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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 216
B.P. No. _____

Press
~~Mis.~~

Dated 15.2.1876 196 .

Not to be folded or roughly handled

No. 171. Read the following Proceedings of the Board of Revenue, dated 18th January 1876, No. 128:—

Read the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cuddalore, 29th November 1875, No. 520:—

I HAVE the honor, in acknowledging the Board's Official Memorandum, No. 1,889, calling for an early reply to their Proceedings of the 7th May last, No. 3,864, in which I am called on to have certain land remeasured with reference to Government Petition No. 737 of 1875, and to report the result to Government, to submit the following report.

One Narayana Odiyan complained to the Acting Head Assistant Magistrate (Mr. Chamberlain) in May 1872 that the Village Munsif of Komarakuppam and some others had wrongfully cut down twenty trees of various kinds, valued at Rupees 74½, on Government Poramboke, and had used some of them for repairing the village car and had sold others. The complaint was referred to the Taluq Magistrate of Villapuram who tried the Village Munsif and found him guilty of having cut down a woodapple tree standing on a piece of Government waste, and of having abetted the cutting down of a second tree standing thereon as well as a tamarind tree on the Narayur road side, and he accordingly fined him Rupees 5 under Section 447, Indian Penal Code, for having committed criminal trespass, and in default sentenced him to seven days' imprisonment. The others (among whom was the Monigar of the same village who was a relative of the Village Munsif) were discharged. The Village Munsif appealed to the Acting Head Assistant Magistrate (Mr. Kough) who dismissed the appeal and also dismissed the Village Munsif from his office. The Munsif then appealed against his dismissal from office to the Collector (Mr. Sullivan) who dismissed his appeal. He then petitioned the Board (*vide* Petition No. 2,569 of 1873) and this petition was sent to the Collector for further inquiry and report. This report was furnished by Mr.

Sullivan* to the effect that the Board's petitioner had been dismissed for abetting the cutting down of trees which stood on Government waste and not on Inam land as he stated. On this the Board passed their endorsement, dated 12th February 1874. The Munsif, however, again petitioned the Board (*vide* Board's Petition No. 1,181 of 1874) who referred him to their former endorsement and declined to re-open the case. On this he sent to Government the petition on which I am now reporting, which was forwarded through the Board with a request that they would order the ground alluded to in the petition to be remeasured. The Board's Proceedings forwarding the Acting Under Secretary to Government's letter reached me on the 10th May last, and the Acting Head Assistant Collector was requested by me to go to the spot and measure the land himself. This he (Mr. Thomson) did and sent in his report which I enclose in original (requested to be returned) as it contains a plan which is necessary for reference. This report reached my office on the 12th July while I was on leave. The Acting Collector noted on it that

* *Vide* his letter, No. 25, of 16th January 1874.

*Proceedings of the Madras Government, Revenue Department,
15th February 1876.*

appellant appeared to have no ground to stand upon, but subsequently called on the Head Assistant Collector in the beginning of August to send up the records connected with the original criminal inquiry and to direct the petitioner to appear, and towards the end of August they were sent and the petitioner appeared. The documents were examined, and soon after my return from leave I called for a further inspection of the locality, as Mr. Thomson's report and plan did not seem to me quite conclusive, and the result is Mr. Gibson's report of the 8th instant, which I forward in original (requested to be returned) along with translations of the depositions given in the inquiry held by the Magistrate of Villapuram.

2. The Board will gather from a perusal of Mr. Gibson's report that he seems to consider the Government petitioner has been hardly used; that the inquiry held by the Villapuram Magistrate was conducted in a discreditable manner, every inference or hypothesis to petitioner's prejudice being readily adopted, whilst very plausible hypotheses and indications of innocence of fraudulent intent or knowledge, or even strong negative circumstances, have been passed over entirely without any attempt to examine their validity; that there is no evidence of his having committed any offence at all, and that his petition should be granted as far as may be.

3. Having read the translations of the depositions through, I certainly cannot see that anything is brought home to the petitioner of a criminal nature, certainly not criminal trespass; for it is absurd to suppose that the Village Munsif of a village can "intimidate, insult, or annoy any one" by cutting down a tree on a piece of village common.

4. The facts of the case seem to be that of the twenty trees alleged to have been wrongfully cut down, all but three stood on Inam land; that, however, much the Monigar may have been to blame for not reporting the cutting of these trees by the Inamdars, the petitioner as Village Munsif was not to blame in the matter; that of the three trees said to have been cut on Government waste two are proved to have been cut by the villagers generally for the use of their village car, and the third which is situated close to a road, and has been as the Taluq Magistrate says in his decision owing to the carelessness of the village officers (*i.e.*, of the Curnam and Monigar but not of the Munsif) included in the hedge of the field adjoining, only had some of its branches trimmed. Moreover, the fact of the property in this tree being vested in Government seems, to say the least, doubtful. It is a matter of fact *versus* an entry in the old pynaish, which entries are not always very exact.

5. I am therefore of opinion on reviewing the whole case that the petitioner should be restored, and would recommend that the fine imposed on him be ordered by Government to be refunded.

ENCLOSURES Nos. 1 and 2.—Letters from the Head Assistant Collector.

ENCLOSURES Nos. 3 to 20.—Translations of Depositions.

ENCLOSURE No. 21.—Petition with Enclosures.

*Proceedings of the Madras Government, Revenue Department,
15th February 1876.*

SUBMITTED to Government with reference to Mr. Under Secretary Turner's letter of the 14th April 1875, No. 45, Petition Department.

2. The Board concur in the Collector's recommendation.

(A true Copy and Extract.)

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

No. 172.

ORDER THEREON, 15th February 1876, No. 216.

Miscellaneous.

APPROVED.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

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

Exd. J. W. Lewis.

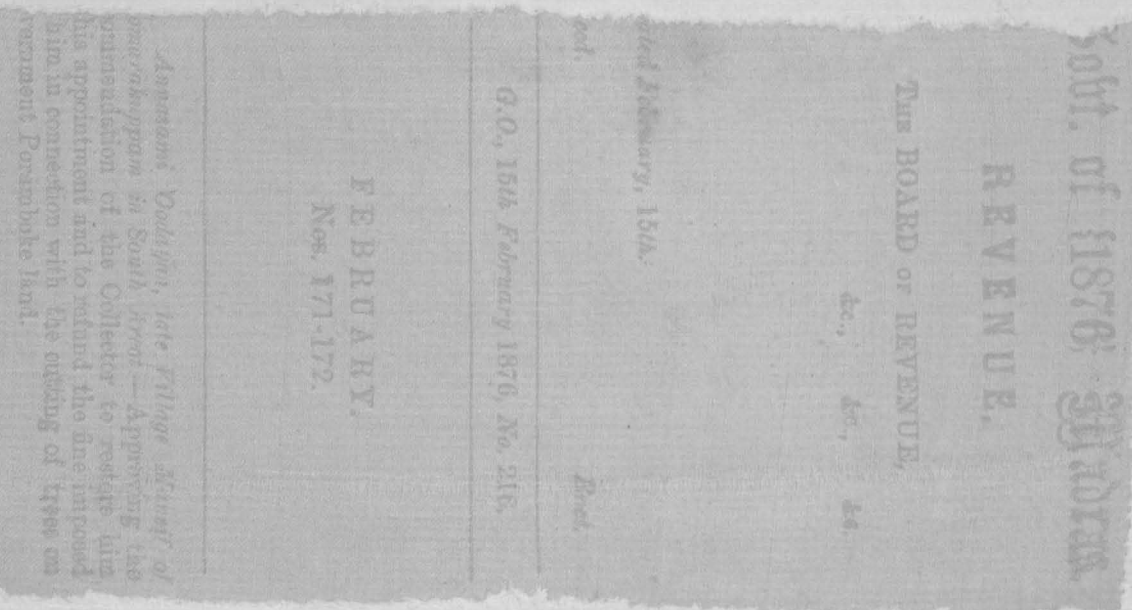
PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th January 1876.

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SUBMITTED to Government with reference to Mr. Under Secretary Turner's letter of the 14th April 1875, No. 45, Petition Department.

2. The Board concur in the Collector's recommendation.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.
with twenty original enclosures, to be returned, and petition.

Copy to the Collector of South Arcot.

14 To the Board of Revenue Jan 16 Feb
 6 The Accountant General
 1 The District Officer

Petition (No) 1494

Revenue 1876. Deput

Board of Revenue,

MADRAS.

No 494

PROCEEDINGS, 18TH JANUARY 1876, No. 128.

Date 26 Jan 4 176

*Encl. 21
 20 Rs 12
 100 Rs 12*

Received 27th Jan 1876
Recd 27th Jan 1876

JANUARY.
 No. 128.

Petition—No. 737 of 1875, presented to Government by Annasami Ootayan, late Village Munsif of Komarakuppam, in Villapuram Taluk, South Arcot District, appealing against the imposition of fine on him and his dismissal from office on the alleged ground that he had cut the trees standing on Government Poramboke land—Submitting to Government Collector's report of—

*M. A. Howard
 13 February 1876*

*c 3/1/76
 9.57/76*