be able to prove that
the true right to the land rests
in Government.

The Board recommends that
the defence of the suit be sanc-
tioned and the draft annex
approved.

(True copy and extract)

Yours

Secretary

To, The Secretary to Government

Revenue Department
with 2 original Enclosures
to be returned.

M. M. M.
C. S. D.
V. V. V.

C14: 7 Aug 1740. R185

140-141

140th of Revenue } do. 21: 243/79
6 - acc: 50

Revenue 1874 Sept
No. 471
Proceedings of the
Board of Revenue

Advised 12th February 1874
Accepted 12th - - -
Received 13
2-16-1

Copy in H. S. 1874
Recommending Government

much to question
defence of suit etc. 7
of 1873 filed in suit.
ordinate Court of North
Madras to establish
plaintiff's claim to prim
right of cutting cane -

1023.
16 February 1874