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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	3308	Press.
B.P. No.		Mis.
Dated	26.11.187	197

Not to be folded or roughly handled

Archives I—5,806—24-2-78.

2308

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

26th November 1877, No. 3,308.

Read the following paper:—

No. 262. . . Proceedings of the Board of Revenue, dated 19th November 1877,
No. 5,030.

Read the following letter from J. W. HANDLEY, Esq., Government Pleader,
to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated
Madras, 8th November 1877, No. 131.

With reference to the Proceedings of the Board of Revenue noted in the
margin, I have the honor to forward copy
Dated 4th July 1877, No. 3,133. of decree of the High Court in Regular
Appeal No. 64 of 1877 therein referred to. It will be observed that the appeal is
dismissed with costs. No written judgment was delivered in the case in question.

2. I return all the enclosures to the above Proceedings.

ENCLOSURE No. 1.

In the High Court of Judicature at Madras, Monday, the twenty-fourth day of September, one
thousand eight-hundred and seventy-seven.

Present :

The Hon. Mr. Justice KINDERSLEY.

The Hon. Mr. Justice TARRANT.

Regular Appeal No. 64 of 1877.

L. S.

Ramaswamy Pandiyar, Appellant, (Plaintiff).
Appu Ammal and another, Respondents, (Defendants).

Regular appeal against the decree of the District Court of Madura in Original Suit No. 5
of 1876.

Grounds of Appeal.

- I.—“The decree is against law and weight of evidence.
- II.—“The suit is not barred.
- III.—“The Tope Rules of the Board of Revenue were misconstrued by the District Judge.
- IV.—“The rules of the Board of Revenue impose upon the Collector the necessity of finding out the nearest heir of the planter of the tope and granting it to him. If the Collector acts otherwise the nearest heir has the right to bring an action to set aside the Collector's order.
- V.—“The plaintiff has satisfactorily proved that he is the nearest heir of the late Zemindar of Nattam.
- VI.—“The defendant, an illegitimate descendant of the late Zemindar, has no right to the tope.
- VII.—“Even if she has a right to it, she is estopped by the razinamahs and admissions of her mother and grand-mother.
- VIII.—“The plaintiff's claim has been clearly established by the documents A, H, J, F.”

Additional Grounds of Appeal.

1. “The 1st defendant is not the legal representative of Immudi Linga Naik.
2. “It has been clearly established that the 1st defendant's grand-father had no right to the property in litigation or to any other property of the Zemindar.
3. “Even supposing that the 1st defendant's grand-father had a right to the property the 1st defendant, being his daughter's daughter, cannot claim to be his representative.
4. “The plaintiff is entitled to succeed to the property as the nearest heir of Muthalinga Naik, and he has already inherited the property left by Muthalinga's widow.”

Revenue Department, 26th November 1877, No. 3,308.

Decree :—This regular appeal coming on for hearing, upon perusing the grounds of appeal, the judgment and decree of the Lower Court, and the material papers in the suit, and upon hearing the arguments of A. Ramachandra Iyer, Vakil for the appellant, and of Mr. Government Pleader for the 2nd, and V. Bhashyam Iyengar, Vakil for the 1st respondent, this Court doth order and decree that the decree of the Lower Court be, and the same hereby is, confirmed and this appeal dismissed; and this Court doth further order and decree that the appellant do pay to the 1st respondent Rs. 107-7-0 and to the 2nd respondent Rs. 205-7-0 for their costs in opposing this regular appeal.

(Signed) J. R. KINDERSLEY, } Judges.
(do.) H. J. TARRANT. }

MEMORANDUM OF COSTS.

1st Respondent's (1st Defendant) Costs.

	RS.	A.	P.	RS.	A.	P.
Stamp for vakalatnamah	...	...	...	2	0	0
Pleader's fee	...	...	...	100	0	0
One printed copy purchased	...	...	...	5	7	0
				107	7	0

2nd Respondent's (2nd Defendant) Costs.

Government Pleader's fee on Rs. 4,000	...	...	...	200	0	0
One printed copy purchased	...	...	...	5	7	0
				205	7	0

To be paid by the appellant (plaintiff) ... 312 14 0

(Signed) T. WEIR,
Acting Registrar,
Appellate Side.

(True Copy.)

(Signed) W. MORGAN,
Deputy Registrar,
Appellate Side.

SUBMITTED for the information of Government with reference to G.Os., dated 15th December 1876, No. 2,064, and 1st August 1877, No. 2,426.
2. The Collector should take steps to recover the costs awarded.

(True Copies and Extract.)

(Signed) H. E. STOKES,
Secretary.

No. 263.

ORDER THEREON, 26th November 1877, No. 3,308.

Miscellaneous.

RECORDED.

(True Extract.)

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

To the Board of Revenue.

Exd. T. D. Ryan.

In the High Court of Judicature at Madras,
Monday, the twenty-fourth day of September,
one thousand eight hundred and Seventy
seven.

Present:—

The Honorable Mr. Justice Hindersley
The Honorable Mr. Justice Tarrant.

Regular Appeal No. 64 of 1877.

Ramaswamy Pandiyan
Appellant
(Plaintiff)

Appu Ammal and another
Respondents
(Defendants)

Regular Appeal against the Decree of
the District Court of Madras in Original
Suit No. 5 of 1876.

Grounds of Appeal

- I. "The decree is against law and weight of evidence.
- II. "The suit is not barred.
- III. "The Top rules of the Board of Revenue were mis-
constructed by the District Judge.
- IV. "The rules of the Board of Revenue impose upon
the Collector the necessity of finding out the
nearest heir of the planter of the top and granting
it to him. If the Collector acts otherwise the
nearest heir has the right to bring an action
to set aside the Collector's Order.
- V. "The Plaintiff has satisfactorily proved
that he is the nearest heir of the late Zeminder
of Nattam

True Copy
Secretary.

Jul. 1877

Copy of High Court Decree.

26-11-77 w. 3308

Handwritten

dated 19th Nov. 1877.
No. 5030.

Enclosure in Board's
Proceedings to the
Secretary & Government
Rev. Supt.

REVENUE DEPARTMENT.

No. 5030

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 19th November 1877.

Read the following

No. 131.

From

J. W. Handley Esq.
Government Pleader, Madras

To

H. E. Stokes Esq.
Secretary to the Board of Revenue

Sir,

* Dated 4th July
1877 No. 3133

With reference to the Proceedings of the Board of Revenue noted in the margin, I have the honor to forward copy of Decree of the High Court in Regular Appeal No. 64 of 1877 therein referred to. It will be observed that the appeal is dismissed with costs. No written judgment was delivered in the case in question.

2. I return all the enclosures to the above Proceedings.

I have &c.

Dated
Madras
8th November
1877

/ signed / J. W. Handley
Government Pleader.

Submitted

Submitted for the information of
Government with reference to G.O.s dated
14th December 1876 No. 2064 and 1st August 1877
no 2426.

2. The Collector should take steps
to recover the costs awarded.

(True copy & extract)

J. R. M.
Secretary.

To

The Secretary to Government
Revenue Department
with copy of Decree.

[Signature]
J. R. M.

1 Aug 1877 No 18-4
15 Dec 1876 0-379-380

Revenue 1877 29th
No 48374
Proceedings of the

Board of Revenue

To the Secretary &
Government
Rev. Dept.

Dated 19th November 1877
Rev. Secy to Govt
E. V.

copy of
Forwarding the Revenue
of the High Court in R. A.
No. 64 of 1877.

473008

Recorded

24th Dec 1877

26-11-77

14 Dec 1877 Revenue 30-11-77

C 21 Dec 1877 262-63