

- (1) பக்கங்களின் எண்ணிக்கை _____
(2) புதுக்கித் திருப்பிய நாள் _____
(3) ஆதரவ் குறிப்பவர் சுருக்கொப்பம் _____

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Ravi துறை

அரசாணை எண். 3479 மு. கோப்புத் தாள் எண்.	அச்சகம் பலவகை
நாள் : 23-10-1882	199

மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

பாடகாப்படி பிரதி-1

சுப்பிரதமர் பெயர்:

சுப்பிரதமர் பெயர்: எதிர்ப்பு - 2008
எதிர்ப்பு - 2008

சுப்பிரதமர் பெயர்: எதிர்ப்பு - 2008
எதிர்ப்பு - 2008

சுப்பிரதமர் பெயர்: எதிர்ப்பு - 2008
எதிர்ப்பு - 2008

சுப்பிரதமர் பெயர்: எதிர்ப்பு - 2008
எதிர்ப்பு - 2008

En. 1.

13th September 1882.
Cotacamund.

To
R. W. Barber Esquire
Collector of the Nilgiris.

Sir,
I am instructed by my clients Embamathew and Kukkammulla, ryots of Todanad, to file a suit against the Secretary of State, in respect of the land known Nanjatholmund.

2. In accordance with the provisions of the Code of Civil Procedure, I beg to give you notice of the same and to furnish you with a copy of the plaint (enclosed) setting forth the cause of action.

I am &c
Signed, J. G. Davis,
Reader for Plaintiffs.

En. 2.

In the Court of the Sub. Judge of Cotacamund.
C.S. No. of 1882.

Embamathew - Badaga ryot of Walhuby hamlet.
Todanad village - Nilgiris. 1.
Kukkammulla. Badaga ryot of Walhuby hamlet.
Todanad village - Nilgiris. 2. Plaintiffs

ag^t
The Secretary of State for India in Council
Defendant

The Plaintiffs above named state as follows

1. That on the 6th day of November 1879, the Plaintiffs purchased of and from Cornayall son of Peraravi, Soda resident of Hothe cadumund and Neerayan son of Suvallavan also of Hothe cadumund Kilgiris, the piece or parcel of land situated in Soda cad, Kilgiris, known as Numpay thol. and more fully described in the deed of sale, and extract from the Collector's register of lands, herewith filed and paying Government assessment or Revenue of Rupees annually.

2. That the said piece or parcel of ground was at the date of the said purchase and had been for several years previously thereto the absolute property and was in the full possession, occupancy, and enjoyment of the said Cornayal and Neerayan subject only to the annual Government assessment payable in respect thereof.

3. That upon Plaintiffs' purchase of the said piece or parcel of ground they proceeded to, and did in fact fell wood growing on the said piece or parcel of land to the extent niter alia of 60 bandy loads or thereabouts, of the aggregate value of Rupees 120 which bandy loads of wood were in

or about the month of January 1880 seized and taken possession of by servants and agents of the Defendant, purporting to be acting under the orders of the then Commissioner of the Kilgiris, which said servants and Agents trespassed upon the Plaintiffs' land, took possession of the said wood and removed the same, appropriating the same to the use and benefit of the Defendant, wrongly alleging that the Plaintiffs had no right to fell or cut the said wood, and that the Plaintiffs' vendors had no right to alienate or sell to the Plaintiffs the said piece or parcel of land or their right and interest therein.

4. That Plaintiffs are informed and believe it to be true that their vendors held the said piece or parcel of land under a puttah or lease granted by the then Collector of Coimbatore or Malabar, the proper officer in that behalf concerned for the issue of such puttahs, and that the holding under such puttah was as the Plaintiffs allege an absolute holding with full powers of enjoyment and alienation.

5. That Plaintiffs are informed and believe it to be true that the Defendant alleges that somewhere in or about the year 1871 a new puttah was issued by the then Commissioner of the Kilgiris, purporting to restrict the Plaintiffs' vendors' powers of alienation.

and enjoyment, but the Plaintiffs are informed and believe that no such *gustah* was accepted by their vendors, and that if the same was issued the restrictions therein contained did not bind and are not now binding upon the Plaintiffs' vendors and the Plaintiffs.

That the Plaintiffs have by letter dated 13th September 1882 signed by their Pleader for and on their behalf, given the Defendant notice, through the Collector of the *Litigis*, of their intention to file this suit, in respect of the causes of action in this plaint mentioned, and as part and parcel of such letter have furnished the said Collector with a copy of this plaint such notice being given in pursuance of the Code of Civil Procedure.

Plaintiffs pray judgment as follows:—

- a That they may be declared to be the absolute owners with full powers of possession, occupancy and enjoyment subject only to the Government annual assessment payable in respect thereof on the said piece or parcel of land, heretofore in this plaint mentioned and described
- b That the Defendant his servants & agents may be forever restrained by an injunction

of this Hon. Court from in any manner interfering or intermeddling with the said piece or parcel of land or the wood or timber growing thereon and with the Plaintiffs' full and free enjoyment thereof.

c That the Defendant be decreed to pay to the Plaintiffs the sum of Rupees 150 as and for damages for the illegal trespass in or about the month of January 1880 above mentioned on the said piece or parcel of ground as in the plaint mentioned and for the value of the 60 handloads of wood so as aforesaid illegally taken possession of by the Defendant, his servants and agents.

d That the Defendant be decreed to pay the costs of this suit and

e That the Plaintiffs may have such further relief in the premises as this Hon. Court may see meet, and the nature of the case may require.

1 sgd/ x mark of Embamashen
x mark of Kuthamullaw
&c. &c.

1 True copy 1

M. M. M. M.
Collector.

En. 3.

28th April 1882.
Potacamund.

To
R. W. Barlow Esq.
Collector of Nilgiris

Sir,
In your Proceedings No. 28 of the 26th January 1880, I was informed (para. 5) that "pending the decision of some competent Civil Court to the contrary the Toda photos will be preserved as public property by the Forest Department" referring more particularly to Mungatholamund Toda Pottah No. 40 Todanad. As I am now instructed to claim the rights of my clients under the sale deed of this mund in a competent Court, I beg to be informed whether your order is to be considered still in force, or further whether such order is to be taken as the order of Government.

I heard casually that the pottah for this mund was subsequently cancelled. As no official intimation either written or verbal was I am told made to my clients, I beg you will be so good as to inform me whether such cancellation has actually been made.

I may add that my clients have continued to hold possession in and exercise

acts of ownership over the land in question.

I have &c.

Yrs. J. G. Davis
Reader.

E. 4

N^o 663.

Collector's office,
1st May/82.

To

Mr. J. G. Davis,
Reader,
Potacamund.

Sir,
In reply to your letter dated 28th ultimo I have the honor to inform you that the Toda pottah in question was cancelled under the order of Government No. 254 dated 1st March 1880.

2. The fact was duly intimated to the Todas under whose sale I gather your clients claim and to Adati Basuval.

3. The orders are still in force and may be taken as the orders of Government.

I have &c.

R. W. Barlow
Collector.

1 True Copy 1

W. Moore
Collector.

Recd
To the Secy to Govt for altering original

Revenue Department.

Proceedings of the Madras Government.

Read Proceedings of the Board of Revenue, dated 11th October 1882, No. 7827, submitting letter from the Collector of Nilgiris forwarding copy of a Notice issued to him by Mr. J. G. Davis on behalf of certain alleged purchasers of sholah land held under Toda pottah No. 40 of Todanad signifying their intention to file a suit against Government for evicting them from the said lands.

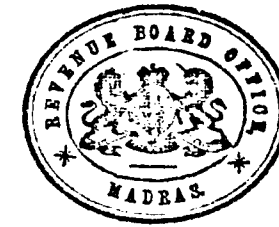
Order thereon, 23rd October 1882, No. 3479.

The collector will be directed to forward all the papers connected with the case to the Government Pleader by whom the ^{answers} will be drafted & the defence of the suit will be conducted and by whom a draft answer will be prepared.
(See Extract)

J. G. Davis
Secretary to Govt.

To the Collector of Nilgiris.

Exd
C.S.



Proceedings of the Board of Revenue,

Dated 11 October 1882

No. 7827

Miscellaneous.

READ the following: —

No. 288.

From

R. W. Barlow Esquire

Collector of Kilgiris.

To

The Secretary to the

Board of Revenue,
Madras.

Sir,

I have the honor to forward
copy of a notice dated the 13th
Instant, issued to me in the
name of the Secretary of
State for India, by Mr. H.
Davis, on behalf of certain
alleged purchasers of sholah
lands held under Toda puttah

to No.

N^o 40 of Todanad, signifying
their intention to file a suit
against Government for ousting
them from the said lands. Copy
of the draft plaint furnished
with the notice also accompanies.

2. This is one of the
two cases of destruction of
sholas on the Nilgiris reported
on by me in my letter as Com-
missioner N^o 9 dated 26 January
1880 embodied in Board's Pro-
ceedings dated 10 February 1880
N^o 208. The Toda puttak was
cancelled under the orders
of Government thereon vide
G.O. N^o 254 dated 1st March 1880.

3. I beg also to enclose
for the Board's information
copy of a letter dated 28 April
last from Mr Davis and of
my

my reply thereto N^o 663 dated
1st May.

4. I am taking the necessary
steps to prepare the defence
in the event of the suit being
filed.

Nilgiri Collectors' } I have &c
Office Ootacamund } / signed, R. W. Parlow
20 Sept 1882. } Collector.

Resolution.

Submitted for the informa-
tion of Government with reference
to G.O. dated 1st March 1880
N^o 254.

(True copy & attach)

L. H. B. R.
By Secretary.

To

The Secretary to Government
Revenue Department
with original enclosure to be returned.
Copy " Collector of the Nilgiris.

Copy
copied by Ghulam Dastgir.

G.O., 1st March 1880, No. 254.

1882.

Board of Revenue,

MADRAS.

N^o 5444

To

Mrs. G. O. N.

The Secretary to Government,

Revenue Department

Rec^d 13 Oct. Sec: 1.

Proceedings, dated 11 October 1882.

No. 7827 Miscellaneous.

Subject.

13/10/82

Submitting for the
information of Government,
letter from the Collector
of Nilgiris forwarding
copy of a Notice issued
to him by Mr. J. H. Davis
on behalf of certain alleged
purchasers of a hola h
land held under Toda
puttah N^o 40 of Todanao
signifying their intention
to file a suit against Govt
for ousting them from the
said lands. With enclosures

27-10-82.
21-10-82.

No. 5774

From Board of Revenue

Dated 11th October 1882. No. 787

FOR ORDERS.

The vendors of a shola near
Marlimund [by their rakil Mr. Davis
ex-manager of the Commissioner's office
probably the real vendors here & the
same person who worked the case
for the Sudaga puttahdars of Marlimund
shola proper] give notice of a suit they
intend to file against the Secretary of
State to be declared possessors of the
land their vendors puttah for which
was cancelled by Government.

S.O. 1st March 1880. no 254.

The vendors held under a
Toda puttah on the understanding
they were not at liberty to sell
the land but a condition to this
effect was not expressly entered in
the puttah till 1871. The Plaintiffs
(vendors) however purchased in 1879
with the full knowledge of the
condition as is evidenced by their
plaint.

Board's Proc. 27th April 1871

It is very unwise
to trust the local lawyers
to prepare or revise the
answer to the filed and it
is thought that the defence of the
suit should be entrusted to our
lawyers & H.W.

The draft answer it is
submitted should be forwarded
for scrutiny by the Govt. pleader
for approval by Govt. - the case
being of great importance.

9

At the same time the Collector should be asked to explain why the vendors were not called on to refund the value of the wood cut used in defence of payment - a serious omission.

"S.O. 1st March 1880. 254." Government ordered that the action proposed by the Board should be promptly taken & the puttah cancelled."

2. Their Process 10th July 1881 on which above order issued.

The puttah was cancelled but the proposal of the Board to sue the vendors was not carried into effect. The taluk in his letter to the Com^r. dated 28th April 1882 says "by elude has continued to hold possession & exercise acts of ownership over the land in question."

15. 12. 82

J. H.

Notice of a suit; regarding
a Soda land alienated.

F. No. 7254733

(List from orders.)

Order No: 5479
The Collector will be directed to forward
the papers connected with the
case to the Govt. Pleader by whom
the defence of the suit will be
conducted by whom a final answer will be prepared.
23.10.82.

Ser. Secy.
23-10-82

To The Board of Revenue
Collector, Nilgiris
Dated 26/10/82
26.11.82

10566
26/11/82
P.H.

Recd. C. No. 5479 of 26.10.82