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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 54
B.P. No.

Press
Mis.

Dated 13-1-1876 196 .

Not to be folded or roughly handled

No. 109. Read the following Proceedings of the Board of Revenue, dated 8th January 1876, No. 46:—

Read again Board's Proceedings, dated 26th November 1875, No. 3,233.

Read also the following letter 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, 23rd December 1875, No. 737:—

REFERRING to Board's Proceedings, No. 3,233, dated 26th ultimo, I have the honor to append below my answers to the several queries therein proposed *seriatim*.

Query 1. The allegation of the plaintiffs is not true, and it appears that the grass was always enjoyed by the payacarries equally with the mirassidars.

Query 2. Nothing is charged in the Samoodayem putta on account of "Velal" grass growing on Poramboke land, and no revenue whatever is derived by Government from this source now, either in this or any other village in the district. Several years ago, Government did obtain a small revenue from this and other petty items by farming them out periodically in a few of the villages in the district; but the Board ordered the discontinuance of the rents in 1848, on the understanding that the ryots of each village should enjoy the grass free of any demand, and that mirassidars are not to let it out (*vide* Mr. Frease's letter to Board, No. 99, dated 30th November 1843, paragraph 2, and Board's letter, dated 16th March 1848).

Query 3. A charge is made in the Samoodayem putta for the usufruct of palmyra and tamarind trees and occasionally of village scrub-jungles, in which case the right of enjoying the usufruct vests in the mirassi body.

2. It also appears that in villages where the mirassidars are influential, the grass is enjoyed exclusively by them according to each man's alleged share; while in others it is enjoyed by the mirassidars equally with payacarries, each man cutting as much as he may want for his use.

3. The time for filing the answer was extended to the 4th proximo, but I have again applied for a further extension of two weeks.

SUBMITTED for the orders of Government.

2. The Village Munsif applied to the Tahsildar for instructions as to the disposal of some "Velal" grass (used for thatching houses) growing on poramboke land reserved for public purposes. The Tahsildar, considering its trifling value (Rupee 1), replied that the village community might make what use they liked of it. Upon this, it appears that certain ryots, who are puttadars but not mirassidars, cut and removed the whole. Plaintiffs then filed this suit to recover its value, on the ground that they, as mirassidars, have an exclusive right to the grass. The Collector states that the grass has hitherto been enjoyed by payacarries equally with mirassidars.

3. It appears, from the correspondence noted in the margin, that previous to

*To Govt., dated 1st March 1847, No. 125. 1848 the right of cutting Velal grass was
From " " 8th Oct. 1847, " 1,114. rented in a few villages in the Chingle-
" " " 22nd Feb. 1848, " 191. put District, and included as an item of

*Proceedings of the Madras Government, Revenue Department,
13th January 1876.*

revenue in sundry small farms, and that this tax was then abolished with certain other petty items of revenue that were considered oppressive or otherwise objectionable. In recommending* the

*Dated 30th November 1843.

abolition of the tax, the Collector suggested that both mirassidars and payacarries should be allowed the free use of the grass.

4. As no such tax is now levied in any village of the district, Government are not directly interested in the subject-matter of the suit. The District Munsif, however, has made the Collector a defendant, on the ground that, for the decision of the suit, it is necessary to determine the questions "whether the Government or mirassidar is the proprietor of Anadi Poramboke in a mirassi village, and whether the grass, &c., growing on it is at the disposal of Government or mirassidar."

5. The Board are of opinion that the right to Poramboke reserved for public purposes and to the spontaneous produce thereof undoubtedly vests in Government. They, accordingly, recommend that the defence of the suit be sanctioned, and suggest the following answer:—

The land referred to in the plaint is Poramboke reserved for public purposes, and not Samoodayam as alleged in the plaint.

The right to the said land and to the spontaneous produce thereof vests in Government.

Government have the right to levy a tax on such produce, but in respect of Velal grass they have been pleased to remit the tax, and to allow the entire village community, without distinction of class, to use such grass free of charge.

6. The suit is to be heard on the 18th January 1876.

(A true Copy and Extract.)

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

No. 110. ORDER THEREON, 13th January 1876, No. 54.

Miscellaneous.

THE Governor in Council sanctions the defence of the Suit. The answer proposed by the Board will be filed.

(True Extract.)

(Signed) W. HUDLESTON,
Chief Secretary.

To the Board of Revenue.
„ the Collector of Chingleput.

Exd. F. R. Bantleman.

No. 3,233.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th November 1875.

Read the following letter from R. J. MELVILLE, Esq., Acting Collector of the Chingleput District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Saidapet, 16th November 1875, No. 660:—

I HAVE the honor to forward translation of a plaint filed in Original Suit No. 471 of 1875 in the District Munsif's Court of Trivellore, in which I have been lately included as supplemental or fifth defendant, together with a draft answer, and request the sanction of the Board to the suit being defended at the public expense.

2. I enclose the notice (to be returned) served on me by the District Munsif, from which the Board will see that the object of the Munsif in making me a party to the suit is to give me an opportunity of pleading the rights of the State before disposing of the important question, whether the Mirassidars of a village have an exclusive right to Anady Bunger and poramboke land and the grass which grows on it spontaneously.

3. Plaintiffs seek to establish their right to the enjoyment of the grass in question, which grows spontaneously, to the exclusion of the defendants, who they (plaintiffs) allege are not Mirassidars, although Puttadars, while the plaintiffs are both Mirassidars and Puttadars.

4. It appears that in January 1874 the Munsif of the village informed the Tahsildar that on the lands constituting Survey No. 40, Tangal Poramboke inclusive of bund and burning-ground. the marginally noted numbers there was a quantity of "Velal" grass, the value of which he estimated at 1 rupee, and requested orders for selling it by public auction. The Tahsildar, considering the trifling value of the grass, waived the rights of Government to the same, and issued an order directing the village community to do what they liked with it, on which it appears, or rather it is alleged by the plaintiffs, that the defendants alone cut and removed the grass.

5. The ryots of a village, whether Mirassidars or not, have no right to the exclusive enjoyment of the usufruct of immemorial waste and poramboke lands, unless such right is specially conceded to them. In the present case the Tahsildar of the taluq conceded the right to the village community and not to any section of it, consequently every ryot in the village was entitled to share the grass.

6. The time for filing the answer expires on the 30th instant.

ENCLOSURE No. 1.—Translation of Plaint.

ENCLOSURE No. 2.—Draft Answer.

ENCLOSURE No. 3.—Notice served on Collector by District Munsif.

35/1/1876
Cobt. of 1876
REVENUE.

To
THE BOARD OF REVENUE,

&c., &c., &c.

Dated January, 18th.

Recd.

Brnd.

G.O., 13th January 1876, No. 54.

JANUARY.
Nos. 109-110.

Suit No. 471 of 1875, on file of Trivellore District Munsif's Court, Chingleput District.—Sanctioning the defence of — and authorising the answer proposed by the Board of Revenue being filed.

The Board desire information on the following points:—

(1). Whether it is true as alleged in the plaint that the Mirassidars have hitherto enjoyed the grass growing on the land in question, and if so, whether such enjoyment was recognized by the Revenue authorities?

(2). Whether it is usual in the district generally or in the village in question to allow all Puttadars to enjoy such grass on immemorial waste and poramboke land free of charge, or whether a small charge is made and included in the Samadaya putta.

(3). Whether as a rule petty items of revenue derived from uncultivated waste and poramboke land are included in the Samadaya putta, and if so, whether the usufruct for which the charge is made is considered as vesting exclusively in the Mirassidars as the parties interested in the Samadaya putta.

2. As the suit involves an important point on which it is desirable to obtain the orders of Government, the Collector is requested to apply for an extension of at least one month.

(A true Copy and Extract.)

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

To the Acting Collector of the Chingleput District, with Court's notice returned.

Ed. W. J. Lewis.

Revenue Department
Proceedings of the Board of Revenue
Dated 8 January 1876, No. 46

Read the following

From

R. J. Melville Esquire
Ag Collector of the

To

Chingleput District.
H. E. Stokes Esquire
Ag Secretary to the Board of Revenue
Madras.

Sir,

Referring to Board's Proceedings, No. 235, dated 26 ultimo, I have the honor to append below my answers to the several queries therein proposed serially.

Q. 1. The allegation of the Plaintiffs is not true; and it appears that the grass was always enjoyed by the Paypearies equally with the Mirassidars.

Nothing

1875.
Board of Revenue,
MADRAS.

PROCEEDINGS, 26TH NOVEMBER 1875, No. 3, 233.

Received

NOVEMBER.
No. 3, 233.

Per 62/76

Encl.

Suit—No. 471 of 1875, filed in Trivellore Munsif's Court, in Chingleput District, to establish plaintiffs' right to the grass growing spontaneously on Anady Bunder and poramboke lands.—Requesting Collector to furnish information on certain points relative to—, and to apply for an extension of at least one month.

20/13 January 1876

Q. 2. Nothing is charged in the Samudayam puttah on account of "Velab" grass growing on Ponnuboke land; and no revenue whatever is derived by Government from this source now either in this or any other village in the District. Several years ago, Government did obtain a small revenue from this and other petty ikerns by farming them out periodically in a few of the villages in the District, but the Board ordered the discontinuance of the rents in 1848, on the understanding that the ryots of each village should enjoy the grass free of any demand and that Mirassidars are not to let it out (vide Mr. Treasie's letter to Board No 99, 30 November 1843 Para 2 and Board's letter dated 16 March 1848).

Q. 3. A charge is made in the Samudayam puttah for the usufruct of Palmyra and Tamarind trees and occasionally of village scrub jungles, in which case the right of enjoying the usufruct vests in the Mirassy body.

2. It also appears that in villages where the Mirassidars are influential, the grass is enjoyed exclusively by them according to each man's alleged share, while in others it is enjoyed by the Mirassidars equally with Rayocaries, each man putting as much as he may want for his use.

3. The time for filing the answer was extended to the 4th proximo but I have again applied for a further extension of two weeks.

Chingleput Dist. Collector (Signed) R. J. McWhille
Saidapett - 23rd September 1853
I have &c.
Ag. Collector

Submitted for the order of Government.

2.

The village Munsiff applied to the Tahsildar for instructions as to the disposal of some "Velal" grass (used for thatching houses) growing on Porumbake land reserved for public purposes. The Tahsildar considering its trifling value (Rupees) replied that the village community might make what use they liked of it. Upon this it appears that certain ryots who are putthadars but not Mirassidars cut and removed the whole. Plaintiffs then filed this suit to recover its value on the ground that they as Mirassidars have an exclusive right to the grass. The collector states that the grass has hitherto been enjoyed by Paycarries

equally

equally with Mirassidars.

3. To Govt 1st March 1847, No 125

From Govt 8 October 1847, No 1114

Do 22nd February 1848, No 191

It appears from the correspondence noted in the margin that previous to 1848, the right of cutting Velal grass was rented in a few villages in the Chingleput district and included as an item of revenue in Sindry small farms and that this tax was then abolished with certain other petty items of revenue that were considered oppressive and otherwise objectionable. In recommending the abolition of the tax the Collector suggests that both Mirassidars and Paycarries should be allowed the free use of the grass.

4. As no such tax is now levied in any village of the district Government are not directly intrusted in the subject matter of

the

the suit. The District Munsiff however has made the Collector a defendant on the ground that for the decision of the suit it is necessary to determine the questions whether the Government or Mirasidar is the proprietor of Kudi Poramboke in a Mirassi village and whether the grass &c growing on it is at the disposal of Government or Mirasidar.

b. The Board are of opinion that the right to Poramboke reserved for public purposes, and to the spontaneous produce thereof undoubtedly vests in Government.

They accordingly recommend that the expense of the suit be sanctioned and suggest the following

Answers.

The land referred to in the plaint is Poramboke reserved for public purposes and

not Samudayam as alleged in the plaint.

The right to the said land and the spontaneous produce thereof vests in Government.

Government have the right to levy a tax on such produce but in respect of Kelat grass they have been pleased to remit the tax and to allow the entire village community without distinction of class to use such grass free of charge.

b. The suit is to be heard on the 18 January 1876.

(True Copy & Extract)

W. E. Brown

Attng Secy

To the Secretary to Government
Revenue Department with copy
of Board's Proceedings dated 26 Novem-
ber 1875, No 3233 (its 3 enclosures to be
returned).

E. M. B. B.

Received 1876
280624 the
Proceedings of the

Board of Revenue

Oct 8 }
Capt 8 } January 1876
with 8 }
with 8 }

Ch 574 January 1876

Substantially correct as to
with certain remarks better
from the Collector of Bangalore
forwarding draft answer
of 24th Feb 1876
the file of Swellens &
with Mr. M. S. S. S. S.

Write Order

109-110

Ch 574
The first mention of the
first. The answer is given by the
first. The answer is given by the

Handwritten mark

The Director of Revenue
14th Dec 1875
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