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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1330	Press
B.P. No.		Mis.
Dated	23- 49 -	1876 196 .

Not to be folded or roughly handled

No. 253. Read the following Proce
September 1876, No. 2,300 :—

Read the following letter from R. W
District, to C. A. GALTON, Es
dated Chingleput, 8th August 1

REFERRING to Board's Proceedings,
the defence of Regular Appeal No. 140
Chingleput, I have the honor to forward
will be seen that the decision of the lower
dismissed with costs.

2. I enclose a statement of costs in
the sanction of the Board for meeting the
sum awarded by the Judge.

3. I also request orders as regards
escheated to Government (*vide* Board's Pro
1875).

ENCLOSURE No. 1.—

ENCLOSURE No. 2.—

ENCLOSURE No. 3.—

SUBMITTED for the orders of Governme

2. On the death in 1872 of one Meen

Extent.	Assessment.
* Cawnies 26-11-0	Rupees 123-1-9.

Her cousins, claiming to be in possession u
shortly before her death, sued for a putta,
of his intention to register the brother as
Court, was made a defendant *pro forma*.

3. In defence it was pleaded that the
to alienate property inherited from her husb
husband surviving, the property had esche
grant a putta for it as they chose.

4. The suit was dismissed with co
escheated to Government in default of
Court's decision has been confirmed.

5. If Government are disposed to
two courses are open, viz., either to sue fo
possession, or to sell the right of occupancy
oust them by a regular suit on the streng
Government.

Board of Revenue, dated 8th

, Esq., Collector of the Chingleput
Secretary to the Board of Revenue,
51.

dated 11th March last, sanctioning
the file of the District Court of
decree and judgment, from which it
has been confirmed and the appeal

defending the appeal, and request
Rupees 2-5-2, after deducting the

of the land declared to have
No. 2,861-A, dated 13th October

judgment.

Decree.

of Costs.

al, a childless widow, having a half
a joint putta,* a dispute arose
her brother and her cousins as to
ame should be entered in the putta.
ed of gift executed by the widow
Collector, who had given notice
less restrained by a competent

a childless widow had no right
t, as there were no heirs of her
ernment, who had a right to

ground that the property had
appeal by plaintiffs the lower

aim to the land as an escheat,
of the plaintiffs, who are in

Proceedings of the

6. The Board, however, do not recommend that the parties in possession be allowed to retain the land, but that the Collector be authorised to remove them and to allot the land to their cousin.

7. Payment of Rupees 2000 as requested in paragraph 2 of the Collector's letter.

(A)

(Extract.)

Signed) C. A. GALTON,
Acting Secretary.

No. 254.

CHIEF SECRETARY

Miscellaneous.

acquired the occupancy right in the land in possession of those who disputed the assessment thereon; or, in the event of their refusal, the land would be if they were the legal owners.

2. His Grace the Governor, in his letter of the 10th inst., states that the Government, which extends to the same land, should be foregone and that the land should be allowed to remain in the hands of the Government on condition of their paying the assessment, to put them in the same position as they were in the case of the deceased woman.

It seems no reason why the right of Government of the land in addition to the ordinary right of the land in favor of parties who litigiously sought that, as a recognition of the right of Government, should be called upon to pay either the assessed value with reference to that realised on the present assessment. Should this be declined, steps should be taken for their ejectment and the sale of the occupancy right.

(Extract.)

Secretary to Government.

To the Board of Revenue.

Revenue Department,

course, but recommend that the parties be allowed to retain the land, and that the Collector be authorised to remove them and to allot the land to their deceased woman.

as requested in paragraph 2 of the

(Extract.)

Signed) C. A. GALTON,
Acting Secretary.

under 1876, No. 1,330.

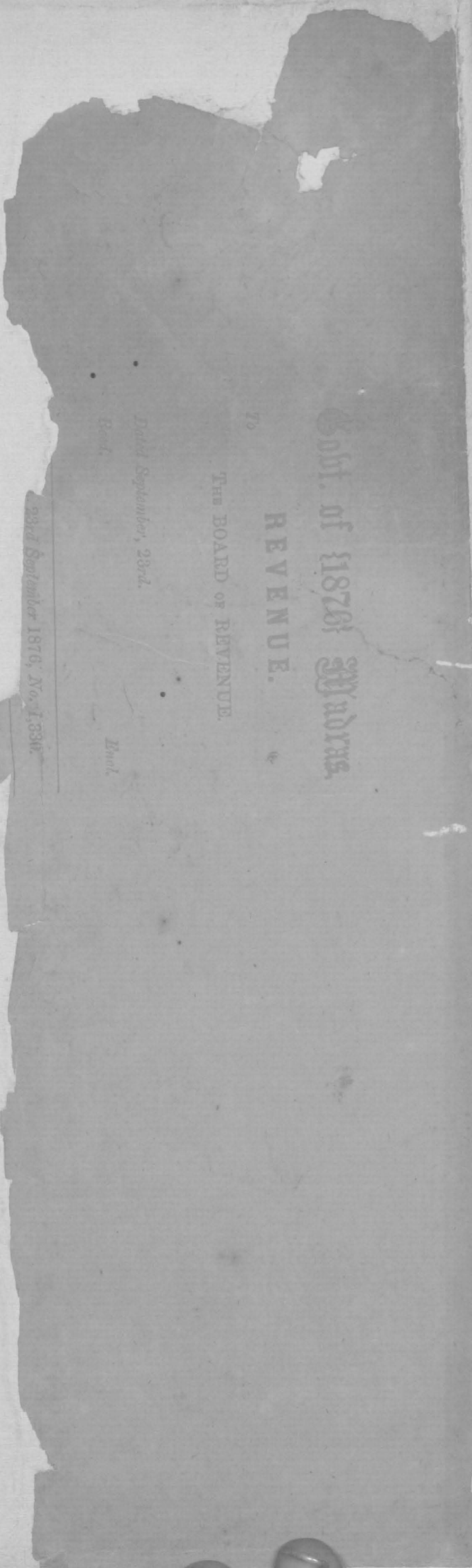
The land referred to in these Proceedings has been declared an escheat by the Courts. The Government have, therefore, proposed to allow it to remain in the hands of the Government on condition of their paying the assessment, to put them in the same position as they were in the case of the deceased woman.

It seems no reason why the right of Government of the land in addition to the ordinary right of the land in favor of parties who litigiously sought that, as a recognition of the right of Government, should be called upon to pay either the assessed value with reference to that realised on the present assessment. Should this be declined, steps should be taken for their ejectment and the sale of the occupancy right.

(Extract.)

Secretary to Government.

To the Board of Revenue.



THE BOARD OF REVENUE.
No. 2,361-A.
30th September 1875, No. 1,330.

No. 2,361-A.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th October 1875.

Read the following letters:—

From R. J. MELVILLE, Esq., Acting Collector of the Chingleput District, to
H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated
Sydapet, 10th July 1875, No. 396:—

REFERRING to Board's Proceedings, No. 2,461-A, dated 31st August last, sanc-
tioning the defence of Original Suit No. 63 of 1874 against the Acting Sub-Col-
lector, I have the honor to forward a copy of judgment and decree by the Munsif,
from which it will be seen that the Munsif has dismissed the suit with all costs,
thereby declaring that the property escheated to Government in the absence of legal
heirs to the husband of the late Meenatchi Ammal. As the property now declared
to have escheated to Government is at present in the possession of plaintiffs, applica-
tion will be made to Court for transfer of possession to Government in due course;
but I request to be favored with instructions as to its future disposal, *i. e.*, whether
it should be retained under Amani management or let out for cultivation from year
to year. As the decree in question vests in the Kudivarum right or the right of
occupancy in Government, I am of opinion that it should be put up to public
auction and sold to the highest bidder, subject to payment of the annual assess-
ment.

2. I have not as yet received the detailed statement of costs incurred, but I
have written for it, and will address the Board again should there be occasion to do
so, as required by Board's Circular Order No. XIII. of 1875, lately received.

ENCLOSURE No. 1.—Copy of Judgment.

ENCLOSURE No. 2.—Copy of Decree.

From R. J. MELVILLE, Esq., Acting Collector of the Chingleput District, to
H. E. STOKES, Esq., Acting Secretary to the Board of Revenue,
dated Sydapet, 30th September 1875, No. 578.

I HAVE the honor to submit the following reply to Board's Official Memo-
randum, No. 1,318, dated 10th July last.

2. The extent and assessment of Meenatchi Ammal's individual puttah
No. 24 is as per margin, but it appears
that she sold the above lands to one
Rama Reddy, who mortgaged them to
two other individuals named Palleri

Tandava Raju Naick and Moderi Ponnappa Naick, and that these latter are now
in possession by virtue of the above mortgage.

3. The extent of the joint puttah No. 2 is Cawnies 26-11-0, assessed at
Rupees 123-1-9. Meenatchi Ammal is entitled to a half share in the above said
joint puttah, and the lands constituting her half share are in the possession of
Vedachelier and Krishnier, under an agreement executed by her, dated 9th May
1872, with the exception of two numbers, 349 (Cawnies 0-8-0) and 204 (Cawnies
0-9-8), which are in the enjoyment of one Aroonagiri Pillay and Vedachulla Naick
as purchasers from the late Meenatchi Ammal.

4. Lutchmanier has not been registered as Puttahdar in lieu of Meenatchi
Ammal.

5. The Government Vakil reports that an appeal has been preferred to the District Court against the judgment of the Munsif, but I have not as yet been served with a formal notice. I enclose a detailed statement of costs, amounting to Rupees 9-9-10. The Munsif having awarded Rupees 5-6-0, I request the sanction of the Board for meeting the balance, *viz.*, Rupees 4-3-10.

ENCLOSURE No. 1.—Statement of Costs incurred.

The Board defer passing orders in regard to the disposal of the land until the appeal is decided.

2. Payment of Rupees 4-3-10 is sanctioned as requested in paragraph 5 of the second letter.

(True Copies and Extract.)

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

To the Acting Collector of the Chingleput District.
Copy to the Accountant-General.

Exd. W. J. Lewis.

1330
3

No. 708.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th March 1876.

Read the following letter from R. J. MELVILLE, Esq., Acting Collector of the Chingleput District, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Sydapet, 2nd March 1876, No. 133:—

REFERRING to Board's Proceedings, No. 2,861-A, dated 13th October last, I have the honor to forward a memorandum of appeal filed in the District Court of Chingleput in Regular Appeal No. 140 of 1875 against the judgment of the Additional Munsif of Chingleput in Original Suit No. 63 of 1874 (Refer No. 298 of 1874), and to request the sanction of the Board to the appeal being defended at the public expense.

2. The pleas advanced in the Court of first instance seem sufficient. The appeal is posted for hearing on the 3rd May 1876.

ENCLOSURE No. 1.—Copy of Memorandum of Appeal.

SANCTIONED.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

To the Acting Collector of the Chingleput District.
Copy to the Accountant-General.

Exd. J. W. Fischer.

1875.
Board of Revenue,
MADRAS.

PROCEEDINGS, 13th OCTOBER 1875, No. 2,861-A.

Received

OCTOBER.
No. 2,861-A.

Suite—No. 63 of 1874 filed in the Chingleput District Munsif's Court regarding purchase for certain land.—Sanctioning payment of Rupees 4-3-10, difference between costs incurred and amount awarded in —, and deferring orders as to disposal of the land until the appeal preferred to District Court is decided.

Revenue Department.

132/4

Proceedings of the Board of Revenue.

Dated 8th September 1876. No. 2310.

Read the following

No. 457.

From.

R. W. Barlow Esquire
Collector of the
Chingleput District

To.

J. A. Galtton Esquire
As Secretary to the Board of Revenue
Madras.

Sir,

Referring to Board's Proceedings
No. 708. dated 11th March last sanctioning the
defence of R. A. No. 140 of 1876 on the file
of the District Court of Chingleput, I have
the honor to forward Copies of Decree
and judgment, from which it will be
seen that the decision of the lower Court
has been confirmed and the appeal
dismissed with costs.

2. I enclose a Statement of
Costs incurred in defending the appeal,
and request the sanction of the Board
for meeting the balance Rs 2.5.2 after

1876.

Board of Revenue,
MADRAS.

PROCEEDINGS, 11th MARCH 1876, No. 708.

Encl.

Received

Dec 9/6/76
No 3955/76

MARCH.
No. 708.

Appeal—preferred to District Court of
Chingleput, from decision in Original Suit
No. 63 of 1874 on file of Chingleput District
Munsif regarding certain lands.—Sanctioning
defence of —.

deducting the sum awarded by the Judge.

3. I also request orders as regards the disposal of the land declared to have escheated to Government Vide Board's Resolutions No. 2861 A, dated 13th October 1875.

Chingleput District, Collector's Office
On Circuit Chingleput
8th August 1876. I have rec^d
Sd/- R. W. Bentley.
Collector.

Submitted for the orders of Government.

On the death in 1872 of one Menatchiammah, a childless widow, having a half share in a joint puttah a dispute arose between her brother and her cousins as to whose name should be entered in the puttah. Her cousins claiming to be in possession under a deed of gift executed by the widow shortly before her death sent for a puttah and the Subcollector who had given notice of this intention to register the brother as puttahdar unless restrained by a Competent Court was made a defendant pro forma.

Escheat
Assignment
No 123-1-

In defence it was pleaded that the deceased as a childless widow had no right to alienate property

inherited from her husband and that as there were no heirs of her husband surviving the property had escheated to Government who had a right to grant a puttah for it as they chose.

The suit was dismissed with costs on the ground that the property had escheated to Government, in default of heirs. and on appeal by plaintiffs the lower Court's decision has been confirmed.

If Government are disposed to enforce their claims to the land as an escheat two courses are open viz either to sue for the ejectment of the plaintiffs who are in possession or to sell the right of occupancy by auction and leave it to the purchasers to meet them by a regular suit on the strength of the decision already passed in favour of Government. The Board however do not advise either course but recommend that the parties in possession be allowed to retain the land subject to payment of assessment and

That the Collector be authorized to register
them as putthidans in succession to their
deceased cousin.

Payment of Rs 2. 6. 2. is sanctioned
as requested in para 2 of the collector's
letter.

(True Copy & Extract)

[Signature]
As Secretary.

To, The Secretary to Govt. Prov. Dep^y with
3 original enclosures to be returned & copies
of Govt. Pro: 31st Augt. 1874 No. 2461. A.
" 13th Oct. 1872 No. 2861. A.
" 11th March. 1871. No. 708.

remain in his possession
 of those who disused his
 right of government on con-
 dition of his paying his
 assessment; or in other words
 to put them in his same
 position as they would
 be if they were the legal
 heirs of his deceased wife
 - Mary - Had his Government
 power disused his right

9/16

Board of Revenue

Sept. 1880 - 23 September

Noted & Sept 1876

2000/12/28

Regular interval

100 of 1875 on the file of the
 1875 County of Kings & 1875
 in certain lands - but
 nothing for every foot
 little from 1875 - for every
 then of present to each
 and 1875 County of Kings
 1875 - 1875 - 1875 - 1875
 1875 - 1875 - 1875 - 1875

of the Plaintiffs in the suit
+ agreed to grant them the
Pattah as now proposed,
there would have been no
suit at all. In fact
the present proposal of the
Board is virtually to treat
the parties as though they
had gained the case
whereas they have fairly
lost it & the interest of for.
Now extends to the occupancy
right over the land; & not
merely to the assessment
thereon. If the land were
waste & the Plaintiffs in
the case were out of the case,
the Govt. would only demand
the assessment & grant
a Pattah for the land; but
in the present case, the
land has been in occupancy
for ~~some~~ years & must have
a market value, which
could be readily realized.

which it is not desirable
to break up and throw
a stranger or at least
throw on the open market
and on the whole I judge
that the Govt. proposal
is to treat a landowner
as if he had a landowner
I do value the mel-vara
of the family
The principle has already
been guided for in such
cases by the Govt. of
labour & schools &c.

14/9

I don't if we have
any action
occupancy to the
We should get it by
further provision but
I do not think we have
it. I do therefore

be inclined to say
that it would be better
to offer the family
have it on say...
double a payment...
if they decline...
of the family...
should be taken...
occupancy... sold

14/9

13/9/06
It is submitted that there
is no reason why the right
of for. to the Govt. before the
The proper course would seem
to be to sell the occupancy
right by auction. The broker
of the deceased woman
may buy it, or any other
whom may make the highest bid.
The parties in possession are
not lawfully so & there is
nothing to be gained by re-
sisting & recognizing
their possession; after
having paid the tax
of dispossessing their right
in court.

Historical papers
 land purchase
 evidence
 in Chicago 1876

care

R.C. 15: 14 R 19: 14
 C. 13: 14 R 15: 14

No 1070 of 23 September 1876
 Board's Proceedings 8:
 September 1876 no 3755

The land referred to in
 these Proceedings has been
 declared an escheat
 by the Court. The Government
 have therefore acquired in
 occupancy right in it. The
 Board propose to allow
 it to remain in the pos-
 session of those who dis-
 tinctly the right of for- an
 order of their paying
 the assessment there;
 or in other words to put
 them in ~~what~~ the same
 position as they would be
 if they were the legal heirs
 of the deceased woman.
 This from the Governor

in current year he sees
why his right of fort. which
extends to his Salcane
value of his land in
addition to the ordinary
assessment should
be foregone & waived
in favor of parties who
~~dispute~~ ^{dispute} sought to dispute
it in the courts. He complains
that as a recognition of his
right of fort. now established,
the parties in possession
should be called upon
to pay either the tax
varan or rent papath
on his land estimated in the
reference to what realized
on similar lands in the
neighb hood or, doubt-
less present assessment?
Should his offer be declined

Steps should be taken
1250
for his expenditure & the
role of the occupancy
right.
B.
12/10/16

Ind. Cap. to the Boarding Pass on
14th Branded Cap. on 22nd Oct

Land which
charter is for in
the Chingpoat the

For a
de

restored with