MRL. O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1025	Press / ~~Mis.~~
33-34 Dated	11-7-1820	No.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 11th July 1870.

No. 33. Read the following Proceedings of the Board of Revenue, dated 11th May 1870, No. 3,179 :—

Read the following letters :—

From the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 2nd April 1870, No. 1,316.

I HAVE the honour to report that the Orders of Government, dated 19th October 1869, communicated with the Board's Proceedings, dated 28th idem, cancelling the sale of the lands within the bed of the tank of Marrepudy village in the Bapatla Talook, and directing that they might be made over to the original applicants, K. Kristniah and others, were duly communicated to the purchasers. Two of the purchasers have surrendered the Puttahs issued to them, and agreed to receive back their purchase-money, but the remaining four declined to do so. These parties were sent to the Sub-Collector by the Tahsildar of Bapatla Talook. They represented to him that they had laid out considerable sums of money towards improving the lands, and that they would abide by the decision of Government provided the above expenses are reimbursed to them with interest.

2. The Acting Sub-Collector has informed me that it is true that the purchasers have incurred much expense in improving the soil, trusting to the permanency of their occupation; and that it is probable that they will bring a Suit against Government.

3. I therefore request the Board's orders on the subject. I think that the parties to whom the lands are to be restored should be required to pay to these people the outlay ascertained to have been incurred by them, as they will be benefited by the improvement of the land.

4. There is another point worthwhile noticing. In Fusly 1277 the petitioners, Kristniah and others, applied for 40 acres of land, situated in the Marrepudy tank-bed, which was not required for storing water, in consequence of the construction of a new channel. The Acting Sub-Collector merely allowed them to cultivate the land in that Fusly, but did not promise that a Puttah would be granted to them at the time of Settlement. On the appeal made by some other applicants the Acting Collector decided, in February 1868, that the right to occupy the land should be sold by auction. From this I infer that the first-mentioned individuals have no permanent right to the land as long as Puttahs are not issued to them. From September 1867 the disposal of the land was under discussion owing to Durkhasts from other parties. The lands were sold for Rupees 1,145, which is now to be refunded to the purchasers concerned.

From the Acting Sub-Collector, in charge of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 21st April 1870, No. 1,517.

WITH reference to Mr. Boswell's Report, No. 1,316, dated 2nd April 1870, I have the honour to inform you that though certain of the purchasers of the lands in the bed of the tank of Marrepudy Village in Bapatla Talook have not surrendered the Puttahs granted to them, I have cancelled them during the Settlement of the current year, and granted fresh Puttahs to the original applicants in conformity with the Orders of Government, dated 19th October 1869.

SUBMITTED for the orders of Government.

2. In Fusly 1277 Kristniah and others applied for certain land in the bed of an abandoned tank. The Sub-Collector gave it to them, but the Collector on appeal ordered that it should be sold by auction, and the sale took place on the 1st July 1868. Kristniah appealed to the Board, but they, finding that the sale had already taken place, decided not to interfere in spite of the irregularity of the sale, which, though not injudicious in itself, ought not to have been effected without their sanction.

3. In their Order of the 19th October 1869, Government over-ruled this decision, and directed that the land should be given to Kristniah and his fellow-applicants.

4. The Collector now reports that (as the Board anticipated) some of the purchasers refuse to give up possession, though their Puttahs have been cancelled.

5. If the purchasers chose to adhere to this refusal, there would be no means of enforcing the Government Order of the 19th October, except perhaps by a regular Suit. But the purchasers agree to give up the land if the Durkhastdars reimburse them for their expenditure on it, and the Board recommend that the Durkhastdars be required to comply with this condition, and informed that the order in their favour will not be enforced unless they do.

6. The Board attach no importance to the fact, now reported for the first time, that the Sub-Collector, when giving the land to Kristniah and his fellow-durkhastdars, did not promise them Puttahs for it.

No. 34. ORDER THEREON, 11th July 1870, No. 1,025.

Miscellaneous.

THE Government having carefully considered the subject, deem it necessary to reverse their Order, dated 19th October 1869 referred to by the Board.

2. When the Government directed that the land should be restored to the Durkhastdars, they were led to believe that the Sub-Collector had originally made it over to them unconditionally as was stated in the Acting Collector's letter, printed with Board's Proceedings, dated 2nd November 1868, No. 7,781. But it is now shown that the Durkhastdars were merely permitted to cultivate the land during the then current Fusly, and the Right Honourable the Governor in Council therefore resolves to leave the auction-purchasers in possession of the land.

(True Extract.)

(Signed) H. E. STOKES,
Under-Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

agree to give up the land if the Durkhastdars reimburse them for their expenditure on it, and the Board recommend that the Durkhastdars be required to comply with this condition, and informed that the order in their favour will not be enforced unless they do.

6. The Board attach no importance to the fact, now reported for the first time, that the Sub-Collector when giving the land to Kristniah and his fellow Durkhastdars did not promise them puttahs for it.

(True Copies and Extract.)

A Gyde
Acting Secretary.

To the Acting Secretary to Government, Revenue Department.
Copy to the Officiating Collector of the Kistna District.

Exd. T. Cartledge.

× Also as to the title of the Collector after the land is granted.
material fact.

Govt. of {1870} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated July, 11th.

Recd. *Encl.*

G. O., 11th July 1870, No. 1,025.

JULY.
Nos. 33-34.

Land in bed of an abandoned tank in Kistna District.—Auction-purchasers ordered to be left in possession of it.

Memo dept.

Memo: for order
one Rs. 1520-

In the year
1867 one Thirumakondu and
other ryots applied for
40 acres of land situ-
ated in the bed of a
useless tank belong-
to Narrepudy village
in the Kistna district.
In September 1867, the Sy.
Sub Collector granted
them the land but it is
now for the first time
brought to light that
he only "allowed them
"to cultivate it during
"the current Fasly and
"did not promise that
"a pattah would be
"granted to them at the time
of

of sentiment."

2. Other applicants for the land appealed to the Collector, & the result was that the acting Collector decided that the eight to occupy the land would be best decided by an auction sale.

3. In the meantime, Kistnaiah and the other first applicants appealed to the Board,

who pointed out to the Collector that their sanction was necessary to the sale, and requested to be informed whether the petitioners, who were the first applicants, had entered upon and commenced cultivating the land.

4. On eliciting an answer in the affirmative

affirmative, the
Board ordered that
the land should be
disposed of under
the ordinary darkhast
rules.

5. The Actg
Collector then report-
ed that the land
had been put up
to auction & sold be-
fore the Board's order
reached him. On this the Board
decided to leave matters
as they were.

5 The first applic-
ants then petitioned the
Govt. who, after due con-
sideration, ordered that
an early opportunity
should be taken for
restoring the land to them
and granting them proprietary
for it, and that a refund
of the price paid should be
made to the purchasers
by auction.

6. The Collector
now reports that out of
the six ryots who pur-
chased the land, two
have

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Board ordered that
the land should be
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have

Lewe surrendered the
pattahs issued to them
and agreed to receive back
the purchase money, but
the remaining four decline
to do so. They represented
that they had laid out
considerable sums of
money towards improving
the lands, and offered
to abide by the decision
of Govt. provided the above
expenses were reimbursed
with interest. The lands
were sold for Rs. 1145.

7 The Board re-
commend that the original
Durkhastdars

Durkhastdars be re-
quired to comply with
this condition if the lands
are restored to them.

8 It is submitted that
the auction purchasers
may be left in possession
of the land. The Off.g
Collector's last letter
entirely alters the aspect
of the case. When the
Government directed that
the land should be restored
to the petitioners, they were
under the impression that
the Sub Collector had
originally made over to
them it

I concur.

I. D.L.

M.P.N.

them unconditionally
as was stated in the
Acting Collector's letter,
printed with Board's Pro-
=ceedings dated 2nd Nov.
1868, No. 7981. It is now
shewn that the petitioners
were merely permitted
to cultivate the land
during the current Fasly.

J.R.W.

Geo. Wood Esq

Abstract

Lease in aid of Abstract
Land tank in Mam-
pudy village
in Kistna Dist

1500

Case

Rec'd Sept 4

No 1025

Proceedings of the Madras Govt under date the 11 July 1870

Read the following Lr of the Board of Revenue -

Submitting letter from Collector of Kistna stating that some of the purchasers of certain lands in lieu of an abandoned tank in Mampudi village in the Repalle Taluk sold of which sale was cancelled under orders of Govt & refusal to surrender patta issued to them on receipt on condition that sums spent by them in improving the land are reimbursed to them with interest -

(Lr dated 11th May 1870, No 179) -

The Govt having carefully considered the subject deem it necessary to reverse their order dated 19th October 1869 referred to by the Board -

When

Encd Proceedings

2. When the Govt. directed that the land should be restored to the Durkhastdars, they were led to believe that the sub collector had originally made it over to them unconditionally as was stated in the Asst. collectors letter printed with Board's Pro: dated 2d Novr. 1868 No. 7,781 - But it is now shown that the Durkhastdars were merely permitted to cultivate the land during the then current Fusly, and the Right Honorable the Governor in Council therefore decides to leave the auction purchasers in possession of the land -

28/6/70

Sd. A. Wolfe
Actg. 2d Principal Revr.

By Board of Revr. - Dept.