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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.
~~B.P. No.~~

923

Press
~~Mis.~~

Dated

7.7.1876. ~~1896~~

Not to be folded or roughly handled

923/1

*Proceedings of the Madras Government, Revenue Department,
7th July 1876.*

No. 84. Read the following Proceedings of the Board of Revenue, dated 1st July 1876, No. 1,688:—

Read the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Sydapet, 27th June 1876, No. 385.

REFERRING to Board's Miscellaneous Proceedings, No. 363, dated 14th January last, communicating G.O., No. 54, dated 13th idem, sanctioning the defence of Original Suit No. 471 of 1875 on the file of the District Munsif of Trivellore, I have the honor to forward copy of a judgment (sent in original to be returned) and translation of a decree, from which the Board will see that the Munsif has decreed in favor of the plaintiffs; in that he has declared that the Mirassidars have exclusive right to enjoy the usufruct of Poramboke lands.

2. The Munsif has in my opinion taken a wrong view of the case throughout, and his dictum as to the replies in "Hudleston on Mirassi right" being binding on Government seems startling. I would recommend an appeal on the grounds set forth at some length in the draft answer.

3. The case is a very important one if the Munsif's decision stands; it affects the right of Government to rent out, or otherwise dispose of, any forests or jungle, and jungle products.

4. I am in correspondence with the Survey Department regarding the demarcation charges for the Poramboke having been collected from the Mirassidars; I fear the same thing has been done in many similar cases, but I will report on the general question specially shortly.

5. The appeal time has expired owing to references—only recently replied to—to the Survey Department regarding the circumstances attending this particular charge. The Government Vakil, however, informs me that there will be no difficulty in filing the appeal out of time if I explain matters to the Judge.

—
ENCLOSURE No. 1.—Authenticated copy of Judgment.

—
ENCLOSURE No. 2.—Translation of Decree.

—
ENCLOSURE No. 3.—Memorandum of Appeal.

SUBMITTED for the orders of Government with reference to G.O., dated 13th January 1876, No. 54.

2. Upon the important question raised in this case, *viz.*, "whether the Mirassidars or the Government are entitled to the spontaneous produce of Poramboke lands," (second issue) the decision of the District Munsif is adverse to Government. He holds that the Mirassidars have an exclusive right to such produce.

3. The Board are decidedly of opinion that an appeal should be preferred on the grounds suggested by the Collector in the draft memorandum of appeal.

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*Proceedings of the Madras Government, Revenue Department,
7th July 1876.*

4. The appeal time has expired, but the Collector anticipates no difficulty in obtaining the admission of an appeal.

5. The Board await the report promised by the Collector in paragraph 3.

(A true Copy and Extract.)

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

No. 85. ORDER THEREON, 7th July 1876, No. 923.

Miscellaneous.

THE Government sanction the proposal of the Collector to prefer an appeal to the District Court, and approve the

grounds on which it is proposed to be based.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.

MISCELLANEOUS No.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 1st July 1876. M 10883

Read the following

N 385

From

R. W. Barlow Esq
Collector of the
Chingleput District

To

L. A. Galton Esq
Acting Secretary to the
Board of Revenue Madras.

Sir,

Referring to Board's

collaborous Proceedings N 363

dated 14th January last; commu-

nising G. O. N 54 dated

13th Idem, sanctioning the defence

of A. S. N 441 of 1875 on the

file of the District Munsiff

of Trivellore, I have the

honour to forward copy of a Jud-

gment and translation of a decree
from

⁺ Sent in original
file returned

1876/28/72

30/7/87

Colt. of 1876: Madras

REVENUE.

THE BOARD OF REVENUE.

Dated July, 7th

Recd.

G.O. 7th July 1876, No. 323.

Recd.

JULY

Nos. 84-86.

O. S. No. 471 of 1875 on the file of the District
Munsiff of Trivellore, Chingleput District. - San-
tioning the proposal to prefer an appeal to the
District Court against the decree and judgement
in - and approving the grounds on which it is
proposed to be based.

from which the Board will see that the Munsiff has decided in favor of the Plaintiffs, in that he has declared that the Mirasidars have exclusive right to enjoy the usufruct of Ponnaboke lands.

2. The Munsiff has in my opinion taken a wrong view of the case throughout, and his decision as to the rights in "Hudleston's Mirasidary right" being binding on Government seems startling. I would recommend an appeal on the grounds set forth at some length in the draft annexed.

3. The case is a very important one.

one, if the Munsiff's decision stands, it affects the right of Government to rent out or otherwise to dispose of, any forests or jungle, and jungle products.

3. I am in correspondence with the Survey Department regarding the demand for charges for the Ponnaboke lands having been collected from the Mirasidars; I fear the same thing has been done in many similar cases, but I will report on the general question specially shortly.

4. The appeal time has expired owing to reference only necessarily replied to - to the Survey

Survey Department regarding
the circumstances attending
this particular charge. The
Government Vakil however
informs me that there will be
no difficulty in filing the
appeal out of time if I explain
matters to the Judges.

Chingleput District } I have for
Collector's Office } signed R. W. Boslow
Saidpet. 29th June 1876 } Collector.

Submitted for the orders
of Government with reference
to G.O. dated 13th January 1876 No. 54.

Upon the important ques-
-tion raised in this case, viz.,
"whether the Mirasidars or the
Government are entitled to the
spontaneous produce of Orimuloke
lands."

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lands (2nd Issue) the decision of
the District Munsiff is adverse
to Government. He holds that the
Mirasidars have an exclusive
right to such produce.

The Board are decidedly
of opinion that an appeal should
be preferred on the grounds suggest-
ed by the Collector in the Draft
Memorandum of appeal.

The appeal time has expired
but the Collector anticipates no
difficulty in obtaining the ad-
-mission of an appeal.

The Board await the report
promised by the Collector in
para. 3. See Copy of Extract

Whitton
Secretary
To the Secretary to Government R.D.
with 3 enclosures to be returned.

R. W. Boslow

C.B.

26 12-1-76 109-112

The Government sanction the proposal
of the collector to prefer an appeal to the
District Court, and approve the grounds on which
it is proposed to be based.

7 July 1876

And copy to the Board of Revenue
the enclosed copies are so on

26 July 1876
Secretary to the
Board of Revenue

No 923-78 July 1876

Dated 1 July 1876

26 July 1876

Submitting for order, with
reasons, letter from the
Collector of Calcutta, dated
17th June 1876, forwarding a statement
and having a copy of a
decree in O. No 1249
of 1875 on the file of
Drill Bazaar of the
Collector and recommending
that an appeal may
be made against the
same. With order

26 July 1876 109-112

6776