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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	<u>218 205</u>	Press.
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Revenue—Process Fees.

No. 125. *Read the following Proceedings of the Board of Revenue, dated 5th October 1876, No. 2514:—*

Read the following letter from A. J. STUART, Esq., Acting Collector of Tinnevely, to the Acting Secretary to the Board of Revenue, dated Melagaram, 18th July 1876, No. 443:—

With reference to the Board's Standing Order, No. 34 of 1874, prescribing the rates of process fees to be collected in the Revenue Courts, I have the honor to observe that its effect is to make the rates of fees leviable under the Rent Act in

division to those in other divisions, so far as concerns fees due under the Regulations, which are worked by me only as Division Officer and not as a Superior Revenue Court.

Adverting to the scale* of fees for the service of Judicial processes, the Collector thinks it hard that in suits coming before him as Divisional Officer and not as exercising powers of revision, parties are charged higher rates than in similar suits in other divisions of the district. As the Board doubt whether this was intended, they resolve to submit the matter to Government in view to steps being taken for the revision of the rates in case the point noticed should have been overlooked in framing the scale of fees.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 2342.

Ordered to be referred for the consideration of the Honorable the Judges of the High Court, with reference to Section 20 of the Court Fees Act.

(Signed) W. HUDLESTON,
Chief Secretary.

13th November 1876.

*Proceedings of the Madras Government, Judicial Department,
20th December 1876. No. 2681.*

No. 125-A. *To the Honorable Sir WALTER MORGAN, Kt., Chief Justice of the High Court of Judicature, Madras, dated Fort St. George, 13th November 1876, No. 2343.*

I am directed by His Grace the Governor in Council to forward, for the consideration of the Honorable the Judges, with reference to Section 20 of the Court Fees Act VII of 1870 and the correspondence noted in the margin, the accompanying copy of Proceedings of the Board of Revenue, dated 5th October 1876, No. 2514, submitting a proposition of the Acting Collector of Tinnevely to revise the scale of fees for processes issued by Revenue Courts, so that the same rates may obtain in all the Revenue Courts presided over by the Collector or by the Divisional Officers.

2. According to Schedule A annexed to the Rules framed by the High Court under Section 20 of the Court Fees Act, approved by this Government and sanctioned by the Government of India, the rates leviable for process fees in the Court presided over by the Collector himself are in most cases double those leviable in all the other Revenue Courts, though the Divisional Revenue Courts are of equal jurisdiction with that presided over by the Collector. The Revenue Board agree with Mr. Stuart in thinking this a hardship and doubt whether the difference the Judges on the question.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 126. *Read also the following letter from T. WEIR, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 1st December 1876, No. 2803:—*

I am directed to acknowledge the receipt of your letter to the Chief Justice, dated 13th November 1876, forwarding, with reference to Section 20 of Act VII of 1870, (the Court Fees Act) a copy of the Proceedings of the Board of Revenue, dated 5th October 1876, and requesting the views of the High Court on the question whether the difference in the rates of the process fees prescribed, in the Schedule A annexed to the Rules framed under Section 20 of the Court Fees Act, for Collectors' Courts and other Revenue Courts, was intended or not.

2. In reply, I am to state that the difference in the rates of process fees leviable in the Revenue Courts appears to have been made inadvertently in the first instance, and that the High Court see no reason for maintaining the distinction then made.

No. 126-A. ORDER THEREON, 20th December 1876, No. 2681.

In their Proceedings, dated 5th October 1876, No. 2514, the Board of Revenue submitted a proposition of the Acting Collector of Tinnevely to revise the scale of fees for processes issued by Revenue Courts, so that the same rates might obtain

*Proceedings of the Madras Government, Judicial Department,
20th December 1876. No. 2681.*

in all the Revenue Courts presided over by the Collector or by the Divisional Officers. According to Schedule A annexed to the Rules framed by the High Court under Section 20 of the Court Fees Act, approved by this Government and sanctioned by the Government of India, the rates leviable for process fees in the Court presided over by the Collector himself are in most cases double those leviable in all the other Revenue Courts, though the Divisional Revenue Courts are of equal jurisdiction with that presided over by the Collector. The Revenue Board agreed with the Collector of Tinnevely in thinking this a hardship, and doubted whether the difference was intended.

2. The question having been referred to the High Court, the Honorable the Judges state that the difference in the rates of process fees leviable in the Revenue Courts appears to have been made inadvertently in the first instance, and that they see no reason for maintaining the distinction then made.

3. Under these circumstances, the Governor in Council resolves to abolish the difference, and to direct that the same rates of process fees be levied in the Revenue Courts, whether presided over by the Collector or by his Divisional Officers. To this end the revised Schedule A will be modified by altering the headings of the two columns, expunging the word "Subordinate" before the words "Revenue" before the word "Court." The

4. The schedule thus modified will be published in the *Fort St. George Gazette* on receipt of the sanction of the Government of India, to whom these Proceedings will be forwarded for confirmation.

(True Extract.)

Chief Secretary.

To the Honorable the Judges of the High Court.

.. Board of Revenue.
.. Revenue Department.

Exd. T. O'Connor.

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