

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2853

Press
~~Mis.~~

582-583

Dated 29-11-1867.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
29th November 1867.*

No. 582. Read the following Proceedings of the Board of Revenue, dated 27th November 1867.

Read the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated Coimbatore, 22nd November 1867, No. 322 :—.

1. I have the honor to forward, translated, copy of a plaint preferred against me, as Collector of Coimbatore, in the Principal Sudder Ameen's Court at Calicut, by Tacharakavil Mananikraven Terumalpad, of Nellumboor, in Malabar District, and filed in No. 69 of 1866.

2. The Summons in the suit, dated 11th July 1867, was served on me on the 18th idem, and I at once wrote to the Government Vakeel at Calicut to apply for and obtain copy of the plaint, together with any documents which the plaintiff may

- have filed in the Court. These papers were accordingly received, but as they are in Malayalam, and as there is no one in my Office who understands it, I was obliged to send them to the Collector of Malabar for translation. The translated copies* have been lately received, and I submit them herewith for the Board's information, and request that they may be returned to me.
- * 1. Translation of Petition to the Special Assistant Collector by Tacharakavil Terumalpad, dated 27th September 1866.
 - 2. Do. of a Vakalutnamah given by the above named party to Govinda Menon, dated 27th September 1866.
 - 3. Do. of a Plaint preferred to the Principal Sudder Ameen's Court at Calicut by Tacharakavil Terumalpad, 27th September 1866.
 - 4. Do. of a Palasamadakoo, or Mortgage Bond, executed by Corakara Velumbum Keloo Keloo.
 - 5. Do. of a Deed of Sale executed by Soobadra.

3. The suit has been brought to obtain a decree establishing the plaintiff's jenm (proprietary) right to four pieces of land, which were advertised by me for sale under the Waste Land Rules of 6th March 1863, numbered 478 A., and the value of which is estimated by the plaintiff at Rupees 9,000, and to prevent their being included within the boundaries of the Coimbatore Collectorate and sold as Government property.

4. The four pieces of land alluded to are Nos. 16, 17, 18, and 19 in the Notification published in the "Fort St. George Gazette" of the 17th July 1866, page 71. On the publication of the Notification in question, Tacharakavil Mananikraven Terumalpad deputed a Vakeel to the Special Assistant Collector's Office, to prefer his claim to these lands, as being within his jenm property. In the deposition of the Vakeel before Mr. Gordon, he stated that the Nellumboor Rajah had no land east of the Pycarra river, and as lots Nos. 18 and 19 are evidently east of that river, one of them, No 18, was sold by public auction. The Rajah has since withdrawn his claim to these two pieces of land, as will be seen from the accompanying copy of his Vakeel's petition to the Principal Sudder Ameen's Court at Calicut, dated 11th instant.

5. It is now for the other two blocks of land (Nos. 16 and 17) that the claim of the plaintiff should be contested on the part of Government. These two pieces are situated within the tract of country to the west of the Pycarra river, extending to the crest of the Neilgherry plateau, which was transferred from Malabar to

*Proceedings of the Madras Government, Revenue Department,
29th November 1867.*

the Coimbatore District, under the Government Order of 16th March 1860, No. 396, and which formed the subject of correspondence noted in the margin. On the joint report sent by Mr. Ballard and myself in 1864, it was finally declared by Government, in their Order dated 30th March 1865, No. 701, that the Nellumboor Rajah's claim to the hill slopes, crests, and plateau east of Nambalacota proper and as far as the Pycarra river, is wholly invalid, and that the right of Government to the tract should be at once asserted and maintained. They also directed that unoccupied land, which it is not desirable to reserve within the tract in question, be sold as applications are received for it under the Waste Land Rules. Thus it will appear that the land in dispute is clearly within the boundaries of the Coimbatore District, and is the property of Government. If the Nellumboor Rajah chooses to bring forward his alleged claim, the proper course for him is to file a suit in the Civil Court at Ootacamund, and not in the Court of the Principal Sudder Ameen at Calicut, who has no jurisdiction in the case under the provisions of Section 14, Act VIII of 1859. Moreover, the suit is inadmissible under Section 31 of this enactment, because the claim is improperly valued. For although the suit is ostensibly brought for four insignificant pieces of land, to two of which the plaintiff has since withdrawn his claim, yet his real object in suing is to establish his right to the whole tract of country on the plateau of the Neilgherries, some forty square-miles in extent, which has been declared by Government to be Government property. According to the rate of valuation put by the plaintiff himself on the four pieces of land alluded to in the plaint, the aggregate area of which does not exceed 407 acres, the value of the whole tract of country cannot be less than 5½ lacs of Rupees, on which sum the institution fees should be calculated, instead of on 9,000 Rupees, as is now done. A draft statement to be presented to the Court setting forth the above objections and the grounds on which the suit is otherwise untenable, is forwarded herewith, and I request sanction for the defence of the suit at the cost of Government.

6. The date of the hearing of the suit in the Court is fixed for the 16th December 1867, and it is desirable that I should be favored with early orders on the subject.

1. The foregoing letter will be submitted to Government, with the Board's request that the defence of the suit may be sanctioned at the Government expense.

2. The Board are of opinion that the Collector's proposed "written statement" is a sufficient defence.

*Proceedings of the Madras Government, Revenue Department,
29th November 1867.*

No. 583. ORDER THEREON, 29th November 1867, No. 2,853.

Miscellaneous.

The Government sanction the defence of the suit on the usual terms, and desire that the result may be reported to them in due course.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
„ the Accountant General.

Exd. S. T. Augustin.

Wohl

by G
N.

The for. station
the defense of the suit on
the usual terms. It
desires that the result
may be reported to them
in due course.

^{29th Nov}
The for. station
omitted to state the
date of reaching.

MS Copy for the Office of the Secy. of the Navy
6 Copies of the for. v. 1
SC 14 - Dec. 2nd Dec.

[Signature]
Adm. ...

[Faint, illegible text]

20 March/60 - 57-62
 31 - 104-105
 28 Sept 1860 - 497-498
 27 November - 459-460
 7 May 1862 - 141-142
 11 November - 109-110
 6 March - 66A

Rev: 1867 2nd Prov.
 No of Govt of 197-3236.
 Proceedings of the
 Board of Revenue.

Dated 27th November 1867
 Despd- 27th "
 Recd 28th
 2.305/112

2853-29 Nov

Requesting sanction
 for defence of suit No 69
 of 1866 filed in Principal
 Sudr Amara's Court at
 Calicut by Zacharakavil
 Mananikrajan, Teru-
 malapad of Kelumboor
 in Malabar District
 against Collector of
 Coimbatore for establish-
 -ing jenan rights to certain
 land & approving of the
 Collector's proposed written
 statements -

No 582-583-

582-583

c 28 Nov 67. P 229