

(1) Number of Pages 20(2) Date of repair 10-11-66(3) Initials of the Referencer @ 26/12**MADRAS RECORD OFFICE****GOVERNMENT OF MADRAS**Revenue DEPARTMENTG.O. No.
B.P. No.

894.

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1874.
196Not to be folded or roughly handled

1/894

*Proceedings of the Madras Government, Revenue Department,
17th July 1874.*

No. 145. Read the following proceedings of the Board of Revenue, dated 30th June 1874,
No. 1,638:—

Read the following letter from G. F. FREMAN, Esq., Collector of the Kistna District, to
J. GROSSE, Esq., Secretary to the Board of Revenue, dated Masulipatan, 5th June
1874, No. 66.

I HAVE the honor to forward translations of complaints filed against me and three others in
Original Suits Nos. 3 and 4 of 1874, on the file of the District Court at Nellore, by the Rajah of
Venkatagiri and Rancee Seshamma, respectively.

2. The object of the suits is to set aside the decision of Mr. J. H. Wright, 1st Assistant
Superintendent of Revenue Survey, in the matter of boundary disputes that existed between this
and Nellore Districts, and to establish a right to, and to recover possession of, the lands which
were annexed to the villages of this district by the said decision.

3. The complaints are nearly identical in each case, and the plaintiffs contend that a boundary
was laid down by Mr. Preston, Head Surveyor, on the 4th January 1865; that they had been in
possession of the lands in dispute until then; and that the decision of Mr. Wright is contrary to
law and barred by limitation.

4. Mr. H. O. Cardozo, Deputy Superintendent of Revenue Survey, informs me that
Mr. Preston had no authority to settle any disputes; that the disputes were pending for a long
time; and that, as it was found impossible to settle them by arbitration, Mr. Wright was deputed
by the Superintendent of Revenue Survey to decide them under Section 25, Act XXVIII. of
1860.

5. Mr. Wright says he was guided by a permanent boundary-mark called the "Loddi
pillar," which is entered in the pynaish accounts, in determining the line of boundary.

6. My map of the survey made in 1817 to 1819 shows that this piece of boundary was then
a disputed one; it is, therefore, clear that there was no reliable evidence of the line of boundary
to be obtained then, how much less is it to be expected now?

7. Mr. Wright's decision would have been fairer, as far as I can see, had the disputed
territory been equally divided.

8. I would propose this to the Board, and request permission to compromise the suit on
condition that each party is to bear his own costs. The date fixed for the hearing was 25th May
1874. Extension up to 27th July has been applied for.

9. The record (to be returned) connected with the case is enclosed.

ENCLOSURES Nos. 1 and 2.—Translations of Complaints in Original Suits Nos. 3 and 4 of 1874.

ENCLOSURE No. 3.—List of Papers.

ENCLOSURES Nos. 4 to 14.—Papers connected with the case.

SUBMITTED for the orders of Government.

2. The Collector of the Kistna District reports the institution, in the District Court of
Nellore, of two suits in which plaintiffs sue to set aside decisions of Mr. Wright, 1st Assistant
Superintendent, Revenue Survey, under Section 25, Act XXVIII. of 1860, in regard to a boundary
dispute of long standing between the Kistna District and Nellore.

3. In the first case the Rajah of Venkatagiri claims, as belonging to his estate, Acres 620
of hill, jungle, and arable land which the Survey Officer has assigned to the Government village of
Murtujapuram; in the second case Rancee Seshamma claims as belonging to Mutlagangavaram, an
Agraharam in the Nellore District, Acres 520 of hill, jungle, and arable land which have been
assigned partly to Murtujapuram, a Government village, and partly to Tangevala, a Shrotriam
village, both in the Kistna District.

*Proceedings of the Malabar Government, Revenue Department,
17th July 1874.*

4. The extent of occupied land in both cases is trifling, and the occupation is recent.
5. In regard to these claims the Collector observes that the result of the survey made in the years 1817 to 1819 shows that the boundary was then established, and that no reliable evidence as to the correct boundary line can be obtained. Being, therefore, of opinion that the Settlement Officer should have divided the land equally between the parties, he suggests a compromise on condition that each party bears his own costs. The Board consider that the Collector has not shown sufficient reason for abandoning Mr Wright's settlement, which seems to have been carefully made. They therefore recommend that the defence of the suits be sanctioned, and submit for approval draft answers.

No. 146.

ORDER THEREON, 17th July 1874, No. 891.

Miscellaneous.

THE Government sanction the defence of the suits, and approve of the answers proposed to be filed.

(True Extract.)

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

To the Board of Revenue, with fourteen Enclosures.

Ed. F. R. Bantleman.

Under commission of 1874

Printed at the Office of the
Comptroller of the Treasury
Washington, D.C.

JULY
1874

REVENUE

June 30, 1874

[Signature]

2/04

REVENUE DEPARTMENT.

C. No. 2187

From *Pro: B² of Rev:* Dated *30th June 1874.*
FOR ORDERS.

*I concur in the order
& would defend the
suit.*

L.O.S. *MS 17*

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G. J. J. J.*

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*vision and that he had no authority
to do so.
IV That the decision of the President
superintendent*

File 15/5

FOR ORDERS.

C 6th July/74 R 15th

5/5/74
Draft Answer O.S. No 3 of 1874

This defendant submits:-

I That plaintiff has no right to the land sued for which appertains to the Government village Murtujapuram of the Kistna District as decided by the 1st Assistant Superintendent Revenue Survey in his decision dated 7th Decem-ber 1873 under Section 25, Act 28 of 1860.

II That the land claimed by plaintiff has not been in his possession or enjoyment as in the plaint alleged.

III That the boundary dispute was not settled by a decision dated 2nd Janu-ary 1865 of Head Surveyor Mr. Preston, that Mr. Preston passed no such de-cision and that he had no authority to do so.

IV That the decision of the 1st Assistant Superintendent

Superintendent Revenue Survey is not
opposed to law and the Statute of Limita-
tion as in the plaint alleged.

V. That as the suit was not brought
within two months from the date of
the decision of the 1st Assistant Superin-
tendent Revenue Survey, it is barred
by section 25 Act 28 of 1860.

This defendant therefore prays
that the suit be dismissed with costs.

Answer in O. S. No. 1 of 1874.

This defendant submits—

I. That Plaintiff has no right to
the land sued for, which appertains partly
to the Government village Murtajapuram
and partly to the Shrotham village Vaugurala,
both in the Kistna District, as decided
by the 1st Assistant Superintendent
Revenue

6/54 4
Revenue Survey in his decisions dated
respectively 1st and 2nd December 1873.

II. That the land sued for has
never been in the possession or enjoy-
ment of plaintiff or of the person from
whom she derives her title as in the
plaint alleged.

(Here enter the rest as in the
other case).

J. Grose
Secretary,
Board of Revenue.

C. H. H. H.

C. H. H. H.

PROCEEDINGS OF THE BOARD OF REVENUE

Dated 30th June 1874.

No. 1638.

Read the following:-

No. 966.

From G. D. Leman Esquire
Collector, Kistna District.

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

Sir,

I have the honor to forward translations of plaints filed against me and 3 others in Q.S. Nos 3 and 4 of 1874 on the file of the District Court at Nellore by the Rajah of Venkatagiri and Rani Sesamma respectively.

2. The object of the suits is to set aside the decisions of Mr. J. H. Knight, Assistant Superintendent of Revenue Survey in the matter of boundary disputes.

Enclosure in forwarding of the Board of Revenue to the Secy. to the Govt. of Madras dated 30 June 1874.
No. 2157/74
By J. D. Leman Esquire
Collector, Kistna District.
Filed in Q.S. No. 316
1874 on file of
District Court at
Nellore against the
Rajah of Venkatagiri
and Rani Sesamma.

disputes that existed between this and
Nellore Districts, and to establish
a right to and to recover possession of
the lands which were annexed to the
villages of this District by the said
decision.

3. The claims are nearly identical
in each case, and the Plaintiffs contend
that a boundary was laid down by
Mr Preston, Head Surveyor, on the 4th
January 1865, that they had been in
possession of the lands in dispute un-
til then, and that the decision of
Mr Wright is contrary to law and
barred by Limitation.

4. Mr H. P. Cardozo, Deputy
Superintendent of Revenue Survey,
informs me that Mr Preston had no
authority to settle any disputes, that
the

8/8/74
the disputes were pending for a long time,
and that, as it was found impossible
to settle them by arbitration, Mr
Wright was deputed by the Superintend-
ent of Revenue Survey to decide them
under Section 25 Act ~~XXVIII~~ of 1860.

5. Mr Wright says he was guided
by a permanent boundary mark called
the 'Loddi pullar' which is entered in the
Punchah accounts in determining the
line of boundary.

6. My map of the Survey made in
1818 to 1819 shows that this piece of boundary
was then a disputed one. It is, therefore,
clear that there was no reliable evidence
of the line of boundary to be obtained
then. How much less is it to be ex-
pected now?

7. Mr Wright's decision would
have been fairer as far as I can see,
had

had the disputed territory been equally divided.

8. I would propose this to the Board, and request permission to compromise the suit on condition that each party is to bear his own costs.

The date fixed for the hearing was 23rd May 1874. Extension upto 27th July has been applied for.

9. The record connected with it to be returned. The case is enclosed.

Kistna District
Collectors Office
Masulipatam
5th June 1874 — } I have H^{rs}
Signed, G. D. Geman
Collector.

Submitted for the orders
of Government.

The Collector of the Kistna District reports the institution in the District Court of Nellore, of this
suits

9/6/74
suits in which plaintiffs are to set aside decisions of Mr. Wright, 1st Assistant Superintendent, Revenue Survey under Section 25. Act 28 of 1860 in regard to a boundary dispute of long standing between the Kistna District and Nellore.

In the first case the Rajah of Komhalacini claims, as belonging to his estate, acres 600 of hill, jungle and arable land which the Survey Office has assigned to the Government Village of Murtyaapuram. In the second case, Rami Seshamma claims, as belonging to Mullaganga-param pu. Agraram in the Nellore District, acres 520 of hill, jungle and arable land which have been a Government village assigned partly to Murtyaapuram and partly

partly to Tanagerala a Shrotrien village,
both in the Kistna District.

The extent of occupied land in
both cases is trifling and the occupa-
tion is recent.

In regard to these claims, the
Collector observes that the map of
the survey made in the years 1817 to
1819 shows that the boundary was

then ascertained, and that no
reliable evidence as to the correct

boundary line can be obtained.

Being therefore of opinion that

the Settlement Officer should
have divided the land equally

between the parties, he suggests

a compromise on condition that

each party bears his own costs.

The Board considers that the
Collector

Collector has not shown sufficient
reason for abandoning Mr Wright's
settlement which seems to have
been carefully made. They therefore
recommend that the details of the
facts be ascertained, and submit for
approval draft answers.

True copy & Extract

For
Secretary

To The Secy to Government
Revenue Department.
with draft answers and
original enclosures to
be returned.

Wm. H. P. L.
C. J. W. H. L.

