

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 3036

Press

~~Mis~~

385.386

Dated 20-12-1886

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
20th December 1867.*

No. 385. Read the following Proceedings of the Board of Revenue, dated 20th December 1867 :—

Read letter from the Collector of Salem, dated 12th December 1867, No. 305.

1. Resolved that the foregoing letter be submitted to Government, with the Board's request that instructions may be issued to the Government Pleader accordingly.

2. The facts of the case may be stated briefly as follows :—

Two pieces of immemorial waste land, Nos. 20 and 21, were situated contiguous to each other in the village of Namgherripett, in Salem talook, and the plaintiff's grandfather several years ago obtained in two lots a portion of No. 21.

3. Through a mistake of the Village Curnum these portions of number 21 were entered in the Puttah as No. 20 and No. 251, which last number had no existence.

4. This mistake remained undiscovered until Fusly 1272, when the fourth defendant applied for No. 20 and the remaining portion of No. 21 which, together with No. 20, had until then remained waste.

5. This application having been referred by the Tahsildar (second-defendant) to the two Curnums of the village, one of whom is the third defendant in the suit, they reported that the lands could not be granted for cultivation as a jungle-stream by which a tank was fed ran through them. The fourth defendant's application was therefore refused.

6. In 1863, the District Munsiff (who afterwards appears as fifth defendant) applied for the same lands, viz., No. 20 and part of 21, and being put in possession of them, commenced agricultural operations, and at considerable expense sunk a well.

7. The plaintiff hereupon also entered upon No. 20, and cultivated a portion of it. He also addressed a petition to the Collector, in which he endeavoured to make out that by the entry in his grandfather's Puttah he was entitled to the land. On enquiry the Collector discovered the mistake in the Puttah, and it was also clearly shown that the plaintiff never had any claim to the land which have never been under cultivation.

8. The result of the enquiry was that in Fusly 1273, the land No. 20 was made over to the fourth defendant, who had first applied for it, and a new Puttah was issued to the plaintiff, in which his holding, viz., the two lots in No. 21, was correctly entered.

9. The District Munsiff (fifth defendant) was of course ousted.

10. The plaintiff, in consequence of this decision, filed a suit in the Court of the Principal Sudder Ameen against the Collector. He maintained that the land had been in his possession for twenty-six years, and endeavoured to shew that new and correct Puttah issued to him in 1273 was for additional assessment on account of increased cultivation.

11. The Collector, in the draft answer which he submitted for the Board's approval, stated that plaintiff never was in lawful possession of the land, and that a proper Puttah was issued as soon as the error in the old one was discovered.

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12. The Board in their Proceedings, dated 10th August 1866, No. 5,532, sanctioned the defence of the suit at the public cost. The suit was dismissed with costs, the fifth defendant (the District Munsiff, whose application for the land had been allowed by the Tahsildar to supersede that of the fourth defendant now in possession) having to pay his own costs.

13. Both the plaintiff and the fifth defendant appealed against this Judgment to the Civil Court of Salem. The latter grounded his complaint on the fact that his Durkhast for the land had been accepted in due form; and that of the fourth defendant cancelled, and he also remarked that he had spent money on the land in sinking a well. Both the Appeals were dismissed with costs.

14. This Judgment has now been appealed against in the High Court.

No. 386. ORDER THEREON, 20th December 1867, No. 3,036.

Miscellaneous.

Ordered accordingly that the Government Pleader be instructed to appear on behalf of Government and defend the Special Appeal Suits in the High Court, Nos. 531 and 534 of 1867.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
.. the Government Pleader, with duplicate orders and the papers.
.. the Accountant General.

Ed. S. T. Augustin.

*P.R.
No. 3036.*

*The Govt. Pleader
is authorised to appear
before the High Court
on behalf of Govt. to
plead at the hearing of
the Appeal in the High
Court against the Order
of Salem Civil Court
dated 20th August
1867 declining to re-
cognise the claims of
certain parties to the
land forming the
subject of Special
Appeal Suits Nos. 531
and 534 of 1867. —*

20th December 1867.

*To Govt. Pleader
with authority in duplicate.*

Librarian

*which I am to
return to the
Govt. Pleader*

with authority in duplicate

88-3036

Accordingly
that the J. P. Leader
be instructed to appear
in behalf of the
to defend the Special
appeal suit in the High
court. 80:531. & 532.
of 1867. L. H.

20th Decemr/67

copy with duplicate order
the papers to the
for J. P. Leader
Ant. G. - 20000
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