M.R.O. 1—77,006—8-6-37.

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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 4363 Press / Mis.

Dated 15-7- 1890.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS
1 JUL 90
REVENUE DEPARTMENT

To

HIS EXCELLENCY

THE RIGHT HONOURABLE

THE GOVERNOR IN COUNCIL

FORT SAINT GEORGE

MADRAS.

CHIEF SECRETARIAT
30 JUN 90
MADRAS

The humble appeal of Muttusawmy aiyer, Grandson of Periaswami aiyer, Karnum of Nanjaikilambadi, Erode Taluk, Coimbatore District, now living in Thaynur village, Musiri Taluk Trichinopoly District.

MOST RESPECTFULLY SHEWETH,

That the appellant's ancestors held the office of Karnum of the Village of Nanjaikilambadi in Erode Taluk in the Coimbatore District, that Jembulinga aiyer was the first of all, and held the office from Fasli 1209 to 1221, and was succeeded by his son Periaswami aiyer who continued to do duties till 1256, that on his death as he had no male issue at his widow's (Sellammal) request, her brother Meenatchi aiyer was appointed, but Periaswamy aiyer had however a danghter named Muthumeenammal and appellant is her son; that thus it is apparent that appellant is the proper heir of Paimash Jembulinga aiyer and that the widow's brother,the Respondent can have no mirassi right to the office in as much as the relation ship between them had been admitted.

That about this office appellant sued once and failed before Revision; and one of the grounds for dismissing that suit was that Respondent was then above three years in office, and another that as appellant's brother was alive the sub Collector could not give a declaratory decree for appellant.vide Document A. copy submitted,

That inthe year 1889 appellant again filed a suit in the sub Collector's office at Coimbatore in No. 26 under Regulation VI of 1831 and obtained a decree on the 15th October 1889 in his favour appointing him as Karnum of the Village of Nanjaikilambadi with remarks that "it was not a declaratory decree that appellant applied for and as appellant's brother having consented to his assuming the office even if he fail to do any such thing, he would not in his (Sub Collector's) opinion be prevented from claiming the office as long as elder brother does not claim it." Vide Doct. B.

That against this result, Respondent filed an appeal to the Collector of Coimbatore, who reversed the decision of the Lower Court and restored the office to him remarking at the same time to the effect that " Respondent had no mirassi right to the office and cannot confer any succession to it; but he ought not as a matter of policy, to have been turned out after he had served 43 years so long as he was capable of rendering service and when he becomes in-capable the Revenue authority may select this appellant or any one it finds to have proper claims." Vide Doct. C.

5 Aggrieved at this order appellant presented a petition of appeal to the Board of Revenue and a Resolution thereon passed to the effect that "there is no doubt the appellant has hereditary claims to the office, but the Collector has refused, as a matter of policy, to eject in his favour the Respondent, who, though not a Mirassidar, has been 43 years in office."

2. "That the Board declines to inter-fere and dismisses the appeal", and

3. "Appellant should apply again on the office becoming vacant, when no doubt his hereditary claims will receive full consideration." Vide Doct. D.

6 There is no doubt as observed by the Board that appellant's claims will be considered when the office becomes vacant; but the Respondent is only a "Bandu" or relative through his maternal grandmother Sellammal, who presented a petition praying that her brother, the Respondent might be appointed, and accordingly he was appointed as Karnum and holding the office from 1846 and that appellant as the Grandson through daughter Muthumeenammal of Periaswami aiyer who was in office up to 1846 had better mirassi right to the office than the Respondent who is only the wife's brother of Periaswami aiyer, that at the Revision appellant was absent at Trichinopoly and knew nothing about the appointment made and that the Respondent having taken advantage of his absence had concealed all his claims and thus rendered himself fit to go on with the office. This action of his, has been fraudulent and in order to appropriate the appointment to himself and to his succeessors he did what he could and held the office as aforesaid. Under any pretence whatever, he has held the office for enough of time 43, years—a period of service which the Collector remarked as long a time, and on that ground as a matter of policy he cannot be ousted from the office—and grafted the benefits thereon.

7 That under that right and according to the sympathetic order of the Collector, appellant's rights could not be ousted and ordered to wait till the office becomes vacant. Human life is uncertain, and none could predict what would occur for the future and when, and in that dilatory state of things, it is impossible and unsafe to wait till an occurrence.

8 Under these circumstances, Your appellant begs most submissively to approach Your Excellency's gracious mercy and to request your Excellency in council will be pleased to call for the Records connected in this case, to peruse them with patience and to render Justice by cancelling the order of the Collector and restoring the office prayed for; or Should your Excellency concur in the opinion of the Board, your appellant most earnestly craves your Excellency in Council to be pleased to interpret the order in strict terms as that the appellant shall got the appointment in the next chance.

Fort this act of charity and Extreme benevolence your appellant, as in duty bound, shall ever pray.

25th June 1870.

(1890.)

REVENUE DEPARTMENT.

No. 4632.

From The Huzoor Sheristadar of Periyanaicken palayam & Periyanaicken palayam & Karumathampatti & Karuppukkalamadai & Erode Taluq, Coimbatore Dt. (Petitioner in appeal)

The Hon. R. S. Grose

Dated 25th June.

Received 1st July.

Enclosures 6.

No.

SUBJECT.

Regarding his claim to the Karnam office of the Karumathampatti village

P.T.O.

ABSTRACT.

So. Suit
The Govt declines to interfere -
Ram
7.7.90
6/7

Respt was selected at the Revision on the ground that he was in office & has served 43 years. Petr and under Reg VII of 1831 and as he proved better qualification right the decision was in his favour & the Sub Coll decreed that he should oust Respt. Respt therefore appealed

Note Respondent has been in office for 43 years and the Collector has properly refused to oust - him Please see P.P. in the case -

Ram
to the Coll, who originally held that he should not be ousted, but did not say that petr should be titular Karnam as he ought to have done. As questions decided at Revisions are generally closed questions the Coll's decree as it now stands may cause injustice to petr. Petr and the Karnam of Respt this becomes known

JS 11/7

Govt 9/7
12-14/7

REVENUE DEPARTMENT. 76

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read Leo. 4632/90

So. Suit No. 4363 dt 15th July 1890
The respondent was selected at the revision, on the grounds that he was then in office and had a service of more than 40 years. The petr filed a suit under Regn VII of 31, and as he was able to prove better qualification to the office than that possessed by the respondent, the Sub Coll decreed in petr favour and directed that the respondent should be ousted - On appeal the Coll rightly held that the respondent should not have been ousted, but he did not declare, as he should have done, that the petr should be titular Karnam. On a second appeal the Board declined to interfere with the Coll's

order.

2. The Govt is of opinion that, as it now stands, the Chir, decree may cause injustice to the petr in the future, as questions decided at revision are generally treated as closed. The Govt therefore directs that the petrs name ~~should~~ be registered as Karnam, but that during respondent's life-time, his tenure of office ~~should~~ not be disturbed.

3. The petr is referred to the Chir for orders in his case.

Ram
14-7-50.

Muttuswami Iyer's petition.

Dup G.O. from orders.

Dec 7

to the Board. Land Rev. 157
Jan. 3. 6 petr
witnesses } Dec 22/7.

13/1/0
8·7·9
12/12/06

22/9/39

[7]

MISCELLANEOUS SERIES.

REVENUE DEPARTMENT.

G.O., DATED 15 July 1889

No. 4363

When given for copying

[Despatch Abstract.]

Passing orders on the appeal petition of Muttusami aiyar, Coimbatore District, regarding his claims to the Karnam office of the village of Nanjaikilambadi, Erode Taluk.

9