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# MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 916  
B.P. No.

Press  
Mis.

Dated

22<sup>nd</sup> July

1961/4

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,*

*22nd July 1874.*

No. 180. Read the following Process of the Board of Revenue, dated 24th June, 1874.  
No. 1535:—

Read the following letter from J. R. GARSTIN, Esq., Collector of South Arcot, to J. GRISWOLD, Esq., Secretary to the Board of Revenue, dated Cuddalore, 30th May 1874, No. 258.

I have the honor to forward, herewith, a letter\* from the Acting Joint Magistrate, Mr. Lister, bringing to notice the conduct of Dharmaraya Mudali, when Acting as Magistrate of Porto Novo, in the conduct of Taluk Case, No. 319 of 1874, on his file, together with a copy of the Proceedings of the High Court, on a reference by me, quashing the conviction on the ground that there was no evidence of the offence charged, and remarking that, "if the Joint Magistrate's views as to the serious irregularities in the procedure of the 3rd Class Magistrate, are in the opinion of the Magistrate correct, the High Court have no doubt that such steps have been taken, as the existence of matter of this kind against a Subordinate Magistrate requires."

2. I consider Dharmaraya Mudali's conduct, in the disposal of this case, to have been so improper, and to exhibit such an indifference to the law of procedure, and such an utter absence of all sense of justice, that I feel I should be failing in my duty if I did not request, as I now do, that his conduct may be reported to Government, with the recommendation that he be never allowed again to exercise Magisterial powers, and with the expression of my opinion, that it would be for the benefit of the public service if he were dismissed from it.

3. The circumstances of the case, and the misconduct of Dharmaraya Mudali, are fully detailed in the Acting Joint Magistrate's letter, and are briefly as follows:—

In November last, two ryots of the village of Chinnakommatukottai, near Porto Novo, each sold two trees standing on the land in their respective enjoyment; and the Village Munsif hearing of it, and being doubtful whether the trees, which had been cut down by the purchasers, stood on patta land, or on Government *putambaka*, that is, whether they were private or public property, forbade their removal, and reported the matter to the Porto Novo Magistrate, Dharmaraya Mudali, who wrote a yadast on the subject to the Tahsildar and, enclosing the report, gave it to the Munsif to send to the Tahsildar, which he did by the hands of the Village Vetti, who delivered the cover to a hatta goon at the Taluk Catchery, being unable, owing to the crowd, to get at the Tahsildar himself. This officer appears, however, not to have received the yadast or its enclosure. In the meanwhile, the Gurnam of the village was appealed to by one of the vendors of the trees (Vadamalai Padinchi) to examine the locality, and decide whether the trees really stood on his land or on Government waste. He did so, and decided that the trees sold and cut down stood on the patta land of the vendors in both cases. The other vendor (Karasai Padinchi) was the Village Munsif's father. Some days afterwards, the Munsif being apparently satisfied by the Gurnam that the trees were not Government property allowed them to be removed, and they were taken away. For doing what they did, the Munsif, the Gurnam, the Munsif's father, and the other ryot (Vadamalai Padinchi) were convicted and punished for *theft*, after a series of the most extraordinary Magisterial performances on the part of Dharmaraya Mudali, in the course of which he kept an diary, entered false dates in the Calendar, tampered with the records by altering statements taken from accused persons into depositions or solemn affirmations by substituting the word "Witness" for "Defendant," and by interpolating the words "solemnly affirmed," presented five out of the six witnesses by warrants charging them with theft, and then turned them into witnesses for the prosecution, and finally convicted the Gurnam, without his ever having been present during the examination of any of the witnesses and two of the other accused after they had only heard the examination of three of the witnesses. Why the Vetti, who carried the Magistrate's yadast to the Tahsildar, should ever have been arrested on a warrant charging him with theft, seems inexplicable, for he was not mixed up in any way with the cutting or removal of the trees.

4. I have taken a statement from Dharmaraya Mudali, which does not, in my opinion, at all exculpate him, and enclose a copy of it for the Board's information.

*Proceedings of the Madras Government, Revenue Department,  
2nd July 1874.*

5. The reputation which this officer brought into the district was bad; but while at Porto Novo he contrived to blacken it still more; and, if the expressions used in a petition sent to me from Porto Novo after he left were fair indications of the estimation in which he was held there, he must have made himself detested, for I was requested to set the town on fire, rather than to let him go back. I have felt it my duty to remove him from the office in which he is at present temporarily officiating.

6. I may mention that this is the officer into whose conduct an inquiry was held in 1868, when he was Treasury Deputy Collector in the Kistna District, relative to his delaying to issue orders to the Superintendent of Salt-pans in that district regarding to the rise in the price of salt, in consequence of which considerable loss of revenue was incurred, and who was severely reprehended, although acquitted of improper motives; who was degraded from 3rd to 4th Class Deputy Collector in 1867 for gross impertinence (*vide* Board's Proceedings of 8th November 1866, No. 8,993), and finally removed by Government from the list of Deputy Collectors for obtaining pecuniary benefits through his own subordinate (*vide* Board's Proceedings of 17th October 1867, No. 6,737, and G. O. thereon, dated 13th December 1867, No. 2,972.)

Read Petition, No. 1,442, dated 8th June 1874, from T. Dharmaraya Mudali.

*ENCLOSURE No. 1.*

From A. T. LISTER, Esq., Acting Joint Magistrate of South Arcot, to J. H. GARSTEN, Esq., District Magistrate of South Arcot, dated Chittoor Salem, 23rd March 1874, No. 42.

I have the honor to forward, for your perusal, the records in Calendar Case, No. 349 of 1873, on the file of the Porto Novo Sub-Magistrate.

2. On or before the 13th November last, Munsif Appavoo Padiah reported to Dharmaraya Mudali, Sub-Magistrate of Porto Novo, that some trees on Government land had been cut and misappropriated. The Sub-Magistrate wrote a yadast on the 14th November to the Tahsildar of Chellamburam and gave it with the report to Munsif Appavoo Padiah to take to the Tahsildar.

3. The yadast and report never reached the Tahsildar. Appavoo Padiah says he gave it to Vetti Kiliyan, who avers that he delivered it to a batta peon at the Taluk Cutcherry.

4. Then Sub-Magistrate Dharmaraya Mudali began to take a little independent action. How he got set into motion does not appear from the record, but the Calendar says, that "rumors were abroad," that matter had been settled, and that "all recusant parties" were satisfied in the village.

5. But Sub-Magistrate Dharmaraya Mudali was not at all satisfied, and he entered with spirit and vigour upon a course of inquiry which was certainly thorough, for he did not give any one he chose to convict a ghost of a chance of escape. There was a difficulty about punishing all concerned; for, when all were arrested as thieves, there was no one to give evidence; but Dharmaraya Mudali got over this difficulty by altering and tampering with the record at pleasure; and that his own diary might not be an unpleasant piece of real evidence against him, he obliterated the entry without the aid of his Gomastah; made no entries in his diary as the case proceeded; and at last entered December 31st as the date of commencing trial in the Calendar he submitted to me, although the last witness was examined on the 3rd December.

6. When the rumors abroad reached Dharmaraya Mudali's ears, it appears from the Calendar that he sent for Munsif Appavoo Padiah and took a recognizance (marked A) from him for his appearance on the 25th at the inquiry for his not having delivered his report of tree-cutting to the Chellamburam Tahsildar. The recognizance is not on the usual printed form, and, as this is the earliest paper on the record, it would appear that the Sub-Magistrate determined from the first to work the case through without the aid of his Gomastah, and not to be hampered by any of the usual legal forms, or by the inconveniences of making day to day entries in the diary.

7. On the 26th Munsif Appavoo Padiah was examined. The examination took the form of question and answer, and the words, "First defendant," are inserted between the lines.

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2nd July 1874.*

He was asked what he had done with the report, and he replied, that he had sent it by the Vetti to the Tahsildar. He was then asked where the trees were, and he said, that Pannaga Pillai, Rungasami Pillai, Chellalinga Padiah, Pannalai Pillai, and Pannasami Pannasami Pillai, these five, with two or three others who had cut the trees, had removed them.

8. On the same day, warrants were issued for the arrest of these five persons and for Vetti Kiliyan on a charge of theft. On the 26th, recognizances were taken from Pannaga Pillai and Pannasami Pillai.

9. On the 28th item, Manthosami Chetty, who purchased the timber by his agent Pannaga Pillai, was examined as the first witness. Pannasami Pillai who had been arrested on warrant was examined as "defendant," a space being left in which to write the number: "2" was subsequently entered as the number, and defendant was scratched through, and "witness" written above. I say defendant was examined on the 28th, because "24" is the date which now appears in the deposition (C), but it was evidently inserted after the deposition was written in the blank space which had been left. The statement that the oath was administered to this defendant or witness, whichever he was at the time of the examination, was manifestly entered subsequently.

10. On the same day Pannaga Pillai was examined (marked D); he was entered as a defendant. This word is scratched through, and the words, "3 witness," written after it.

11. Now on the 28th a surry bond (marked E) was taken from one Veerabandha Madali for the appearance on the following day of Pannasami Pillai and Pannaga Pillai charged with theft, and of Appavoo Padiah who did not deliver the Sub-Magistrate's yadast to the Tahsildar of Chellamburam according to orders, and warrants were issued for the arrest of Narayana Padiah, Vadamarai Padiah, and Rungasami Padiah; and on the 1st December, recognizances were taken from them, and also from Kiliyan and Rungasami Pillai to appear to answer a charge of theft.

12. On the 3rd December, Rungasami Pillai was examined (F). It is entered in the deposition that he was the fourth witness, but the word witness and the statement that he was sworn were evidently inserted after the deposition was written. Rungasami Padiah, who had been arrested on warrant, was the fifth witness and Vetti Kiliyan was examined; and from words inserted between the lines, it appears he was taken as the sixth witness.

13. Up to this date warrants had been issued for the appearance of nine persons, and seven had been arrested; of these seven, five had been converted into witnesses, and two remained as accused together with Munsif Appavoo Padiah. As there were several persons in the village of the names of Chellalinga Padiah and Pannalai Padiah, no arrests were made, and the warrants were returned without being executed.

14. After the six witnesses in the case had been examined, a warrant for theft was issued for the Curram Mothosami Pillai, who appeared the next day and executed a recognizance; and on the 7th December, another warrant for theft—the eleventh and last in this case—was issued for A. Rungasami Chetty, who was lackier than the Curram, for, although they were both arrested after all the evidence had been recorded, the Curram had the bad luck to arrive in time for the sentence, while Rungasami Chetty, who was not produced until the 10th, missed both the evidence and the sentence, and was seemingly allowed to go about his business. In support of my charge against Dharmaraya Mudali, that he tampered with the record at pleasure, I want to draw your attention to his English Memorandum. At the foot of the first page, the date entered is 24-11-73, and the whole of the first sheet purports to have been written on that day; but on the top of the page, Appavoo Padiah, Narayana Padiah, Vadamarai Padiah, and Curram Mothosami Pillai are entered as the accused; but these were not his four accused on that day. Two of his accused on that day were Pannaga Pillai and Pannasami Pillai, from whose recognizances to appear on the following day were taken. Warrants were issued for Narayana Padiah and Vadamarai Padiah on that day, and they appeared only on the 1st December, while Curram Mothosami Pillai not only was not present on the 28th, but it had not then occurred to Sub-Magistrate Dharmaraya Mudali that he would be an accused in the case, for his warrant was not issued until the 2nd December, the day on which Rungasami Pillai was

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22nd July 1874.*

examined. I assert, therefore, that the Sub-Magistrate's notes, which purport to have been written on the 28th November, must have been written after the 3rd December, the day on which he despatched to make the Gurnam an accused.

15. The next point to which I beg attention is to the case of the lucky man, Rangasami Chetty. It was on the 5th December that a warrant for his arrest was issued, but his name has been interpolated in the examination of Munsif Appavoo Padinchi made on the 25th November. Had Rangasami Chetty's name really been mentioned on the 25th, a warrant for his arrest would of course have been issued. His name you will observe, is inserted between the lines. No number is given to him; but on the contrary, the names which went before are summed up "15." Can there be any room for doubting that the name of Rangasami Chetty was interpolated on or after the 5th December, when a warrant for his arrest was issued.

16. A third clear case of tampering with the record is the altering from defendants to witnesses Ponnasami Pillai and Paranga Pillai; that they were examined as accused persons on the 25th November is clear apart from the original entry by a recognizance being taken for their appearance as on the 29th.

17. Of the six witnesses examined for the prosecution, five were arrested on warrants as accused persons. No entry was made in the diary until the 30th December. No place was recorded. The 30th December was falsely written in the Calendar as the day of commencing trial. The fourth accused the Gurnam was not present during the examination of any of the witnesses, and the second and third accused Narayana Padinchi and Valsamalai Padinchi were not present during the examination of the first three witnesses.

18. As the only suspicion against Vatti Nallian was that he had failed to carry a report from his Village Munsif to the Tahsildar, Dharmaraya Mudali, should explain why he arrested him on a warrant for theft.

19. I think the case should be referred to the High Court as one of avoidance. The Tahsildar, to whom Mr. Sharn referred the case for inquiry on the Revenue note, reports that the trees were on putta land. The Munsif Appavoo Padinchi being doubtful in the first instance, said the trees were not to be removed until it had been ascertained whether they stood on Government or putta land, and, as they insisted on removing them, he properly reported the case, and has been punished for theft. The Gurnam went upon application in the ordinary course of business, to measure the land, and found that the trees stood on putta land, and said so. He too has been punished for theft.

(True Copy)

(Signed) J. H. GARSTIN,  
Magistrate.

Enclosures Nos. 2 to 8.—Records.

The Board concurs with Mr. Garstin, in thinking that the records now submitted show that Dharmaraya Mudali is absolutely disqualified both by his ignorance of law and his peculiarities of disposition for Magisterial duties, and they resolve to recommend Government to forbid the future employment of the man in any Magisterial capacity whatever.

2. It would serve no useful purpose to relate the particulars of the case, which was tried by Dharmaraya Mudali while acting as Sub-Magistrate at Porto Novo—a post from which he has since been removed—because this has been already done by Mr. Lister and Mr. Garstin. Dharmaraya Mudali's defence is sufficiently set out in one of the enclosures to Mr. Garstin's letter and in Pension No. 2,442 of 1874, and it was duly considered by the Board, before they resolved to recommend Government not to allow him to be employed again as a Magistrate.

3. Nevertheless, the Board are of opinion that Dharmaraya Mudali has shown himself in this instance at all events to be unfit for the public service, or the post of Record-keeper, and they resolve to direct Mr. Garstin to restate him in the acting appointment from which he has been removed.

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22nd July 1874.*

No. 190

ORDRE NUMBER 22nd July 1874, No. 916

Miscellaneous

The Excellency the Governor in Council approves of the Board's recommendation in this case, and resolves to declare Dharmaraya Mudali

incapable of being employed hereafter in any Magisterial capacity whatever.

2. The papers will be communicated to the Judicial Department for the issue of the necessary instructions to the Magistrate.

(True Extract.)

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

To the Board of Revenue,  
the Judicial Department

Exd. A. Grubert.

C. No. 211  
Date 1872

FOR ORDER

1894

Report of the Lieutenant  
Inspector of the Police  
but report it - There  
is no man in the  
Public Service that  
I know of - I have  
known him well  
since 1856 - others  
and others are so  
unfavorable of their  
character is so during  
crossed and un-  
derneath as to know  
Eagles.

He was dismissed  
by Dep. City Clerk &  
Tome for 30 years  
since the Board

after years of unsatisfactory  
factory employment. He  
was 87 and of about  
up County - at now  
we hear of him a  
gain under the same  
discreditable  
character  
which has followed  
him thro' life & will  
follow him to  
the end

3/7 1877

I could add that the  
various stories of  
the Board

7/7

Revenue Department

Proceedings of the Board of Revenue  
dated 22<sup>nd</sup> June 1874

Read & Published MS 1468  
dated 2<sup>nd</sup> June 1874 from J. Dunningham  
Meddall.

Read also the following  
from

J. H. Garstin Esquire  
Collector of South Arcot

J.  
J. Grose Esquire  
Secretary to the Board of  
Revenue & Madras

For

Dated 23<sup>rd</sup> March  
1874 MS 42

I have the honor to forward  
herewith a letter from the Acting  
Joint-Magistrate Meddall bringing  
to notice the conduct of J. Dunningham  
Meddall when acting as Magistrate  
of Districts in the conduct of Criminal  
Cases MS 429 from on his file together

with a copy of the Proceedings of  
the High Court on a reference by  
me, quashing the conviction on the  
ground that there was no evidence  
of the offence charged and re-  
marking that "if the Joint Ma-  
gistrate were as to the serious ir-  
regularities in the proceedings  
of the District Magistrate are in  
the opinion of the Magistrate court  
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gistrate requires."

I consider Thannaraya  
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an utter absence of all sense of  
justice, that I feel I should be failing  
in my duty if I did not request, as  
I do so, that his conduct may be  
reported to Government with the re-  
commendation that he be never  
allowed again to exercise Magis-  
terial powers and with the expression  
of my opinion that it would be  
for the benefit of the public service  
if he were dismissed from the

The circumstances of the  
case and the misconduct of Thannaraya  
Thadab are fully detailed  
in the Acting Joint Magistrate's  
letter and are briefly as follows:-

In a town in last night of the  
village of Khammoua Thannatkolle  
near Port. Two cash sold two trees  
standing

standing on the land in their  
respective enjoyment, and the  
Village Munsiff hearing of it  
and being doubtful whether the  
trees which had been cut down  
by the purchasers stood on puttah  
land or on Government Porambohs,  
that is whether they were private  
or public property, forbade their  
removal and reported the matter  
to the Porto Novo Magistrate. I have  
Mr. M. M. M. who wrote a  
Yadast on the subject to the Tahsildar  
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8  
To buildar himself. This officer  
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ceived the Yadast or its enclosure.  
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one of the Vendors of the trees  
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in the course of which he kept  
no diary, entered false dates  
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The reputation which  
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tions of the estimation in which  
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made himself detested for I was  
suggested to set the town on fire  
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I have felt it my duty to remove  
him from the office in which he  
is at present temporarily officiating.  
I may mention that this is  
the officer who whose conduct

an enquiry was held in 1866  
when he was Treasury Deputy  
Collector in the Krishna District  
relative to his delaying to issue orders  
to the Superintendents of Salt pans  
in that District regarding the  
rise in the price of salt, in conse-  
quence of which considerable loss  
of revenue was incurred, and  
when severely reprimanded,  
although acquitted of improper  
motives, who was degraded from  
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Board's Proceedings of the 18th Nov.  
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moved by Government from the  
list of Deputy Collectors for obtaining  
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own subordinate (Vide Board's  
Proceedings of 17<sup>th</sup> October 1867  
N<sup>o</sup>. 6737 and G. O. thereon dated  
13<sup>th</sup> December 1867 N<sup>o</sup>. 2972).

In the West Collie Office I have been  
Ludalalore { (S<sup>rs</sup>) J. H. Garstin  
30<sup>th</sup> May 1874 } Collector

The Board concur with  
Mr. Garstin in thinking that the re-  
cords now submitted show that  
Dhurnaraya Mudali is absolutely  
disqualified both by his ignorance of  
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It would serve no useful purpose  
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Dhurnaraya Mudali's defence is suffi-  
ciently set out in one of the enclosures  
to Mr. Garstin's letter and in petition  
1442 of 1874, and it was duly considered  
by the Board before they resolved to re-  
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to be employed again as a Magistrate.

Nevertheless the Board  
are not of opinion that Dhurnaraya  
Mudali has shown him-  
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events to be unfit for the  
Public Service or the post of  
Record-keeper and they resolve  
to direct Mr. Garstin to re-appoint  
him in the acting appointment.

from which he has been removed.

(Enc. copy & return)

J. E. Gode

Secretary

Chief Secretary to Government

Revenue Department

with Petition and Remedy

2110

Received 13th Aug 1871

Proceedings of the  
Board of Revenue

Deane 24. June 1876

July 24 - 9 - 11  
E. 25 - 11

Recommend my best love  
to all =

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Waggon of Dr. Moore,

Magistral cap...

the west of

25. Condensed from 1st

It has been reported

7-20-1919

[illegible]

Proceedings of the  
Board of Revenue  
Dated 24<sup>th</sup> June 1874  
Page 24 — " — "  
Vol. 25 —  
no 8.

Recommending Spots to be  
left for the employment of  
the men employed, but  
the estate of Mr. 1800, in  
the agricultural capacity  
of the estate of 24. 1800  
to be in the same estate  
of the estate from which  
he has been removed.

For order  
The Secy of the

to 4th of November  
of 1874