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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue

DEPARTMENT

G.O. No.
B.P. No.644Press
~~Mis.~~

Dated

19-5-1876196 .

Not to be folded or roughly handled

No. 180. Read the following Proceedings of the Board of Revenue, dated 12th May 1876, No. 1,250 :—

Read the following letter from G. D. LEMAN, Esq., Collector of the Kistna District, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Masulipatam, 29th April 1876, No. 650 :—

I HAVE the honor to forward herewith translation of a plaint filed by the Rajah of Venkatagiri in Original Suit No. 15 of 1875 in the District Court at Nellore against Mr. Newman as Acting Collector of the district.

2. This suit is brought to recover about 625 acres of land valued at Rupees 2,600, which have been included in the limits of the Government village of Ravvavaram or Putsanutula in Vinukonda Taluq by the Revenue Settlement Department on the ground that they form a part of Devavaram appertaining to his zemindari. The land claimed is that lying between the pillars Nos. 125 to 138 and the dotted line to the south of it as per sketch plan enclosed (No. 1).

3. The facts of the case are as follow :—

There had been a dispute about this land as is shown by the sketch taken from an old survey map (No. 2) in 1819 or thereabouts. At the time of demarcation in 1862 it was renewed, the villagers of Devavaram contending for the line marked with red pencil and the Ravvavaram ryots for the blue line as the boundary of the two villages. Mr. J. H. M. Cox, then Assistant Director of Demarcation Department, having referred the dispute to arbitration, two of the arbitrators determined the dotted line as the boundary of the two villages, while the third (the one selected by the Devavaram villagers) dissented from them, and recorded a separate decision stating that the line marked with red pencil was the boundary. Mr. Cox endorsed at the foot of the original award (a translation of which is enclosed) as follows :—

“Confirmed under Section 21 of Act XXVIII of 1860, no charge of corruption having been preferred.” There can be no doubt that what he meant to confirm was the opinion of the majority. No boundary pillars, however, seem to have been erected along the line thus decided, and the old block in dispute was omitted from the survey plan (No. 3), although it was shown in the demarcation sketch plan (No. 4) of Putsanutula with which Ravvavaram is clubbed by the Survey Department.

4. A copy of the award was not lodged in the District Court as required by Section 24. But this omission does not in my opinion invalidate the award, as under Section 20 nothing but corruption or misconduct can be a ground for setting aside the award of the arbitrators.

5. There is another objection that may be taken to the award, and that is the consent of the Zemindar does not appear to have been obtained as required by Section 22 of Act XXVIII of 1860 before the dispute was referred to arbitrators for settlement. I, therefore, doubt whether the award can stand as against the Zemindar.

Sist Zabita of Fasli 1259 (1849), No. 5.

Number Taniki Account of Fasli 1262 (1852), No. 6.

Kifiat showing the boundaries of Ravvavaram of Fasli 1248 (1838), No. 7.

6. Whether it will or not, accounts as per margin, of dates prior to the dispute in 1862, clearly show that the land in question was in those years held to be a part of Ravvavaram.

No. 5 was found in the taluq records, and the others were produced by the Curnam.

Account No. 7 describes the blue line as the boundary of the two villages. It appears to be a true copy, but it is not possible to prove where the original is. The Curnam will deny that it exists, and, as the original is lost, the copy will be receivable.

Nos. 5 and 6, which are originals, conclusively show that the land in dispute was in those years included in the gudicat of Ravvavaram.

These are the only accounts that have been found, and the Curnam will explain that the others have been mislaid.

7. The plaintiff argues that the pillars Nos. 125 to 138 (No. 1), which are erected to the east and north of the land in dispute, mark out the boundary of the two villages. There he is wrong, for Mr. Cox says that they were put down simply to mark the limits of the arable lands of Ravvavaram. With regard to this, Mr. Cox also says that the boundary was marked out according to the decision of the arbitrators only so far as Devavaram and Putsanufula were concerned; that the portion adjoining Ravvavaram was thrown out into the unsurveyed block with other similar parts of the district, as it comprised a tract of hill and jungle which was not required to be included for settlement purposes; and that he hears from the Superintendent of Revenue Survey that, apparently through an oversight, this line of boundary was not marked out when his department subsequently took up the demarcation and survey of the hill and jungle portions. The mention of the words "Devavaram (Zemindari)" in the survey plan just to the south of the pillars referred to above and at the place where the disputed land ought to be marked is, therefore, evidently a mistake on the part of the Survey Department.

8. The settlement of the arbitrators appears to have been accepted up to Fasli 1282, when the Devavaram villagers came and cultivated part of the land in the disputed block, and they were charged with prohibitive assessment in that and the two succeeding faslis.

9. If the award is good, the cause of action arose in 1862, when it was confirmed, and the suit is barred by limitation; but, as the omission to inform the Zemindar and to file the award in the Courts may be held to be fatal, I propose also to add to that defence.

10. I request that the Board will be pleased to obtain the sanction of Government for the defence of the suit at the public expense, and submit the draft answer for approval. The date fixed for the hearing of the suit was 4th April 1876. Extension for two months has been applied for.

ENCLOSURE No. 1.—Translation of Plaintiff.

ENCLOSURE No. 2.—Draft Answer.

ENCLOSURE No. 3.—Translation of Puchayetnamah or Award of Arbitrators.

ENCLOSURES Nos. 4 to 7.—Plans.

ENCLOSURES Nos. 8 and 9.—Vernacular Accounts.

ENCLOSURE No. 10.—Vernacular Report of Boundaries.

SUBMITTED for the orders of Government.

2. This suit relates to a boundary dispute which an old survey map of 1819 shows to have been then existing. The extent involved is acres 625, chiefly hill and jungle, valued at Rupees 2,600, and is claimed on the one hand by plaintiff, the Rajah of Venkatagiri, as belonging to Devavaram, a village in his estate, and on the other by Government as forming part of Ravvavaram, a Government village in the Kistna District.

3. It appears that at the time of demarcation in 1862 Mr. Cox, of the Revenue Settlement Department, referred the matter for arbitration under Act XXVIII of 1860, and that two of the three arbitrators passed an award in favor of Government, which Mr. Cox confirmed.

4. Since then the Collector says Government had exclusive possession of the disputed tract until 1872, when plaintiff's ryots, having cultivated a part of it, were charged prohibitive assessment, whereupon plaintiff filed the present suit.

5. It appears that the dispute was decided in 1862 as between the ryots of the zemindari village and of the Government village instead of between the Zemindar and Government as provided in Section 22, Act XXVIII of 1860; consequently the award is of no force.

6. Plaintiff asserts possession from time immemorial supported by old accounts. In support of the Government claim there is undoubted possession since 1862, the date of the award, as well as entries in accounts of 1838, 1849, and 1852. Adverting to the fact that the dispute existed so far back as 1819, accounts of a date much earlier than 1838 should be available, but the Collector says they are not forthcoming, and that the Curnam will explain that they have been mislaid, an explanation which the Court is not likely to accept as satisfactory.

7. Considering that Government are in possession and that the suit affords an opportunity of having a long-standing dispute finally settled, the Board recommend that the defence be sanctioned, and suggest the following answer:—

Plaintiff has no claim to the land referred to in the plaint, which is not included in his estate, but forms part of the Government village of Ravvavaram of the Vinukonda Taluq in the Kistna District.

The allegation in the plaint as to plaintiff's possession of the land claimed from time immemorial is not true. The land in dispute is now, and has been, in the possession of Government for more than twelve years previous to the institution of the suit; consequently plaintiff's claim is barred by limitation.

8. The date originally fixed for the hearing of the suit was 4th April 1876, but an extension of two months has been applied for.

(A true Copy and Extract.)

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

*Proceedings of the Madras Government, Revenue Department,
19th May 1876.*

No. 181.

ORDER THEREON, 19th May 1876, No. 644.

Miscellaneous.

DEFENCE sanctioned on the terms proposed by the Board.

(True Extract.)

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

To the Board of Revenue.

Exd. J. W. Fischer.

Revenue Department

Proceedings of the Board of Revenue
Dated 12 May 1876. No 1250.

Read the following

N. 1650

From

The Collector of Krishna District.

To

The Secretary to the Board of Revenue
Madras

Sir,

I have the honor to forward herewith
translation of a plaint filed by the Rajah
of Venkatagiri in O.S. No 15 of 1875 in the Dis-
trict Court at Nellore against Mr. Newman
as Acting Collector of the District.

2. This suit is brought to recover about 625
acres of land valued at Rs 2000 which have
been included in the limits of the Government
village of Pasham or Putsamutula
in Vinukonda Taluk by the Revenue Settle-
ment Department, on the ground that they
form part of Devavararam appertaining to

his

Govt. of 1876 Madras.

To

REVENUE.

THE BOARD OF REVENUE.

Dated May, 1911.

Recd.

Encl.

G.O., 1911 May 1876, No. 644.

MAY.

Nos. 180-181.

File No. 177.

O.S. No. 15 of 1875, filed by the Rajah of
Venkatagiri in the District Court at Nellore,
against the Acting Collector of the district,
for the recovery of lands within the limits of a
Government village in the Krishna District.—
Sanctioning the defence of — on the terms pro-
posed by the Board.

his zemindari. The land claimed is that lying between the pillars Nos 125 to 138 and the dotted line to the south of it as per sketch plan enclosed (No 1)

3. The facts of the case are as follow:-

There had been a dispute about this land as is shewn by the sketch taken from an old Survey Map (No 2) in 1819 or thereabouts.

At the time of demarcation in 1862, it was renewed. The villagers of Devavaram contend-

ing for the line marked with red pencil and the Raavavaram ryots for the blue line as the boundary of the two villages, Mr. J. B.

M. Cox, then Assistant Director of Demarcation Department, having referred the dispute to arbitration, two of the arbit-

rators determined the dotted line as the boundary of the two villages, while the 3rd

(the one selected by the Devavaram villagers)

dissented from them and recorded a separate decision stating that the line marked with red

red pencil was ^{the} boundary. Mr. Cox endorsed at the foot of the original award (a translation of which is enclosed) as follows:-

"Confirmed under section 21 of Act 28 of 1860, no charge. ^{tion having been preferred.}"

There can be no doubt that what he meant to confirm was the opinion of the majority. No boundary pillars, however,

seem to have been erected along the line thus decided and the whole block in dispute was

omitted from the survey plan although it was shewn in the demarcation sketch plan (No 4) of Putsamhala with which Raavavaram is clubbed by the Survey Department.

4. A copy of the award was not lodged in the District Court as required by section 24.

But this omission does not in my opinion invalidate the award, as under section 20, nothing but corruption or misconduct can be a ground for setting aside the award of the arbitrators.

3. There is another objection that may be taken

taken to the award and that is, the consent of the Zeminadar does not appear to have been obtained as required by Section 22 of Act 28 of 1860 before the dispute was referred to arbitrators for settlement. I therefore doubt whether the award can stand as against the Zeminadar.

b. Whether it will or not, accounts proper margin of sales prior to the dispute in 1862 clearly shew that the land in question was in those years held to be a part of Raavavaram.

As was found in the Dehgi records and the others were produced by the Curmam.

Account No 7 describes the blue line as the boundary of the two villages. It appears to be a true copy, but it is not possible to prove where the original is. The Curmam will deny that it exists and as the original is lost, the copy will be receivable.

Nos 5 & 6, which are originals, conclusively shew that the land in dispute was in those years included in the Gudit of Raavavaram.

These are the only accounts that have been found

Sala Gudit of 1849-1857
Number Lauki Account
of Washi - 1857-1862
Mithab showing the town

found and the Curmam will explain that the others have been mislaid.

7. The Plaintiff argues that the pillars, Nos 125 to 138 (N 1), which are erected to the East and north of the land in dispute mark out the boundary of the two villages. Here he is wrong; for Mr Cox says that they were put down simply to mark the limits of the arable lands of Raavavaram. With regard to this, Mr Cox also says that the boundary was marked out according to the decision of the arbitrators, only so far as Devavaram and Latsambula were concerned; that the portion adjoining Raavavaram was thrown out into the unsurveyed block with other similar parts of the District, as it comprised a tract of hill and jungle, which was not required to be included for settlement purposes; and that he hears from the Superintendent of Revenue Survey that, apparently through an oversight,

this

of Venkatagiri, as belonging to Devavararam
a village in his estate and on the other by
Government as forming part of Raoravaram
a Government village in the Krishna District.

It appears that at the time of
demarcation in 1862, Mr. Cox of the Revenue
Settlement Department referred the matter
for arbitration under Act 28 of 1860 and
that two of the three arbitrators passed an
award in favor of Government which Mr.
Cox confirmed.

Since then the Collector says Govern-
ment had exclusive possession of the disputed
tract until 1872 when plaintiffs ryots,
having cultivated a part of it, were charged
prohibitive assessment, whereupon plaintiff
filed the present suit.

It appears that the dispute was decided
in 1862 as between the ryots of the Zemindar's
village and of the Government village instead
of between the Zemindar and Government as
provided

provided in Section 22, Act 28 of 1860 consequent
ly the award is of no force.

Plaintiff asserts possession from time
immemorial supported by old accounts. In
support of the Government claim there is un-
doubted possession since 1862, the date of the
award, as well as entries in accounts of 1838,
1849, and 1852. As to the fact that the
dispute existed so far back as 1819 accounts
of a date much earlier than 1838 should be
available but the Collector says they are not
forthcoming and that the Curian will ex-
plain that they have been mislaid, an
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to accept as satisfactory.

Considering that Government are in
possession and that the suit affords an
opportunity of having a long standing
dispute finally settled, the Board recommend
that the defence be sanctioned and suggest
the

this line of boundary was not marked out when his Department subsequently took up the demarcation and survey of the hill and jungle portions. The mention of the words "Devavaram (Geminoy)" in the survey plan just to the south of the pillars referred to above ^{and} at the place where the disputed land ought to be marked is therefore evidently a mistake on the part of the Survey Department.

8. The settlement of the arbitrators appears to have been accepted up to Haski 1282, when the Devavaram villagers came and cultivated part of the land in the disputed block and they were charged with prohibitive assessments in that and the two succeeding Haskies.

9. If the award is good, the cause of action arose in 1862, when it was confirmed; and the suit barred by limitation, but as the omission to inform the Geminoy and to file

file the award in the Court may be held to be fatal, I propose also to add to that defence 10. I request that the Board will be pleased to obtain the sanction of Government for the defence of the suit at the public expense and submit the draft answer for approval. The date fixed for the hearing of the suit was 4 April 1876. Extension for two months has been applied for.

Krishna District } I have &c
Collector's office } Signed J. D. Leman
Masulipatam } Collector
29 April 1876

Submitted for the orders of Government.

This suit relates to a boundary dispute which an old survey map of 1819 shows to have been then existing. The extent involved is Acres 625, chiefly hill and jungle, valued at Rs 2,600, and is claimed on the one hand by plaintiff, the Rajah of

the following answer

Plaintiff has no claim to the land referred to in the plaint which is not included in his estate but forms part of the Government village Paavararam of the Pinnakonda Taluk in the Krishna District.

The allegation in the plaint as to Plaintiff's possession of the land claimed from time immemorial is not true. The land in dispute is now and has been in the possession of Government for more than twelve years previous to the institution of the suit consequently Plaintiff's claim is barred by limitation.

The date originally fixed for the hearing of the suit was in April 1876, but an extension of two months has been applied for.

(True Copy & Extract)

To the Secretary to Government,
Ag. Secretary, Revenue
Dept. with 10 Enclosures to be returned.

24 1939
 The year 1876
 Proceedings of the
 Board of Revenue

Subd 12
 Date 12 May 1876
 Dec 15 1876
 in 10 days

Submitting for review of
 Government with certain
 remarks, letter from Collector
 of District, submitting
 for approval, translation
 of a plan with notes by the Agents
 of the Katakapi in Oct. No
 15 of 1875 in the District
 Court of the District
 Court of the District
 No. 644

See for a statement
 on the terms proposed by the
 Board. Dec. 15/1876

19 May 1876

And copy to the Board Dec. 19 1876
 14 Copies Dec. 22 1876

C. 15: May 1876 & 19 June