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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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

1599

Press
~~Mis.~~

Dated

6-11-1875 196 .

Not to be folded or roughly handled

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

No. 101. Read the following Proceedings of the Board of Revenue, dated 7th October 1875, No. 2,808 :—

Read the following letter from H. St. A. GOODRICH, Esq., Acting Collector of Vizagapatam, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cotapalem, 10th September 1875, No. 1,553 :—

I HAVE the honor to forward, herewith, copies of decree and judgment passed by the District Court, Vizagapatam, in favor of plaintiffs in Original Suit No. 27 of 1873, on the file of that Court.

2. The defence of the suit was sanctioned in Board's Proceedings, No. 2,307, dated 15th November 1873.

3. The suit could not be settled by compromise, as the plaintiffs did not agree to the terms proposed, and the Pleader was therefore instructed to proceed with the suit.

4. It was argued on behalf of Government that the land under dispute was held by the puttee holder on full assessment, that it was sold for arrears of revenue, and that the sale was legal under Act II. of 1864. But the Court came to the conclusion that the land was held on rent-free tenure, and declared it to be so, and ordered that the 2nd defendant should deliver to the plaintiff the land situated within the plaint-boundaries, together with Rupees 750 on account of trees cut down. The 2nd defendant is to bear costs of the plaintiff and of his own, and the Government their own costs.

5. The 2nd defendant, Buddy Ayyannah, presented the enclosed petition, requesting me to appeal against the decree of the District Court.

6. The grounds therein urged for appeal are meagre. No doubt the law requiring the sanction of Government before registering any land as village site rent-free is now generally observed. There are, however, innumerable villages wherein there is no evidence that the site was ever formally granted by the proper authority; I do not therefore propose to recommend any appeal in the suit.

7. As the land (Field No. 227, called Yadulamma garuvu, measuring three vissams in extent and assessed at Rupees 10) is now declared rent-free by the District Court, I request that you will be so good as to obtain the sanction of Government to its assignment to the plaintiffs free of assessment as the village site.

—
ENCLOSURE No. 1.—Copy of Judgment.

—
ENCLOSURE No. 2.—Copy of Decree.

—
ENCLOSURE No. 3.—Petition presented to Collector by 2nd defendant.

—
SUBMITTED for the information of Government.

2. The facts of this case are detailed in Board's Proceedings, recorded in G. O., dated 19th November 1873, No. 1,268.

3. The land claimed by plaintiffs was, in 1840, assigned to them free of assessment for four years as Grama Nattam, on their undertaking to bring certain

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

waste land under cultivation. Though no houses were built on it, it was held free of charge until 1855 when full assessment was imposed, and half the land was made over to one Jaganada Raz, to whom the other half was also given in 1857. It appears, however, that the original occupants retained possession, and that the Puttadar filed a suit to eject them, but his claim was finally dismissed by the High Court. He then neglected to pay the assessment and the land was sold under Act II. of 1864, and purchased by 2nd defendant for Rupees 20. Plaintiffs sued to have the sale cancelled.

4. As it appeared that the land was never used as village site but for cultivation, the Board were of opinion that the charge of assessment was right, but that the grant of the land to Jaganada Raz was wrong. In case the Collector failed to effect a compromise they recommended that the defence of the suit be sanctioned, observing that it was clear that plaintiffs' claim to hold the land free of assessment was inadmissible, that there was no doubt the sale under Act II. of 1864 was legal, and that if plaintiffs had suffered thereby, it was their own fault. Government sanctioned the defence.

5. The Collector failed to effect a compromise, and the suit has been tried and decided on its merits. The decision is wholly in plaintiffs' favor, and Government have to bear their own costs.

6. The Judge has cancelled the sale and declared that plaintiffs have a right to hold the land free of assessment, apparently on the grounds that they so held it for many years, and that they have cultivated the waste land as they undertook to do when the grant was made. The Judge seems to ignore the facts that the land was originally granted free of assessment for four years only for Grama Nattam, and that it was never used for such purpose but for ordinary cultivation. It is clear the Collector never intended to make such a grant as the Court finds was made, and that he had no authority to do so. In the circumstances it seems clear that the land was liable to assessment, and, if so, there is no doubt the sale under Act II. of 1864 was valid.

7. The Board, however, do not think that the case should be appealed. It has been decided on the circumstances and no question of principle is involved. The proceedings of the revenue authorities were not altogether unexceptionable, and the revenue involved is trifling. If Government agree with the Board, sanction is requested for the requisite transfer of the land to Poramboke.

(True Copy and Extract.)

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

No. 102.

ORDER THEREON, 6th November 1875, No. 1,599.

Miscellaneous.

THE Governor in Council authorizes the transfer of the land to Poramboke.

"If the fallow (waste) lands be brought under cultivation the assessment (on the site now in question) may be cancelled together with the arrears."

2. It is observed that the words from the original grant by the Principal Assistant Collector, noted in the margin, are in support of the judgment, as show-

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6th November 1875.*

ing that the conditions of the grant as proposed by the Amin were fully understood and apparently acquiesced in.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under-Secretary to Government.

To the Board of Revenue.

Exd. W. H. French.

Mr. H. K. French

Revenue Department

Proceedings of the Board of Revenue
dated 7 October 1875, 2818-5

N^o 1553. Read the following
From, A. S. A. Goodrich Esquire
Acting Collector
S. E. Stokes Esquire
By Secretary to the Board of Revenue
Madras.

Sir, I have the honor to forward
herewith copies of Decree and Judg-
ment passed by the District Court
Pozzopattam in favor of Plaintiffs in
Original Suit N^o 27 of 1873 on the file
of that Court.

2. The defence of the suit was
sanctioned in Board's Proceedings
N^o 2307 dated 13 November 1873

Bohl. of 1875
REVENUE.
THE BOARD OF REVENUE.
Dated November, 6th.
Recd.
G. O., 6th November 1875, No. 1,599.
Encl.
NOVEMBER.
Nos. 101-102.
Lands referred to in Suit No. 27 of 1873
on file of Vizagapatam District Court.—Autho-
rizing the transfer of the — to Poramboke.

3. The suit could not be settled by compromise as the Plaintiffs did not agree to the terms proposed, and the Pleader was therefore instructed to proceed with the suit.

4. It was argued on behalf of Government that the land under dispute was held by the Putthahol on full assessment, that it was sold for arrears of Revenue and that the sale was legal under Act II of 1864. But the Court came to the conclusion that the land was held on rent free tenure and declared it to be so and ordered that the 2^d Defendant should deliver to the Plaintiff the land situated within the Plaintiff's boundaries.

boundaries together with Rupees 750. on account of trees cut down. The 2^d Defendant is to bear costs of the Plaintiff and of his own and the Government their own costs.

5. The 2^d Defendant Buddy Ayyanah presented the enclosed petition requesting me to appeal against the Decree of the District Court.

6. The grounds therein urged for appeal are meagre. No doubt the law requiring the sanction of Government before registering any land as village site rent free is now generally observed. There are however innumerable villages wherein there is no evidence that the site was ever formally granted by the proper authority. I do not therefore propose

propose to recommend any appeal
in the suit.

7. As the Land ~~of~~ No 227 called
gadulamma gannu measuring 3 Kossams
in extent and assessed at Rs 10-00
is now declared rent free by the
District Court, I request that you
will be so good as to obtain the
sanction of Government to its
assignment to the Plaintiffs free
of assessment as the village site.

Kuzagapalan (Koruppi)
Camp Colapalan } I have signed
10 September 1875 } Signed / S. Goodrich.
By Collector

Submitted for the information
of Government.

The

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The facts of this case are de-
tailed in Board's Proceedings re-
recorded in Government Order dated
19 November 1873 No 1268.

The land claimed by plaintiffs
was in 1840 assigned to them free
of assessment for 4 years as frame
hattam on their undertaking to bring
certain waste land under cultivation
Though no houses were built on it, it
was held free of charge until 1855 when
full assessment was imposed and
half the land was made over to one
Jagannadabai to whom the other
half was also given in 1857. It appears
however that the original occupants
retained

retained possession and that the
puttadar filed a suit to eject
them but his claim was finally dis-
missed by the High Court. He then
neglected to pay the assessment and
the land was sold under Act II of 1864
and purchased by 2^d Defendant for
Rs 20. Plaintiffs sue to have the
sale cancelled.

As it appeared that the land
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for cultivation the Board were of
opinion that the charge of assessment
was right but that the grant of the
land to Jagavada Raz. was
wrong. In case the Collector failed
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was inadmissible that there was
no doubt the sale under Act II of 1864
was legal and that if plaintiffs had
suffered thereby it was their own
fault. Government sanctioned
the defence.

The Collector failed to effect
a compromise and the suit has been
tried and decided on its merits. The
decision is wholly in plaintiffs favor
and Government have to bear their
own costs.

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waste land as they undertook to do
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The Board however do not think that
the case should be appealed. It has
been decided on the circumstances and
no question of principle is involved.
The proceedings of the Revenue authorities
were not altogether unexceptionable
and the Revenue involved is trifling. If
Government agree with the Board, sanction
is requested for the requisite transfer of the
land to Perumbake.

(True copy & Extract)

H. H. H.

The Secretary to Government
Revenue Department
with 3 enclosures to be returned

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Ex. D 19 November 1879

No 4085
Agreement 1875 before
three Jungs of the
Board of Directors

and 7. October 1875
supd 7-11-75
Dec 20-75
and 3 Dec

The construction
for transfer of certain
land to the community
referred to in that
the 20 of 75 on the
of the agreement
of the land, of that
agreed with the Board
and their opinion on
the subject.

W. H. Baker.

Dec 15 1879 - before November 1875 -

Dec 15 1879

order
The undersigned authorities
the transfer of the lands to
the community

that the words from the
of the father (not)
lands be brought
under the community
the community may
be cancelled by the
with the agreement

original sent
by the President
of the community
which is the way in
which the agreement
of the father sent
as shown that the
condition of the
sent as proposed
by the community
were fully
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of the community
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14. State of Oregon Dec 15 1879

and sent on 6 Dec

before November 1875 -

Ex. D 19 November 1879