M.R.O. 1—33,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 168 Press Mis.

29-30

Dated 7-2-1870 R.

Not to be folded or roughly handled

No. 29. Read the following Proceedings of the Board of Revenue, dated 20th December 1869, No. 9,331 :—

Read the following letter from the Government Pleader, Madras, to the Acting Secretary to the Board of Revenue, dated 25th November 1869, No. 374.

With reference to the Board's Proceedings noted in the margin, I have the honour to report that the special appeal therein referred to (Special Appeal No. 201 of 1869) from the decree of the Civil Court of Nellore in Appeal Suits Nos 30 and 35 of 1868 came on for hearing yesterday before Mr. Justice Holloway and Mr. Justice Collett, and was dismissed with costs. I have reported this result direct to the Collector of Nellore.

Dated 10th June 1869, No. 4,183 A.

Dated 14th Aug. 1867, No. 5,283.
Do. 20th Sept. ,, ,, 6,054.
Do. 26th Aug. 1868, ,, 6,150 A.
Do. 10th June 1869, ,, 4,183 A.

Submitted, together with copies of the Board's Proceedings marginally noted, for the information of Government.

2. The suit was originally filed in the Moonsiff's Court at Nellore by certain Shrotriemdars of the village of Anantapuram, who, previously to 1862, had performed the duties of Curnums of the village.

3. In that year the Collector dispensed with their services, and nominated the Curnums of Varakavipudi to do duty in both villages.

4. On putting these men into possession of the Curnum's Service Inam in Anantapuram, the Shrotriemdars objected on the ground that the land was not Curnum's Inam, but was the joint property of the Shrotriemdars.

5. Hence the suit in which the Collector was included as twelfth defendant.

6. The Moonsiff's decision was that a portion (one-fifth) of the land in dispute was not Curnum's Inam, and should be given up to the plaintiffs.

Board's Proceedings, dated 26th August 1868, No. 6,150 A.

The Collector's costs were ordered to be paid by the first defendant (one of the Curnums appointed in 1862) on the ground of his having urged the necessity of including him (the Collector) as a defendant in spite of orders of the Court to the contrary and against the wishes of the plaintiffs.

7. This decision was appealed against by the plaintiffs in the Civil Court; the first defendant also appealed against his having to bear the Collector's costs.

The Collector put in a statement to the effect that no portion of the land should be adjudged, and that it was unfair to saddle the first defendant with the costs of the Collector, who had himself applied to be included as a defendant.

8. The result of the appeal was that the judgment of the lower Court was modified and the plaintiffs' suit dismissed with all costs.

9. This decision was appealed against in the High Court, and the result is that the plaintiffs' appeal has been again dismissed with all costs.

Proceedings of the Madras Government, Revenue Department, 7th February 1870.

No. 30. ORDER THEREON, 7th February 1870, No. 168.

Miscellaneous.

ORDERED to be recorded.

(True Extract.)
(Signed) H. WELLESLEY,
Acting Under-Secretary to Government.

To the Board of Revenue.

Read E. R. Gentlemen.

No. 5,283.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th August 1867.

Read the following letter from J. A. C. BOSWELL, Esq., Acting Collector of Nellore, to the Secretary to the Board of Revenue, dated 3rd August 1867, No. 223:—

1. The Shrotriem village of Anantapuram, which was resumed in Fusly 1270, (A. D. 1860-61,) and brought under Ryotwar Settlement in Fusly 1273, has been demarcated with the neighbouring village of Varakavipudi.

2. Up to Fusly 1273, the Shrotriemdars were the Curnums of the village. In the next Fusly Mr. Dykes dispensed with their services, and nominated the Curnums of Varakavipudi to do duty in both the villages.

3. The late Shrotriemdars having cultivated the Curnum's Service Inam in Fusly 1274, the Tahsildar was directed to give the newly appointed office-holders the Government share of the produce (Melvaram) for that year, and to put them in possession of the land from the ensuing year.

4. In Fusly 1276, the late Shrotriemdars having obstructed the office-holders from cultivating the land, the Nellore Town Sub-Magistrate, before whom a complaint was lodged, punished them for trespass in disturbing present possession.

5. Thereupon some of the late Shrotriemdars filed a suit in No. 873 of 1866, in the District Munsiff's Court at Nellore, against the Curnums, and the remaining Shrotriemdars, for the recovery of G. 2, Y. 14, P. 0 of land under cultivation, and G. 1, Y. 8, P. 0 of waste land.

6. The plaintiffs base their suit on the following grounds:—

1*st*.—That the land sued for had always been in the joint possession of all the Shrotriemdars, and used for purposes in which they were all equally interested.

2*nd*.—That the village had no special Curnums at any time; the work being done by any of the Shrotriemdars who happened to take it up.

3*rd*.—That after the resumption of the village, third to eighth defendants officiated as Curnums; and, instigated by the ninth, tenth, and eleventh defendants, fraudulently entered the land sued for as Curnum's Inam in the Demarcation accounts, &c.

7. The first and second defendants, who are the newly appointed Curnums above referred to, stated in their answer that they hold the land under orders of the Collector, who should be made a party to the suit; and impugned the truth of the allegations contained in the plaint.

8. The defendants three to eight, who are stated to be Shrotriemdars, filed an answer to the following effect:—

1*st*.—That the land sued for is not Curnum's Inam.

2*nd*.—That the land assigned as Curnum's Inam is situated elsewhere, and has been rendered unfit for cultivation by flood.

3rd.—That at the demarcation they caused the land to be entered as Curnum's Inam in the hope of eventually securing it as such in lieu of the land which has become unprofitable.

4th.—That as, in the event of the land being entered in the demarcation as occupied at the ordinary rates of assessment, it would be difficult to get it transferred as Inam afterwards; and as there was no time for making the requisite application to competent authorities, they had the demarcation made as above shown without obtaining previous sanction.

9. Defendants nine to eleven do not appear to have filed any answer yet.

10. The Nellore Tahsildar having brought the matter of the suit to the Collector's notice, an order was issued directing the Government Vakil to move the District Munsiff for dismissing the same under Regulation VI. of 1831. The District Munsiff passed the following order on his motion:—

"The plaintiffs declare the land sued for is not the Curnum's Inam; the said Inam lies beyond "the river within the boundaries specified in the memorandum; and the defendants from three to "eight, who were also the late Shrotriemdars, had fraudulently entered these lands sued for as the "Curnum Inam in the Demarcation accounts, and unless the Collector can show more clearly the "lands Nos. 44, 51, 53, 55, and 139 sued for are those allowed by the authorities as the Curnum's "Inam for the said Shrotriem village, the Court cannot see how the case comes under Regulation "VI. of 1831, and accordingly orders the case to proceed."—15-3-67.

11. Further inquiry having been made with reference to the above order, the result was communicated to the District Munsiff who passed the following order:—

"The Court sees no reason to alter the order of the 15th ultimo, as the very fact complained of "by the plaintiffs, is made the ground by the Collector for supporting the said lands as the Curnum's "Inam, and there is no order save that objected to, to show the said lands as the Curnum Inam; "the Court has no alternative but to try the rights of the respective parties in due form, and "accordingly orders the case to proceed on the day fixed (26th) for the appearance of the first and "second defendant's witnesses."—17-4-67.

12. The Civil Judge, to whom a reference was made on the subject, having replied, on the 12th instant, suggesting that the Collector should apply to be made a supplemental defendant, and so put himself in a position to appear before the Appellate Court in due course, I have the honour to request the Board's sanction to adopt this course, and to conduct the defence of the suit at the public cost. The Government Vakil has been ordered, as the time is short, to move the District Munsiff's Court to admit the Collector as the twelfth defendant, and to have fixed as the date for filing my answer the 26th August.

13. The points for the Board's consideration in this suit are as follow:—

14. A statement prepared by the Taluk officers in Fusly 1226, (A. D. 1816-17,) shows that two Gorrus of wet land were assigned as Curnum Inam in the village under notice. But the land is not specified therein, and we have no other accounts of older or recent date bearing on the subject.

15. In a statement prepared in Fusly 1270, and signed by two of the defendants (fourth and eighth) two Gorrus of wet land are entered as Curnum's Inam; G. 1 thereof being shown as cultivated with Sungavaram and the remaining one-fourth Gorru with Kasarí crop. This statement is headed "Village Service Inams, &c., as they have been recognised from past times."

16. In the Inam Cultivation account, prepared in Fusly 1273, and signed by the fourth and another* defendant, the Curnum Inam is also entered as G. 2 wet cultivated. But in neither of these two documents any details of the number or name of fields are given. They are nevertheless important, as the heading of the first document and the entry of land as cultivated in both the documents conclusively prove the allegations of third to eighth defendants to be utterly false.

* N. 2.—The name of this person is Chinna Venkata Narsimha Charyulu as given in this document. In the plaint the name of the fifth defendant is given as Venkata Narsimha Charlu without the proper "Ulu." It is presumed that this is the same person.

17. In a counter-motion presented by the plaintiffs, they answered that they do not know where the land entered as Curnum's Inam in the accounts is to be found, and that the defendants three to eight, having been Curnums, ought to be able to know its position. This allegation is inconsistent with the allegation contained in the plaint, viz., that any of the Shrotriemdars did the work of Curnum.

18. If the land sued for is not Service Inam, the plaintiff would have naturally claimed a putta for it, in Fusly 1273, when puttas were granted for the first time for the occupied lands in the village, and plaintiffs themselves received puttas for so much of the land as was in their holding.

19. The plaintiffs maintain that the Curnum's Inam being shown to be only 2 Gorrus in the accounts, and the land sued for being upwards of 4 Gorrus, the latter cannot be considered as the Curnum's Inam. On this point I have only to observe that the difference may be regarded as an excess.

20. The plaintiffs have included some of their shareholders as defendants, simply with a view to prevent their evidence being taken on behalf of the defence, and the Board will observe that the suit is an attempt to misappropriate the village emoluments.

21. I beg to enclose the following papers for the Board's consideration:—

1. Translation of the Plaint.
2. Abstract of the Plaint with my remarks thereon.
3. Translation of answer filed, three to eight defendants.
4. Translation of a Counter-Motion by the plaintiffs.
5. Do. of another do.
6. Draft of the proposed Answer.

ENCLOSURE No. 1.

TALUK MUNSIFF.

No. 873 of 1866.

To the Munsiff's Court, Nellore Taluk.

Plaintiffs.	*versus*	*Defendants.*
1. Nelaturu Ananta Charyulu.		1. Yenambaka Chenchu Ramiah.
2. Vavilla Laksmipati Sastrulu.		2. Do. Avupparazu.
3. Komandur Ananta Kristnama Charyulu.		3. Nelatur Peda Venkata Narsimha Charyulu.
4. Chethalavada Kristnama Charyulu.		4. Do. Veerasawmy.
5. Chethalavada Venkata Narrainappa.		5. Do. Venkata Narsimha Charyulu.
6. Pavanum Laksminarsu.		6. Do. Sesha Charyulu.
All the above are Brahmins and live by landed property.		7. Do. Padmanaba Charyulu.
		8. Bundipalli Ananta Charyulu.
		9. Nelatur Venkata Subbiah.
		10. Puranam Pedda Subbaroyadu.
		11. Do. Chinna Subbaroyadu.
		All the above are Brahmins and live by cultivation.
Places of residence.		Places of residence.
1st, 2nd, and 3rd plaintiffs, Anantapuram, Nellore taluk.		1st and 2nd defendants, Varakanipad, Nellore taluk.
4th do. Kanupartipadu, Nellore taluk.		3rd, 4th, and 6th defendants, Anantapuram, Nellore taluk.
5th and 6th do. Timmareddivagu, a hamlet of Pellakuru, Venkatagiri Division.		5th, 7th, and 8th do. Juvaladinna, Kavali taluk.
		9th, 10th, and 11th do. Anantapuram, Nellore taluk (for the present.)

The plaint preferred by the plaintiffs under Section 26 of Act VIII. of 1859.

I. The Shrotriem village of Anantapuram of Nellore taluk, was jointly held by us and the defendants from three to eleven, and as the Government demand was not satisfied, it was permanently resumed in Fusly 1270.

II. When the said village was a Shrotriem, the field called "Vurivambadi Chenu" measuring nearly 2¼ gorrus, and the field called "Kanivadidibba" measuring nearly ⅝ths of a gorru were jointly held by us, who are the Shrotriemdars and the defendants from three to eleven, and cultivated according to our respective shares, and the proceeds thereof have been expended in repairing the tanks and applied to meet other village expenses, and about 1½ gorrus of waste land to the east of "Vurivambadi Chenu" was jointly used by us for grazing cattle on.

III. The cultivated land, referred to in the second paragraph, measuring 2⅛ gorrus, was, as usual, held by us up to Fusly 1274, and cultivated according to our respective shares, and the proceeds thereof were enjoyed by us. We have used the said 1½ gorrus of waste land for grazing cattle on.

IV. The said village had no separate Curnums, the work being done by any of us who were the Shrotriemdars and others, when it was necessary to take up the work for the time being, without being appointed to do so.

The defendants from three to eight did the work of Curnum after the resumption, and with a view of appropriating the land referred to in paragraph 2 as Curnum's Inam, they fraudulently got it demarcated as such with the help of the defendants from nine to eleven, and without our knowledge. We came to know this fraud in Fusly 1275.

V. The Collector having ordered that the first defendant, who is the Curnum of Varakanipedu, should do the work of Curnum to avoid the necessity of Shrotriemdars performing the work of a village Curnum, the first defendant and his undivided younger brother, who is the second defendant, have been doing the work from Fusly 1274.

VI. The defendants from three to eight having written that the lands, referred to in paragraph 2, are the Curnum's Inam, the first and second defendants appropriated and enjoyed the Government land cultivated by the third, fourth, fifth, seventh, and eighth defendants in Fusly 1275.

VII. The fraudulent demarcation of the above three fields (measuring 4⅜ gorrus of Government land) as the Curnum's Inam, which land had long been jointly held by us and the defendants from three to eleven, and which was sometimes cultivated and sometimes left waste, has deprived us of our right to the land, and the Government of the assessment due thereon.

VIII. We have filed this suit with a view to get the fraudulent demarcation of the above 4⅜ gorrus of land cancelled, to get a putta issued in our name, we being the proper claimants, and to secure to Government the assessment due thereon, and to obtain decision to the above effect.

We will file a separate suit on account of the loss of produce under Section 8 of Act VIII of 1859.

IX. What is due to us—

The said field called "Vurivambadi Chenu" together with the abovesaid waste land, as per demarcation, are bounded on the east by a field called "Grama Vummadi Chenu;" on the south by a narrow path; on the west by a channel called "Punta Kalava;" and on the north by a channel called "Punta Kalava," and by a dry Inam field belonging to Nelatur Ragava Charyulu.

On the 8¾ gorrus the assessment, according to the present rates, is Rupees 66-9-0 at the rate of Rupees 17-12-0 per gorru, and excluding the expenses of cultivation, and the amount of assessment thereon, the annual income of the land is Rupees 120.

The ⅝ths of a gorru of "Kanivaridibba" is bounded on the east by a channel called "Punta Kalava;" on the south by "Kanivadidoruvu;" on the west by "Kanivadigade Chenu;" and on the north by "Punta Kalava."

On the ⅝ths of a gorru the assessment is Rupees 11-1-6, deducting the expenses of cultivation and the amount of assessment, the annual income of the land is Rupees 30; total Rupees 150.

We request that the above may be perused and inquiry made into the circumstances of the suit. We also request that our evidence may be taken as to the fact of the Government land being fraudulently demarcated as Curnum's Inam, and the said demarcation may be cancelled. We also solicit orders to cause the Collector to issue a putta in our name for the said land, which was for a long time under our cultivation, and to make the defendants pay the costs of suit, and to secure to Government an annual assessment of Rupees 77-10-6.

15th December 1866. (Signed) KHODAR BEIG SAHIB,
Pleader.

With reference to Section 27 of Act VIII. of 1859, we the fourth and sixth plaintiffs, on behalf of ourselves and that of the first, second, third, and fifth defendants, beg to state that the circumstances of the suit as above set forth are true to the best of our knowledge and belief.

(Signed) CHETHALAVADA KRISTNAMA CHARYULU.

(Signed) PURANAM LAKSMINURSU.

Filed 17th December 1866.

Signed by the Munsiff in English.

(True Copy.)

(Signed) N. SINGARA, CHARYULU,
G. P.

(True translation.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

TALUK MUNSIFF'S FILE.

No. 873 of 1866.

To the Munsiff's Court of Nellore taluk.

Plaintiffs,	*versus*	*Defendants.*
1. Nelaturu Anantha Charyulu, and others.		1. Yenambaka Chenchu Ramiah and others.

The request of the plaintiffs—

In paragraph 6 of our Draft Plaint it was written that the crop raised in Fusly 1275, by the third, fourth, fifth, seventh, and eigth defendants, was appropriated and enjoyed by the first and second defendants, but in the fair copy it was written that the first and second defendants appropriated the crop and enjoyed it in Fusly 1275. We request that an order may be given for correcting the plaint accordingly.

7th January 1867. (Signed) KHADER BEG SAHIB,
Pleader.

Filed 7th January 1867.

Signed in English by the Munsiff.

(True Copy.)

(Signed) N. SINGARA CHARYULU,
Government Pleader.

(True translation.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

ENCLOSURE No. 2.

Abstract of the Plaint.

No. 873 of 1866, District Munsiff's Court, Nellore.

Plaintiffs,	*versus*	*Defendants,*
1. Nelaturu Ananta Charyulu, of Anantapuram, Nellore taluk.		1. Yenambaka Chenchu Ramiah, of Varakanipad, Nellore taluk.
2. Vavilla Lakshmipati Sastrulu, of do. do.		2. Do. Ayapparazu of do. do.
3. Komandur Ananta Kristnama Charyulu, of do. do.		3. Nelatur Peda Venkata Narasimha Charyulu, of Anantapuram, Nellore taluk.
4. Chethalavada Kistnama Charyulu, of Kamparlipadu, Nellore taluk.		4. Do. Veerasawmy, of do. do.
5. Chethalavada Venkata Narrainappa, of Timmareddivagu, a hamlet of Pellakuru, of Venkatagiri division.		5. Do. Venkata Narasimha Charyulu, of Juvaladinna, Kavali taluk.
6. Puranam Lakshminarsu, of do. do.		6. Do. Sesha Charyulu, of Anantapuram, Nellore taluk.
		7. Do. Padmanaba Charyulu, of Juvaladinna, Kavali taluk.
		8. Bundipalli Ananta Charyulu, of Juvaladinna, Kavali taluk.
		9. Nelatur Venkata Subbiah, of Anantapuram, Nellore taluk.
		10. Puranam Peda Subbaroyadu, of do. do.
		11. Do. Chinna Subbaroyadu, of do. do.

Abstract.

1. The Shrotriem village of Anantapuram held by the plaintiffs and defendants three to eleven was permanently resumed in Fusly 1270.

2. Up to 1274 the field called "Urivambadi Chenu" measuring G. 2, V. 4, P. 0, and the field called "Kanivadulibba" measuring G. 0, V. 10, P. 0, were cultivated by the plaintiffs and the above defendants according to their respective shares, and the proceeds thereof applied to meet village expenses; while G. 1, V. 8, P. 0 of waste land to the east of the first field abovementioned, was likewise jointly used for grazing cattle on.

3. The village had no special Curnums; the work being done by any of the Shrotriemdars who happened to take it up for the time being.

4. Defendants three to eight did the work of Curnum after the resumption, and defendants nine to eleven aided them in getting the land sued for entered as Curnum's Inam fraudulently.

5. The first and second defendants have been doing the work from Fusly 1274, and enjoyed the Government share of the crop raised, in Fusly 1275, by some of the other defendants.

6. The demarcation of the fields in question as Service Inam has deprived the plaintiffs of their right and the Government of the assessment due thereon.

Remarks.

Admitted.

The Collector has no knowledge of the arrangements made by the late Shrotriemdars for the cultivation of the land in their village. The old records do not specify the names of fields. The Village Munsiff has deposed to the fact of the land demarcated as Curnum's Inam having been enjoyed by the Shrotriemdars as such. The numbers assigned in the demarcation are 14, 51, 53, 55, and 139, measuring in the aggregate 13·59 acres according to the survey.

This implies that the plaintiffs also were doing the Curnum's work. But there is nothing on record to show who were the Village Curnums previous to the resumption of the village in Fusly 1270.

There is nothing to show that three to eight defendants did the duty of Curnum from the time specified. The fourth and eighth defendants have signed a statement prepared in Fusly 1270, while in Fusly 1273, the names of the fourth defendant and of another, China Venkatanarsuna Charlu, who is probably the fifth defendant, are entered as Curnums.

As regards the fraud which three to eleven defendants are said to have committed, the Collector has only to remark that there is no foundation for this allegation.

In Fusly 1274 some of the late Shrotriemdars cultivated the land, and the Government share of the produce thereof was given to the first and second defendants. In Fusly 1275, the land was cultivated by the first and second defendants, who also paid the water-rate charged on the portion irrigated in excess of the extent entered in the accounts as Curnum's Inam.

The demarcation cannot affect existing rights. It is for Government to look after their own interest, and the plaintiffs in referring to this only attempt to give an air of justice to their cause.

(Signed) J. A. C. BOSWELL,
Acting Collector.

ENCLOSURE No. 3.

No. 873 of 1866.

On the file of the Munsiff's Court.

TO THE MUNSIFF'S COURT, NELLORE TALUK.

Plaintiffs.	*versus*	*Defendants.*
1. Nelaturu Ananta Charyulu, and others.		1. Yanambaka Chenchu Ramiah, and others.

The Kyfiet presented by the third, fourth, fifth, sixth, seventh, and eighth defendants under Section 120 of Act VIII. of 1859.

I. The village of Ananthapuram, where the land in litigation is situated, was, previous to Fusly 1270, a Shrotriem in our enjoyment and that of the plaintiffs, &c.

II. When that village was a Shrotriem, and when there were no fixed Curnums for the village, the duties of Curnum were performed by those Shrotriemdars who then happened to be present.

III. When the village was a Shrotriem, 22* Gorrus of wet Inam situated to the east of "Upputeru," and bounded on the east by "Azukulamadi Chenu;" on the south by "Pasuvula donka" (narrow cattle-path); on the west by Choutagunta; and on the north by "Guriganima," was, many years ago, assigned as Curnum's Inam and enjoyed by the Shrotriemdars who were then performing those duties.

* Apparently a clerical error for 2.
(Signed) J. A. C. B.
Acting Collr.

IV. In Fusly 1263, some of the lands belonging to our Shrotriem became unfit for cultivation, the earth becoming saltish, by the inundation of the "Upputeru," and the Curnum's Inam was thus destroyed.

V. In Fusly 1270 our village was permanently resumed, and as the duties of the Curnum increased, we, who had been performing those duties having taken them upon ourselves as those duties became more troublesome, and as that Inam became unfit for cultivation, and would not compensate our labour, we caused the land in dispute, which had been under the joint cultivation of all the Shrotriemdars, to be demarcated as Curnum's Inam, considering it to be a difficult matter to take it as an Inam after it was once entered in the Demarcation accounts as a Circar land granted for cultivation, and with a view to bring the matter subsequently to the notice of the Shrotriemdars and that of the Government, and to obtain their orders for making it a Curnum's Inam. The said land had been under our joint cultivation up to Fusly 1274.

VI. As from the accounts it appears that 2 gorrus were assigned as Curnum's Inam, and as the land in litigation measures $4\frac{3}{8}$ gorrus, it is evident that this cannot be the Curnum's Inam granted many years ago.

VII. After we were removed and the first defendant appointed to perform the duties of Curnum, this suit was filed as the land in litigation was claimed to be the old Curnum's Inam on the ground of its demarcation, and as the produce of Fusly 1275 had been so enjoyed.

VIII. Whenever there is no Inam assigned for Curnum, or having once been assigned, it has become subsequently unfit for cultivation, the Curnum generally selects a proper spot, and then reports the matter to the Collector, who thereupon obtains the sanction of the Board, and assigns the spot as a Service Inam.

IX. As the old Curnum's Inam has become useless, the first defendant should have selected a spot in a waste land, or in his putta land in our village, as the Curnum's Inam, and requested the Collector to grant it for that purpose. As it is proper for the first defendant to follow the above course, and as it is improper on his part to claim the land in litigation as Curnum's Inam, we request that we may be relieved from the suit, and that we may obtain the costs incurred by us.

(Signed) LEKARAZU VENKATA SIVIAH,
Pleader.

I, the fifth defendant, on behalf of the third, fourth, fifth, sixth, seventh, and eighth defendants, beg to state that the circumstances set forth in the above Kyfiet are correct to the best of my knowledge and belief.

18th March 1867.

(Signed) NELATUR VENKATA NARASIMHA CHARYULU.

Filed 18th March 1867.

Signed in English.

(True Copy.)

(Signed) N. SINGARA CHARYULU,
Government Pleader.

(True translation.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

Enclosure No. 4.

Taluk Munsiff's file.

No. 873 of 1866.

To the Munsiff's Court, of Nellore Taluk.

Plaintiffs,	*versus*	*Defendants.*
1. Nelaturu Ananta Charyulu, and others.		1. Yenambaka Chenchu Ramiah, and others.

The counter-motion presented by the plaintiffs in answer to the motion presented by the Government Vakil on the 6th instant on behalf of the Collector in this suit.

I. The Sections 2, 3, and 4 of Regulation VI. of 1831 do not apply to this suit.

II. Nelatur Veerasawmy and others are not the plaintiffs; they are joined to this suit as defendants with the first defendant.

III. We have filed this suit upon coming to know that the defendants from three to eight fraudulently entered the land in dispute in the Demarcation accounts as Curnum's Inam, although it was not mentioned as such in the old accounts.

The above Demarcation account was not prepared with reference to the old Government accounts.

IV. Being very anxious to possess the said land as Curnum's Inam, the first and other defendants joined together and appeared before the Town Sub-Magistrate and the Tahsildar of the taluk, some as complainants and the others as defendants, and although by collusive admissions they furnished themselves with a sort of evidence, it cannot be of use to the defendants in this suit.

V. There was no fixed Curnum for this village before Fusly 1274. The Collector issued orders, in Fusly 1274, that the first defendant in this suit, who is the Curnum of Varakavipudi, should perform those duties in this village; but neither the Collector nor the Tahsildar visited the village, or selected a particular spot and granted it as Curnum's Inam, nor did the Board pass any orders on the subject.

VI. Either the first defendant, the Curnum, or the defendants from three to eight who had been performing the duties of Curnum, ought to know where the Curnum's Inam as entered in the accounts is situated.

VII. The mere statement of the defendants that the lands under our cultivation forms the Curnum's Inam, cannot confer on them a right to it as such.

It does not appear from the motion presented by the Government Vakil that the land had been fixed by anybody as the Curnum's Inam.

VIII. The Government Vakil has mentioned in his motion that 2 gorrus of land were assigned as Curnums' Inam; but as the land in litigation measures 4¾ gorrus, it will be evident to the Court that this cannot be the Curnum's Inam.

IX. At the hearing of the suit the fraud committed by the defendants will manifest itself, and our claim will be established.

12th March 1867.

(Signed) KHADAR SAHIB,
Pleader.

(True Copy.)

(Signed) N. SINGARA CHARYULU,
Government Pleader.

(True translation.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

Enclosure No. 5.

No. 873 on the file of the Taluk Munsiff's Court.

To the Munsiff's Court, Nellore Taluk.

Plaintiffs,	*versus*	*Defendants,*
1. Nelaturu Ananta Charyulu, and others.		1. Yenambaka Chenchu Ramiah, and others.

The counter-motion presented by the plaintiffs in answer to the motion presented by the Government Vakil on the 13th instant.

I. From the Arzi of the Tahsildar to the Collector, referred to in the motion presented by the Government Vakil, it appears that the land in dispute has been considered to be Curnum's Inam merely from the entry in the Demarcation and Cultivation accounts fraudulently prepared by the fourth, fifth, and eighth defendants, with the view of securing possession of the same for themselves on their being confirmed as Curnums according to their expectations. It does not appear that any Tahsildar or Collector had determined the situation of the Inam before Fusly 1270, when the resumption of the village and the demarcation took place. Nor does it seem that the Board's sanction was ever received in regard to it.

II. From the Collector's order it does not appear that he knew anything about the matter.

III. In our petition we stated that the third, fourth, fifth, sixth, seventh, and eighth defendants had practised fraud in getting the demarcation, &c., done; and it is surprising that the Tahsildar should report that the land is the Curnum's Inam, basing his assertion upon the fraudulent acts we have urged against them.

IV. The land in dispute consists of two parts one called "Vurivambady Chenu," and the other "Kanivaridibba," and while admitting the name of the one to be "Kanivaridibba," they have falsely stated that the land named "Vurivanibadi Chenu" was called Curnum's Inam. From this it may be evident to the Court that the land in dispute is not the Curnum's Inam.

V. There are no proper grounds for altering the order of the Court, dated 15th March, nor are there more circumstances brought forth in this motion than those mentioned in the one formerly presented by the Government Vakil.

C

We, therefore, request the Court to reject the motion presented by the Collector and the Government Vakil, and to confirm the order already passed.

16th April 1867. (Signed) KHADER BEG SAHIB.

Order.

Vide order passed on the motion of the Extra No. 696 of 1867.

17th April 1867.

(True Copy.)

(Signed) N. SINGARA CHARYULU,
Government Pleader.

(True translation.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

ENCLOSURE No. 6.

No. 873 of 1866.

On the file of the Munsiff's Court.

TO THE MUNSIFF'S COURT, NELLORE TALUK.

Plaintiffs, *versus* *Defendants.*

1. Nelaturu Ananta Charyulu, and others. 1. Yenambaka Chenchu Ramiah, and others.

The Kyfiet presented by the first defendant under Section 120 of Act VIII. of 1859.

I. In the beginning of Fusly 1274, the Collector of this district appointed me as Curnum to the village of Ananthapuram.

II. The Inam in dispute was fixed as a Service Inam.

III. Under Section 73 of Act VIII. of 1859, the Collector should be made the chief party to the suit, and he should conduct the pleadings.

IV. The fact that the Inam in dispute is a Curnum's Inam will be confirmed by the Demarcation, Survey, and Land, &c., Registers.

V. From the Proceedings of Government under date the 7th August 1861, and the 22nd May 1863, and from the Proceedings, dated 28th November 1865, No. 7,588, it will be quite evident that the Demarcation and Survey plans were ordered to be put into operation.

VI. If what the plaintiffs state that the defendants from three to eleven had fraudulently caused the Inam in dispute to be demarcated as Curnum's Inam were true, nothing would have prevented the plaintiffs, who *now* unjustly advance this claim, from putting forth their claim to the Inam and causing the demarcation to be cancelled in Fusly 1273, when the village of Anantapuram was resumed by Government and separate puttas were granted for the lands in possession of the plaintiffs and the defendants from three to eleven.

VII. In Fusly 1273 we were not Curnums of the said village of Ananthapuram.

VIII. Whether what the plaintiffs state or the defendants from three to eleven state is incorrect, will manifest itself by sending for, under Section 138 of the said Act, and referring to the "Dowl" accounts, "Asamivari Chittah" (Statement showing the extent of fields possessed by each individual ryot), and the Cultivation accounts of the Circar and Inam lands which can be had from the office of the Collector of this district.

IX. It has been settled by the Motion Extra No. 430 of 1867, presented by the Government Vakil, that the Inam in dispute is Curnum's Inam.

X. There is no public proof to confirm the statement of the plaintiffs that another land was assigned as Curnum's Inam.

XI. The village of Ananthapuram is a Circar village, and neither the plaintiffs nor the defendants from three to eleven, can say that the Service Inam granted for the Curnum of that village is situated in another land.

XII. In Fusly 1274, the Collector ordered that the Inam in dispute should be in my possession and enjoyment.

XIII. It is not mentioned in the Arzi what is the nature of the claims possessed by the plaintiffs regarding the Inam in dispute.

XIV. Some of the statements made in the Arzi by the plaintiffs are false.

XV. The plaintiffs and the defendants from three to eleven joined together and filed this suit by mutual concert.

XVI. The Kyfiet presented by the second defendant.

I need not say anything at length, as the first defendant has stated all the circumstances in his Kyfiet.

I request perusal.

18th March 1867.

Confirmed by the first defendant.

(Signed) T. LAKSHIMINARASU,
Pleader.

Filed 18th March 1867.

Signed by the Munsiff in English.

(True Copy.)

(Signed) N. SINGARA CHARYULU,
Government Pleader.

(True translation.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

ENCLOSURE No. 7.—Draft Statement.

The Board have amended the draft answer, and they sanction the defence of the suit on the usual terms.

(True Copies and Extract.)

(Signed) R. A. DALYELL,
Secretary.

To the Collector of Nellore,
with amended draft answer.

Copy to the Accountant General.

Amended Answer to be filed by the twelfth defendant; District Munsiff's Court, Nellore; No. 873 of 1866.

The twelfth defendant requests that, under the following grounds, the plaint may be non-suited, and his costs recovered for him in due course :—

First.—That the land sued for is shown to be Kurnum's Inam by the demarcation and other accounts.

Second.—That as the defendants three to eleven pointed out the lands in dispute as the Curnum's Inam in the first instance, their collusive admission to the contrary now cannot be admitted.

Third.—That the plaintiffs themselves admit that the duties of Curnum have been regarded as a *common* obligation, and that these lands were evidently on that ground *enjoyed in common*, whereas the other lands for which puttas have been granted are under undivided enjoyment.

Fourth.—That the plaint is thus not only unsupported, but discredited by the admissions of the Shrotriemdars themselves, whether as plaintiffs or collusive defendants.

(Signed) J. A. C. BOSWELL,
Acting Collector.

No. 6,054.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th September 1867.

Read the following letter from J. A. C. BOSWELL, Esq., Acting Collector of Nellore, to the Secretary to the Board of Revenue, dated 5th September 1867, No. 705 :—

1. I have the honour to acknowledge the receipt of the Board's Proceedings, dated 14th August 1867, sanctioning the defence of Suit No. 873 of 1866, and forwarding an amended answer to be filed.

2. Since my letter of the 3rd August 1867, No. 223, recorded in the above Proceedings, certain additional information having been brought to my notice, I beg to submit the same for the Board's consideration.

3. With his letter, dated 13th August 1867, No. $\frac{153}{1865}$, the Special Assistant Collector, Mr. Rundall, has furnished me with the office copy of a report, dated 22nd November 1866, made by the Head Classifier, Nibhanipudi Venkata Subbarayadu, to the Supervisor, Maddirala Venkaji. It is to be regretted that the records connected with this report have been lost whilst under transmission to the Supervisor.

4. I enclose an English translation of the above report for the Board's perusal.

3rd, Nelaturu Pedda Venkata Narasimlu Charlu.
5th, Chinna Venkata Narasimlu Charlu.
7th, Padmanabha Charlu.

5. It appears that three persons named in the margin, who are the 3rd, 5th, and 7th defendants in this Suit, presented a petition to Mr. Rundall, complaining that a portion of their putta land was incorporated with the Curnum's Inam. They also appear to have given a deposition before the Head Classifier referred to, admitting a portion of the land in question as Curnum Inam, and claiming only the remainder as their putta land, as detailed in the annexed Statement. The 4th defendant Nelaturu Virasami is also shown to have made a similar statement. The 10th and 11th defendants, who are referred to simply as putta-holders, also appear to have made this statement. These admissions voluntarily made by the parties abovementioned are at direct variance with the allegations contained in their collusive answer filed by the defendants 3 to 8:—

*Puranam Pedda Subbarayudu.
" Chinna Subbarayudu.

Numbers demarcated as Curnum's Inam.	Extent admitted to be Curnum's Inam.		Extent claimed as putta land.	
	ACRES.	CENTS.	ACRES.	CENTS.
44	4	31	1	56
51	1	10	...	...
53	2	25	...	56
55	...	...	2	47
139	...	...	1	36
Total...	7	66	5	95

N. B.—The area of No. 55 is 2·45, and the entry 2·47 is evidently a mistake.

6. As the 4th paragraph of the amended answer refers to admissions of the Shrotriemdars whether as plaintiffs or collusive defendants, I do not consider it necessary to make any addition to the answer with reference to the additional information now reported. I shall accordingly instruct the Government Vakeel to file the answer. The document referred to will of course be filed, and the Head Classifier summoned to give his evidence on oath as to the contents thereof.

PROCEEDINGS OF THE BOARD OF REVENUE, 1867. Department.

No.

Dated 14th August 1867.

Received

No. 5,283.

Sanctioning defence on the usual terms of Suit No. 873 of 1866, filed in the District Munsiff's Court at Nellore by the Shrotriemdar of Anuntapuram, and forwarding amended draft answer.

ENCLOSURE No. 1.

To Maddirala Venkaji Pantulu, Supervisor.

The Arzi submitted by one *Nibhanipudi* Venkata Subbarayadu, Acting Head Classifier.

Adverting to your Takid, No. 65, of the 16th August, forwarding to me for inquiry and report endorsement No. 3, of the Special Assistant Collector, calling upon you to report on the Arzi No. 4, presented to the Special Assistant Collector by Nelaturu Pedda Venkata Narasimlu Charlu and others, the ryots of Anantapuram, which has been surveyed with Varacaripudi, in the Nellore taluk, stating that 4 acres of their putta land were included in the Curnum's Inam, I beg to state that I have made the requisite inquiries, and herewith submit a plan of the lands and the record of the case.

1 Original Arzi with endorsement thereon.
1 Kyfiet given by the petitioners.
1 Kyfiet given by the late Curnum of *Anantapuram*.
3 Kyfiets given by the witnesses on behalf of the petitioners.
1 Kyfiet given by the defendant, who is the present Curnum.
4 Documents marked A., B., C., and D. filed by the defendants.
1 Plan.
2 Kyfiets given by the witnesses on behalf of the defendants.

The petitioners Nelaturu Pedda Venkata Narasimlu Charlu, Padmanabha Charlu, and Chinna Venkata Narasimlu Charlu, state in their deposition that two gorrus of land were originally assigned as the Curnum's Inam; that five numbers were demarcated as Curnum's Inam, measuring in the aggregate A. 13, C. 59; that of these numbers A. 7, C. 66, as detailed below, have been enjoyed as Curnum's Inam, namely:—

Acres.	Cents	in No. 51.
1	10	
4	31	or the extent cultivated in No. 44.
2	25	or the extent cultivated in No. 53.
7	66	Total;

that the remaining extent of A. 5, C. 93, as detailed below, formed a part of putta No. 16 issued to themselves and to some other ryots jointly, viz:—

Acres.	Cents.	
2	47	in No. 55.
1	36	in the extent cultivated in No. 139.
1	56	in the waste land on the eastern side of No. 44.
0	56	in the waste land in the eastern side in ...o. 53.
5	93	Total;

that the land in question was up to Fusly 1270 enjoyed by themselves as Shrotriemdars according to their respective shares; that it was lying waste from Fusly 1271 to Fusly 1273, and was used by the villagers as pasture for cattle; that in Fusly 1274 it was acquired by them on durkhast; that it has ever since remained in their possession; that they were present at the time of demarcation, and assisted in the work and signed the Field Registers; that being ignorant of the demarcation rules, they neglected to cause the Government and Inam lands to be separately demarcated; that the Curnum's Inam was enjoyed by them till the time of demarcation; that Yanambaka Chenchu Ramaya recently appointed as Curnum has been in the enjoyment of only the portion referred to as Inam, while the lands in dispute measuring 5 acres and 93 cents have been in their own possession as putta lands; and that the above circumstances can be proved by Puranam Pedda Subbarayadu, a Purraldar in the village, Chinna Subbarayadu and Reacherla Yanadi, an inhabitant of Venkatvipudi. Their witnesses Puranam Pedda Subbarayadu and Chinna Subbarayadu have deposed in favour of the petitioner, and their third witness named Yanadi, deposing likewise mostly in their favour, states, in addition, that the new Curnum and the late Curnum have been disputing about the land, the former claiming the land in question as Curnum's Inam, and as having been demarcated as such, and the latter representing the same to be Government land. This witness further states that the eastern waste land has been used by the new Curnum Chenchu Ramaya for grazing purposes both in the last and current years, and that the petitioners' cattle are also grazing in the same land.

Nelaturu Virasami, who was doing the Curnum's work formerly, also deposes in favour of the petitioners, stating that he was present at the time of demarcation and offered his signature to the Field Registers; that the land referred to by the petitioners as Government land is really Government land; that he has himself a share in it; that it was by mistake demarcated as Curnum's Inam; that the mistake needs to be corrected; that after the resumption of the shrotriem, the land No. 139 which is not entered in any accounts has been in the enjoyment of the petitioners as well as himself, all of whom have enjoyed the same without paying any assessment thereon, in consequence of a deficit in the extent of their putta land.

The present Curnum and defendant named Yanambaka Chenchu Ramaya states that he was appointed Curnum of this village in Fusly 1273; that the village had been previously demarcated; that the five survey numbers have been placed in his possession from Fusly 1274 in accordance with the orders of the Collector; that in Fusly 1274 he measured the five numbers and found them to contain 4 7/8 gorrus, which area was accordingly entered in the Circar accounts; that deducting the grant of 2 gorrus, he paid as water-cess Rupees 12-8-0 and Rupees 6-4-0, respectively, in Fuslies 1274 and 1275 for the excess cultivation; that the five numbers demarcated as the Curnum's Inam have been in his enjoyment from Fusly 1275; that the lands referred to by petitioners as held on a joint putta are Nos. 43, 56, 57, and 58, situated to the east of the Curnum's Inam; that the petitioners and others having in Fusly 1274 presented a durkhast for the same, representing them as consisting of 3 gorrus, the said four numbers were measured and 3 gorrus 14 kuntas and 8 visams found in measurement and entered in their puttas from that Fusly; that no Government land is included in the numbers demarcated as the Curnum's Inam, the land held on joint putta being situated to the east of them; and that Yanadi Ramachendra Reddi, the Village Munsiff, and Vellapati Narraina Reddi are personally acquainted with the above circumstances. In support of these statements he has filed four documents marked A, B, C, and D.

The witnesses of the defendant state that the Curnum's Inam was made over as alleged by him; that his cattle were grazing on the land in question in Fuslies 1273 and 1274; that he and the petitioners, &c., who were the late Curnums, were amicably using the waste land for grazing purposes, and were also enjoying the profits of the cultivated portion; and that they (defendant's witnesses) are ignorant of the conditions under which this arrangement was made. The Munsiff further stated that there was an excess in the Curnum's Inam, and that at the Jummahbundy of Fusly 1274 the Collector issued an order allowing the excess in the Curnum's Inam to be enjoyed by the office holder.

The four Exhibits presented by the defendant are as follows:—

That marked A. is the copy of the Field Register. From this it appears that the land applied for by petitioners is only 3 gorrus, situated to the east of the Curnum's Inam, but not a part of the Inam itself.

That marked B. is an extract from the Measurement Accounts of lands numbered 43, 56, 57, and 58, containing in the aggregate G. 3, K. 14, V. 8, applied for by petitioners in that Fusly. From this it appears that the land applied for by the petitioners does not comprise the land in dispute.

That marked C. is an extract from the Measurement Accounts of Inam in Fusly 1274. This shows that the lands in question demarcated as the Curnum's Inam, and numbered 44, 51, 53, 55, and 139, were measured and found to contain 4 7/8, showing an excess of 2 7/8 gorrus over the original grant of 2 gorrus, and showing also that the land in dispute is part of Curnum's Inam, and has been entered as such in the Circar accounts.

That marked D. is an extract from the Daily Chitta of collection for Fuslies 1274 and 1275. From this it will be observed that Rupees 12-8-0 and Rupees 6-4-0 were collected from the defendants in Fuslies 1274 and 1275 respectively, on account of the excess cultivation.

These four are public documents supporting the defendant's cause. On a perusal of the records, and inspection of the land, I beg to submit the following:—

The village of Anantapuram having been enjoyed as Shrotriem, and recently resumed, there are no old accounts, &c., showing details of numbers for distinguishing the Inams and other lands therein. At the time of demarcation, the petitioners and others having been Curnums, it seems likely that they wilfully caused the land in question also to be demarcated as Curnum's Inam in the hope of their enjoying it as such. Their plea of ignorance of the demarcation rules is unworthy of credit. Their statement that the land in question was a part of their joint putta is equally untrustworthy, as the lands Nos. 43, 56, 57, and 58, for which a putta was granted in Fusly 1274, and measuring G. 3., K. 14, V. 8, are situated beyond the extent demarcated as Curnum's Inam.

As shown in the plan, cultivated land measuring A. 6, C. 57, to the west of the lands Nos. 44 and 53, and A. 2, C. 46, of cultivated land in Nos. 51 and 139 are stated to have been in the enjoyment of the late Curnums as the Curnums' Inam. The land in dispute was waste, and used by the Curnums for grazing purposes; and that at the time of demarcation, it was caused to be included in the Curnums' Inam by the late Curnums; and the present dispute has arisen from the orders of the Collector to put the present Curnum in possession of the land which had previously been in the enjoyment of petitioners, &c.

The five numbers being in the enjoyment of the present holder, and shown as such in the Demarcation Register, the disputed land was also shown as Inam in the accounts of Fusly 1274, when the lands were measured, and water-rate collected on the excess cultivation in Fuslies 1274 and 1275. It appears that, at the time of demarcation, the late Curnums caused the immemorial waste land under dispute to be included in the Inam; that it is still used for grazing purposes. It is not included in the putta land of the Curnums, nor is there any proof to show that the disputed land is a part of the Curnums' Inam.

The Village Munsiff states that at the Jummahbundy the Collector ordered the excess should be charged and continued to the present Curnum, but this fact has to be ascertained from the Revenue Department.

The A. 2, C. 11 of waste land on the eastern side of Nos. 54 and 53, and A. 2, C. 45 of waste land in No. 55, or A. 4, C. 56 in the aggregate, not being shown by any accounts as Government or Inam land, I leave it to higher authorities to decide in the matter.

I therefore submit the result of my inquiries for such notice as may appear proper. The particulars of the measurement, &c., in respect to the land under dispute is shown in the plan.

22nd November 1866, Mudivarti.

(Signed) NIBHANIPUDI VENKATA SUBBARAYADU,
Acting Head Classifier.

(True Copy.)

(Signed) N. V.,
Acting Head Classifier.

26th December 1866.

Despatched 2nd March 1867.

(Signed) MADDIRALA VENKAJI,
Supervisor.

(True translation.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

The Board await the result of the Suit.

(True Copies and Extract.)

(Signed) R. A. DALYELL,
Secretary.

To the Acting Collector of Nellore.

Exd. T. Cartledge.

No. 6,150A.*

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th August 1868.

Read the following letter from J. A. C. BOSWELL, Esq., Acting Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 4th August 1868, No. 2,472.—

1. With reference to the Board's Proceedings marginally noted, I have the honour to enclose copy of the decree pas[illegible] by the District Moonsiff of Nellore in O[illegible]al Suit No. 873 of 1866.

No. 5,883, 1st [illegible]
„ 6,054, 20th „

2. I beg also to enclose translations of appeal petitions filed in t[illegible] Court against the above decree by the plaintiffs in No. 30 of 1868, and by [illegible] defendant[illegible] 868.

3. Of the five demarcation numbers sued for, nam[illegible] District Moonsiff has adjudg[illegible] the plaintiffs as their "p[illegible]n rig[illegible] and decid[illegible] four numbers to be Curnam's In[illegible] [illegible] and [illegible]stion, [illegible]djudg[illegible] to pay their respective costs on the gr[illegible] appear to [illegible]n suit;" the first defendant being in addition directed to bear the costs of the Collector on the ground of his having urged the necessity of including him as twelfth defendant, in spite of the repeated orders of the Court to the contrary, and against the wishes of the plaintiffs.

Vide paragraph 14.

4. On the appeal filed by the plaintiffs, the Civil Judge has issued a notice to me in the usual form fixing the date of hearing on the 17th November 1869.

5. The plaintiffs are not satisfied with the grant of land No. 139, and claim the other four numbers also. They have not stated in the appeal petition any additional grounds so as to call for any further comments from me. The first defendant appeals to recover the field No. 139, and states that it is irregular to charge him with the costs of the Collector.

6. The plaintiffs stated that the land sued for was not Curnam's Inam, and that the Curnam's Inam was situated in quite a different place beyond the salt water lake. In paragraph 11 of his decree, the Moonsiff observes that "the witnesses examined by the plaintiffs on the said subject "have broken down and contradicted themselves with regard to the position and boundaries of the "said land, and how and when last cultivated and how irrigated."

7. All the five numbers have been demarcated as Curnam's Inam, measuring in the survey

No.	A.	C.
*31	5	87
51	1	10
53	3	81
55	2	43
	12	83

A. 13, C. 59. The District Moonsiff admits the four numbers measuring A. 12, C. 23* to be Curnam's Inam, and disallows the claim of the first defendant to A. 1, C. 36 comprised in No. 139. The reason assigned by him for regarding A. 1, C. 36, as forming no part of the Inam, is that the extent of Inam, as shown by the old accounts, etc., is only 2 Cottas or A. 0, C. 25.

1867. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 20th September 1867.

Received

No. 6,054.

Awaiting result of Suit No. 873 of 1866, filed in Nellore District Munsiff's Court for the recovery of certain land.

8. It is not unusual for the survey to show such a large excess. The evidence by which the Moonsiff decided the four numbers to be Curnum's Inam equally holds good for the remaining field. When there is more land than is actually registered as Inam, it is not possible to decide which part of the extent is Inam and which Government land, and the Moonsiff's disallowing the claim to No. 139 seems arbitrary.

9. Under these circumstances, I propose to furnish the Government Vakeel with a Memorandum as follows, for submitting at the time of hearing:—

First.—That the evidence which holds good for Nos. 44, 51, 53, and 55 applies equally to No. 139 which has been adjudged to the plaintiffs.

Second.—That the fact of there being more land than is actually registered is no bar to the claim for the whole extent including the excess, the holder being simply liable to pay for such excess at the ordinary rates of assessment, instead of holding it at the same terms as the area actually recorded.

Third.—That when the evidence adduced by the plaintiff is deemed untrustworthy as regards a part of the land claimed, it is not clear how their claim for the remaining portion has been admitted by the Moonsiff.

Fourth.—That the ground assigned by the District Moonsiff for his decision being that there is more land than is registered in the accounts, his adjudging A. 12, C. 23 as Curnum's Inam when only A. 6, C. 25 are registered as such, is inconsistent with his own position.

Fifth.—That when there is an excess in Inams, it is not possible to say which part of the land is Inam, and which part is not Inam, and the Moonsiff deciding that No. 139 is not an Inam is arbitrary.

Sixth.—That the Collector was included as twelfth defendant, not merely at the motion of the first defendant, but at the Collector's own request; and the Moonsiff's adjudging the first defendant to pay the costs of the Collector, is unfair. Nor is it easy to conceive why the repeated orders referred to by the Moonsiff were passed directing the first defendant not to include the Collector as a party in which a Government Service Inam was concerned.

Seventh.—That there is nothing to show that the first and second defendants were guilty in any way, as stated by the Moonsiff as a ground for adjudging them to bear their own costs. They were appointed Curnums by the Collector, who ordered the Inam to be given to them.

Eighth.—That under these circumstances, land No. 139 should be adjudged as Inam, the plaintiffs and the collusive defendants bearing the cost of the first, second, and twelfth defendant.

10. The Board will observe that the date of hearing has been fixed in November 1869. I shall instruct the Government Vakeel to move the Court for fixing an earlier date, as I am informed that the Court have in some cases allowed such requests.

ENCLOSURE No. 1.

No. 873 of 1866.

Plaintiffs. *versus* *Defendants.*

1. Nelatur Ananta Charyulu, and five others. 1. Yanambaka Chenchu Ramaya, and eleven others.

JUDGMENT.

1. The plaint is for to establish their right to 4¾ Gorrus of land as per limits specified in the plaint, namely, 2¾ Gorrus paying a revenue of Rupees 60-0-0 at Rupees 17-12-0 per Gorru, yielding an annual income of Rupees 120, ¾ Gorrus situated at another place paying a revenue of Rupees 11-11-6, and yielding a profit of Rupees 30 a year, and to get the demarcation altered in their favour, and to get a puttah for the same in consequence of the defendants having fraudulently got the land registered as the Karnikam Maniem during the demarcation, and declare that the village called Anantapuram, in the Nellore taluk, had been a Shrotriem under the enjoyment of the defendants from 3rd to 11th and themselves; that the assessment thereon not having been paid to Government, it had been attached in Fusly 1270, and finally taken charge of by Government; that the land called Voorivembadi Chenoo to the extent of about 2¾ Gorrus and Kanevadithibba Chenoo measuring ¾ Gorrus had been kept jointly by the defendants from 3rd to 11th and themselves as the Shrotriemdars, and cultivated by them according to their respective shares, and the produce expended for the repairs of tanks, etc.; while 1½ Gorrus of pasture land east of the said Voorivembadi Chenoo had been kept for their cattle; that the said 2¾ Gorrus of lands had been in their possession till Fusly 1274; that as there had been no separate Curnum for the said village the Shrotriemdars had been performing the duties of Curnum prior to attachment, and subsequently the defendants from 3rd to 8th had performed the duties of Curnum, and during the time of demarcation they, by the instigation of the ninth, tenth, and eleventh defendants, had got the land demarcated as the Karnikam Maniem in the hope of getting it themselves; that they, plaintiffs, had learned in Fusly 1275 the Collector (twelfth defendant) had ordered the Shrotriemdars not to perform the duties of Curnum, and has given the said office to the first defendant, and both the first defendant and his brother, the second defendant, are performing the said duties; that the defendants from 3rd to 8th having got the land registered as the Karnikam Maniem, and having cultivated it, the first and second defendants had taken the Coroo of the said lands by which means they are deprived of their right to 4¾ Gorrus of land situated in three different parts and enjoyed by them from a very long time, and that they purpose bringing a fresh suit for the loss they had sustained in accordance with Section 10, Act No. VIII of 1859. The Collector has subsequently been included as twelfth defendant in this suit as desired by himself and first defendant, though the plaintiffs did not wish it.

2. The first and second defendants in their written statement declare that the Collector of this district had appointed the first defendant as Curnum of the village at the commencement of the Fusly 1274, and fixed the land under dispute as the Service Inam; that the Collector should be included in this suit as a party in accordance with Section 73; Act No. VIII of 1859; that the land under dispute had been demarcated as the Karnikam Maniem and surveyed as such as per Land Register; and that had the statement of the plaintiffs, that the defendants from 3rd to 11th had fraudulently got the land under dispute demarcated as Karnikam Maniem, been true, there was nothing to prevent the plaintiffs from explaining and getting the demarcation of the land altered when the Government had finally resumed the Anantapuram village in Fusly 1273, and issued separate puttahs for the lands in possession of the defendants from 3rd to 11th; that there is nothing to support the statement of the plaintiffs that the Karnikam Maniem is situated in another portion of the fields; that they were not the Curnums for Fusly 1273; that in Fusly 1274 the Collector had ordered the first defendant to enjoy the maniem under dispute; that the plaintiffs and the defendants from 3rd to 11th are combined in bringing this suit.

3. The third, fourth, fifth, sixth, seventh, and eighth defendants in their written statement admit and support the plaintiffs' claim.

4. The ninth, tenth, and eleventh defendants did not refute the claim.

5. The twelfth defendant, Collector, in his written statement, denies the claim of the plaintiffs, and declares that the land under dispute is shown to be Karnikam Inam by the demarcation and other accounts; that as the defendants 3rd to 11th pointed out the lands in dispute as the Curnum's Inam in the first instance, their collusive admission to the contrary now cannot be admitted; that the plaintiffs themselves admit that the duties of Curnum have been regarded as a *common* obligation; and that their lands were evidently on that ground enjoyed in *common*, whereas the other lands for which puttahs have been granted are under individual enjoyment; that the plaint in this not only unsupported but discredited by the admission of the Shrotriemdars themselves whether as plaintiffs or collusive defendants.

6. The first and second defendants filed fifteen documents, namely, No. 1, original Takeed written by Zillellamoody Hanoomunta Row, the then Tahsildar of Nellore Taluck, to the Village Moonsiff of Varakavipoody, under date the 26th March 1861, directing them to take the accounts from those who had been performing the duties of Curnum of Anantapuram, and give up to the first and second defendants, as Curnums of Varakavipoody, and to instruct the latter to perform the Curnum duties; No. II, Takeed written by do. to the Curnums of Varakavipoody, under date the 20th March 1864, directing them to perform the Curnum duties of Anantapuram, and stating that

if they failed to do so they will be dismissed from the Curnumship of Varakavipoody; No. III, Takeed issued by Kanchi Subbarow, Tahsildar of Nellore, to the Curnums of Varakavipoody, under date the 10th January 1865, stating that it is not right on the part of the former Curnums to refuse to give up the accounts of the village on the plea of their having a right to the Karnikam, and directing that they should be informed of the same and the accounts of the village taken from them and to perform the Karnikam duties; No. IV, Takeed issued by the said Tahsildar to the Village Moonsiff of Anantapuram, under date the 25th April 1865, directing that the Coroe of the Karnikam Maniem of Varakavipoody of Fusly 1274, should be given to the first defendant, and the Maniem itself made over to him for Fusly 1275 in accordance with the orders of the Collector; No. V, Takeed issued by the said Tahsildar to the said Village Moonsiff, on the 27th September 1866, directing him to report to the Magisterial authorities the fact of the villagers having prevented the cultivation of the said Maniem by the Curnums; No. VI, Takeed written by do. to do. under date the 10th December 1866, stating, the fourth defendant and others had no business to obstruct the cultivation of the said maniem by the first defendant, and to adopt measures to have the maniem cultivated by first defendant; No. VII, do. issued by do. to do. under date the 19th December 1866, ordering him to direct the first defendant to prefer a charge before the Magistrate in accordance with Section 188 of the Indian Penal Code, regarding the fourth defendant and others having prevented the cultivation of the said maniem; No. VIII, attested copy of the decision of the second class Subordinate Magistrate of Nellore Town, under date the 31st December 1866, in case No. 812 of 1866, fining the third and fourth defendants and others for the offence committed by them under Section 447 of the Indian Penal Code; No. IX, attested copy of the demarcation plan of Anantapuram; No. X, attested copy of an extract from the Field Register of the classification of lands in the third Khandam of the said village; No. XI, do. of an account shewing the cultivation of the Inams of the said village from Fusly 1273; No. XII, do. of surplus measurement account of Fusly 1274 of Inams situated in the said village; No XIII, attested copy of a Hookoom issued by the Collector of Nellore to the said Tahsildar under date the 22nd April 1866, alluded to in document No. IV; No. XIV, attested copy of an extract from the Inam Register book of Anantapuram Village; and No. XV, attested copy of an extract from the Land Register of the said village. The twelfth defendant filed four documents; No. XVI, copy of an extract from the Register of Inams of the village servants for Fusly 1226; No. XVII, original account showing the cultivation of Anantapuram Shrotriem, written by the Taluk Inspector (second witness for the twelfth defendant) for Fusly 1270 up to 21st February 1861; No. XVIII, copy of an Arzi No. 137, written by the first witness for twelfth, first and second defendants, Nithanoopoody Venkata Subbarow, Head Turnudar or Classifier, under date the 22nd November 1866, stating the said land was the Karnikan Maniem; and No. XIX, copy of an extract from the Field Register of the village of Anantapuram for Fusly 1270.

7. The issue settled in this case is whether the land set out and described in the plaint is the Karnikam Maniem, and if not, what right the plaintiffs have thereto.

The Collector having been subsequently made as twelfth defendant in this case, he was allowed to refute the plaintiffs' claim.

8. Plaintiffs examined seven, and the first and second defendants, five witnesses, of whom the twelfth defendant examined three witnesses.

9. The plaintiffs have sued to establish their right to 4½ Gorrus of wet and dry lands situated in two different parts of their village which had formerly been held by them as a Shrotriem on the grounds of their having had exclusive possession thereof for a long time, and the Collector, twelfth defendant, had no right to give away any portion thereof to the newly appointed Curnum, first defendant as the Karnikam Maniem; and the third, fourth, fifth, sixth, seventh, and eighth defendants aided by the ninth, tenth, and eleventh, had fraudulently got the said lands demarcated as such in the hope of coming in for the same themselves, as they had previously been performing the duties of Curnums while holding the village with them, plaintiffs, as a Shrotriem, in consequence of the said lands having been ordered to be given up to the first defendant as the Curnum appointed to the said village while the Karnikam Maniem is situated in a different place altogether.

10. The first, second, and twelfth defendants contend the said lands had been demarcated as the Karnikam Inam, as pointed out by the defendants 3rd to 11th, in the first instance, and subsequently given to the first defendant in Fusly 1274, as the Karnikam Inam, as he had been appointed to the said office after the Shrotriem had been finally attached by Government, and the other lands given out on puttah to the individuals cultivating them; so neither the plaintiffs nor the collusive defendants can have any claim to the lands so demarcated and given to the first defendant as the Curnum.

11. The plaintiffs have endeavoured to prove the land beyond the salt-water lake was the Karnikam Inam; but the witnesses examined by the plaintiff on the said subject have broken down and contradicted themselves with regard to the position and boundaries of the said land, and how and when last cultivated and how irrigated, while from the evidence of the first, second, and twelfth defendants' witnesses, and the documents produced by them, it is clear the land called "Voorivembadi Chenoo" had been enjoyed by the Shrotriemdars as the Karnikam Maniem for the past twenty years, and it had been caused to be so demarcated by some if not all the Shrotriemdars, and the plaintiffs as well as the collusive defendants admit that the duties of Curnum have been regarded as a common obligation, and the said defendants had performed the duties thereof up to Fusly 1274.

12. From the document No. 16, it is clear that 2½ Gorrus of wet land had been allotted as the "Karnikam Maniem" so far back as the year or Fusly 1226, and there appears no doubt about the lands Nos. 44, 51, and 55 adjoining the village being that allotted for the said purpose; but there appears to be more land under the heads Nos. 44, 51, 53, 55, and 139 claimed as the said Inam.

13. The first defendant in his written statement claims 2 Gorrus as per accounts of Inams, No. II, for Fusly 1273, which states 2 Gorrus had been allotted for the Karnikam Inam, and the Collector in his motion E. P., No. 696, dated 13th April 1867, also declares 2 Gorrus had been given to the first defendant as an Inam for his services as a Curnum of the said village, while it is clear from the documents Nos. 12, 14, and 15, there is an excess of 2½ Gorrus of land in the said numbers, so the Court cannot see how the first defendant can claim more than 2 Gorrus of wet land or how the Collector, twelfth defendant, could have ordered the whole of the lands under Nos. 44, 51, 53, 55, and 139 to be given up to the first defendant.

14. The first defendant's claim to two Gorrus being thus proved, it is hereby decreed that the plaintiffs' claim to that extent be disallowed, and that the said land Nos. 44, 51, 53, and 55 called Voorivembadi Chenoo be given to the first defendant as the Karnikam Maniem in accordance with the first and twelfth defendants' assertions; the plaintiff's claim to the rest being allowed as his prior right, and as both parties, namely, plaintiffs and the first to eleventh defendants, appear to be in fault, they are adjudged to pay their respective costs; the first defendant also paying, included the twelfth defendant, for having urged his being included as a defendant when the plaintiffs did not wish it, and the Court had repeatedly ordered that there appeared no necessity for such a step, as the first defendant was in a position to defend his claim without the aid of the Collector.

(Signed) J. SMITH.

23rd December 1867.

(True Copy,)

(Signed) N. SINGARA CHARLU,
Government Pleader.

(True Copy.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

ENCLOSURE No. 2.

Appeal No. 30 of 1868.

APPEAL MEMORANDUM.

Plaintiffs.	*versus*	*Defendants.*
1. Nelatur Ananta Charyulu.		1. Yanambaka Chenchu Ramaya.
2. Vavilla Lakshmipati Sastrulu.		2. Do. Iyaparazu.
3. Komandur Ananta Krishnama Charyulu.		3. Nolatur Peda Venkata Narasimha Charyulu.
Caste—Brahmins.		4. Do. Veerasawmy.
Profession—Cultivators.		5. Do. China Venkata Narasimha Charyulu.
Inhabitants of Anantapuram, Nellore talook.		6. Do. Sesha Charyulu.
4. Chedalavada Krishnama Charyulu, an inhabitant of Kanupartipadu.		7. Do. Padmanabha Charyulu.
5. Chedalavada Venkata Narayanappa, *		8. Bandepalli Ananta Charyulu.
6. Puranam Lakshminarasu, *		9. Nelatur Venkata Subbaya.
* Inhabitants of Timma Reddivagu, a hamlet of Pellur, in Venkatagiri Zemindary.		10. Puranam Peda Subbaroyadu.
		11. Do. China Subbaroyadu.
		12. J. A. C. Boswell, Esq., Acting Collector of Nellore.

First, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh defendants are Brahmins and Cultivators.

First and second defendants are inhabitants of Varakavipudi.

Third, fourth, and sixth do. do. of Anantapuram.

Fifth, seventh, eighth, ninth, tenth, and eleventh do. do. of do.*

Twelfth do. do. of Nellore.

A suit was filed in the Moonsiff's Court at Nellore by the plaintiffs requesting to cancel the 4¾ Gorrus of Government land in the Anantapuram Shroiriem, which was included under Inam as such, to confirm the plaintiff's claim to cultivation, and to cause them to pay the assessment thereon. The Taluk Moonsiff of Nellore inquired into the case, under No. 873 of 1866, and decided on the 23rd December 1867, that the 2 Gorrus of land in Veeriveembadi Chenoo should be given to the first defendant as an Inam, and adjudged the remaining land to the plaintiffs as their "prior rights;" that the plaintiffs and the defendants from 1 to 12 should pay their respective costs, and that the first defendant should pay the costs of the twelfth defendant. The plaintiffs hereby appeal to the Civil Court at Nellore against the said decision of the Moonsiff regarding the 2 Gorrus which they were deprived of:—

1. In accordance to the point in issue settled by the lower Court, it has been clearly proved by the witnesses for the plaintiffs that the land in dispute is not Carnum's Inam, that it is a Government land, and that they possess a prior right to the cultivation of the land.

2. The witnesses on the side of the plaintiffs, who deposed to the effect that the Carnum's Inam was situated at a quite different place, are the cultivators of the Inam and the residents of the defendants' village.

3. As stated by the lower Court, there are no incongruities in the evidence offered by the plaintiffs' witnesses in regard to the chief points in dispute.

4. The documents Nos. 9, 10, 11, 15, and 19, produced on behalf of the first, second, and twelfth defendants, in order to establish that the land in dispute was Carnum's Inam, were, as the plaintiffs assert, created without their knowledge, subsequent to Fusly 1270, at the insinuations of the defendants from 2 to 8, but the documents cannot weaken the plaintiffs' claim to the land in dispute, nor can the other documents in possession of the first, second, and twelfth defendants prove that only the land in question is Carnum's Inam.

5. The document No. 18 is a copy of a copy, and appears to have been created subsequent to the dispute, and, therefore, it cannot be admitted in evidence.

6. There exists a contradiction between the extra motion No. 696 of 1867, when the document No. 16 was produced on behalf of the twelfth defendant, and the kyfiet given in answer by the first defendant.

7. In Fusly 1271, when Inam disputes were settled, the original of the said document No. 16 was not sent to the Deputy Collector, nor does it bear his initials showing that it was sent to him.

8. The witnesses for the first, second, and twelfth defendants are inhabitants of other villages; the first and second witnesses appear to have deposed what they heard from the defendants from 3 to 8, and the third, fourth, and fifth witnesses are the plaintiffs' enemies. The extent of the land referred to in appeal suit is 2 Gorrus, and its temporary assessment is Rupees 35-8-0 per annum, eight times of which equals Rupees 284.

24th January 1868.

(Signed) K. VENKATAKRISHNAMA CHARLU,
Pleader.

Presented in Court on the 24th, and filed on the 27th January 1868.

(Signed) J. R. COCKERELL, Civil Judge.

(True Copy.)

(Signed) N. SINGARA CHARYULU,
Government Pleader.

(True Translation.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

ENCLOSURE No. 3.

Appeal No. 35 of 1868.

APPEAL MEMORANDUM.

Plaintiffs.	*versus*	*Defendants.*
1. Nelatur Ananta Charyulu.		1. Yanambaka Chenchu Ramaya.
2. Vavilla Lakshmipati Sastrulu.		2. Do. Iyaparazu.
3. Komandur Ananta Krishnama Charyulu.		3. Nelatur Peda Narasimha Charyulu.
Inhabitants of Anantapuram, Nellore talook.		4. Do. Veeraswamy.
4. Chedalavada Krishnama Charyulu, of Kanupartipadu.		5. China Venkata Narasimha Charyulu.
5. Chedalavada Venkata Narrayanappa.		6. Do. Sesha Charyulu.
6. Puranam Lakshmiarsu.		7. Do. Padmanabha Charyulu.
and 6 are inhabitants of Timma Reddivagu, a hamlet of Pellur, in the Zemindary of Venkatagiri.		8. Bandepalli Ananta Charyulu.
		9. Nelatur Venkata Subbaya.
		10. Puranam Peda Subbarayadu.
		11. Do. China Subbarayadu.
		12. J. A. C. Boswell, Esq., Acting Collector of Nellore.

The above are Brahmins and Cultivators.

The defendants from 1 to 11 are Brahmins and cultivators.

The first and second defendants are inhabitants of Varakavipudi.

The third, fourth, and sixth do. are do. of Anantapuram.

The fifth, seventh, and eighth do. of Juvvaladinne, Kavali talook.

The ninth, tenth, and eleventh defendants are inhabitants of Anantapuram, Nellore talook.

The twelfth do. of Nellore.

The plaintiffs filed a suit in the Nellore District Moonsiff's Court, under No. 873 of 1866 requesting the Court to place in their possession the 4¾ Gorrus of land containing Demarcation Nos.

44, 51, 53, 55, and 139, which formed Curnum's Inam, in the village of Anantapuram, Nellore talook. The said Court inquired into the case, and decided against the first defendant regarding the extent of 1 Acre and 36 Cents of Demarcation No. 139, on the 23rd December 1867. The first defendant hereby appeals to the Civil Court against the said decision of the Moonsiff's Court, with reference to the following circumstances:—

1. That only the Demarcation Nos. 44, 51, 53, 55, and 139 of Anantapuram village form the land in dispute, that the said village was resumed in Fusly 1270, that the plaintiffs and the defendants from 3 to 8 caused in Fusly 1273 separate puttahs to be granted for the lands which they respectively cultivated, and that the first defendant was appointed Curnum of that village in Fusly 1274, are all undisputed facts.

2. From the document No. 4 and the plaint, it is established that the produce of the lands in dispute for Fuslies 1274 and 1275, was enjoyed by the first defendant in consideration of his services as a Curnum.

3. In their Proceedings, under date the 7th August 1861 and 22nd May 1863, and 28th November 1865, No. 7,588, the Government ordered that the Demarcation and Survey plans should be put into operation.

4. The decision passed by the lower Court in this suit is contrary to Regulation VI. of 1831, although the twelfth defendant pleaded that the land in dispute was Curnum's Inam.

5. The document No. 18 is proved by the evidence of the first defendant's first witness, a public officer, and the document No. 17 is proved by that of the second witness, an Inspector.

6. The issue established by the document No. 18 greatly differs from the nature of the plaint.

7. During the inquiry of the suit, it was established by the plaintiffs and the defendants from 3 to 8, that the Curnum's Inam was situated beyond "the Salt-water lake."

8. As the Document No. 16 is thirty years old, it proves itself without further evidence. When the twelfth defendant produced the original of the said document before the lower Court, the plaintiffs made no objection to it.

9. As the lower Court mentioned in its judgment that the evidence on the side of the plaintiffs was unreliable, it is improper to allow the plaintiffs a right to a portion of the land.

10. It is clear from this District Gazette of the 14th December 1867, that, under the Circular Orders of the Board of Revenue, Demarcation numbers should not be broken into parts.

11. It appears to be a mistake that the lower Court should reject the claims of the plaintiffs to Nos. 44, 51, 53, and 55, mentioning at the same time, in paragraph 13 of its Judgment, that there was an excess of $2\frac{1}{16}$ Gorrus. When a motion was made on the 23rd January for a review of the Judgment, the Court passed a proceedings on the 4th instant to the effect that it could not review the case, as there was an appeal already upon its decree. A copy of the proceedings is herewith submitted.

12. It is improper to adjudge that the first defendant who performs the duties of a Curnum under the orders of the twelfth defendant should bear the costs incurred by himself as well as those of the twelfth defendant. This appeal is made regarding the demarcation No. 139, measuring 1 Acre and 36 Cents, the assessment for which equals Rupees 7-12-3; eight times the assessment equals Rupees 62-2-0.

(Signed) T. LAKSHMINARASU,
Pleader.

10th February 1868.

Presented in Court this 10th, and filed on the 17th February 1868.

(Signed) J. R. COCKERELL,
Civil Judge.

(True Copy.)

(Signed) N. SINGARA CHARYULU,
Government Pleader.

(True Translation.)

(Signed) J. A. C. BOSWELL,
Acting Collector.

The statement which the Collector proposes to have filed, is approved.

(True Copies and Extract.)

Signed A. MACGREGOR,
Acting Secretary.

To the Acting Collector of Nellore.

Exd. T. Cartledge.

1868. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 24th August 1868.

No. 6,150A.

Approving statement proposed to be filed in answer to Appeal preferred to Civil Court against Decree of Nellore District Munsiff in O. S. No. 873 of 1866, for recovery of certain land.

No. 4,183A.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th June 1869.

Read the following letter from J. W. B. DYKES, Esq., Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 29th May 1869, No. 1,016:—

FROM the accompanying copies of Judgments passed on appeal by the Civil Judge of Nellore in Suit No. 873 of 1866, which formed the subject of the correspondence marginally noted, the Board will observe that the Civil Judge has cancelled the decree of the District Moonsiff of Nellore.

Board's Proceedings, dated 14th August 1867, No. 5,283.
,, ,, 20th Sept. ,, ,, 6,954.
,, ,, 26th August 1868, ,, 6,150A.

2. From a notice, dated 30th April 1869, issued by the High Court, and received by me on the 22nd instant, it appears that a Special Appeal has been preferred, and that it will be heard on, or as soon as possible after the 31st instant.

3. I have, therefore, the honor to suggest that the Government Pleader be requested to be present at the time of hearing.

ENCLOSURE No. 1.

In the Court of the Civil Judge of Nellore.

Friday, the thirteenth day of November, one thousand eight hundred and sixty-eight.

Present.—J. R. Cockerell, Esq., Civil Judge.

Appeal Suit No. 30 *of* 1868.

Appellants, (Plaintiffs.)	*versus*	*Respondents, (Defendants.)*
1. Nelaturu Ananta Charlu.		1. Yanambaka Chenchuramiah.
2. Vavilla Lakshmipati Sastrulu.		2. Yanambaka Ayaparazu.
3. Comanduru Anuntacristnama Charlu.		3. Nelatur Peda Venkatanarasimha Charlu.
4. Chedala ada Kristnama Charlu.		4. Nelatur Veeraswamy.
5. Chedalavada Vencatanarayanapa.		5. Nelatur Chinna Vencatanarasimha Charlu.
6. Puranum Lakshminarsu.		6. Nelatur Sesha Charlu.
		7. Nelatur Padmanabha Charlu.
		8. Bundepally Ananta Charlu.
		9. Nelatur Vencatasubbaya.
		10. Puranum Peda Subbarayudu.
		11. Puranum Chinna Subbarayudu.
		12. J. A. C. Boswell, Esq., Acting Collector of Nellore.

Appeal Suit No. 35 *of* 1868.

Appellant (1st Defendant.)	*versus*	*Respondents, (Plaintiffs.)*
Yanambaka Chenchuramiah.		1. Nelatur Ananta Charlu.
		2. Vavilla Lakshmipati Sastrulu.
		3. Comanduru Anuntacristnama Charlu.
		4. Chedalavada Kristnama Charlu.
		5. Chedalavada Venkatanarayanapa.
		6. Puranum Lakshminarsu.

Regular Appeal against the decree of the District Moonsiff's Court of Nellore, in Original Suit No. 873 of 1866.

These Regular Appeals coming on for hearing the Court delivered the following Judgment:—

The plaintiffs sued to recover 4¾ gorrus of land, valued at Rupees 150.

The plaint set forth that plaintiffs and defendants 3 to 11 were Shrotriemdars of the village of Anuntapuram, in the Nellore Talook; that the Shrotriemdars having fallen into arrears with their quit-rent the shrotriem lapsed to Government in Fusly 1270, (1860-61); that while the shotriem continued with the Shrotriemdars the latter acted as the Curnums of the village; and that since the village lapsed to Government defendants 3 to 7, up to 1274, were acting as Curnums. That in Fusly 1274 the Collector appointed defendants 1 and 2 Curnums, and made over to them as Curnums' maniem the land sued for; that this land plaintiffs had hitherto enjoyed, and that this being the case the Collector went beyond his powers in treating it as at the disposal of the Government, and ought to have given a puttah for it to the plaintiffs. The plaint stated that plaintiffs had enjoyed the land for long prior to the lapse of the village to Government, but admitted they had never paid rent for it to the Government subsequent to the lapse. The 1st and 2nd defendants pleaded that the land had been treated as Curnums' maniem subsequent to the lapse of the village to Government. As to what it was before the lapse they stated there were no accounts to show, as the Shrotriemdars had not kept accounts in the manner Government village accounts are kept.

The defendants 3 to 7 acquiesced in the plaint. They stated that there were formerly 2 gorrus of land set apart for the remuneration of the Curnum, and that this land having become unremunerative defendants 3 to 7 had taken upon themselves to substitute for it the land in dispute, and had caused the latter land to be entered in the demarcation accounts as Curnums' maniem. They contended that, at all events, the area of the Curnums' maniem ought to be no more than 2 gorrus.

The 12th defendant, the Collector of the Nellore District, in his written answer stated that the land in dispute was pointed out as the Curnums' maniem by defendants 3 to 11, at all events, and contended substantially that the land having been thus disposed of its destination could not now be altered on the plea of the plaintiffs, as the Revenue authorities had a right to treat it as they thought proper, the land being an escheat to Government. The District Moonsiff of Nellore found that the Curnums' maniem in the village consisted of 2 gorrus, and assigned this quantity of land out of the demarcations Nos. 44, 55, and 58 in dispute to defendants 1 and 2. He decreed each party to bear their own costs, and ordered the costs of 12th defendant should be borne by defendants 1 and 2. Against this decree plaintiffs appeal in Appeal Suit No. 30, and 1st defendant appeals in Appeal Suit No. 35 of 1868.

Exhibit 16 sets forth that the Curnums' maniem in Fusly 1226 was 2 gorrus in extent. But the extent of the Curnums' maniem in this village is not the matter, as I apprehend, which I have to look at in this suit. What I have to consider is whether Nos. 44, 51, 55, and 139, now admittedly assigned by the 12th defendant, the Collector, as the Curnums' maniem, have been properly assigned, that is to say, whether the Collector had power so to assign them.

Now it is allowed that plaintiffs were Shrotriemdars, and that the village lapsed to Government in 1270 on account of arrears of quit-rent. I have to consider what a shrotriem is. Does a shrotriem differ as regards the holder from ordinary puttah land, that is to say, when it lapses to Government does the right of the holder cease in it in the same way as the right of a puttah holder ceases in his land, when the land comes into Government for default in payment of the rent?

I cannot perceive that in this respect a shrotriem differs from puttah land. Both are held on terms of a fixed payment to Government, and both revert to Government in the same manner when that fixed payment is not made by the holder. In both cases the holder loses all right in the land on its lapse.

Therefore with respect to the land now in dispute any land the plaintiffs held at the date the shrotriem lapsed to Government lapsed with the shrotriem. The plaintiff ceased to have any title, and the Revenue authorities were at liberty to do with it what they thought proper. The land in litigation the Collector assigned as the maniem of the Curnum of the village.

After the lapse of the village plaintiffs were acting as Curnums and they held the land in dispute as maniem, as is abundantly clear from the record, because they paid no rent for it, and received no puttah. The Collector thought proper to appoint defendants 1 and 2 Curnums. The land then in the ordinary course reverted to them.

In these facts there is no ground for the interference of the Courts.

In my opinion the Moonsiff ought not to have inquired whether the land in litigation was that actually, in Fusly 1226, assigned as Curnums' maniem, but simply whether the Collector had the power to make the arrangement he has now made, and assign the land in dispute as a maniem.

I think it rested entirely with the Collector to make this arrangement.

I modify the judgment of the lower Court, and decree that the Courts cannot interfere in this matter, and that plaintiffs' suit must be dismissed with all costs throughout. This decree disposes of Appeal Suit No. 35 of 1868, and of the objection taken by respondents in Appeal Suit No. 30 of 1868 to the unappealed portion of the lower Court's judgment.

(Signed) J. R. COCKERELL.

(True Copy.)

(Signed) [illegible]

Enclosure No. 2.

In the Court of the Civil Judge of Nellore.

Friday, the thirteenth day of November, one thousand eight hundred and sixty-eight.

L. S.

Present.—J. R. Cockerell, Esq., Civil Judge.

Regular Appeal No. 30 of 1868.

Appellants. (Plaintiffs.)	*versus*	*Respondents, (Defendants.)*
1. Nelatur Ananta Charlu.		1. Yanambaka Chenchuramiah.
2. Vavilla Lakshmipati Sastrulu.		2. Yanambaka Ayaparazu.
3. Comanduru Anuntacristnama Charlu.		3. Nelatur Peda Venkatanarasimha Charlu.
4. Chadalavada Kristnama Charlu.		4. Nelatur Veeraswamy.
5. Chadalavada Venkatanarayanapa.		5. Nelatur Chinna Venkatanarasimha Charlu.
6. Puranum Lakshminarsu.		6. Nelatur Sesha Charlu.
		7. Nelatur Pudmanabha Charlu.
		8. Bondepally Ananta Charlu.
		9. Nelatur Venkatasubbaya.
		10. Puranum Peda Subbarayudu.
		11. Puranum Chinna Subbarayudu.
		12. J. A. C. Boswell Esq., Acting Collector of Nellore.

Regular Appeal against the decree of the District Moonsiff's Court of Nellore, in Original Suit No. 873 of 1866.

Grounds of Appeal.

1. That they proved the land in dispute was not originally the Curnums' maniem, but that the Curnums' maniem is in quite another part of the village.

2. That plaintiffs are not bound by Exhibits 9, 10, 11, 15, and 19, because those exhibits are merely revenue accounts of the years subsequent to the lapse of the village to Government.

3. That Exhibit 18 is a copy of a copy, and is of a date subsequent to the date of the plaint.

4. That Exhibit 16 is contrary in its terms to the pleadings of 1st and 12th defendants, and is not authentic.

5. That defendant's oral evidence is not trustworthy.

Decree.

This appeal coming on for hearing, upon perusing the grounds of appeal, the judgment and decree of the Court of first instance, and the material papers in this suit, and upon hearing the arguments of C. Venkatacristnama Charlu, Vakeel for appellants, T. Lakshminarsu, Vakeel for 1st respondent, and N. Singara Charlu, Vakeel for 12th respondent, (and respondents 2 to 11 not appearing either in person or by Vakeel,) this Court doth order and decree that the decree of the Court of first instance be, and the same hereby is annulled and this appeal dismissed, and this Court doth further order and decree that the appellants do pay to the 1st, 2nd, and 12th respondents Rupees 107-2-7 for their costs in Original and Appeal.

Memorandum of Costs.

	Rs.	A.	P.	Rs.	A.	P.
Costs incurred by 1st and 2nd defendants in original				27	15	3
Incurred by 1st Respondent, (1st Defendant in Appeal)						
Vakalutnamah	0	8	0			
Pleader's fee on Rupees 284 claimed	14	3	2			
Stamp duty on Rupees 275-2-0, value of land not included in Appeal under E., Schedule B., Act XXVI. of 1867	28	0	0			
Pleader's fee do. do. do.	13	12	0			
				56	7	2
				84	6	5
Incurred by 12th Respondent, (12th Defendant).						
In Original				8	0	0
In Appeal				...	...	...
Memorandum of copies	0	1	0			
Motion	0	8	0			
Pleader's fee on Rupees 284	14	3	2			
				14	12	2
To be paid to 1st, 2nd, and 12th defendants by plaintiffs				107	2	7
Incurred by Appellants, (Plaintiffs).						
In Original				29	4	0
In Appeal				...	...	...
Two Vakalutnamahs	1	0	0			
Appeal Memorandum	29	0	0			
Attested copy of the lower Court's decree	2	8	0			
Fee for copying do. do.	0	12	3			
Batta for serving process	3	6	0			
Pleader's fee on Rupees 284	14	3	2			
				50	13	5
				80	1	5

(Signed) J. R. COCKERELL,
Civil Judge.

(True Copy.)
(Signed) J. C. HUGHESDON,
Acting Sub-Collector.

ENCLOSURE No. 3.

In the Court of the Civil Judge of Nellore.

Friday, the thirteenth day of November, one thousand eight hundred and sixty-eight.

L. S.

Present.—J. R. Cockerell, Esq., Civil Judge.

Regular Appeal No. 35 of 1868.

Appellant, (1st Defendant.) *versus* *Respondents, (Plaintiffs.)*

Vanambaka Chenchuramiah.

1. Nelatur Ananta Charlu.
2. Vavilla Lakshmipati Sastrulu.
3. Comanduru Anuntacristnama Charlu.
4. Chedalavada Kristnama Charlu.
5. Chedalavada Venkatanarayanapa.
6. Puranum Lakshminarsu.

Regular Appeal against the decree of the District Moonsiff's Court of Nellore, in Original Suit No. 873 of 1866.

Grounds of Appeal.

1. That it is not disputed 1st defendant is now Curnum of the village.

2. That it is not disputed the land in dispute consists of Nos. 44, 51, 55, and 139.

3. That it is not disputed plaintiffs did not acquire a puttah for this land, when they acquired puttahs in 1273 for other land they hold.

Decree.

This appeal coming on for hearing, upon perusing the grounds of appeal, the judgment and decree of the Court of first instance, and the material papers in this suit, and upon hearing the arguments of T. Lakshminarsu, Vakeel for appellant, C. Venkatacristnama Charlu, Vakeel for 1st, 2nd, 3rd, and 4th respondents, (and 5th and 6th respondents not appearing either in person or by Vakeel), this Court doth order and decree that the decree of the Court of first instance be, and the same hereby is annulled and plaintiff's claim dismissed, and this Court doth further order and decree that the respondents do pay to the appellant Rupees 15-4-5 for his costs in appeal.

Memorandum of Costs.

Incurred by Appellant, (first Defendant) in appeal.

	Rs.	A.	P.	Rs.	A.	P.
Vakalutnamah	0	8	0			
Appeal Memorandum with an additional paper	7	0	0			
Attested copy of the lower Court's Decree and Diary extract	3	8	0			
Fee for copying do.	1	2	8			
Fee for Pleader	3	1	0			
To be paid to 1st defendant by plaintiffs				15	4	5
Incurred by Respondents, (Plaintiffs) in appeal.						
Vakalutnamah				0	8	0
Pleader's fee				3	1	9
				3	9	9

(Signed) J. R. COCKERELL,
Civil Judge.

(True Copy.)
(Signed) J. C. HUGHESDON,
Acting Sub-Collector.

Resolved that the foregoing letter, together with copies of the Board's Proceedings* therein referred to, be forwarded to the Government Pleader, who is requested to take such steps as may be necessary in the interests of Government.

* Dated 14th August 1867, No. 5,283.
" 20th September 1867, No. 6,054.
" 26th August 1869, No. 6,150A.

(True Copies and Extract.)

(Signed) J. GROSE,
Sub-Secretary.

To the Government Pleader, with copies of papers noted in the margin, and three enclosures.

Copy to the Collector of Nellore.

Exd. J. Tulloch.

Rev. 1869. Oct.

Board of Revenue, MADRAS.

A. 76.

PROCEEDINGS, 20TH DECEMBER 1869, No. 9,331.

Encl. 1

Received 24 Dec 1869

DECEMBER.
No. 9,331.

Special Appeal,—No. 201 of 1869, in High Court from decree of Nellore Civil Court in Appeal Suits Nos. 30 and 35 of 1868 regarding certain Curnum Maniem lands, Government Pleadr's report of dismissal of, submitted to Goverument, with copies of Board's Proceedings relating to these suits.

RECORDED.

Rev. Oct. 1869.

Board of Revenue, MADRAS.

A. 76.

PROCEEDINGS, 10TH JUNE 1869, No. 4,153A.

Received

Encl.

JUNE.
No. 4,153A.

Special Appeal—Referred to High Court from decree of Nellore Civil Court in Appeal Suits Nos. 30 and 35 of 1868 regarding certain lands,—Government Pleader requested to take steps to protect interests of Government in,