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(2) Date of repair 6-4-1984
(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No.	1204	Press.
B.P. No.		Mis.
Dated	31-7-1878	197

Not to be folded or roughly handled

1204
GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

31st July 1878, No. 1,204.

Read the following paper :—

No. 408. Proceedings of the Court of Wards, dated 26th July 1878, No. 2,077.

Read the following Proceedings of the Madras Government, dated 19th July 1878, No. 1,099, Revenue Department :—

ABSTRACT.—Forwarding to Court of Wards correspondence relating to an appeal preferred to High Court against the decision of the District Judge of Ganjam in a boundary dispute between the Zemindars of Chikate and Jalantra.

THE cause of action in both the suits referred to was the determination of a boundary line laid down by a Panchayet in a dispute between the Chikate and Jalantra Zemindars and demarcated by the Survey Department.

2. In one suit the Chikate Zemindar claimed a tank, and in the other a piece of land.

3. The District Munsif gave the tank to the Chikate Zemindar and the land to Jalantra.

4. The District Judge on appeal adjudged both to Jalantra.

5. The Collector having reported that second appeals had been preferred to the High Court in both cases, the Government Pleader was requested to appear in behalf of Jalantra in Court's Proceedings, dated 17th June 1878, No. 1,664.

6. There are no Government interests involved in either suit.

(True Extract.)

(Signed) J. STURROCK,
Acting Sub-Secretary.

No. 409. ORDER THEREON, 31st July 1878, No. 1,204.

Miscellaneous.

RECORDED.

(True Extract.)

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

To the Court of Wards.

Exd. C. Howarth.

4. I request sanction for the payment of a fee of Rupees 100 to the Pleader in each of these two appeals, for though the value of what was at stake was but Rupees 100 in each suit, they required close and careful attention on the part of the Pleader.

ENCLOSURES Nos. 2 and 3.—Copies of District Judge's Findings.

(A true Copy and Extract.)
(Signed)

To the Collector of Ganjam, with two original enclosures returned.

Exd. W. H. French.

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No. 1,664.

PROCEEDINGS OF THE COURT OF WARDS, dated 17th June 1878.

Read the following letter from G. D. LEMAN, Esq., Collector of Ganjam, to C. A. GALTON, Esq., Acting Secretary to the Court of Wards, dated Chetterpore, 28th May 1878, No. 1,524:—

In continuation of my letter, No. 1,209, of the 6th instant, I have the honor to inform the Court that the Zemindar of Chikati has preferred second appeals (Nos. 329 and 330 of 1878) against the Civil Judge's decisions in Appeals Nos. 56 and 57 of 1877, and that the High Court has issued notices to the Minor's guardian fixing on the 10th day of July 1878 for the hearing of them.

2. I therefore request that the Court will be pleased to instruct the Government Pleader in the High Court to represent the Minor Zemindar of Jalandra (the respondent) at the time of hearing.

3. The papers necessary for his information will be found in Court's Proceedings, dated 6th October 1876, No. 2,527, and the enclosures of my letter first quoted.

COMMUNICATED to the Government Pleader who is requested to appear accordingly.

(A true Copy and Extract.)

(Signed) J. STURROCK,
Acting Sub-Secretary.

To the Government Pleader, with copies of Board's Proceedings,
6th October 1876, No. 2,527 (its five original enclosures in
No. 6,577 of 1876 to be returned), and 29th May 1878, No. 1,449,
its three enclosures in No. 3,875 of 1878 to be returned.

Copy to the Collector of Ganjam.

Ed. W. J. Lewis.

1878.

Court of Wards,
MADRAS.

PROCEEDINGS, 20th May 1878, No. 1,449.

Encl.

Received

Recd 2/2/78

MAY.
No. 1,449.

Agents—Nos. 56 and 57 of 1877, preferred to District Court of Ganjam against the decision of District Munsif of Berhampore in Original Suits Nos. 215 and 228 of 1876, regarding certain tank and land in Jalantia Estate.—Sanctioning payment of Rupees 100 to the Pleader in each of the—

4000 2/2/78

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No. 2,002.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th August 1876.

Read the following letter from Lieutenant-Colonel W. H. HESSEY, Superintendent of Revenue Survey, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Chepauk, 28th July 1876, No. 2288-75:—

I HAVE the honor to submit translations of plaints with the proposed defence in suits No. 215 and 223 of 1876 filed against the officer in charge of Ganjam Demarcation and Survey Party in the Berhampore District Munsif's Court.

2. I request that the Board of Revenue will be pleased to accord sanction to defend the suits at the expense of Government.

3. The dates of the first hearing were fixed for the 4th and 8th August 1876, but the Government Pleader has been requested to move the Court to extend the dates for two months more.

ENCLOSURE No. 2.—Translation of Plaint and Draft Answer in Suit No. 223 of 1876.

THE defence of the suits is sanctioned and the proposed answers are approved.

(A true Copy and Extract.)

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

To the Superintendent of Revenue Survey.

Copy to the Accountant-General.

Ed. A. Grubert.

1878.

Court of Sessions,
MADRAS.

PROCEEDINGS, 17th JUNE 1876, No. 1,664.

Encl.

Receives

For Mr. H. H. H. H.

JUNE.
No. 1,664.

Appeals—Nos. 329 and 330 of 1876 referred to High Court by the Zemindar of Chikhal District regarding certain tank and land in Jalantia estate under Court of Wards.—Requesting Government Pleader to appear in—

Punchayet; that two persons should be named on Chikati side to sit in the Punchayet; and that, pending the decision, the Narayanapuram ryots should withhold interference.

8. A similar letter was sent (on 4th July 1859) to the Jalandra Zemindar also. Further, the Head of Police at Sompeta was instructed to see the ryots of neither estate made clearings in the disputed land pending the settlement of the dispute by the Punchayet.

9. On 23rd July 1859 the Head of Police at Sompeta reported that, although he had ordered the ryots of both estates not to interfere with the land under dispute, a ryot of Narayanapuram had cultivated some land, and that, unless an exemplary punishment be inflicted on him, other ryots would follow his example.

10. After some correspondence, the Narayanapuram ryot was ordered to pay a fine of five rupees, and in default of payment to undergo fifteen days' imprisonment.

11. In accordance with the Collector's suggestion, both Zemindars named two arbitrators each, and a fifth was named as an umpire. On 2nd November 1859 an order was sent to the Tahsildar of the late Itchapur Taluq to collect the arbitrators immediately, and see that they submit their decision before the 15th November 1859.

12. These arbitrators, however, never met although several attempts were made between November 1859 and July 1860 to bring them together. On 19th July 1860 the Jalandra Zemindar died, and the matter rested till 28th August 1862, when the Jalandra Manager reported that, in spite of the previous orders on the subject, the ryots of Narayanapuram cultivated a portion of the land under dispute, and that the crops should be held under attachment pending the final settlement of the matter.

13. On 3rd September 1862 an order was sent to the Sub-Magistrate of Sompeta directing the attachment of the crops in question and the speedy settlement of the dispute by the old Punchayet. In reply to this, the Sub-Magistrate reported, on 25th September 1862, that, on inspecting the land, he found certain dry crop raised by the Narayanapuram ryots, that he placed it under attachment, and that the arbitrators failed to appear on the day fixed although they had been duly summoned.

14. Up to 3rd March 1863 repeated attempts were made to collect the arbitrators, but in vain. Ultimately a fresh punchayet consisting of two new and three old members was convened, and a decision was passed on 14th November 1863. It was not unanimous, the two Chikati members dissenting. The arbitrators, after personally inspecting the land under dispute, examining the witnesses produced on both sides, and referring to an old district map prepared by the Survey Department in the years 1835 and 1840, fixed a boundary line between the two estates, giving the exact measurements with reference to the disputed hill, and decided that the whole of the hill, together with the adjoining jungle and the tank now sued for, should be incorporated with Peda Srirampuram, with the exception, however, of a few patches of cultivated land and gardens, which, though lying within the boundaries defined for Peda Srirampuram, were in the occupation of the Narayanapuram ryots.

15. The Collector sided with the majority of the Punchayet members, approved their decision, and ordered the Sompeta Sub-Magistrate, on 12th December 1863, to execute it. Owing, however, to changes of Sub-Magistrates afterwards, nothing was done till July 1866, when the then Sub-Magistrate and the then Jalandra Manager (both since deceased) fixed the boundary stones after measuring the distances with reference to the Punchayet's decision.

16. In his petitions dated 26th and 29th August 1866 the Chikati Zemindar requested that the execution of the Punchayet's decision be postponed pending the demarcation of the disputed land by the Survey Department if the decision itself could not be altered. In reply to both these petitions the Collector informed him that he was powerless to set aside the Punchayet's decision, and that its execution could not consequently be put off.

17. In February 1867 the Zemindar alleged that, in executing the decision, the Deputy Tahsildar of Sompeta erred from not understanding the plan, and that therefore his interests suffered, a portion of the backyards and cultivated lands of Narayanapuram having been included under Peda Srirampuram. On 4th March 1867 the Zemindar was told in reply that the old district map, with reference to which the decision had been passed, had been forwarded to Madras for the purpose of being copied, and that on its return it would be considered whether it was desirable to ascertain if the boundary stones had been fixed in accordance with the map or not.

18. In August 1867, the Zemindar having again written on the same subject, he was told that, on the receipt of the map which had been sent to Madras, it would be referred to, and that such orders as might be deemed fit would be issued. With his complaints the Zemindar presented a copy of this Furwan in the Court, probably implying thereby that it indicated an acknowledgment, on the part of the Collector, of the existence of inaccuracy in the placing of the boundary stones by the Sompeta Sub-Magistrate. I do not think that anything of the kind was meant by it, and I enclose a translation of it. A clause to this effect is provided in the draft answer.

19. A translation of the material part of the arbitrators' decision, together with a survey sketch (to be returned) exhibiting the boundary between the two villages as settled by the Survey Department in accordance with it (decision), is enclosed for the Court's perusal. The arbitrators' decision is not altogether intelligible, or rather it is so obscurely worded as to render its real interpretation doubtful, and I have asked the Assistant Superintendent in charge of Ganjam Survey and Demarcation to explain to me how each measurement recorded in the decision has been made in demarcating the line shown in the sketch.

20. The Survey Department, however, have put in an answer in Court, as stated in paragraph 5 *supra*, to the effect that the demarcation was made according to the Punchayet's decision, and the plaintiff has not impeached the accuracy of the decision itself, but of the demarcation made with reference to it. Under these circumstances it is for the Survey Officer to show that the demarcation is in perfect accordance with the Punchayet's decision. Neither the Jalandra Minor Zemindar nor his guardian, first and second defendants respectively, can account for any inaccuracy (supposed or real) existing in the demarcation. So far as I can at present see, the Jalandra interests have suffered owing to a misapprehension on the part of the Survey Department in the reading of the Punchayet's decision and giving effect to it. On this subject I am in communication with the officer in charge of the demarcation. The portions of ground and tank bed referred to in the present suits are, however, correctly demarcated with reference to the Punchayet's decision.

21. The decision of the third defendant alluded to in the plaint was a departmental order passed under Section 11 of the Demarcation Rules maintaining possession, but not a formal decision passed under Section 25, Act XXVIII of 1860, and consequently the two months' time allowed in the last-quoted section for appealing against the

Survey Officer's decision to the Civil Court by a regular suit is, I think, inapplicable to the present case, and it should be dealt with under the general Limitation Act IX of 1871.

22. In reference to Suit No. 215 of 1876 plaintiff assumes that the cause of action arose on the 17th February 1876, on which day the Survey Officer passed the departmental order mentioned above. In fact it arose in November 1863, when the Panchayet's decision was passed, or even long before, when the tank was originally made by the Jalastra ryots, although the tank appears to have been slightly improved by a Mustazer of Narayanapuram about the year 1860. Under Clause 145, second schedule, first division, Act IX of 1871, the suit should have been brought, I think, before November 1875, but I have not put in this plea in the draft answer as I have not sufficient evidence before me to show that possession became adverse to plaintiff immediately after the Panchayet's decision was passed, that is twelve years before the presentation of this suit.

23. In reference to Suit No. 223 also the above remarks partially apply. Plaintiff admits that since November 1867 the 15 acres of land therein alluded to were occupied and cultivated by the Srirampur ryots, and accordingly assumes that the cause of action arose in November 1867, or on 17th February 1876, the date of the Survey Officer's order. As already shown the latter assumption is wrong. As to the former, the land in question had been under Jalastra long before 1867 as deposed by the witnesses of the plaintiff before the arbitrators in 1863. *Vide* also the arbitrators concluding remarks, wherein it is stated that, although the Srirampur limit is measured 820 yards from its eastern side to the southern limit, with reference to the district map land is in the enjoyment of the Srirampur ryots, and it is, therefore, just that such more cultivated land as there may be should remain under Srirampuram. This suit also should, therefore, have been brought some time before November 1875.

24. The value of the suits is Rupees 100 each.

ENCLOSURES Nos. 1 and 2.—Translations of Plaints.

ENCLOSURES Nos. 3 and 4.—Draft Answers.

ENCLOSURE No. 5.—Translation of material parts of Arbitrators' decision.

ENCLOSURE No. 6.—Survey Sketch.

The defence of the suits is sanctioned.

2. The Court of Wards consider it advisable to plead limitation under Act IX of 1871 and leave it to plaintiff to show that possession did not immediately follow the Panchayet decision. In support of the plea the Panchayet decision should be relied on, and such evidence as is available as to possession antecedent and subsequent to the decision should be produced. The Collector will accordingly add a clause to the answers pleading limitation.

(A true Copy and Extract.)

(Signed)

E. GIBSON,
Acting Sub-Secretary.

To the Collector of Ganjam, with sketch returned.

Copy to the Superintendent of Revenue Survey.

Edw. J. W. Fischer.

1204
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From

¹²⁰⁴
D. F. Carmichael Esquire
Collector of Ganjam

To

Sri Viswambhava Rajendra Deo Garu
Zamindar of Chikoti

Received your letter No. 6 of the 17th
Instant reporting that the Sub. magistrate
of Sompeta did not mark the boundary bet-
ween your Narayanapuram Village and
the Village Srirampapuram in Jalandra
Talug. according to the decision of the Panchayet.
As the Lillah map is in decayed state,
application has been made for another copy
of the same and it has not yet been re-
ceived. After the map in question is received,
orders will be issued according to the circum-
stances of the case.

Camp. Chatterpore }
22nd August 1876 }

/ Sd/- D. F. Carmichael
Collector

Revenue Office }
Berhampore }
14th July 1876 }

/ True Translation /
/ Sd/- J. H. Merriman
2nd Asst Supt. Revenue
In charge Ganjam Deputy

1876.

Court of Records,

MADRAS.

PROCEEDINGS, 6TH OCT. 1876, No. 2,537.

Encl.

Received

OCTOBER

No. 2,537.

Sd/- Nos. 215 and 223 of 1876, on file of
District Munsif of Berhampore in Ganjam Dis-
trict, regarding a boundary dispute between
Chikoti and Jalandra Taluq. - Sanctioning de-
fence of - and requesting Collector to add a
clause to proposed answers pleading limitation.

For Sd/- Chatterpore

Proposed defence.

Original Suit No. 215 of 1876.

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Suit brought in the District Munsiff's Court of Berhampore Ganyam District for the recovery of tank of 3 acres valued at Rs. 100 situated on the boundary between Narayanapuram of Chikate Zamindari and Srirampuram of Jalandra Zamindari.

Plaintiff

Sri Rajah Viswanthara
Rajendra Deva garu Zamindar
of Chikate

Defendants.

1. Sri Ramakrishna Chotarya
Deva garu Minor Zamindar
of Jalandra represented by
his Guardian.

2. Sirigirisetti Jagannadhaiah
Kaidu.

3. J. H. Merriman Esquire.
Asst. Supt. Resurvey in place
of Major A. C. H. Clay the late
officer in charge.

The decision of 3rd Defendant alluded to in the Plaintiff was a Departmental order passed under section 11 Demarcation rules maintaining possession and according to the Panchayat's decision.

2. This Defendant will abide by
the

the Court's decision.

3. He prays for the Costs.

Revenue Office
Berhampore
15th May 1876

1. L^{dy} J. H. Merriman
2^d. Asst. Supt. Revenue
In charge Ganjam Dist. & Survey.

N^o. 224
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The District Munsiff's Court 1207
Berhampore.

Defendants.

Plaintiff
Sri Rajah Viswambhara
Rajendra Deu Garu
Lemindar of Chikoti.

1. Sri Ramakrishna Chatterjee
Deu Garu Minor Lemindar
of Jalandra Estate his
Guardian.

2. Sirigiri Setti Jagannadha
Naidu

3. J. H. Merriman Esquire
Asst. Supt. Revenue Survey
in place of Major A. W. Blay
the late officer in charge.

Complaint filed against the above de-
fendants under Section 26 of the Civil Procedure
Code.

The Plaintiff seeks to set aside the decision
of the third Defendant including in Srirama-
puram a Village in Jalandra Taluk, a dry
land of 15 acres, worth of Rupees 100 & attached
to the Village Narayanapuram belonging to
the Plaintiff and to recover the same with costs.
2/. When a dispute arose in the year 1863
about the boundary line between Narayanapu-
ram of Plaintiff and Pedda Srirampuram
of the 1st Defendant, the dispute was settled
by a Panchayet and in the award they passed it

+17 June 78. No 1664.

it was observed that the boundary between the said two villages should be marked according to the Lillah Map.

3/ Thereupon the collector of Ganjam District directed the sub-Magistrate of Sampeta to mark the boundary line between the 2 Villages according to the 'Panchayat'. The sub-Magistrate having wrongly marked the boundary, the Plaintiff complained before the collector to get the marks made by the sub-Magistrate altered and to have the boundary line properly marked according to the Lillah Map. The collector in reply wrote a "Farmanama" to the Plaintiff whereof a copy is herewith produced.

4/ In November 1874, the collector of Ganjam District, wrote a letter to the third Defendant asking him to make survey & demarcation between the two Villages according to the decision of the Panchayat.

5/ The third Defendant made a wrong demarcation between the two Villages and included in the Village, Siramapuram the disputed land.

6/ The Plaintiff therefore prays the Court to get back his lands with Costs.

7/ The cause of action arose in February 1876, and the suit is therefore not barred by

by Limitation Act.

Revenue Office
Berhampore
14th July 1876.

(204)
/ True Translation /
Sd/- J. H. Merriman
2^d Asst. Supt. Revenue Survey
In charge Ganjam & B. Div.

Proposed defence

Original Suit No 223 of 1876.

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Suit brought in the District Munsiffi Court
of Berhampore Ganjam District for the recovery
of a dry land of 15 acres valued at Rupees 100
situated on boundary between Narayanapuram
of Chikoti Temindari and Tirumapuram
of Jalandra Temindari

Plaintiff

Sri Rajah Viswambhara
Rajindra Dewu Garu Temindar
of Chikoti

Defendants

1. Sri Ramakristna Chetara
Dewu Garu Minor Temindar
of Jalandra, his guardian
2. Sirigiri Seta Jogannadappa
Kaidu
3. J. W. Macriman Esquire
Asst. Supt. Revenue Survey
in place of Major A. H. Blay
the late officer in charge.

The decision of the 3rd Defendant alluded
to in the Plaint was a Departmental Order
passed under Section 11 Demarcation rules
maintaining possession and according to the
Panchayat's decision

2/ This defendant will abide by the Court's
decision

3/ He prays for the costs.

1. Sd/- J. H. Merriman
2d Asst. Supt. Rev. Survey.
In charge Ganjam Dist. Sd/-

Rev. Survey Office
Berhampore
15th July 1876

N^o 215
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To

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The District Munsiff's Court
Berhampore

Plaintiff
Sri Rajah Viswambhara
Rajendra Deva garu
Zamindar of Chikati

Defendants.
1. Sri Ramakrishna Chotraya
Deva garu Minor Zamindar of
Jalantra Estate represented by
his guardian.

2. Sirigiri setti Jagannadhaya
Kaidu.

3. J. H. Merriman Esquire
Asst. Supt. Rev. Survey
in place of Major A. O. H. Blay
the late Officer in charge.

Complaint filed against the above
Defendants under section 26 of the Civil
Procedure Code

The Plaintiff seeks to set aside the
decision of the third Defendant including
in Siranapuram a village in Jalantra
Taluk, a tank attached to the village
Karayanapuram belonging to the Plaintiff
valued at Rupees 100 and having an extent
of three acres and to establish his right
in the disputed tank.

2. When a dispute arose in the
year

17 June 78 No 1004

year 1863 regarding the boundary line between Marayapuram of Plaintiff and Pedda Srisamapuram of the 1st Defendant the dispute was settled by a Panchayet and in the award they passed it was observed that the boundary line between the said two villages should be marked according to the Zillah map.

3. Thereupon the Collector of Ganjam District directed the Sub Magistrate of Sompeta to mark the boundary line between the two villages according to the decision of the Panchayet and the Sub Magistrate having marked the boundary line the Plaintiff complained before the Collector to get the marks made by the Sub Magistrate altered and to have the boundary line properly marked according to the Zillah map. The Collector in reply wrote a "Faramana" to the Plaintiff (Copy of which is herewith produced).

4. In September 74, the Collector of Ganjam District wrote a letter to the Third Defendant asking him to make survey and demarcation between the two villages according to the decision of the Panchayet.

5. The third Defendant made a wrong demarcation between the two villages and included in the village Srisamapuram the disputed tank which was formed by the ancestors of the Plaintiff and which has been in his possession and enjoyment.

6. The Plaintiff therefore seeks to set aside the decision of the third Defendant and get back his tank with costs.

7. The cause of action arose in February 1876 and the suit is therefore not barred by the limitation act.

(True Translation)

Rev Survey Officer
Berhampore
10th July 1876

1st Lt. H. M. M. M. M.
2nd Lt. Supt. Rev Survey
In charge Ganjam Dist. Survey

(True Copies)

Rev Survey Officer
Chepauk
28th July 1876

(K. K. K. K. K.) Lieut. Col.
Superintendent Rev Survey

Comptroller

Revenue Department

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No. 209

Proceedings of the Court of Wards

Dated 26 July 1870

Read G.O. R.O. of 17th July 1870 No. 1099.

The cause of action in both the Suits referred to was the determination of a boundary line laid down by a Panchayat in a dispute between the Chikati & Jalamtra Jemindars, & demarcated by the Survey Department.

In one suit the Chikati Jemindar claimed a tank, and in the other a piece of land.

The District Munsiff gave the tank to the Chikati Jemindar & the land to Jalamtra.

The District Judge on appeal adjudged both to Jalamtra.

The Collector having reported that second appeal had been preferred to the High Court in both cases the Govt. Pleader was requested to appear in behalf of Jalamtra, in Court's Proc. of 17th June 1870 No. 1064.

There are no Govt. interests involved in either suit.

Done at tract/

Sturrocks

Asst. Sub-Secretary

The Secretary to Govt. R.O.

with 2 orig. Encl. recd. & copies of Board's Proc. of 16th Oct. 70 No. 2527, 29 May 1870 No. 1449 & 17 June 70 No. 1064.

Recd. 1/43/78

In Govt. R.O. No. 3659/78

Recd. 1/43/78

Mc

14. Fifth Count of Wards & Heirs

James 1878 1879

1878 1879

Proceedings of the

Court of Wards

Sept 26 July 1878
Dec 29 1878

James 1878 1879

Proceedings with reference

to the proceedings of the

Appellate to the High

Court against the same

in the 15th of 1879

with the same District

Court against the same

in the 15th of 1879

with the same District

Court against the same

in the 15th of 1879

with the same District