

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT

G.O. No.	421	Press Mis-
246-47. Dated	81-3-	1870

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
31st March 1870.*

No. 246. Read the following Proceedings of the Board of Revenue, dated 25th February 1870, No. 1,324 :—

Read the following letter from the Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated Vallam, 18th January 1870, No. 16.

Dated 30th September 1869, No. 215, printed in Board's Proceedings, dated 9th October following, No. 7,524.

IN continuation of my letter marginally noted, I have the honour to report that the Civil Court of Tanjore has dismissed the appeal therein referred to with costs.

2. I enclose a copy of the judgment of the Civil Court, from which it will be seen that owing to default on the part of the appellants to proceed with the appeal, it has been considered and disposed of on the record, under Section 148 of the Code of Civil Procedure.

ENCLOSURE No. 1.

In the Civil Court of Tanjore.

On Wednesday, the Tenth day of November, One thousand Eight hundred and Sixty-nine.

PRESENT :—W. S. WHITESIDE, Esq., Acting Civil Judge.

Appeal Suit No. 105 of 1869.

Shanmuga Mudali and thirteen others ... (Plaintiffs) Appellants.

Srinivassa Iyengar and seven others ... (Defendants) Respondents.

Appeal against the Decree of the Principal Sudder Ameen's Court of Tanjore in Original Suit No. 14 of 1867.

This appeal coming up for hearing this day, after perusing the grounds of appeal and the Judgment of the Lower Court, the Court delivered the following Judgment :—

1. When this appeal came up for hearing on the 15th October 1869, it was brought to the notice of the Court by the Appellant's Vakeel that notices on behalf of his client had not been served upon some of the departments, and the Court then granted an adjournment until this date to enable notices to be duly served and all parties to attend in person or by Vakeel.

2. The appeal has now come up for hearing a second time, and the Appellant's Vakeel informs the Court that he is not prepared to go on with the case, as he has not been instructed by his client, who, he states, has written to him desiring to move the Court to grant him a further adjournment of a fortnight; the sole reason offered by him for such further delay being that the appellant has business that he wishes to attend to in the Tranquebar Court. This is no reason for granting a further adjournment, and the Court therefore proceeds under Section 148 to dispose of the appeal summarily on the records.

3. The Court is of opinion that the Decree of the Lower Court is in all respects just and proper.

The plaintiffs (appellants) have entirely failed to prove that the defendants acted in any way wrongfully towards them, or that the dam, the erection of which has caused the institution of this Suit, has been injurious to their interests or that the officers of Government, as representatives of the State, have not the power of regulating and distributing the flow of water in rivers and channels in such manner as may be most conducive to the general good of the community.

4. The Court therefore upholds and confirms the Decree of the Lower Court and dismisses this appeal with all costs to be borne by appellants.

(Signed) W. S. WHITESIDE,
Acting Civil Judge.

*Proceedings of the Madras Government, Revenue Department,
31st March 1870.*

SUBMITTED, (together with a copy of Board's Proceedings, dated 9th October 1869, No. 7,524,) for the information of Government, with reference to the Board's Proceedings, dated 10th May 1869, No. 3,178, wherein the dismissal of the original Suit was reported.

2. It will be seen that the appeal has been dismissed by the Civil Court.

No. 247.

ORDER THEREON, 31st March 1870, No. 421.

Miscellaneous.

ORDERED to be recorded.

(True Extract.)

(Signed) H. WELLESLEY,

Acting Under-Secretary to Government.

To the Board of Revenue.

Exd. J. R. Bantleman.

REVENUE.

Col. of 1870 31 March.

THE BOARD OF REVENUE

31st March 1870

No. 247-247

MARCH
Nos. 246-247

Suit No. 105 of 1869, dismissed by the Civil Court
in the Revenue Department, dated 10th May 1869, No. 3,178,
has been dismissed by the Civil Court.

*Dec. 1870. No. 105-56
" 1871. No. 190-91*

Per- 1870. *Oct.*

Board of Revenue,

MADRAS.

723.

PROCEEDINGS, 25TH FEBRUARY 1870, No. 1,324.

Exp 7-11-1870 Encl. /
Received 84

FEBRUARY.
No. 1,324.

Appeal Suit.—No. 105 of 1869, filed in Tan-
jore Civil Court against decree of Principal
Sudder Ameen in Suit No. 14 of 1867, institu-
ted to prevent construction of a masonry dam
across Pamany river,—Letter from Collector
reporting dismissal of, and forwarding copy of
Court's Judgment, submitted to Government.

Recorded.
S.S.
1870 March 10

215 March 10 1870