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(2) Date of repair 26.2.73

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue. DEPARTMENT

G.O. No. 1632.
B.P. No.

Press
Mis.

Dated 4.5.1877.

197.

Not to be folded or roughly handled

163

*Proceedings of the Madras Government, Revenue Department,
4th May 1877.*

No. 8. Read the following Proceedings of the Board of Revenue, dated 20th April 1877, No. 1,804:—

Read the following letter from A. McC. WEBSTER, Esq., Acting Commissioner of the Nilgiris, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Ootacamund, 26th March 1877, No. 27:—

I HAVE the honor to report, for the information and orders of the Board and Government, that the Tirumalpad of Nelambur has filed a suit in my Court as jenmi to oust Captain Godfrey from certain land in the Oucherlony Valley on the ground of failure to pay jemmibhogum and negation of his, the plaintiff's title. The land held by Captain Godfrey is situated within the boundaries of the second grant as given in Board's Proceedings of 17th August 1875, No. 2,308. — *Vide* paragraph 9 of their Proceedings.

2. The further hearing of the case has been postponed until after the recess, and I now have the honor to ask whether Government consider it advisable to be made parties to the suit, and thereby to put the plaintiff to the proof of his title of jenmi, or whether they desire to let the case go on between the present parties.

3. Captain Godfrey claims under one Permaul Chetty and his son Kolapen Chetty and not under Government, so that if his claim is admitted, or if the Tirumalpad's title as against Captain Godfrey is upheld, it might hereafter be necessary for Government to sue to recover the lands or the right to jemmibhogum thereon.

SUBMITTED for the orders of Government.

2. The Board would feel more confidence in advising on the matter if the plaint and answer in the case were before them, and if they were aware of the acts of Captain Godfrey which are relied upon by the Tirupad as constituting denial of his jenm right; but for the reasons set forth below it appears to the Board that intervention by Government at the present stage is not advisable.

3. It is stated that Captain Godfrey in his answer sets up against the Tirupad the jenm right of the Chetties which he purchased in 1846, and in fact that he contends that the transactions of 1848 between himself and the Tirupad were null and void. It seems to the Board that this contention cannot be maintained in the face of the decisions in the suit brought by Captain Godfrey in 1866 (G.O., dated 28th September, 1872, No. 1,363, paragraphs 17 and 21), and that he will not now be allowed to assert that he does not hold from the Tirupad.

4. If the Board are right in this opinion it is at worst immaterial to Government whether he is ousted or not. If he is not ousted, and if the further investigation of the Nambalacode boundary shows that the land lies wholly without the Tirupad's land, the position of Government with respect to the demand of jemmibhogum on the grant will be exactly what it is now. If he is ousted their claim against the Tirupad will not be prejudiced, and when they prove the Nambalacode boundary they will be able to obtain from occupants of land within the limits of the grant much more than the Rupees 15 which they would claim from Captain Godfrey.

5. But if Captain Godfrey were to maintain himself against the Tirupad as having purchased the Chetties' jenm right Government would be confronted with an entirely new case. They would have to disprove the existence of any such jenm right, and as far as the Board know they have little or no positive evidence wherewith to do so. They would have to contend that there is no jenm right outside Malabar, and that the boundary of Nambalacode is also the boundary of Malabar, and this will equally require the completion of the Nambalacode boundary investigation. The Government will not be affected by the decision in the present suit if they are not parties to it, and it appears to the Board that, if they resolve to press claims against the Chetties' jenm, they could do it better in a separate and subsequent suit. They are to contest the titles set up by both parties in the present case, and the result of the suit can only be to clear the way for them. The Board are not sure that, if Government claimed to be made parties, they would not rightly be referred by the Court to a separate suit.

6. The Board, however, would recommend a reference to the Law Officers for opinion whether Captain Godfrey can now set up the Chetties' title as against the Tirupad, and also on the question, which is the more important one, whether Government are now barred by limitation from asserting their claims at all. It might be well that the Law Officers should also consider the effect, if any, as regards Government of the recent compromise between Captain Godfrey and the representatives of Mr. Oucherlony.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Secretary.

*Proceedings of the Madras Government, Revenue Department,
4th May 1877.*

No. 85.

ORDER THEREON, 4th May 1877, No. 1,632.

Miscellaneous.

His Grace the Governor in Council resolves to refer these papers to the Advocate-General for opinion, whether the position of Government in rejecting the Nelambur Rajah's claim to the proprietary right in the Ouchterlony Valley, as being included in the Nambalacode property, will be prejudiced in any way, if the Rajah do not claim to be made parties in the suit brought against Captain Godfrey by the Rajah.

2. His Grace fails to understand the remarks of the Board as to Government being barred by limitation from asserting their claims at all. Nor does he see in what way the compromise between Captain Godfrey and the late Mr. Ouchterlony's representatives concerns the Government.

(True Extract.)

(Signed)

D. F. CARMICHAEL,

Offg. Chief Secretary.

To the Advocate-General.
,, the Board of Revenue.

Edw. A. F. Goodall.

N^o 1632 94-5-77
 Board's Resⁿ April 1877
 N^o 2222-1877

His Grace the Lt. in Council
 knows to 2 for these papers
 to the Advocate General
 for opinion whether the
 position of Gov. in respect
 the Nelaunee Rajah's
 claim to the proprietary
 right in the Nachikurung
 valley as being included
 in the Nambalacode
 property, with the proposed
 in any way, if they do not
 claim to be made parties
 in the suit brought against
 Capt. Godfrey & the Rajah.

His Grace further to understand
 the remarks regarding the
 Gov. being bound by
 limitation for asserting
 their claims at all.

How does he see in what
 way the compromise between
 Capt. Godfrey & the late W.

To the Advocate General the Proprietor
 14 " W. of Revenue
 Capt. Godfrey & the late W.
 Nelaunee Rajah's representative concern
 the Gov. N. 5-77

for Government to see to recover

Obt. of 1877

REVENUE.

THE ADVOCATE-GENERAL.

Esq., &c., &c.

Dated May, 4th.

Recd.

Encl.

G.O. 4th May 1877, No. 1,632.

MAY
 Nos. 84-85.

Suit filed by the Thirumalpa of Nelaunee
 against Oudya Godfrey. - Requesting the papers
 relating to the - to the Advocate-General for
 opinion as to the propriety of the Government claim-
 ing to be made parties in the suit.



to order
order

See
copy

REVENUE DEPARTMENT

No. 2223

Board of Revenue-

Dated 20th April - 1877.

FOR ORDERS.

Thank that the San Officer
must be consulted -

In the first place: the
Commissioner ~~Collector~~ cannot try a case
in which as Collector he is -
present an interested
party - He cannot
act as judge under such
circumstances - Still less
can he appear on the part
of Gov. ^{in his own court}
In the second place
the land is within the
Ottawa Valley Stalk

to order

order

is in the occupation of
the Virapad & his tenant
and I am clear that the
Court will not admit the
Col. to appear as a party
to an incidental suit
under a ~~Bill~~ for order
against the tenant &
occupants had been
obtained

24/9 MR

I think the Adv. Gen. Mr.
be consulted simply to know
whether the Govt. respects of
the ~~Indigenous~~ claims to the
proprietary right in the
Pekintong valley as
being included in the

1631

Amulakur people
like he prejudiced in any
way if they don't believe
the main parties to the
suit to be Capt. G. by
the Rajah. I don't see

what he has to do with
Capt. G's plea of the
Chitties title. But I
know it has been
already rejected by the
H. J. I don't doubt
he at once with the
H. J. I don't quite

understand what the H.
mean about Govt. being
barred by limitation
from asserting their

Claims - What claims?

To demand from the

I shall be very glad if Govt.
waived this claim.

I think ought to have
been settled in the first
instance. But "nullum
tempus occurrit regi"

I don't see that
Govt. have lost with
the little between
Capt G. & W. J.
Representatives L. K.

Suit filed by the
malikad of Melambur
FOR ORDERS.
against Capt Godfrey
J. C.

2223/77

C. C.

N^o 1804

163/7

Revenue Department

Proceedings of the Board of
Revenue

Dated 20th April 1877

2223/77 Read the following at 27

From The acting Commissioner
Nilgiris

To The Secretary to the
Board of Revenue
Madras

I have the honor to
report for the information
and orders of the Board and
Government that the Dirmalpe
of Melambur has filed a suit
in my Court as Jemini to oust
Captain Godfrey from certain
land

for Government to see to recover

land in the Ancharlong valley
on the ground of failure to pay
Jumakhajam and negation of his
the Plaintiff's title. The land
held by Captain Godfrey is
situated within the bound-
aries of the 2nd Grant as
given in Board's Proceedings
of 17th August 1875 2^o 2308. Vide
para. 9 of this Proceedings.

2. The further hearing of
the case has been postponed
until after the recess, and I
now have the honor to ask
whether Government consi-
der it advisable to be made
parties to the suit, and thereby
to

1632/9
it appears to the Board that

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present parties.

3. Captain Godfrey claims
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and his son Kolapur Chetty
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padd title, as against Captain
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hereafter be necessary
for Government to see to recover

land in the Anchterlong valley
on the ground of failure to pay

the land, or the right to
Jemmahlagam thereon.
Commissioner's
Office, Ootacamund } I have the
26th March 1877. } (Sd) A. H. C. P. Whistler.
a Commissioner

Submitted for the orders of
Government.

2. The Board would feel
more confidence in advising
on the matter, if the plaint
and answer in the case
were before them, and
if they were aware of the
acts of Captain Godfrey
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denial of his jemm right, but

1632
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at the present stage is not
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3. It is stated that Captain
Godfrey in his answer sets
up against the Dimpad, the
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he purchased in 1846 and in
fact that he contends that
the transactions of 1848 between
himself and the Dimpad
were null and void. It
seems to the Board that
this contention cannot be
maintained in the face
of

of the decisions in the suit
brought by Captain Godfrey
in 1866 (G.O. 28th Sep^r 1872 & 1363
paras 17 & 21) and that he
will not now be allowed to
assert that he does not hold
from the Timpad.

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whether he is ousted or not.
If he is not ousted and if
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the

1632/10
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they would claim from
Captain Godfrey.

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5

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of any such jemm right, and
as far as the Board know,
they have little or no positive
evidence wherewith to do
so. They would have to
contend that there is no
jemm right outside Inala-
har and that the bound-
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also

1632/11
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102/9
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(True copy + Extracts)

W. H. M.
Secretary

To the Secy to Govt. R. S.

W. H. M.

Decemr 18) Septe
no: 2223

E1

Proceeding of the

Board of Revenue

Dated 20th April 1899

Regd No: 11
Dep 20-2-2

No 4-5-7/16/1632

Submitting for the

order of Govt letter from

the AD Commissions of

withdrewing responsibility

whether Govt think it ad-

visable the made parts

the said filed by the

himself of the lander

against Capt. G. G. G. and

stating that the Govt for

order that intervention

by Govt at the present stage

is not advisable.

For Order of the Govt

C 24-4-7) 18/10/77-
C 24/17-26-4-77