

(1) Number of pages _____

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Rev. DEPARTMENT

G.O. No.	2403.	Press.
B.P. No.		Mis.
Dated	30.7.1877	197 :

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

30th July 1877, No. 2,403.

Read the following paper:—

No. 556. Proceedings of the Board of Revenue, dated 10th July 1877.

Read the following letter from G. D. LEMAN, Esq., Collector of the Kistna District, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Masulipatam, 25th June 1877, No. 1,318.

With reference to Government order marginally noted, I have the honor to report that, as soon as I received the G.O., dated 2nd February 1877, No. 488, Revenue Department, approving of my proposal to agree to the settlement of Suit No. 15 of 1875 on the file of the Nellore District Court by arbitration, I instructed the Government Pleader, by telegram, to move the Court that I consented to leave the suit referred for arbitration. I received a reply from him that the Judge had decided the suit against Government.

2. I enclose copies of the Judgment and Decree.

3. I do not think that an appeal would avail against the decision, and the time has now lapsed.

4. The Dandakavile (a history of the village) produced by the plaintiff is said to bear date A.D 1456, and the Judge found it to be of a more reliable nature than the accounts filed on behalf of Government. I can hardly believe the thing was genuine; but yet it is difficult to adduce any argument, save that it is *too* old to be so.

5. I request sanction to pay Rs. 538-6-11, being the costs which have been decreed to be borne by myself.

SUBMITTED to Government with reference to G.O., dated 19th May 1876, No. 644, and 2nd February 1877, No. 488.

2. This suit relates to a boundary dispute of long standing, involving an area of 625 acres, chiefly hill and jungle claimed by the Raja of Venkatagiri as belonging to his estate, but which it was contended appertained to a Government village in the Kistna District.

3. Though the evidence available in support of the claim of Government was unsatisfactory, being of comparatively recent date, as it was stated that Government had exclusive possession for more than twelve years prior to the filing of the suit, the defence was sanctioned in view to the determination of a long standing dispute.

4. Subsequently, the Court suggested a settlement by arbitration, and this proposal was approved in G.O., dated 2nd February 1877, No. 488, but on that day the suit was decided by the Court. As anticipated, it was found that the weight of evidence is in support of plaintiff's claim and contrary to expectation. The Collector failed to prove adverse possession for twelve years as alleged.

Revenue Department, 30th July 1877, No. 2,403.

5. The suit has been decided in plaintiff's favor, and all costs are to be paid by Government. There is no ground for appeal, and the appeal time has already expired. The Board, therefore, recommend that payment of the cost Rs. (538-6-11) five hundred and thirty-eight, annas six, and pies eleven, be sanctioned.

6. When the decision is adverse to Government, the Collector should always report the result of the suit in time to admit of an appeal being preferred, such course is deemed advisable. In the present case, it is observed that the of the suit was not reported until more than three months after copy of the decision was obtained from the Court.

(A true Copy and Extract.)

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

No. 557.

ORDER THEREON, 30th July 1877, No. 2,403.

Miscellaneous.

UNDER the circumstances, the Government sanction payment of Rs. 538-6-11, the cost incurred by the Collector as defendant in the case.

2. His Grace the Governor in Council notes with dissatisfaction the delay which has occurred in the Collector's Office in reporting the result of the trial, so that the opportunity for appeal, if desired, was lost. No explanation is afforded why the Judge's proposal to resort to arbitration was submitted for orders so late as the 29th January last. The Decree finally disposing of the case having been issued on the 2nd February following, it is probable that the Court must have proceeded to decide in consequence of the failure of the defendant to elect in due time for arbitration or local inquiry.

(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

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

Exd. F. R. Bantleman.

No 3224

Revenue Department

Proceedings of the Board of Revenue

Dated 10th July 1877.

Read The following

No 1318.

From.

The Collector, Kistna District

To

The Secretary Board of Revenue
Madras.

Sir

With reference to G.O. encephaly
noted, I have the honor to report
that, as soon as I received the
G.O. dated 2nd February 1877 No
488 R.D. approving of my proposal
to agree to the Settlement of suit
No 15 of 1876 on the file of the Nellore
District Court by arbitration, I
instructed the Government Pleader

Govt. of (1877) Madras.

REVENUE.

THE BOARD OF REVENUE.

Secy.

Secy.

Secy.

Dated July 20th.

Secy.

Secy.

G.O. 28th July 1877, No. 2403.

JULY.

No. 556-537.

Suit No. 15 of 1876 on the file of the Nellore
District Court. - Concerning the payment of Rs.
688-6-11, being the cost incurred by the Collector
as defendant in - - - - - by settling with dissatisfaction
the delay in reporting the result of the trial.

by telegram to move the Court
that I consented to leave the
suit referred for arbitration.
I received a reply from him
that the Judge had decided
the suit against Government.

2. I enclose copies of the judgment
and decree.

3. I do not think that an appeal
would avail against the decision,
and the time has now lapsed.

4. The Danda Kavile (a history of
the village) produced by the
Plaintiff is said to bear date
14.6.40, and the Judge found it
to be of a more reliable nature
than the accounts filed on behalf
of Government. I can hardly

believe the thing was genuine;
but yet it is difficult to adduce
any argument save that it is
too old to be so.

5. I request sanction to pay
Rs 5-38-6-11 being the costs -
which have been decreed, & be
borne by myself.

Western District Collector, I have seen
Office Masulipatam (Sd). G. D. Keman
25th June 1877. Collector

Submitted to Government with
reference to G.O. dated 19th May
1876 No 644 and 22 February 1877
No 488.

This suit relates to a boundary
dispute of long standing -
involving an area of acres 625

chiefly hill and jungle claimed
by the Rajah of Tekkatagere
as belonging to his estate but
which it was contended —

— pertained to a Government
village in the Kistna district.

Though the evidence available
in support of the claim of Govern-
ment was unsatisfactory, being
of comparatively recent date,
as it was stated that Government
had exclusive possession for
more than twelve years prior
to the filing of the suit the Defence
was sanctioned in view to the
determination of a long standing
dispute.

Subsequently the Court suggested
a settlement by arbitration and

the Court
in the
order

this proposal was approved in
G.O. dated 22 February 1877 No 488
but on that day the suit was decided
by the Court. As anticipated it
was found that the weight of
evidence is in support of plaintiff's
claim and contrary to expectation.
The Collector failed to prove adverse
possession for twelve years as
alleged.

The suit has been decided in
plaintiff's favor and all costs
are to be paid by Government.
There is no ground for appeal
and the appeal time has
already expired. The Board
therefore recommend that
payment of the costs Rs(5-38-6-4)

Five hundred and thirty eight
annas six and pice eleven
he sanctioned.

When the decision is adverse to
Government the Collector should
always report the result of the
suit in time to admit of an appeal
being preferred in case such
course is deemed advisable. In
the present case it is observed
that the result of the suit was
not reported until more than
three months after copy of the
decision was obtained from the
Court.

(True copy and extract)

W. J. L. J. L.
Acting Secretary

To
The Secretary to Govt. P.D. with 2
originals to be returned

Rev 1894 Defant

No 3215

Proceedings of the

Board of Revenue

dated 10th July 1877

Recd 11th "

M. 282

30-7-77 N 2403

Submitting Copy of

Collector's letter regarding

O. S. No 15 of 1875 on the

file of the Nellore District

Court and recommending

that payment of the

costs Rs (538-6-11) be

sanctioned -

N 338

RC-01/17
C. 14/17/77 P. 16/17/77 R. 30/17/77

Revenue Department

N 2403

Proceedings of the Madras Government
Under date the 30 July 1877

18/2/77

Read Proceedings of
the Board of Revenue dated
10th July 1877 N 3234 sub-
mitting copy of Collector's letter
regarding O. S. No 15 of 1875
on file of the Nellore District
Court and recommending that
payment of the costs Rs (538-6-
11) be sanctioned.

1. Under the circumstances
the Government sanction
payment of Rs 538-6-11
the cost incurred by the
Collector as Defendant in
the case.

Verdier

2 Neither the Collector
nor the Board allude to the
collections which were made
in 1874 and 1875 on cultivation
in the track now decided
to belong to Demasaram.
It is obvious that this
amount, whatever it may
have been, will have to
be made good to the
Zemindar of Pambattur.

On His Grace the Governor
in Council notes with
dissatisfaction the delay
which has occurred in
the Collector's Office in
reporting the result of
the trial. Neither is
any explanation
afforded

to that the opportunity
for appeal if round
was lost.

afforded why the Judge's
proposal to resort to
arbitration was sub-
mitted for orders so
late as the 29th January
last. The decree finally
disposing of the case
having been issued on
the 2nd February follow-
ing it is probable that
the Court must have
proceeded to decide in
consequence of the failure
of the Defendant to elect
in due time, for arbitra-
tion or local enquiry.

1490 1/2 of Revenue 7-2-77 with 2 Dec:
60 A. Sub. General

C. J. L.

Sanctioning

payment of costs in C.S.
2-15 of 1875 on file of
2^d Court.

Des