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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	563	Press
B.P. No.		<u>Mis.</u>
Dated	7-5-	1874 196

Not to be folded or roughly handled

No. 93. Read the following Proceedings of the Board of Revenue, dated 28th April 1874, No. 991:—

Read the following letter from A. MACGREGOR, Esq., President, Local Fund Boards, Malabar, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Calicut, 23rd March 1874, No. 771:—

I HAVE the honour to submit, for the Board's approval, two draft plaints proposed to be filed in the District Munsif's Court and Sub-Court, Calicut, against

1. Nochipra Velu Kutti.
2. Mokayur Pachoo.

the parties noted for the recovery of Rupees 585-6-4 and 382-14-8, being principal with interest due by them

respectively on account of advances made to them by the Department of Public Works for materials which they had contracted to supply for the construction of two Chuttrums at Beypore, called Family and General Chuttrums.

2. The circumstances of the cases are as follows:—

In 1868 when the Department Public Works commenced the work of building the said Chuttrums, these individuals, carpenters by profession, executed two agreements, dated respectively 28th February and 15th March 1868 to the then Overseer Veda Muthoo, binding themselves to prepare and supply, within three months, the materials for roofing, etc., the two buildings, and to put up the same on completion of the masonry works, receiving Rupees 364 and Rupees 397-4-6 as advances. They failed to supply the materials either within the term or afterwards, and now refuse to pay back the advances made to them, falsely stating that they delivered the materials, but obtained no receipt.

3. In his letter, dated 24th January last, No. 6, the District Engineer requested me to take measures for the prosecution of the defaulting contractors and the recovery of the sums due, observing at the same time that Mokayur Pachoo is only liable for Rupees 222-6-0, he having supplied materials worth Rupees 174-14-6.

4. There has been considerable neglect in the matter on the part of some of the Department Public Works subordinates, and this will be fully reported on by the District Engineer when submitting the revised estimate which will be necessary. The work was at first begun partly from Imperial and partly from Road Fund and was more than once suspended owing to the financial crisis. It is now carried on as a Local Fund Work, but as the original advances were made before the Local Fund Act, it is presumed that Government should be considered the plaintiffs.

ENCLOSURES Nos. 1 and 2.—Draft plaints.

SUBMITTED for the orders of Government.

2. In 1868 an Overseer of the Public Works Department made advances to two Carpenters for the supply of materials for roofing two Chuttrums and for putting on the roofs. As they failed to perform the contracts and refused to refund the advances the President of the Local Fund Board, at the request of the District Engineer, proposes to sue for the recovery of the money.

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*Proceedings of the Madras Government, Revenue Department,
7th May 1874.*

3. The work which was begun partly from Imperial and partly from Road Fund is now carried on as a Local Fund work. The draft plaints are in the name of the President of the Local Fund Board on behalf of the Secretary of State. G. O., dated 22nd October 1868, No. 2,685, Revenue Department. G. O., dated 28th October 1868, No. 3,394, Public Works Department. As the money advanced was Government money and as defendants contracted with an Overseer of the Public Works Department the Board of Revenue are of opinion that the suits should be laid by the District Engineer on behalf of the Secretary of State for India in Council.

No. 94. ORDER THEREON, 7th May 1874, No. 563.

Miscellaneous.

REFERRED to the Government
Pleader for his opinion.

(True Extract.)

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

To the Government Pleader.
,, the Board of Revenue.

Bo. No. 29, 1867/14, 1868

Dated May 7th.
Recd.
Encl.

G. O. 7th May 1874, No. 603.

THE GOVERNMENT FLEADER.

Acc. Acc. Acc.

MAY.
No. 29-31.

Institution of Suits against two Carpenters,
Munbar District.—Refers to Government Plea
for opinion proposed for the —.

No. 991.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th April 1874.

Read the following letter from A. MACGREGOR, Esq., President, Local Fund Boards, Malabar, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Calicut, 23rd March 1874, No. 771 :—

I HAVE the honour to submit, for the Board's approval, two draft plaints proposed to be filed in the District Munsiff's Court and Sub-Court, Calicut, against

1. Nochipra Velu Kutti.
2. Mokayur Pachoo.

the parties noted for the recovery of Rupees 585-6-4 and 382-14-8, being principal with interest due by them

respectively on account of advances made to them by the Department of Public Works for materials which they had contracted to supply for the construction of two Chuttrums at Beypore, called Family and General Chuttrums.

2. The circumstances of the cases are as follows :—

In 1863 when the Department Public Works commenced the work of building the said Chuttrums, these individuals, carpenters by profession, executed two agreements, dated respectively 23th February and 15th March 1863 to the then Overseer Veda Muthoo, binding themselves to prepare and supply, within three months, the materials for roofing, etc., the two buildings, and to put up the same on completion of the masonry works, receiving Rupees 364 and Rupees 397-4-6 as advances. They failed to supply the materials either within the term or afterwards, and now refuse to pay back the advances made to them, falsely stating that they delivered the materials, but obtained no receipt.

3. In his letter, dated 21th January last, No. 6, the District Engineer requested me to take measures for the prosecution of the defaulting contractors and the recovery of the sums due, observing at the same time that Mokayur Pachoo is only liable for Rupees 222-6-0, he having supplied materials worth Rupees 174-14-6.

4. There has been considerable neglect in the matter on the part of some of the Department Public Works subordinates, and this will be fully reported on by the District Engineer when submitting the revised estimate which will be necessary. The work was at first begun partly from Imperial and partly from Road Fund and was more than once suspended owing to the financial crisis. It is now carried on as a Local Fund Work, but as the original advances were made before the Local Fund Act, it is presumed that Government should be considered the plaintiffs.

ENCLOSURES Nos. 1 and 2.—Draft plaints.

SUBMITTED for the orders of Government.

2. In 1863 an Overseer of the Public Works Department made advances to two Carpenters for the supply of materials for roofing two Chuttrums and for putting on the roofs. As they failed to perform the contracts and refused to refund the advances, the President of the Local Fund Board, at the request of the District Engineer, proposes to sue for the recovery of the money.

3. The work which was begun partly from Imperial and partly from Road Fund is now carried on as a Local Fund work. The draft plaints are in the name of the President of the Local Fund Board on behalf of the Secretary of State.

As the money advanced was Government money and as defendants contracted with an Overseer of the Public Works Department the Board of Revenue are of opinion that the suits should be laid by the District Engineer on behalf of the Secretary of State for India in Council.

(A true Copy and Extract.)

J. G. G. G.
Secretary.

To the Acting Secretary to Government, Revenue Department,
with two original enclosures.
,, the President of the Local Fund Boards, Malabar.

Encl. G. A. Tatten.

No. 583

Adams & Co.

for reason for his

Opinion - C. L. C.

7 May 1874

Revenue 1874. Appendix

Board of Revenue

MADRAS.

PROCEEDINGS, 28TH APRIL 1874, No. 991.

Order of Council

Received

27 May 1874

APRIL

No. 991.

Suits—against two Carpenters of Malabar District for recovery of money due by them on account of advances made to them by Department. Public Works for supply of certain materials for two Chintams at Koyore.—Pro- posal from Collector for institution of — sub- mitted for orders of Government, and opinion expressed that suits should be laid by District Engineer.

No. 583 - 7 May 1874

W. H. C. D. L.

3 74 Revenue Department 28th May 1874