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# MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

*Revenue* DEPARTMENT

G.O. No. 1183  
~~B.P. No.~~ Press  
~~Mis.~~

Dated 6-8-1875 196-.

*Not to be folded or roughly handled*

No. 51. Read the following Proceedings of the Board of Revenue, dated 16th July 1875, No. 1,986 :—

Read the following letter from W. H. COMYN, Esq., Acting Collector of Tinnevely, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Vasudevanallur, 7th June 1875, No. 305.

With reference to Board's Proceedings, Miscellaneous Nos. 1,062 and 2,834, dated 5th October 1870 and 18th April 1872, respectively, I have the honor to report that the Suit, No. 69 of 1870, on the file of the Tinnevely Sub-Court, and transferred to the Sub-Court of Tuticorin as Original Suit No. 1 of 1874, in which the Collector of this district and the Government of Madras were 1st and 66th defendants, respectively, has been decided in favor of the plaintiffs by the latter Court.

2. Copies of the decree and judgment are herewith submitted. The costs of the 1st and 66th defendants have been ordered to be paid by certain others among the defendants.

3. Steps are being taken to recover the costs awarded to the 1st and 66th defendants.

4. I beg to request sanction for the payment of Vakeel's fee, amounting to Rupees 91.

5. The judgment appears to me to be perfectly sound, and there seems to be no doubt that the original demarcation in 1846 was correctly made, and that the subsequent demarcation made in 1863, which led to the institution of the suit, was incorrect and was based on imperfect data.

—  
ENCLOSURE No. 1.—Copy of Judgment.  
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ENCLOSURE No. 2.—Copy of Decree.  
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SUBMITTED for the information of Government, with reference to G. O., dated 4th October 1870, No. 1,506.

2. There was a boundary dispute, involving 220 chains, between the Kadelgudi Zemindari and Vilattikulam, a Government village, which was settled by the Collector as arbitrator in 1846. He awarded an equal division of the land between the parties to the dispute, and directed the Taluq Sheristadar to demark the boundary accordingly. No objection was raised regarding the manner in which the order was carried out until 1862, when the ryots of the Government village complained that the Zemindar had more land than he was entitled to. The Collector, seeing reason to suspect that the demarcation of the Taluq Sheristadar in 1846 was not according to the award, deputed the Assistant Director, Revenue Settlement, to investigate the matter. As it appeared from Mr. Symonds's report that 106 chains in excess of the award of 1846 had been wrongly included in the Zemindari, the Collector ordered the transfer of the excess to the Government village, and fresh demarcation was made accordingly.

*Proceedings of the Madras Government, Revenue Department,  
6th August 1875.*

3. Plaintiffs sued for the cancellation of this order and for the recovery with mesne profits of chains 46½, which they claim as owners of two-fifths of the Zemindari.

4. For the defence on behalf of Government it was alleged that the demarcation by the Taluq Sheristadar in 1846 was fraudulently made, and that the demarcation of 1865 is in accordance with the award of 1846.

5. This defence failed completely. The Court finds on the evidence that the demarcation of 1846 was correct. As remarked by the Judge, it is highly improbable that, in carrying out an order for an equal division of 220 chains, the Taluq Sheristadar would have so demarked the boundary as to include 216 chains in the Zemindari and only four chains in the Government village; but assuming that he did so, it is simply incredible that the ryots of the Government village would for sixteen years have rested satisfied with such an iniquitous arrangement.

6. The Board see no reason to question the correctness of the decision in plaintiffs' favor.

7. The costs of Government are to be paid by certain other defendants, and steps are being taken for the recovery of the amount. Meanwhile, the Collector requests sanction for payment of the Vakeel's fees, Rupees 91.

(A true Copy and Extract.)

(Signed) H. E. STOKES,  
Acting Secretary.

No. 52. ORDER THEREON, 6th August 1875, No. 1,183.

Miscellaneous.

PAYMENT of the Vakeel's fees, amounting to Rupees 91, is sanctioned.

(True Extract.)

(Signed) A. MACGREGOR,  
Acting Secretary to Government.

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

Exd. W. J. Lewis.

1183  
2

1183  
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No. 1,986.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 16th July 1875.

Read the following letter from W. H. COMYN, Esq., Acting Collector of Tinnevely, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Vasudevanallur, 7th June 1875, No. 305:—

With reference to Board's Proceedings, Miscellaneous Nos. 1,062 and 2,834, dated 5th October 1870 and 18th April 1872, respectively, I have the honor to report that the Suit No. 69 of 1870 on the file of the Tinnevely Sub-Court, and transferred to the Sub-Court of Tuticorin as Original Suit No. 1 of 1874, in which the Collector of this District and the Government of Madras were 1st and 66th defendants, respectively, has been decided in favor of the plaintiffs by the latter Court.

2. Copies of the decree and judgment are herewith submitted. The costs of the 1st and 66th defendants have been ordered to be paid by certain others among the defendants.

3. Steps are being taken to recover the costs awarded to the 1st and 66th defendants.

4. I beg to request sanction for the payment of Vakil's fee, amounting to Rupees 91.

5. The judgment appears to me to be perfectly sound, and there seems to be no doubt that the original demarcation in 1846 was correctly made, and that the subsequent demarcation made in 1868, which led to the institution of the suit, was incorrect, and was based on imperfect data.

ENCLOSURE No. 1.—Copy of Judgment.

ENCLOSURE No. 2.—Copy of Decree.

SUBMITTED for the information of Government, with reference to G. O., dated 4th October 1870, No. 1,506.

2. There was a boundary dispute involving 220 chains between the Kadelgudi Zemindari and Vilattikulam, a Government village, which was settled by the Collector as arbitrator in 1846. He awarded an equal division of the land between the parties to the dispute, and directed the Taluq Sheristadar to demark the boundary accordingly. No objection was raised regarding the manner in which the order was carried out until 1862, when the ryots of the Government village complained that the Zemindar had more land than he was entitled to. The Collector, seeing reason to suspect that the demarcation of the Taluq Sheristadar in 1846 was not according to the award, deputed the Assistant Director, Revenue Settlement, to investigate the matter. As it appeared from Mr. Symonds' report that 106 chains in excess of the award of 1846 had been wrongly included in the Zemindari, the Collector ordered the transfer of the excess to the Government village, and fresh demarcation was made accordingly.

3. Plaintiffs sued for the cancellation of this order and for the recovery with mesne profits of chains 46½, which they claim as owners of two-fifths of the Zemindari.

1183/16

Obt. of 11875 Madras.

REVENUE.

THE BOARD OF REVENUE.

&c., &c., &c.

Dated August, 6th.

Recd.

Encl.

G. O., 6th August 1875, No. 1,183.

AUGUST.

Nos. 51-52.

Suit No. 1 of 1874 filed in Sub-Court of Tuticorin in Tinnevely District to recover certain land included in a boundary dispute between Kadelgudi Zemindari and Vilattikulam, a Government village.—Sanctioning payment of Vakil's fees in —, amounting to Rupees 91.

4. For the defence on behalf of Government it was alleged that the demarcation by the Taluq Sheristadar in 1846 was fraudulently made, and that the demarcation of 1865 is in accordance with the award of 1816.

5. This defence failed completely. The Court finds on the evidence that the demarcation of 1846 was correct. As remarked by the Judge, it is highly improbable that, in carrying out an order for an equal division of 220 chains, the Taluq Sheristadar would have so demarked the boundary as to include 216 chains in the Zemindari and only four chains in the Government village; but assuming that he did so, it is simply incredible that the ryots of the Government village would for sixteen years have rested satisfied with such an iniquitous arrangement.

6. The Board see no reason to question the correctness of the decision in plaintiffs' favor.

7. The costs of Government are to be paid by certain other defendants, and steps are being taken for the recovery of the amount. Meanwhile, the Collector requests sanction for payment of the Vakil's fees, Rupees 91.

(A true Copy and Extract.)

*H. H. H.*  
Acting Secretary.

To the Acting Secretary to Government, Revenue Department,  
with two enclosures, to be returned.  
Copy to the Acting Collector of Tinnevely.

Exd. W. J. Lewis.

*No 1183*  
*Payment of the Vakil's fees*  
*amounting to Rupees 91, is sanctioned.*  
*14 to the Board of Revenue 17 August*  
*6. August 75*

*To 4 Oct 75 No 10-11*  
*15 April 72. 131. 32*

*Rev: 1575-244*  
*11.2.881*

BOARD OF REVENUE,  
MADRAS.

1875.

PROCEEDINGS, 16TH JULY 1875, No. 1,980.

*24 July 75*

*Encl. 2*

Received 24 July 75

JULY.

No. 1,980.

Suit—No. 1 of 1874, filed in Sub-Court of Tuticorin in Tinnevely District, to recover certain land involved in a boundary dispute between Kadolugudi Zemindari and Vilatikulam, a Government village.—Letter from Collector forwarding copies of decree and judgment in— and requesting sanction for payment of Vakil's fees, submitted to Government with remarks.

*Recd. 11/10/75. For 2. 10/10/75. 10/10/75.*  
*11/10/75. 10/10/75. 10/10/75.*  
*Ch 1183. 6 August 1875.*  
*W. J. Lewis.*