Archives I 10,006—16-8 77.

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue. DEPARTMENT

G.O. No. 1728, Revenue. Press.
B.P. No. Mis.

Dated 26-10-1878. 197 .

Not to be folded or roughly handled

1728/1.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

26th October 1878, No. 1,728.

Read the following paper :—

No. 282. Proceedings of the Board of Revenue, dated 11th October 1878, No. 2,760.

Read the following letter from H. P. GORDON, Esq., Acting Collector of Bellary, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated 3rd October 1878, No. 328 :—

I HAVE the honor, in forwarding a copy of letter, No. 185, of 5th July, from the Acting Sub-Collector, to recommend that the defence of the Reddy (defendant) in the case referred to by him be undertaken by Government.

2. The facts of the case are simply as follow :—

The defendant, the late Reddy of Andyal, in August last was directed by Lieutenant [illegible] Taluk Relief Officer of Gooty) to provide a cart and bullocks for use on certain relief-works. Being unable to obtain them otherwise, and on receipt of a second stringent order to furnish them he took them, from the deceased, undivided brother of the defendant.

The bullock and carts were withheld from 24th August to 19th December 1877.

Looking to the character of Lieutenant Wilson's administration, I am of opinion that the Reddy had no alternative but to act as he did, and that he cannot in justice be left to bear the burden of the suit.

The amount of the claim appears to have been exaggerated, and I would propose that the Government Pleader be directed, on behalf of defendant, to pay into Court a sum calculated at the rate of Rupees 30 per mensem for the period during which the plaintiff's brother was deprived of his property, and to put the plaintiff to the proof as regards the remainder of his claim.

ENCLOSURE No. 1.

Letter No. 185, dated 5th July 1878, from the Acting Sub-Collector, to the Collector of Bellary.

I HAVE the honor to report that a petition has been presented to me asking that Government may be made a supplemental defendant in a suit lodged in the Bellary Munsif's Court by one Veloor Vobanna of Andyal, in the Gooty Taluk, against Chinna Basavana Gowd, late Reddy of the same village.

2. The circumstances are as follows :—

In August last Lieutenant Wilson, Taluk Relief Officer, directed twelve Relief House Reddies, of whom Chinna Basavana Gowd was one, to send a cart and bullocks from each of their villages to be employed on the relief road from Guntakal to Ooravakondah. Most of the Reddies complied with the order, but a few, including the Andyal Reddy, delayed doing so, owing to the difficulty in procuring a cart and bullocks. On a more stringent order being sent the Andyal Reddy took a cart and pair of bullocks from the Veloor Pedda Vobanna, Ryot of Andyal. The latter prosecuted the said Reddy before the District Munsif and Special 1st-Class Magistrate of Gooty, who found him guilty of theft and passed a sentence of fine, which was duly paid.

3. The Ryot Veloor Pedda Vobanna died. His brother, Veloor (Chinna) Vobanna, now brings the abovementioned suit against the late Andyal Reddy, Chinna Basavana Gowd, to recover the loss sustained by him by the forcible taking of his cart and bullocks, at the same time laying damages at Rupees 800, alleging that he was cultivating acres 5 and odd of garden land on which a crop was being raised. The bullocks were taken away on 24th August 1877 and were not returned to him until the 20th of the following December. By the abstraction of his bullocks he was unable to continue the irrigation of his land, which, if cultivated, would have yielded him the amount entered in the plaint as damages.

4. Having laid the facts before you, you will be enabled to judge whether or not the petitioner's request is one to be favorably entertained. From inquiries made it appears that the plaintiff is a ryot of large means, and there is no doubt that the abstraction of the bullocks alluded to could not have affected him in the way he alleges. The circumstances surrounding the seizure, for which the Reddy has already undergone a criminal conviction, are peculiar; the suit is most probably filed through hostility, and, however unjustifiable the seizure, I think the petitioner's request is entitled to hearing, in so far that the claim to damages preferred by the plaintiff may be found to be wholly without foundation.

5. The papers connected with the case, including the records* of the Reddy's conviction, are herewith forwarded for your perusal. Meanwhile, as the suit was posted for hearing on the 5th instant, I have addressed the District Munsif of Bellary to postpone the hearing for the present.

(1.) Gooty Tahsildar's Arzi, No. 287 of 1878, with petition; copy of plaint and Summons.
(2.) Criminal record in Case No. 49 of 1877 before the 1st-Class Special Magistrate of Gooty.
(3.) Application for the defence of suit.

(True Copy.)

(Signed) H. P. GORDON,
Acting Collector.

SUBMITTED to Government with the Board's recommendation that the defence of the suit be undertaken by Government and the course proposed in the last paragraph of the Collector's letter adopted.

(True Copy and Extract.)

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

No. 283. ORDER THEREON, 26th October 1878, No. 1,728.

Miscellaneous.

SANCTIONED.

(True Extract.)

Under Secretary to Government.

To the Board of Revenue.

Exd. H. W. French.
Spare Copies.

1728
2

Govt. of Madras.

REVENUE.

To

THE BOARD OF REVENUE.

C. No. 1583 of 1878.

REVENUE DEPARTMENT.

No. 4507.

1223/3

From Board of Revenue

Dated 11 October — 1878.

FOR ORDERS.

Mark the Govt Orders & Commendation and the Mets

16/10/78

Send adopt Govt Proceedings

18/10/78

1728/4

No 4107

FOR ORDERS.

Amended to
Report 2nd ?

C 15-10-78
R 16-10-78
RC 16-10-78
R 25-10-78

Please write
the information afforded.

Where is Tabular
Report A rec? with
Chingleput Collector's
letter d/9 April 1875
(G.O. 25 Nov/75 No 1690)
which the Board says
(letter recorded in Bd's Pro
24 Nov 1876 No 10318 Misc)
contains a full history
of Petitioners' claim?

Translate that Report
& forward with relate,
& interest -

Where is it shown
that the arbitrators were
appointed by the Collector?

Is there anything to
show why an arbitration
made in 1862 was not
reported till 1876 or may

1/x

be in 1875? Where are the interviewed notes of Jeapes?

C/W
2/10/78

Please see the memo herewith submitted

10/10/78

C 15-10-78
R 16-10-78
RC 16-10-78
R 25-10-78

as appears from the register.

C.N. 3133

Explanatory Memo-

Regarding a claim to interest in Chingleput Collr.

No. 2780 Revenue Department. 1878

Proceedings of the Board of Revenue
Dated 11th October 1878.

Read the following

No. 328

From

The Collector
Bellary.

To

The Secretary to the
Board of Revenue
Madras.

Sir.

I have the honour in forwarding a copy of xerox No. 165 of 6th July from Ag Sub Collector to recommend that the defence of the Reddy (Defendant) in the case referred to by him be undertaken by Government.

2 The facts of the case are simply as follow: ——

The Defendant, the late Reddy of Andygal in August last was directed by Lieutenant Wilson (then Taluq Relief Officer of Gooty) to provide a cart and bullocks for use on certain relief works. Being unable to obtain them otherwise and on receipt of a second stringent order to furnish them he took

took them from the deceased undivided brother of the Defendant ? Plaintiff

The bullock and carts were with-held from 24th August to 19th December 1877.

Looking to the character of Lieutenant Wilsons' Administration, I am of opinion that the Reddy had no alternative but to act as he did, and that he cannot in justice be left to bear the burden of this Suit —

The amount of the Claim appears to have been exaggerated and I would propose that the Government Pleader be ordered on behalf of Defendant to pay into Court a sum calculated at the rate of Rs 30 per mensem for the period during which the Plaintiffs brother was deprived of his property, and to put the Plaintiff to the proof as regards the remainder of his Claim.

I have &c

(Signed) H.P. Gordon
Ag Collector.

Enclosure.

Letter No 185 dated 5th July 1878 from the Acting Sub Collector to the Collector of Bellary.

Sir,

I have the honor to report that a petition has been presented to me asking that Government may be made a supplemental defendant in a suit lodged in the Bellary Moonsiffs Court by one Veksor Vobanna of Amdyal in the Gooty Taluq against Chenna Basavana Gowd late Reddy of the same village.

2. The circumstances are as follows- In August last Lieutenant Wilson Taluq Relief Officer directed 12 Reddies, of whom Chenna Basavana Gowd was one, to send a cart and bullocks from each of their villages to be employed on the Relief Road from Goondcul to Odiravankondah. Most of the reddies complied with the orders after a few including the Amdyal Reddy, delayed doing so owing to the difficulty in procuring a cart and bullocks. On a more stringent order being sent, the Amdyal Reddy took a cart and pair of bullocks from the

the Veloor Pedda Vobanna ryot of Amdyal. The latter prosecuted the said Reddy before the District Munsiff and Special 1st Class Magistrate of Gooty who found him guilty of theft and passed a sentence of fine which was duly paid.

3 The Ryot Veloor Pedda Vobanna died. His brother Veloor (Chinna) Vobanna now brings the above mentioned suit against the late Amdyal Reddy Chenna Basawana Gowd to recover the loss sustained by him by the forcible abstraction of his bullocks and at the same time laying damages at Rs 800 alleging that he was cultivating acres 5 + odd of garden land on which a crop was being raised. The bullocks were taken away on 24th August 1877 and were not returned to him until the 20th of the following December. By the abstraction of his bullocks he was unable to continue the irrigation of his land which, if cultivated, would have yielded him the amount entered in the plaint as damages.

Having

4. Having laid the facts before you, you will be enabled to judge whether or not the petitioner's request is one to be favourably entertained. From enquiries made it appears that the Plaintiff is a ryot of large means and there is no doubt that the abstraction of the bullocks alluded to could not have affected him in the way he alleges. The circumstances, surrounding the seizure, for which the Petitioner has obtained a Criminal conviction, are peculiar, suit is most probably filed through hostility; and however unjustifiable the seizure, I think the petitioner's request is entitled to hearing in so far that the claim to damages preferred by the Plaintiff may be found to be wholly without foundation.

5 The papers connected with

with the case including the records of the Reddy's conviction are herewith forwarded for your perusal. Meanwhile as the suit was posted for hearing on the 5th Instant, I have addressed the District Munsiff of Bellary to postpone the hearing for the present.

I have &c
(Signed) E. N. Overbury
Ag Sub Collector.

(True Copy)
(Signed) H C P Gordon
_____ Ag Collector.

Submitted to Government with the [illegible] that the defence of the suit be undertaken by Govdrnment and the course proposed in the last paragraph of the Collector's letter adopted.

(True Copy Extract)

Ag Secretary.

To

The Secretary to Government R.D.

(1) Govty Taluk's arji No 287/1878 with petition Copy of Plaint and summons.
(2) Criminal record in case No 49/1877 before the 1st class Special Magistrate of Govty.
(3) Application for the defence of suit.

1728/10

Copo
Ghulam Dusthgeer

Revenue 1878 Deptt
No 4507
Proceedings of the
Board of Revenue.

Dated: 11th October 1878.
Reced 14 — do

Submitting, with recom=
=mendation, letter from Collr
of Bellary stating that
the defence of the suit be
undertaken by Govern-
ment and that Collec-
tor's proposals be adopted.

No 1728 26 October 1878

For orders

No. 1728

Sanctioned

14 Sol. Dr. … 26 October 1878

Lit forwarded

C 15-10-78
R 16-10-78
RC 16-10-78
R 25-10-78