

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2356

Press

~~Mis.~~

154-156

Dated

7—10—1867.

Not to be folded or roughly handled

*Proceedings of the Madras Government. Revenue Department,
7th October 1867.*

Read the following papers:—

No. 154. Proceedings of the Board of Revenue, dated 3rd September 1867,
No. 5,719.

Read the following letter from the Collector of Madura, to the Acting Secretary to
the Board of Revenue, dated 2nd August 1867, No. 210.

1. With reference to paragraph 4 of Mr. Dale's letter recorded in the Govern-
ment Order, No. 35, dated 7th January 1867, I have the honor to bring to the notice
of the Board that I have issued orders to grant receipts, in the proposed form,
for payments of the Peishkush made by the plaintiff in Original Suit No. 1 of 1860,
on the file of the Madura Civil Court.

2. On the 22nd February 1867 the plaintiff addressed to me an Arzi, request-
ing me to register the Zemindary of Ramnad (which has been placed in his posses-
sion, in obedience to precept issued by the Court,) in his name, and to hold
correspondence with one Ponnasami Tever, whom he had appointed as Manager
under an agreement executed by him on the 18th September 1865 on all matters
connected with the Zemindary.

3. In an endorsement,* issued by me on the said Arzi, I declined to comply
with the Arzidar's request, the Civil
Court not having directed the registry
of the Ramnad Zemindary in the name of the plaintiff.

4. The plaintiff, on the 7th April 1867, again addressed to me an Arzi, soli-
citing me with reference to paragraph 7
of the Civil Court's Order† to recognise
him as the Zemindar of Ramnad, and to correspond with him on all the Zemindary
matters, instead of, as is now done, with the Rani, who has made over to him the
estate, and freed herself from its management.

5. I rejected this Arzi also by an endorsement, observing that I see no reason
to pass any order cancelling my former endorsement on his first Arzi, which was
passed with reference to an order from Government.

6. With reference to the first Arzi of the plaintiff to me, I, on the 3rd April
1867, addressed a Yadast to the Rani, requesting her to inform me whether Ponna-
sami Tever is the Manager appointed by her or by the plaintiff, and observing that
if Ponnasami Tever be the Manager of the latter, no correspondence from him
will be accepted, which Yadast has not hitherto been replied to by the Rani, though
a reminder has been sent to her.

7. In a list‡ furnished to my Office by the Ramnad Manager with reference
to the Road Cess Act, under the form pub-
lished at page 719 of the District Gazette,
1866, Muthuramalinga Sithupathy has been entered as the Zemindar of Ramnad.
I returned this list to the Rani, with a request to substitute her name as the
Zemindar, and to re-transmit it to me.

8. The Manager, in reply to my abovementioned Yadast to the Rani, repre-
sents that under the Civil Court's order passed on the plaintiff's application, the
entry of "Muthuramalinga Sithupathy's name as the Zemindar of Ramnad" is right.

9. I, therefore, request that the Board will be so good as to favor me with
their instructions as to whether I should reject or accept communications and

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statements received from the plaintiff as Zemindar, or whether business should be carried on through Ponnasami Tever, the Manager.

10. Correspondence, as per accompanying list, is submitted herewith for the Board's information.

ENCLOSURE No. 1.

ABSTRACT.—Translate of an Arzi addressed to the Collector of Madura by the plaintiff in Original Suit No. 1 of 1860, on the file of the Civil Court of Madura, under date the 22nd February 1867.

ENCLOSURE No. 2.

ABSTRACT.—Translate of an endorsement passed thereon by the Collector, dated 11th March 1867.

ENCLOSURE No. 3.

ABSTRACT.—Translate of an Arzi addressed to the Collector of Madura by the said plaintiff, under date the 7th April 1867.

ENCLOSURE No. 4.

ABSTRACT.—Translate of an endorsement passed thereon by the Collector, dated 29th June 1867.

ENCLOSURE No. 5.

ABSTRACT.—Translate of a Yadaat sent to the Ramnad Rani, under date the 3rd April 1867, No. 13.

ENCLOSURE No. 6.

ABSTRACT.—Translate of an Arzi addressed to the Collector of Madura by the Ramnad Manager, under date the 29th June 1867, No. 22.

ENCLOSURE No. 7.—List.

The Government Pleader will be requested to favor the Board with his advice on the matter referred to in the foregoing letter, with reference to his predecessor's letter to Government quoted in paragraph 1.

No. 155. Proceedings of the Board of Revenue, dated 30th September 1867, No. 6,251.

Read the following letter from the Officiating Government Pleader, to the Secretary to the Board of Revenue, dated High Court House, Madras, 14th September 1867, No. 133.

1. I have to acknowledge the receipt of the Proceedings of the Board, noted in the margin, together with the six several enclosures in the letter from the Collector of Madura to the Acting Secretary of the Board, dated the 2nd August 1867, No. 210, embodied in those Proceedings.

2. The plaintiff in Original Suit No. 1 of 1860, in the Civil Court of Madura, is now, under and by virtue of the Decree of the Civil Court in that suit, and the Decree of the High Court on appeal therefrom, and the Warrant of Execution issued by the Civil Court in pursuance thereof, the owner in possession of the

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Zemindary of Ramnad. One of the incidents of his ownership is either to manage the estate himself, or to appoint a Manager of it; and until the Decree of the Civil Court has been reversed by the Privy Council, it appears to me that no one but the successful plaintiff can properly exercise any such acts of ownership over the estate.

3. This being so, I do not see how the defence set up by the Government in Original Suit No. 1 of 1860, above referred to, can be in any way prejudiced, or the appeal preferred by them to the Privy Council can be affected by the circumstance that the Collector of Madura has, since the date when the plaintiff was put into possession of the Zemindary under the regular process of the Civil Court, received necessary and official communications relating to the Zemindary from the plaintiff in possession, or from his properly appointed Manager.

4. I would, therefore, advise that the Collector do receive all communications and statements relating to the Zemindary, which as Collector it is necessary for him to receive, from the plaintiff in Original Suit No. 1 of 1860 above referred to, or from a Manager properly appointed by him. Having regard, however, to the opinions expressed by my predecessor in his letter to the Secretary to the Board,

Dated 9th November 1866, No. 127, embodied in Proceedings of the Board, dated 12th November 1866, No. 8,167.
Dated 2nd January 1867, No. 1, embodied in Proceedings of Government, Revenue Department, dated 7th January 1867, No. 35.

and in his letter to the Secretary to the Government, Revenue Department, respectively noted in the margin, I have the honor to advise that, in addressing the plaintiff, or writing or speaking of him, the Collector should not describe him as

Zemindar. The Collector moreover should give the plaintiff distinctly to understand that, pending the decision of the Privy Council, he will receive all necessary communications from him in the manner above advised, simply as the person in possession of the Ramnad Zemindary under the decree and proceedings of the Civil Court of Madura in the suit above referred to.

5. The six enclosures which accompanied the Proceedings of the Board above noted, are herewith returned.

Communicated to the Collector of Madura for information and guidance.

No. 156. ORDER THEREON, 7th October 1867, No. 2,356.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) F. H. WILKINSON,

Acting Under Secretary to Government.

To the Board of Revenue.

Ed. S. T. Augustin.

Rev. 1867. Department.
Pro of Court for Act
No. 2639.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 30th September 1867.
Sd/-
Rd/-
E.1.

No. 6,251.

Communicating to Collector of Madura for information and guidance letter from Officiating Government Pleader advising the course to be adopted by Collector in communicating with Zemindar of Ramnad on the subject of O. S. No. 1 of 1860 filed in Civil Court of Madura.

RECORDED.

2356.

72 Oct 7 1867

11 Copies to the Board of Revenue

N. 751 @ 156.