M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2466 Press ~~Mis.~~

395-397

Dated 19— 10 — ~~19~~ 1867

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
19th October 1867.

Read the following papers :—

No. 395. From the Collector of Ganjam, to the Chief Secretary to Government, Judicial Department, Fort St. George, dated Chetterpore, 24th August 1867, No. 2,513.

1. In the last monthly printed volume of their Proceedings, (page 2,429, dated 11th May 1867,) the Board of Revenue observe "that Mr. Puckle was not "competent to reverse the decree of his Sub-Collector, acting under Madras Act "VIII of 1865, inasmuch as the appeal lay not to him but to the Zillah Judge, "(Clause 4th, Section 1 and Section 69.")

2. The Board not having any appellate functions under the Act mentioned, this their remark is not an authoritative exposition of the law; but as it has been thrown out, it appears desirable to have the opinion of the Advocate General on the point. At present, the general powers of "superintendence, control, and revision," given to Collectors by Clause 3 of Section 3, Regulation VII of 1828, over the proceedings of "a subordinate or Assistant Collector" whether in charge of a particular division of the district or not, are very generally exercised by them in decisions passed under the "Rent Recovery Act."

Referred to the Board of Revenue for any remarks they may wish to offer.

(Signed) W. HUDLESTON,
Secretary to Government.

5th September 1867.

No. 396. Proceedings of the Board of Revenue, dated 3rd October 1867, No. 6,298. Read letter from the Collector of Ganjam, dated 24th August 1867, No. 2,513, referred to the Board for remarks by the Secretary to Government, Revenue Department, with docket dated 5th September 1867.

The Board see no reason to alter the opinion they have expressed. The interpretation clause of Act No. VIII of 1865, (Madras,) declares that the word "Collector" denotes every Officer exercising the powers of a Collector, and Section 69 declares that a regular appeal shall lie to the Zillah Judge from all judgments passed by a "Collector" as above defined. The law, in the Board's opinion, never contemplated an appeal from a "Collector" to any other official, save the Judge.

No. 397. ORDER THEREON, 19th October 1867, No. 2,466.

Miscellaneous.

Ordered that the above papers be referred, through the Government Solicitor, for the opinion of the Acting Advocate General, on the point whether the provision in Section 69, Madras Act VIII of 1865, (Rent Recovery,) for a regular appeal to the Zillah Judge from all judgments passed under the Act by any Officer exercising the powers of a Collector, bars the Collector of a district from exercising the powers vested in him by Clause 3, Section 3, Regulation VII of 1828, "to confirm, modify, or annul" the proceedings of any of his subordinate or Assistant Collectors exercising the powers of a Collector in their particular division under the preceding clauses of the same Section, or merely supplements the channels for appeal.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Government Solicitor.
,, the Board of Revenue.

Exd. S. T. Augustin.

Revenue Department

No 2166.

Proceedings of the Madras Government

Under date the 19th October 1867.

Read the following Papers

From the Collr of Ganjam. Suggesting a reference to the Advocate Genl regarding the controlling powers of Collectors in decisions passed by Sub-Collectors and other officers in charge of a division, under the "Rent Recovery Act."	(Here enter 24th Augt/67 No 2513)
Proceedings Bd of Revr Stating that Board see no reason to alter the opinion they have expressed in regard to controlling powers of Collectors in decisions passed by Sub Collrs under the Rent Recovery Act	(Here enter 3rd October/67 No 6298)

Ordered that the above papers be referred thro' the Government Solicitor for the opinion of the

the Acting Advocate Genl
on the point whether the
provision in Section 69
Madras Act 8 of 1865 (Rent
Recovery) for an appeal
appeal to the Zillah Judge
from all judgements passed
under the Act by any officer
exercising the powers of
a Collector, bars the Col-
lector of a District from
exercising the powers vested
in him by Clause 3 Section 3
Regulation 7 of 1828 "to con-
firm modify or annul" the
proceedings of any of his
subordinate or Assistant
Collectors exercising the
powers of a Collector
in their particular divi-
sion under the preceding
clauses

Clauses of the same section
or merely supplements the
channels for appeal.

4 Copies Letter Govt Solicitor Despatch sent
14 " " Bill of Costs

Revenue 1867 Dpstt.
Pro of Govt of Madras Octr.

No 2466.

Pro of the Madras Govt
dy 19th October 67.

From the Govt Selected
dy 24 Octr 67 No 2870

No 395 @ 397.