M.R.O. 1—20,002—12-8-65.

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(3) Initials of the Referencer

# MADRAS RECORD OFFICE

## GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1251 Press
~~B.P. No.~~ Mis.

Dated 1-10-1874 ~~196—~~.

*Not to be folded or roughly handled*

*Proceedings of the Madras Government, Revenue Department,*
*1st October* 1874.

No. 9. Read the following Proceedings of the Board of Revenue, dated 25th September 1874. No. 2,781 :—

Read the following letter from A. MACGREGOR, Esq., Collector of Malabar, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cannanore, 12th September 1874, No. 218A :—

I HAVE the honor to submit, for the Board's approval, a draft plaint, which I propose to file in the District Munsif's Court at Venmalpuram against the parties noted * for the recovery of three pieces of escheat lands valued at Rupees 320. The circumstances of the case are as stated below :—

*1. Nadaviledathil Bhimanachen.
2. P. Vasoodeven Namboodripad.

2. In 1870 these lands were, along with certain other escheats of the Chenat Nair's Estate, Palghat, settled in the name of one Poomallimanakal Vasoodeven Namboodripad, No. 2, for Rupees 32,000 in the aggregate, and he has paid Rupees 1,200 in accordance with the instalments fixed.

3. In 1872, No. 1 filed a suit, No. 577 in the above Court, for the recovery of certain property belonging to him, wrongly including within the boundary limits given by him, the three pieces of land in question; and although, No. 2, the tenant in possession, contended in the case, that he had purchased their jenm right of Government, the Munsif decreed for plaintiff, without making Government a party, or requiring them to produce evidence to prove their title; and which decree has been confirmed in appeal by the District Court, South Malabar. The plaintiff accordingly obtained possession of the lands in June 1874.

4. I was not informed of this fact until October 1873, when P. Vasoodeven Namboodripad brought it to my notice, by a petition praying that the lands, which he had lost, might be restored to him by means of a regular suit instituted by Government.

5. As the jenm right of land vests in Government, until it is formally transferred to the purchaser by means of title-deeds, we are bound to establish that right where it appears to be questioned. I accordingly endeavored through the Tahsildar to bring about an amicable settlement with Bhimanachen; but he would listen to no proposal. I see, therefore, no alternative but to file a suit in which I am confident the Government title can be satisfactorily established. There are in favor of Government not only the Paimash Accounts of 974 and 1,000 of the Malabar era in which the lands in question appear as the jenm property of the late Chenat Nair, but also the deed upon which Bhimanachen founded his alleged right. It can be clearly proved that the boundary limits specified in this document do not embrace the lands now proposed to be sued for. The evidence of old witnesses in the neighbourhood is also available.

6. I accordingly request the Board's sanction to conduct the suit at the public expense.

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ENCLOSURE No. 1.—Draft Plaint.

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SUBMITTED to Government with the recommendation that the Collector be authorized to institute the suit.

*Proceedings of the Madras Government, Revenue Department,*
*1st October* 1874.

No. 10. ORDER THEREON, 1st October 1874, No. 1,251.

Miscellaneous.

AUTHORITY is accordingly granted for the institution of the proposed suit.

(True Extract.)

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

To the Board of Revenue.

Exd. G. A. Turton.

Revenue Department

125/3

Proceedings of the Board of Revenue
Dated 25th September 1874.
Read the following:-

No. 218A

From A. MacGregor Esquire
Collector of Malabar

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

Sir

I have the honor to submit for the Board's approval a draft plaint which I propose to file in the District Moonsiffs Court at Trimalpuram against the parties noted, for the recovery of three pieces of escheat lands valued at Rupees 320. The circumstances of the case are as stated below.

Nadaviledathil Bhimanachen
2. P. Valoordeven
Namboodripad

2. In 1870 these lands were sold along with certain other escheats of the Chenat Nair's Estate, in Palghaut, sold in the name of one Poonallimanakal Vasoodevan Namboodripad No 2 for Rupees 32000 in

Govt. of India
REVENUE.
To
THE BOARD OF REVENUE,
&c., &c., &c.

Dated October 1st.
Read.
Encl.

G. O., 1st October 1874, No. 1,251.

OCTOBER.
Nos. 9-10.

*Suit for the recovery of certain Escheat lands in Malabar District.*—Authorising the Collector to institute the proposed—in the District Moonsiff's Court at Tirumalpuram.

in the aggregate, and he has paid Rs 6,200 in accordance with the instalments fixed.

3. In 1872 No. 1 filed a suit No. 577 in the Adoni Court, for the recovery of certain property belonging to him wrongly including within the boundary limits given by him, the three pieces of land in question; and although No. 2, the tenant in possession, contended, in the case, that he had purchased their jenm right of Government the Munsiff decreed for Plaintiff without making Government a party, or requiring them to produce evidence to prove their title. and which decree has been confirmed in Appeal by the District Court South Malabar. The Plaintiff accordingly obtained possession of the lands in June 1874.

4. I was not informed of this fact until October 1873. when P. Vasudevien Namboodripad brought it to my notice by a Petition praying that the lands which he had lost, might be restored to him by means of a regular Suit instituted by Government.

5. As the jenm right of land rests in Government, until it is formally transferred to the purchaser by means of title deeds we are bound to establish that right where it appears to be questioned. I accordingly endeavoured through the Tahsildar to bring about an amicable settlement with Bhimanacken; but he would listen to no proposal. I see, therefore, no alternative but to file a suit in which I am confident, the Government title can be satisfactorily established. There are in favour of Government, not only the Paimash accounts of 974 and 1000 of the Malabar Era in which the lands in question appear as the jenm property of the late Chenat Nair, but also the deed upon which Bhimanacken founded

founded his alleged right. It can be clearly proved that the boundary limits specified in this document do not embrace the lands now proposed to be sued for. The evidence of old witnesses in the neighbourhood is also available.

6. I accordingly request the Board's sanction to conduct the suit at the public expense.

I have &c.

Malabar Collector's Office
on circuit Cannanore
12 September 1874

Sd/ J. A. MacGregor
Collector

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Submitted to Government with the recommendation that the Collector be authorized to institute the suit.

True Copy & Extract

J. Grole
Secretary

To The Acting Secretary to
Government Revenue
Department

With one original Enclosure
to be returned.

Collr's Letter Dated

No 3315.

No 1414.

Rec'd 11 Sept 1874 Depart.
Proceedings of the
Board of Revenue

Dated 25 September 1874
Recd 25 " "
Sent 28 " "

Submitting for
Govt. letter from
Collr of Malabar
submitting a draft
plaint to be filed
in the Supreme Court
at Fort St George
for recovery of
certain escheat
land - with Bd's
recommendation that
Govt will be authorized
to institute the suit

With order.

9-10

C 30th Sept 1874 Rec'd 1st Oct 1874

No 1257.

Authority is accordingly granted
for the institution of the proposed
suit.

1st Oct 1874

25/9/74

To Bd of Revenue with Govt Order dtd 12/10/74