

- (1) பக்கங்களின் எண்ணிக்கை 16
 (2) புதுக்கித் திருப்பிய நாள் 22-1-1989
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 60/2

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

உடுமலை துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	<u>165</u>	அச்சகம் பலவகை
நாள் :	<u>21-1-1979</u>	<u>165</u>

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

21st January 1879, No. 165.

Read the following paper:—

No. 398. Proceedings of the Board of Revenue, dated 13th January 1879,
No. 56.

Read again Board's Proceedings, dated 21st December 1878, No. 3,503,
and 8th January 1879, No. 22.

Read also letter from the Government Pleader, Madras, dated 9th January 1879,
No. 5.

SUBMITTED for the orders of Government.

2. Certain lanka land recently referred in the Government village of Kulla was rented by Government to plaintiffs for one year. Immediately afterwards the Zemindar of Viravallipalem claimed this land as belonging to his estate, and complained that plaintiffs interfered with its cultivation. The matter was referred for inquiry to the Deputy Tahsildar of Alankur, and on his report the late Sub-Collector, Mr. Kelsall, formed an opinion favorable to the Zemindar's claim, but he declined to interfere in the matter. Upon this the Zemindar's people apparently took possession of the land and crops, and plaintiffs then filed a suit claiming Rs. 1,284 as damages on account of crops removed and land which they had been prevented from cultivating. On the suit being filed the Acting Sub-Collector, Mr. Johnson, inspected the land in dispute, and after careful inquiry arrived at the conclusion that the greater portion of it belongs to the Government village of Kulla, and he marked out the boundary accordingly.

3. The Collector who has been unnecessarily made a party to the suit proposes to file an answer to the effect that the Revenue authorities simply declined to interfere on the motion of 2nd defendant, and that this order was in no way prejudicial to plaintiffs' interests. The draft answer is approved by the Government Pleader, and the Board are of opinion that the Collector should be instructed to file it and to render plaintiffs such assistance as they may require to prove their case.

4. As the 15th January 1879 is the date fixed for the hearing of the suit and the Court has declined to extend the time, the Board resolve, in anticipation of the sanction of Government, to send the Collector the following telegram:—

"Your No. 396, dated 23rd December. File draft answer and await further instructions."

(True Copy and Extract.)

(Signed) J. STURROCK,
Acting Secretary.

No. 399. ORDER THEREON, 21st January 1879, No. 165.

Miscellaneous.

THE Board's Proceedings are approved.

(True Extract.)

(Signed) H. S. THOMAS,
Acting Secretary to Government.

To the Board of Revenue.

Exd. W. H. French.

Proceedings of the Board of Revenue.
Dated 21st December 1878.
Read the following:-
No. 373.

W. L. Tucker Esquire
Collector

Ag. Secretary to the Board of Revenue
Madras.

Sir,
 In forwarding herewith copy of Sub Collector's
 letter with its Enclosures dated the 21st Ultimo,
 I have the honor to inform you that the
 dispute about the Lanka is between the
 ryots of the Government village of Kulla and
 the Proprietors of Tiravallipalem. On the re-
 presentation of a ryot of the latter village,
 Mr. Kellogg, the late Sub Collector, thought
 it to be an addition to the Tiravallipalem
 Lanka, but said that disputes of the kind
 about the boundary between a Govt. village
 and that of a Zamindar could not be
 decided by Revenue Authorities. Mr. Johnson
 arrives

3 Mass to westward
1 Translation of Plate

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arrives at a different conclusion and says
that a great portion of the disputed Lanka
belongs to the Government Village. It will
be well if the matter be fairly contested in
a Civil Court; but for the present, the
draft answer enclosed seems to be all that
is necessary. Mr. Lelwell's decision has
done no harm to Plaintiffs. It practically
referred them to a Civil Court. I beg therefore
that the Board will approve of the draft
answer and sanction the defence of the suit.

2. The date of hearing has been asked
to be extended to the 14th February next.

Gadawan Dieth	} (S ^d) W. S. Tucker Collector
Collector's Office Cochin	
9 th December 1878	(S ^d) B. Raja Rao Ag. Dy. Collector

Before submitting the case for the
order of Court, it will be referred for the advice
of the Court. Phade (True copy and Extract)
To the Court Phade (True copy)
J. Sturrock
Ag. Secretary

Noted
Att-ll

3/16/5

No. 22.

Proceedings of the Board of Revenue
Held 8th January 1879.

Read the following:-

No. 396.

To W. L. Foster Esquire
Collector, Gaduani

C. A. Galtan Esquire
Ag. Secretary to the Board of Revenue
Madras.

Referring to my letter No. 373 dated the
9th instant, I have the honor to inform you that
the District Munsiff at Coimbatore, has ex-
tended the hearing of the suit therein alluded
& only 4th months from the date already fixed
viz 4th December 1878.

Gaduani District
Collector's Office Coimbatore
23rd December 1878

I am
Yours faithfully
Sd/- Charles C. Plunkett
Deputy for Collector

Communicated to the Hon. Pleader in
continuance of Board's Proceedings dated 21st
December 1878. No. 3503.

(True Copy and Extract)
To The Hon. Pleader.
(Sd/-) J. Sturrock
Ag. Secretary
(True Copy)
Sturrock
Ag. Secretary.

Revenue Report

Collector, in No. 12.

dated 13th January 1878

No. 53 & 54. 12. 10.

From 21st January 1879

No. 398

Rev. 297/79

No. 6

Proceedings of the Board of Revenue
Dated 13 January 1879.

Read again Board's Proceedings of 21st Decr 1878, No 3503
18 January 1879, No 22. Read the following
No 5

From, J. W. Hardley Esq.
Government Pleader
Madras.
To, J. Shorrocks Esq.
Secretary to the
Board of Revenue
Sd/-

I have the honor to acknowledge receipt of the Board's Proceedings noted in the margin referring for my advice papers relating to a dispute between the proprietors of Visarallipalem and the Government Village of Kalli in the Godavari District as to the ownership of a certain Lanka

2. I received these papers during the Christmas holidays and finding that the Collector had applied for an adjournment of the

21st Decr 1878
No 3503.

Recd. 21st Decr 1878
No. 3503
Dated 13th Jan 1879
No. 56
Recd. 21st Jan 1879
No. 397/79

the 1st hearing of the Suit until 4 February did not consider the matter emergent. To-day however I have received Board's proceedings of same date communicating letter from collector informing that the Drumsiff has refused to adjourn the hearing beyond 6 weeks from the 4 December which leaves very little time for obtaining the orders of Government. Fortunately it does not much matter as Government have really no interest in defending the Suit. Their interest, if any, is to support the plaintiff's case, but there is no necessity for doing this as the plaintiff may well be left to fight his own case and if it is thought proper to do so any assistance he may require in proving his case can be given him by the Revenue Officer during the trial of the Suit. It would be of no consequence therefore if the collector were to allow the case to be heard ^{against} experts

against him. I do not understand that any relief is sought against him and certainly none could be given. Why he is made a party it is not easy to see, probably because of the prevailing notion that all officials who have ever passed orders in any matter must be made parties to a suit relating to that matter. The answer prepared by the collector is quite sufficient unless it is deemed actually to support the plaintiff's case. In that case a statement of the facts as to the investigation by Mr Johnson and its results must be added.

3. As to the merits of the dispute I have not time to discuss the question whether Mr Johnson is right in his conclusions as to the ownership of the disputed Lanka. His inquiry seems to have been a very careful and minute one and having visited the spot he

had ample means of arriving at a correct decision. He is undoubtedly right in the principle from which he starts viz that land reformed on a site capable of identification belongs to the owner of that site. The difficulty is in applying this principle, which is merely a corollary of the well known rule that an accretion belongs to the owner of the land which formed the nucleus of it, to the facts of each case, but there seems no reason to doubt that Mr Johnson has done so correctly in this case.

4. I return all the papers.

Memoirs
9 January 1879
I have recd
of J. McHardy
Govt Pleader

Submitted for the orders of Govt
Certain Lanka land recently reformed
in the Govt village of Kulla was rented by
Govt

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Government to Plaintiffs for one year.
Immediately afterwards the Zemindar
of Viravallipalem claimed this
land as belonging to his estate
and complained that plaintiffs
interfered with its cultivation. The
matter was referred for inquiry to
the Dy. Tahsildar of Mannar and
on his report the late Sub Collector
Mr Kelsall formed an opinion
favorable to the Zemindar's claim
but he declined to interfere in
the matter. Upon this the Zemindar's
people apparently took
possession of the land and
crops

crops and plaintiffs then filed
a suit claiming Rs. 1284/- as damages
on account of crops removed
and land which they had been
prevented from cultivating. On
the suit being filed the Dy. Sub.
Collector Mr. Johnson inspected
the land in dispute and after
careful inquiry arrived at the
conclusion that the greater
portion of it belongs to the
Govt. village of Kulla and
he marked out the bound-
ary accordingly.

3. The Collector who has been unnecessarily
made a party to the suit proposes to file an
answer to the effect that the Revenue Author-
ities simply declined to interfere on the
motion of 2nd defendant and that this
order was in no way prejudicial to plaintiffs
interests. The draft answer is approved
by the L^{td} Pleader and the P^{ro} are of
opinion that the Collector should be in-
trusted to file it and to render plain-
tiffs such assistance as they may
require to prove their case.

4. As the 15th January¹⁸⁹⁹ is the date fixed
for the hearing of the suit and the Court
has declined to extend the time, the Board
resolves in anticipation of the sanction
of L^{td} to send the Collector the following
Telegram

Your No. 396 of 23 December. File draft
answer with further instructions.

(True Copy & Extract)

Sturrock

Ag Secretary

To
The Secretary to Government R^d
with Encl. Ind. in No. 11, 137 of 1898 the
returned copies of P^{ro} No. 3 of 21 Jan 99
No 3583 & 8 Jan 99. No 22

W. G. L.

Recd 1899 16397
Procs of 1899

Board of Revenue

No 166 21 January 1899

Dated 9/13 January 1899

To the Honble Secy
of the Govt of India

Submitting for the

order of Govt, with some

papers relating to the

trade between the pro-

vinces of Vera Paz and

and the port village of

Willa in the Yucatan

State to the Honble Secy of the

1899
3954
399

The Board's Proceedings are approved.

No 165

And the Board of Revenue

16 January 1899

16 January 1899

Recd 1899
16397