

G.O.(Ms) No.693 Revenue,
Dated 04.06.1883

SUBJECT : Boundary dispute - Extending, to the 1st August
1883, the time for appealing against Mr. Babers
decision in the case of a - relating to a certain hill
tract in the Singampatti Zemindari, Tinnevely
District.

(15)

செப்பன்குபவர் பெயர்
செப்பன்குபவர் பெயர்
செப்பன்குபவர் பெயர்
கொள்கப்பட்ட நாள் 2.11.2001

செப்பன்கு முடிந்த நாள் 6.11.2001

சரி பார்த்துக் கொடுக்கப்பட்டது
மு.பா.எ. உதவியாளர்
கையொப்பம் கையொப்பம்

4TH JUNE 1883, No. 693, REVENUE.

CONFIDENTIAL.

GOVERNMENT
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 21st May 1883, No. 1402:—

Read—the following letter from J. B. P. WINNINGTON, Esq., Collector of Tinnevely, to the Secretary to the Board of Revenue, dated Tinnevely, 4th May 1883, No. 7:—

I have the honor to forward, herewith, as per list enclosed, copies* (with translations) of the Collector's decision of 1857 and of the papers connected therewith, together with a plan* of the disputed localities showing the tract adjudged by Mr. Baber to belong to Government and the Zemindar, called for by the Board in their Proceedings, No. 993, dated the 10th April 1883.

2. It is clear from these papers that the dispute, then settled by the Collector, was between the Zemindar and the villagers of Kalakad, and the property was treated as if it was private property and as if the Government had no interest in it.

3. The Collector's order was merely a departmental one, and was not passed under any Regulation or Act.

4. The suit filed by the Zemindar to set aside the Collector's order was dismissed by the District Munsif of Bremadesam on the ground that the Zemindar had failed to establish his title to the tract claimed by him, i.e., the part of the disputed hill which the Collector ordered to be divided and made over to the villagers of Kalakad.

5. There is nothing in the record to show that the Collector's order was carried into effect, but Mr. Baber, taking it to be a binding decision (as the Zemindar had failed to get it set aside), marked out the boundary accordingly, and the Zemindar acquiesced in his decision so far.

6. I enclose also a memorandum, explanatory of the case, which may be found useful, and beg to call attention to the fact that the appeal time in Original Suits Nos. 2 and 3 of 1882 will expire on the 21st May and 3rd June next, respectively.

ENCLOSURE No. 1.—Extract from Register of Urzies addressed to the Collector on 22nd June 1852 by the Tahsildars of Bremadesam and Punguneri, with translation.

ENCLOSURE No. 2.—Order from the Collector to the Zamin of Singampatti, dated 3rd August 1852, with translation.

ENCLOSURE No. 3.—Puttah granted by E. B. Thomas, Esq.

ENCLOSURE No. 4.—Takid to Tahsildar of Bremadesam from the Collector, dated 10th February 1857, with translation.

ENCLOSURE No. 5.—Takid to Singampatti Zemindar from the Collector, dated 10th February 1857, with translation.

ENCLOSURE No. 6.—Takid to Singampatti Zemindar from the Collector, dated 1st April 1857, with translation.

ENCLOSURE No. 7.—Takid to Singampatti 184

ENCLOSURE No. 8.—Decree of District

ENCLOSURE

ENCLOSURE

Resolution—dated 21st May 1883, N
Submitted for the orders of (April 1883, No. 480.

2. It was decided in the Government would not take the initiative. Court of Tinnevely in Suits Nos Singampatti to be possessed of Government in Mr. Baber's settler claimed; and that if the Zemindar opportunity should be taken to pu.

3. With reference to the theory in these decisions, which applied to the Zemindar in proprietary right, desirability of instituting a suit, on a portion of Mr. Baber's decision and for further consideration; and as Mr. Baber's decision was based on an order passed by the Collector of Tinnevely in called for.

4. These records have now patti hill dispute arose out of the the Government village of Kalakad never been surveyed or gener "Kalakad hills" and "Singampatti hills" of certain portions of them to the that the Government and the Singampatti the rights of leasing out the privilege in these undefined hill tracts adjoining.

5. In 1843, Mr. E. B. Thomas, as the Collector, being in possession of the Singampatti Zemindari, which was under attachment for arrears of pesheush, issued a lease of the hill-produce of the "Singampatti hills" to one Sinnakannu Pillay of Urkad, and defined the boundaries of the hills within which the produce might be gathered by him. Subsequently and Singampatti renters, and if Nanguneri were deputed to decide rights. The conclusion then came of enjoyment (*sic*) (possibly owners recommended the Collector to divide or in whatever proportion the Collector these two officers considered the w. and that the Collector could rent out as he thought fit, and the Collector

* Dated 3rd August 1852, No. 9.

and enjoyed equally by the disputants, and authorising him, until further orders, to enjoy the "Singampatti hills" as defined by Mr. Thomas in his lease of 1843. Subsequently by an order, dated 10th February 1857, No. 58, the Collector issued

indar from the Collector, dated 20th September translation.

of Bremadesam in O.S. No. 747 of 1858, with station.

—Mr. Baber's Plan.

10.—Memorandum.

402.

Government with reference to G.O., dated 19th

Order above referred to that the Government appealing against the decisions of the District and 3 of 1882, declaring the Zemindar of qualified rights in the tracts adjudged to but refusing to decree the proprietary rights itself should appeal against the decisions, the cross appeals on behalf of Government.

Proprietary and easement rights propounded to the tract of hill-country made over to Mr. Baber's settlement, the question of the half of Government, for the cancelment of this recovery of the tract referred to was reserved Baber's decision was based on an order passed 17, the records connected with the case were

furnished, and they show that the Singampatti (1) that the large extent of hills adjoining the Zemindari village of Singampatti, having penetrated, was known by the names of the hills according apparently to the proximity of the above-mentioned villages respectively; and (2) Singampatti Zemindari, respectively, used to exercise of gathering cardamoms and other hill-produce of the villages of Kalakad and Singampatti.

as, the Collector, being in possession of the Singampatti hills" to one Sinnakannu Pillay in 1852 a dispute arose between the Kalakad upon the Tahsildars of Bremadesam and him what limits each should exercise his rented was that there was no evidence on either side (was meant), and therefore the two Tahsildars the hill tract equally between the disputants might think proper. This shows clearly that the tract in dispute was Government property, such proportion of it to each of the disputants did so and issued an order* to the Singampatti Zemindar, stating that it would be better that the disputed hills should be divided

and authorised him, until further orders, to

enjoy the "Singampatti hills" as defined by Mr. Thomas in his lease of 1843.

Subsequently by an order, dated 10th February 1857, No. 58, the Collector issued

instructions for carrying out the recommendation of the Tahsildars that the disputed tract should be divided; but considering that the dispute related solely to the enjoyment of the usufruct of forest-produce, the Board do not regard this order as having granted the proprietary right in any shape or form, and they are of opinion that Mr. Baber was wrong in regarding this order as conferring the hills alluded to in it in proprietary right on the Zemindar, and in basing his decision thereon, by which he gave the Zemindar the proprietary right in 48.01 square miles of hill forest, to which he had no shadow of any right except that of user. Major Walker's

* Paragraph 5 of Major Walker's letter in Board's Proceedings, dated 3rd September 1880, No. 1273. (The paragraph 4 of his letter printed in Board's Proceedings, 10th April 1883, No. 998), and whether this was of the proprietary right or the right of user does not clearly appear. Anyhow, it does not affect the bulk of the tract made over to the Zemindar consisting of 48 square miles of hill forest. The Board are, therefore, of opinion that Mr. Baber's decision should be appealed against, and recommend that to admit of this being done the time allowed for appeal may be extended under Section 25 of Act XXVIII of 1860.

(A true Copy and Extract.)

(Signed) E. GIBSON,
Acting Secretary.

To the Secretary to Government, Revenue Department, with 19 original enclosures, to be returned.

Copy to the Collector of Tinnevely.
" Conservator of Forests, S.C.
" Deputy Conservator of Forests in charge Central Office of Accounts.

ORDER—dated 4th June 1883, No. 693, Revenue

Forest No. 46.

the provisions of Section 25 of Act XXVIII of 1860, the Right Honorable the Governor in Council is pleased to extend, to the 1st August 1883 the time for appealing against the decision of the Assistant Superintendent of Revenue Survey, dated the 6th April 1880, in the case of a boundary dispute relating to the hill tracts adjoining the Government village of Kalakad and Singampatti in the Singampatti Zemindari, Tinnevely District.

(True Extract.)

(Signed) E. F. WEBSTER,
Secretary to Government.

To the Board of Revenue, with 19 enclosures.

E. F. B. Bantleman.

Govt. of (1883) Madras.

REVENUE.

Issued.

Recd.

Enc.

G.O., 4th June 1883, No. 693.

JUNE.

Boundary dispute.

Extending, to the 1st August 1883, the time for appealing against Mr. Baber's decision in the case of a — relating to a certain hill tract in the Singampatti Zomindari, Tinnevely District.

INDIAN TELEGRAPH. Local No. 61

Class XS. *Cottacamund* *Tricallian*

To (Station) *Madras*

Words *18* Day *2* Hour *15* Minute *25*

To (Person) *Revenue*

Madras Revenue Board

Notes. Telegram yesterday.

Collector asked to

telegraph date of

babers decision direct

GOVERNMENT OF MADRAS
4 JUN 83
REVENUE DEPARTMENT

RECD. FROM *At* *His* *Mrs. By*

SENT TO *At* *His* *Mrs. By*

Madras

TELEGRAPH MASTER

COOTACAMUND 2-6-83

INDIAN TELEGRAPH. Local No.

Class XS. *Cottacamund* *Palamcotta*

To (Station) *Palamcotta*

Words *15* Day *7* Hour *3* Minute *16*

To (Person) *Madras Revenue Collector*

Babers decided Singampatti

forest case on

16th April 1880

GOVERNMENT OF MADRAS
4 JUN 83
REVENUE DEPARTMENT

RECD. FROM *At* *His* *Mrs. By*

SENT TO *At* *His* *Mrs. By*

Madras

TELEGRAPH MASTER

COOTACAMUND 3-6-83

No. 80.

Rev. Dep^y

Telegram

v

To Revenue Board,
Chennai, Madras.

Vide Board's Pro:
1402 Singampatti case.
Telegraph date Babri's
decision proposed to
appeal against.

(Sd.) J. D. Rees
Dt. Secy. } As. Under Secy to
31st May 1883 Govt.

Post copy sent 1-5-83.

cur: No. 3269

3

From The Board of Revenue.

Dated the 21st May 1883

FOR ORDERS.

of tracts 1. 2. 3. indisputable
between Govt. & the Zamindar of
The of these tracts of country formed
the subject matter of the Singampatti adjudicated on by
2 & 3 in the Tinnivelly & Co. v. Baber under Act XXIII of
& final orders have been passed.

What is now suggested is that an appeal to the S. & C. Court
should be carried by the Govt. to the Zamindar & the other two
against Mr. Baber's decision in favour of the Zamindar with
respect to the third tract. The Govt. give this reason, as the
proposals seem quite reasonable all that is required is

G.O. 19th April 1883 no. 480: to appeal unless the Zamindar
did: at the same time as the Board promised to ^{report} as
to the advisability of an appeal by Govt. in respect of the first
tract, they resolved to await a further report.

That report has
cur: No: 3269 now comes to the Board

Singampatti Forest.

FOR ORDERS.

Recommend that an appeal
should be preferred, the leave
allowed being extended under
sec: 25 of act xviii of 1860.

The Hon. Mr. Sullivan.

The Board give certain
reasons for their recommendation
which may be accepted but in
fact it is well known that the
three tracts are similarly circum-
stanced & that the Judge of
Tinnevely is pretty certain to give
the same qualified decision
not excluding the remainder
but disallowing the proprietary
rights the claimers.

There can be no
doubt that it would be unwise
not to appeal where a partial
victory is almost a foregone
conclusion & as for the
reason but that the appeal
leave allowed, it is short & since
it almost as a matter of course
against their own interests, they
can readily extend it
here in their own. 25/5/83

G.O. No 692 of 4-6-83

Confidential



Proceedings of the Board of Revenue.

Dated 21st May 1883.

No. 1402

READ the following letter from J. B.
Pennington Esquire, Collector
of Tinnevely to the Secretary
Board of Revenue dated 4th
May 1883 No 7.

I have the honor to forward
herewith as per list enclosed
to be returned copies (with translations)
of the Collector's decision of
1857 and of the papers con-
nected therewith together
with a plan of the disputed
localities showing the tract
adjudged by Mr. Baber
to belong to Government
and

and the Zemindar called for
by the Board in their Proceedings
No 998 dated the 10th April 1883.

2. It is clear from these
papers that the dispute then
settled by the collector was
between the Zemindar and
the villagers of Kalakad, and
the property was treated as
if it was private property
and as if the Government
had no interest in it.

3. The collector's order was
merely a departmental one
and was not passed under
any Regulation or Act.

The suit filed by the
Zemindar to set aside the
collector's order was dismissed
by the district court on the ground
that the Zemindar had failed
to

to establish his title to the tract
claimed by him, i.e. the part
of the disputed hill which
the collector ordered to be divided
and made over to the villagers
of Kalakad.

5. There is nothing in the
record to show that the Collect-
or's order was carried into
effect, but Mr. Baber taking
it to be a binding decision
(as the Zemindar had failed
to get it set aside) marked out
the boundary accordingly
and the Zemindar acquiesced
in his decision so far.

6. I enclose also a memo
explanatory of the case
which may be found useful
and beg to call attention
to the fact that the appeal
time

time in original suits nos 2 & 3
of 1882 will expire on the 2nd
May and 3rd June next respect-
-ively.

Resolution

Submitted for
the orders of Government with
reference to G.O. dated 19 April
1883 No 480.

2. It was decided in
the G.O. above referred to that
the Government would not
take the initiative in appeal-
-ing against the decisions of
the District Court of Tinnevely
in suits nos 2 and 3 of 1882
declaring the Zemindar of
Eriganpatti to be possessed
of certain qualified rights
in the tracts adjudged to Govern-
-ment in Mr. Baber's settlement
but

but refusing to decree the
proprietary rights claimed,
and that if the Zemindar
himself should appeal
against the decisions the
opportunity should be taken
to put in cross appeals on
behalf of Govt.

3. With reference to the
theory of proprietary and
Easement rights propounded
in these decisions, which
apply equally to the tract
of hill country made over
to the Zemindar in proprietary
right by Mr. Baber's settlement,
the question of the desirability
of instituting a suit on behalf
of Government for the
cancellation of this portion
of Baber's decision and the
recovery of the tract referred to,
was

was reserved for further Consideration; and as Mr. Baber's decision was based on an order passed by the collector of Tinnevely in 1857, the records connected with the case were called for.

4. These records have now been furnished and they show that the Singampatti hill dispute arose out of the facts (1) that the large extent of hills adjoining the Govt. village of Kalkad and the Zemindari village of Singampatti, having never been surveyed or generally penetrated, was known by the names of the "Kalkad hills" and "Singampatti hills" according apparently to the proximity of certain portions of

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of them to the above mentioned villages respectively and (2) that the Government and the Singampatti Zemindar respectively used to exercise the rights of leasing out the privilege of gathering cardamoms and other hill produce in these undefined hill tracts adjoining the villages of Kalkad and Singampatti.

5. In 1843, Mr. E. B. Thomas, the collector, being in possession of the Singampatti Zemindari which was under attachment for arrears of peshkash, issued a lease of the hill produce of the "Singampatti hills" to one Sinnakannu Pillay of Kalkad and defined the boundaries of the hills within

within which the produce might be gathered by him. Subsequently in 1852 a dispute arose between the Kalkad and Singampatti renters and thereupon the Tahsildars of Brahmaderam and Tanguneri were deputed to decide within what limits each should exercise his rented rights. The conclusion then came to was that there was no evidence on either side of enjoyment (sic) (possibly ownership was meant) and therefore the 2 Tahsildars recommended the collector to divide the hill tract equally between the disputants or in whatever proportion the collector might think proper. This shows clearly that these two

*
d 3 August
1852 No 9.

8
officer considered the whole tract in dispute was govern-
-ment property and that the collector could rent out such proportion of it to each of the disputants as he thought fit - and the collector did so and issued an order to the Singampatti Zemindar stating that it would be better that the disputed hills should be divided and enjoyed equally by the disputants and authorizing him until further orders to enjoy the "Singampatti hills" as defined by Mr. Thomas in his lease of 1843. Subsequent by an order dated 10 February 1857 No 58 the collector issued instructions for carrying out the recommendation of the

the Tahsildars that the disputed tract should be divided; but considering that the dispute related solely to the enjoyment of the usufruct of forests produce the Board do not regard this order as in any way granted the proprietary right in any shape or form and they are of opinion that Mr. Baber was wrong in regarding his order as conferring the rights alluded to in it in proprietary right on the Zemindar and in basing his decision thereon, by which he gave the Zemindar the proprietary right in 48.01 square miles of hill forest to which he had no shadow of any right except that of user.

Major Walker's waiver appears to relate only to a small tract

* Part did not contain near his for local to conference.

Para 5 of Major Walker's letter in Board's Pro: 32 September 1883 No 1273.

near the village of Singampatti (vide para 4 of his letter printed in Board's Proceedings 10 April 1883 No 998) and whether this was of the proprietary right or the right of user does not clearly appear. Anyhow it does not affect the bulk of the tract made over to the Zemindar consisting of 48 square miles of hill forest. The Board are therefore of opinion that Mr. Baber's decision should be appealed against and recommend that to admit of this being done the time allowed for appeal may be extended under Sec. 25 of Act 28 of 1860.

(True copy & extract)

To the Secretary to Govt. R.D. with 19 original Encls. to be returned
Copy to the Collector of Tinnevely
" " Conservator of Forests, S.C.

By "Charge Central Office of Accounts."

Secretary

Sp. 23-11-80 to 1875
19-4-83: 450.
22-5-83: 602.

Revenue Department
No. 3269
1883.

Board of Revenue,
MADRAS

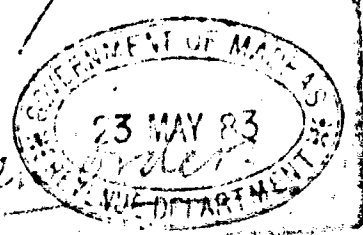
Order No. 692.

Under the provisions of
section 25 of Act XXVIII of
1870, the Governor in Council
is pleased to extend to
the 1st August 1883
the time for appealing against
the decision of the Assistant
Capt of Revenue Survey of
the 6th April 1880, in the case
of a boundary dispute
relating to the hill tracts
adjoining the Goot village
of Kalkad and Singampatti
in the Singampatti, Tiruvellu
District. B. 4/6/83.

16th Dec 1882
19th Dec 1882
23rd Dec 1882
27th Dec 1882
31st Dec 1882
4th Jan 1883
7th Jan 1883
10th Jan 1883
13th Jan 1883
16th Jan 1883
19th Jan 1883
22nd Jan 1883
25th Jan 1883
28th Jan 1883
31st Jan 1883
3rd Feb 1883
6th Feb 1883
9th Feb 1883
12th Feb 1883
15th Feb 1883
18th Feb 1883
21st Feb 1883
24th Feb 1883
27th Feb 1883
1st Mar 1883
4th Mar 1883
7th Mar 1883
10th Mar 1883
13th Mar 1883
16th Mar 1883
19th Mar 1883
22nd Mar 1883
25th Mar 1883
28th Mar 1883
31st Mar 1883
3rd Apr 1883
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9th May 1883
12th May 1883
15th May 1883
18th May 1883
21st May 1883
24th May 1883
27th May 1883
30th May 1883
31st May 1883

To
The Secretary to Govt.
Des: M. S. Board
4/6/83
Proceedings, dated 21 May 1883.
No. 1402
Subject.

Submitting
for the orders of Govt.
with remarks, papers
regarding Singampatti
forest suits Nos 2 & 3
of 1882, on the file
of the District of
Tiruvellu -



With a...