

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2496	Press
<u>64-65</u>		112
Dated	3 rd September	1869

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
3rd September 1869.*

No. 64. Read the following Proceedings of the Board of Revenue, dated 16th August 1869, No. 6,080:—

Read the following letter from the Collector of Madras, to the Acting Secretary to the Board of Revenue, dated Sydapet, 27th July 1869, No. 236.

ADVERTING to my letter of the 11th August 1865, No. 243, printed with Board's Proceedings of the 23rd idem, No. 5,154, I have the honour to forward herewith a copy and translation of the Judgment passed by the District Moonsiff of Goodoor in Original Suits Nos. 199 and 200 of 1864 on the file of his Court.

ENCLOSURE No. 1.

*Before the District Moonsiff of Goodoor in the district of Nellore.
Original Suit No. 199 of 1864.*

<i>Plaintiff,</i>	<i>versus</i>	<i>Defendants:</i>
Gomathay Raj Haraja Valoogooty Comora Yachama Naidoo Bahadoor, of Venkatagerry Samas- tanum. Represented by Vo. Venkata Subbiah.		1. Patharla Sami Reddy. 2. Venthoda Subbanna, Curnum. 3. Patharala Ragava Reddy. 4. Pera Reddy. 5. E. G. R. Fane, Esq., Collector of the Madras District. The 5th Defendant represented by Vattal Ravanappa.

The plaintiff filed by the plaintiff, through his Pleader, on the 25th July 1864, states that the defendants 1 to 4, who are ryots of Santhavelur in Trivalore Talook, Madras District, have taken forcible possession of 25 cawmes of Banjar land belonging to Condumbutta village in the talook of Polam, attached to the plaintiff's estate; and that they have added as many more in the neighbourhood of the aforesaid 25 cawmes; and the plaintiff prays for a decree to put him in possession of the said 50 cawmes of Malguzari land situated within the boundaries mentioned in the plaint, and yielding a beriz of Rupees 150.

2. The 4th defendant stated in his kistai that the lands in question under dispute are included in the village of Santhavelur in the Trivalore Talook, Madras District; that the same (lands) have been held by the defendants 1 to 4 on pattans granted by the Collector of Madras, who also receives the assessment on them (lands); that as the latter is preparing to defend the suit himself, the defendants 1 to 4 are relieved from all responsibility; and that therefore the said defendants may be excluded from the suit. The other three defendants filed no statement.

3. The 5th defendant, who represented the Government, stated, among other facts in his kistai, that the lands in question do not belong to the plaintiff; that being the property of Government and made over by them to ryots who pay the assessment thereon in the district of Madras, the lands cannot be claimed by the plaintiff; that his (the defendant's) assertions can be supported by records and other documents in his possession; and that the arrangement referred to by the plaintiff as having taken place in 1853 respecting the management of banjars in the village of his estate, cannot be valid, nor that made by a Court of Banjars of any authority.

4. It is observed that the order issued by the Court in the course of the proceedings on the 23rd Aug. 1864 has not been complied with, inasmuch as the plaintiff's Pleader has failed to produce evidence, even after time was given accordingly in his first motion. That defendant's motion with the plaintiff's claim was dismissed on the 1st own application, namely, the decision made by the Board of Police of Triv. District and the Tribunal of Santhavelur in 1853, and his Pleader's conduct was such as to prevent a fair trial, and would support his case.

5. The hearing of the suit being then postponed from time to time on applications being made by the plaintiff's Pleader, the defendants, as it appeared that no proceedings have been commenced for recovery of any land in the village of Santhavelur in suit No. 200, which is of a similar nature.

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6. When, however, the 5th defendant filed his statement on the 19th instant, it being found that there was no Pleader to represent the plaintiff, a notice was issued, calling upon the plaintiff to appoint and authorise a person within the end of the month, for the purpose of conducting the case on his behalf, and on the 28th instant Vo. Venkata Subbiah produced his Vakalatnamah as plaintiff's Pleader.

7. The suit had been posted to this day, and when the Court looked into the case for the purpose of hearing it, it appeared that the plaintiff failed either to produce or cause to be produced any of the documents mentioned in paragraph 4. The Pleader when questioned stated that he was not furnished with any paper, and only applied for further postponement of the case.

8. The 5th defendant's Pleader has also informed that he has not got ready any document to be filed in Court.

9. As it is impossible to proceed further in the suit, it is hereby directed that the suit be struck off this day from the file, and that the costs of the 5th defendant be paid by the plaintiff, those of the 4th defendant being borne by himself.

(A True Translation.)

(Signed) E. G. R. FANE,

Collector.

Enclosure No. 2.

Before the District Magistrate of Godevar in the Nellore District.

Original Suit No. 200 of 1864.

Plaintiff.

vs.

Defendants.

Gonsalves Raj, Hare's, Valageer's, Camara, Yachema, Nallan, Balakrishna, or Venkataswamy, 1. Putharala Ragava Reddy, and fourteen others.

The plaintiff sets forth that in the matter of a boundary dispute between Condumbatun, a village attached to Polur Taluk in Venkatagerry Zemindari, and Isukapalliem, a village of Trivalore Taluk in Madras District, a decision has been passed by the Tahsildar of Sathavedu and the Head of Police of Thada Division (in Nellore Taluk) in 1863, under which 74 cawnies of land were lying on either side of the above, have been taken forcible possession of by the defendants 1 to 14, and prays that the said lands, amounting to 69 cawnies of Malguzari lands, yielding an annual revenue of Rs. 150, may be restored to the plaintiff.

The second defendant in his affidavit stated that the lands in question are included in the village of Isukapalliem, being situated on a different locality therein; that the same have been held by the defendants, to let on purchase granted by the Collector of Madras, who also receives the assessments on them; that as the latter is now preparing to defend the suit himself, the defendants from 1 to 14 are relieved from all responsibility, and that therefore the said defendant may be excluded from the suit. The other defendants filed no answer.

3. The 15th defendant, who indicated himself as a party on behalf of Government, stated, among other things in his plea, that the lands in question are not lying in the plaintiff's village, but being the property of Government, and made over by the Government to the plaintiff, and that being the property of Madras, they cannot be claimed by the plaintiff; that his (both defendant's) assertions can be supported by accounts and other documents in his possession; and that the arrangement referred to by the plaintiff as having taken place in 1865, respecting the management of business in the village of his estate cannot be valid, not being made by a Court or a Panchayat duly appointed.

4. It is observed that the order issued by this Court in the case of the suit No. 199 of 1864, on the 22nd August 1864, has not been complied with in as much as the plaintiff's Pleader has failed to produce, within the appointed time, or even subsequently up to the present moment, those

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documents upon which the plaintiff's claim was according to his allegation, namely, the decision passed by the Head of Police of Thada Division and the Tahsildar of Sathavedu in 1865; nor has he produced any other documents that would support his case.

5. As the hearing of the suit has been postponed from time to time on applications from the Pleaders of both the parties, it so happened that no proceedings have been conducted in the suit for upwards of a year.

6. When, however, the 15th defendant filed his statement on the 19th instant, it being found that there was no Pleader to represent the plaintiff, a notice was issued calling upon the plaintiff to appoint and authorise a person within the end of the month for the purpose of conducting the case on his behalf, and on the 28th Venkata Subbiah produced his Vakalatnamah as plaintiff's Pleader.

7. The suit having been postponed to this day, when the Court looked into the case for the purpose of hearing it, it appeared that the plaintiff failed to cause the production of any of the documents mentioned in paragraph 4, and when his Pleader was questioned, he said that he received no paper, and only applied for further postponement of the case.

8. The Pleader of the 15th defendant has also informed that he has not got ready any document to be filed in Court. Consequently it being found impracticable to take any further proceedings in the case, it is hereby directed that the suit be struck off the file this day, and that the plaintiff pay the costs of the 15th defendant; those of the 2nd defendant being borne by himself.

(True Translation.)

(Signed) E. G. R. FANE,

Collector.

SUBMITTED for information of Government.

3. It will be seen that owing to repeated delays and postponements the suits have been struck off the file of the Court.

3. In both cases the costs incurred by the Collector are ordered to be paid by the plaintiff.

No. 65.

ORDER THEREON, 3rd September 1869, No. 2,496.

Miscellaneous.

ORDERED to be recorded.

(True Extract.)

(Signed) H. WELLESLEY,

Acting Under-Secretary to Government.

To the Board of Revenue.

Ed. F. R. Bantleman.

Rev. 1869. *Deput*
Board of Revenue,
MADRAS.

74-2838

PROCEEDINGS, 10th AUGUST 1869, No. 6,080.

Comp 21 Aug 1869
Received 23 *2*

Encl.

AUGUST

No. 6,080.

12-2696
Suits—Nos 109 and 200 of 1864, on file of
Goodoor District Moonsiff's Court in Madras
District.—Letter from Collector forwarding trans-
lations of judgments in, submitted to Government.

Received
1-12-69 *WBY*
23-2696