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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No.	1481	Press.
B.P. No.		Mis.

Dated 10-9-1878 197 .

Not to be folded or roughly handled

Archives I—5,806—24-2-78.

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1

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

10th September 1878, No. 1,481.

Read the following paper:—

No. 129. Proceedings of the Board of Revenue, dated 8th August 1878, No. 2,190.

Read the following letter from W. LOGAN, Esq., Collector of Malabar, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Calicut, 29th July 1878, No. 207:—

With reference to paragraph 6 of the Proceedings of Government, Revenue Department, dated 15th June 1878, I have the honor to forward, for the information and orders of the Board, copies of two letters from General Morgan and Colonel Scott regarding land taken up by them in the Attapadi valley, from which it will be seen that the former has relinquished his claim, and that the latter is willing to abide by the orders of Government on certain conditions.

2. Even if Colonel Scott's proposal is accepted, I fancy it will be necessary to sue the lessor. I therefore propose to give him notice similar to that given to the gentlemen above named, a copy of which is enclosed.

Enclosure No. 1.

From Major-General H. R. MORGAN, to W. LOGAN, Esq., Collector of Malabar, dated Ootacamund, 22nd July 1878.

In reply to your notice of 5th July 1878, I have the honor to inform you that I have surrendered the land held by me in the Attapadi valley so long ago as February last, as it was stated to be the property of Government.

From Messrs. GRANT and GRANT, to W. LOGAN, Esq., Collector of Malabar, dated Madras, 25th July 1878.

We have been instructed by our client, Colonel S. P. Scott, to withdraw our letter to you of the 18th instant, and to substitute this in its place.

2. In reply to your notice, dated 5th instant, copy of which we forwarded to our client, we have the honor to request that you will be good enough to favor us with a copy of the Proceedings of Government, which have led to the unexpected decision contained in the said notice, as the information obtainable therefrom would materially aid our client in meeting the wishes of Government by enabling him to claim indemnity from the lessor.

3. Being desirous of correcting the erroneous impression entertained regarding his transactions in the Attapadi valley, as shown by the last paragraph of the notice above referred to, our client is anxious to draw the attention of Government to the fact that he has not made any investments of the nature supposed, but has merely cultivated the land occupied by him on his own personal account.

4. Having been led to believe on credible information that the *Arakunâdi Nâtu* were the owners of the land in question, our client leased the same from them in perfect good faith several months *prior to the publication in the Nilgiri District Gazette* of the Collector's notice, wherein the intention of Government of disputing their titles was first intimated.

5. It is almost unnecessary for us to point out that it would be disastrous to our client to surrender his title after having incurred so large an expenditure of money in the improvement of the land up to this date, and we earnestly hope that Government, after considering the foregoing statement of facts, may be induced to relinquish the action in the notice under reply and to leave our client in the undisturbed possession of his property.

6. Our client is willing to submit the question of whether or not he is entitled to possession of the property above alluded to for the decision of Government, on the understanding that, if the question be decided in the negative, he shall be permitted to hold a lesser quantity of land, say 250 acres, in the Attapadi valley as the tenant of Government.

(True Copies.)

(Signed) W. LOGAN,
Collector

ENCLOSURE No. 2.

NOTICE.

TAKE notice that acting under instructions from Government, I hereby call upon you, within thirty days from the date hereof,

(*a*) To deliver up possession of such land as you have actually occupied in the Attapadi valley, attached to the Arakurishi Amshom in Walluvanad Taluk of this district, and

(*b*) To surrender your claims to any land which in the locality aforesaid you claim to hold under the Arakurishi or Munarginat Nair or other person.

You are hereby warned that, in the event of your refusing or neglecting to attend to this requisition, a suit will be brought to assert the right of Government to the land above mentioned and such other action will be taken as Government may be advised to take in this behalf.

You are hereby further warned that the land in question is the property of Government and that your lessor or lessors has or have no title thereto.

(Signed) W. LOGAN,
Collector.

CALICUT,
5th July 1878.

Seal.

(True Copy.)

(Signed) W. LOGAN,
Collector.

SUBMITTED for the orders of Government.

2. The Collector having, in obedience to the orders conveyed in G.O., dated 15th June 1878, No. 917, Revenue Department, called upon General Morgan and Colonel Scott to surrender their claims to occupy land in the Attapadi valley, now reports that the former gentleman has surrendered the land held by him and that the latter is prepared to submit the question as to whether or not he is entitled to possession for the decision of Government, on the understanding that if it be decided in the negative he shall be permitted to hold a lesser quantity of land, say 250 acres, in the Attapadi valley as the tenant of Government.

3. In paragraph 6 of the Order quoted above the Collector was directed (in the event of the gentlemen named refusing or neglecting to attend to his requisition) to file a suit against the self-styled proprietors for a decree declaratory of Government right to the land which they have assigned and to ask for an injunction to restrain their nominees from acting on their asserted leases pending the decision of the Court, and he now seeks instructions as to whether the suit should be filed under existing circumstances. The Board are of opinion that no time should be lost in bringing the question of ownership to a legal issue, and as the grant of leases by the Arakurishi *alias* Kunnatatha Nair furnishes cause of action would suggest that the Collector be directed to file the suit at once. Until the point is authoritatively decided it will be impossible for Government to entertain Colonel Scott's request.

4. It does not seem necessary to await the result of the requisition the Collector was directed to make on Messrs. Torin and Havelock in G.O., dated 19th July No. 1,098, previous to filing the suit against the lessor.

(True Copies and Extract.)

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

No. 130. ORDER THEREON, 10th September 1878, No. 1,481.

Miscellaneous.

THE Government Pleader will be desired to advise whether in the circumstances named a suit against the lessors is necessary to establish the asserted right of Government in the case of the land leased to General Morgan and Colonel Scott, especially in view of the conditional proposals for surrender made by the latter lessee.

2. Colonel Scott's proposals cannot be dealt with conditionally. If he applies for land which may be unobjectionably assigned for planting purposes, the Collector is of course at liberty to give it on the usual terms.

3. In regard to paragraph 4 of the Board's Proceedings the Government consider that the terms of their order should be observed.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under-Secretary to Government.

To the Board of Revenue.
,, the Government Pleader.

Exd. W. J. Lewis.

No. 2,190.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th August 1878.

Read the following letter from W. LOGAN, Esq., Collector of Malabar, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Calicut, 29th July 1878, No. 207 :—

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(Signed) W. LOGAN,
Collector.

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(Signed) W. LOGAN,
Collector.

Calicut,
5th July 1878.

Seal.

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Collector.

Submitted for the orders of Government.

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(True Copies and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department.
Copy to the Collector of Malabar.

Exd. A. Grubert.

Revenue Regd
No 3607
1878.

Board of Revenue,
MADRAS.

To SECRETARY TO GOVT.,
REVENUE DEPARTMENT

Dated August 8/8

Received 12th

Read 19th

Proceedings, 30th August 1878, No. 2,100.

Dept. Jan. 1876/78

AUGUST.

No. 2100.

Land taken up by General Morgan and Colonel Scott, in Attapadi valley, Malabar District. —Submitting to Government letter from Collector regarding —, and suggesting that that officer be authorized to file a suit against the lessee for a decree declaratory of the Government right to the land.

For order

FOR ORDERS

Copy

Proceedings of the Madras Government
No 1001
Proceedings of the Madras Government
Military dated the 10th October 1792

Read the following
Copy of the Board of Revenue
dated 8th August 1792 &c &c &c

Your Lordships Order
will be desired to advise
whether in the circumstances
named in this Agreement the
Lessee is entitled to an
allowance for the assessed Jodi
of Government in the case
of the Land [illegible]
Sett apart by the Ryots for
cultivating their Private
Cardamom Gardens

Lawrence Ready &
Peter Gow Esqrs

Mortgage
applications cannot be
dealt with conditionally
& the Land Board
can
only be negotiated
required for planting
purpose the Collector is
of course at liberty to
give it on the usual terms

In regard to
paragraph 4 of
the Bonds Pro-
cedure I consider that
the terms of these
orders should
be observed

Agent

Land Office Land Boundary Plan ... Co. ...
Mo Land Board
Enclosure ...