M.R.O. 14-5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 364 — Press ~~Mis~~

156. 157

Dated 13 - 2 - 1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
13th February 1867.

No. 156. Read the following Proceedings of the Board of Revenue, dated 11th February 1867.

Read the following letter from the Collector of Nellore, to the Secretary to the Board of Revenue, dated Podalakuru, Rapuru Talook, 31st January 1867, No. 23 :—

With reference to the Board's Proceedings of the 6th February 1865, No. 663, sanctioning defence, at the public expense, of Suit No. 473 of 1864, on the file of the District Munsiff's Court, Nellore, and the accompanying copy of a letter, dated 25th instant, No. 11, from the Special Assistant Collector, from which it will be seen that a Special Appeal has been preferred in the High Court at Madras, I have the honor to request that the requisite orders may be given.

1. The foregoing letter, together with copy of the Board's Proceedings, dated 6th February 1865, No. 663, will at once be communicated to the Government Pleader, who will be requested to appear, in anticipation of the sanction of Government, as it is observed that there is a probability of the appeal being heard this day. As the time was so short, Mr. Dykes and his personal Assistant should have shewn more expedition in submitting the matter to the Board.

2. In the Board's Proceedings, dated 6th February 1865, No. 663, the Government Pleader will find a statement of the cause of action, and the defence put in on behalf of the Boundary Inspector, which has apparently been accepted by one of the lower Courts. Mr. Dykes should have submitted copies of the lower Courts' Decrees, and will now be good enough to supply this omission.

No. 157. ORDER THEREON, 13th February 1867, No. 364.

Miscellaneous.

1. The necessary order will be issued in the usual form to the Government Pleader, authorizing him to appear and defend the Special Appeal in the High Court.

2. The Director of Revenue Settlement should at once place himself in communication on the subject with Mr. Dale.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Government Pleader, with Order in duplicate.
,, the Board of Revenue.
,, the Officiating Director of Revenue Settlement.

Exd. S. T. Augustin.

No. 663.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th February 1865.

Read the following letter from R. E. MASTER, Esq., Officiating Director of Revenue Settlement, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 1st February 1865, No. 104-4:—

1. I have the honor with reference to the orders of Government, dated 9th December 1862, No. 2,565, to submit for the orders of the Board an original letter to be returned from the Assistant Director of Revenue Settlement, Nellore, requesting permission to defend at the public expense a Suit No. 473 of 1864, Nellore District Munsiff's file, so far as it concerns the 71st Defendant, Maddirala Vencajee, Inspector of Boundaries.

2. From Mr. Rundall's letter, it appears that at the time of the demarcation of the villages of Yerukollu and Gundumadakallu in the Udayagiri Taluk, a dispute arose as to the boundary line, the Yerakollu villagers claiming 100 Gorus of land, which, with the exception of about 46 acres, were not only shown by the Gudikattu accounts of Gundimadakalu for Fasli 1212 and the Paimash records of Fasli 1216, to belong to the latter village, but had actually been in its possession for thirty-seven years. The possession, being clear, was maintained in accordance with the demarcation rules, and the boundary was marked accordingly, the remaining 46 acres which it was clear had been under "Anavattu," or dispute for a long time, were equally divided between the two villages.

3. The Yerrukollu villagers, to the number of fifty-five, have now brought a Suit against seventy of the Gundimadakolu villagers, and the Boundary Inspector Maddirala Vencajee, claiming 200 Gorus of land, together with damages and costs. They are doubtless at liberty to sue for the land if they consider themselves entitled to it, but they are not justified in including as a Defendant, the Boundary Inspector, who has no interest whatever in the matter, and who merely executed the orders of his superior in demarcating the boundary.

4. I enclose copy and translation of the plaint, and draft of the proposed answer. I request permission to file the latter, and to defend the suit at the public cost, so far as it relates to the 71st Defendant. It will be seen that the latter only received notice of the suit on the 9th ultimo, and that its hearing was fixed for the 14th idem, but that the Court has since extended the time for one month. The suit will consequently come on for hearing on the 14th instant, and early orders are therefore requested.

ENCLOSURE No. 1.

From C. RUNDALL, Esq., Assistant Director of Revenue Settlement, Nellore, to R. E. MASTER, Esq., Officiating Director of Revenue Settlement, dated Camp Tangatura, 19th January 1865, No. 47-3.

1. I have the honor to enclose a copy of plaint in Suit No. 473 of 1864, on the file of the District Munsiff of Nellore, in which the Boundary Inspector of the first party, Maddirala Vencajee, has been included as the 71st Defendant, and to request that sanction may be recommended for the suit, so far as the Boundary Inspector is concerned, being defended at the public expense, for in marking the boundary between the villages of Yerukollu and Gundimadakala in the Udayagiri Taluk, he acted in conformity with the orders which I issued to him.

2. At the demarcation, the villagers of Yerukollu laid claim to 100 Gorus of land, which, according to the Gudikattu document of the Gundimadakala village for Fasli 1212, and the records of the more recent Paimash undertaken in 1216, belonged to that village; with the exception of some 46 acres which the Paimash record stated to be under "Anavattu," with Yerukollu.

As the Yerukollu villagers were unable to produce any evidence, documentary or otherwise, to support the claim they put forward, and as it was clear on the other hand that the land had been in the possession of the Gundimadakala villagers, with the exception of the 46 acres, for upwards of thirty-seven years, and had been partly cultivated by them, I set aside the claim of the Yerukollu villagers to the extent beyond the 46 acres; and directed that, as it had been under "Annavattu" for so many years, the extent be divided equally between the two villages. The boundary was measured off and marked accordingly by the Boundary Inspector, and the Gundimadakala villagers gave their consent to the arrangement.

3. The Yerukollu villagers appealed against my order in the matter; and I afterwards visited their village, inspected the line of boundary, and inquired into the grounds of the objections which they raised. They again put forward their right to 100 Gorus of land, and admitted the justice of my order, provided it could be shown that they had no claim to the 100 Gorus. They then named certain former documents which they stated would show that the land in dispute with Gundimadakala comprised 100 Gorus, and not 46 acres. The documents were obtained from the Collector's office, and as they failed to prove that more than 46 acres were in dispute, I refrained from interfering further in the matter.

4. If the Yerukollu villagers wish to assert their right in the Civil Courts to the land they claim, there is, in my opinion, no objection to their doing so; but at the same time the Boundary Inspector should not be included as one of the parties to the suit.

5. The Boundary Inspector received the notice of the Court on the 9th instant, as he was about to leave Nellore, and the suit was fixed for hearing on the 14th idem, I therefore directed him to apply at once for an extension of the period for one month to allow of instructions being obtained, and the same was granted by the District Munsiff under date the 10th instant, and a copy of the plaint was obtained from the other Defendants to the suit.

ENCLOSURE No. 2.

No. 473 of 1864.

To the Munsiff's Court at Nellore.

1 Cherkur Chennapah Naidu and fifty-four other Ryots of the village of Yerukullu of Udiagherry Taluk. } Plaintiffs.

versus

1 Yeranum Yella Reddy and sixty-nine other Ryots of Gundimadakala of Udiagherry Taluk, and 71st, M. Venkajee, Inspector of the 1st party of Nellore. } Defendants.

Complaint preferred by the Plaintiffs under Section 23, Act VIII. of 1859.

1. The dry land of our village of 200 Gorus bounded on the east by the Venkutadripalem Tank bund; on the south by the Cherkumarvabata Kulalkunta bank and Gudiselabodu; on the west to the Rogakallu, and the east ridge of the field Thakulapadu; and on the north by the Mari vagu and road leading to Vinjamoor, which has been in our possession from time immemorial, has been by the 71st Defendant aided by the other Defendants unjustly included in the village of Gundimadakalu for the last year and a half, and marks have been placed thereon.

2. We have on this subject presented to Mr. C. Rundall, the Assistant Director, three Petitions, and to the Director of Revenue Settlement one Petition, but have received no reply from either as yet.

3. As we have been deprived of our right to graze our cattle, to cultivate the soil, and to cut the brushwood on the ground alluded to above, as well as the profits arising therefrom, and taking into consideration the value of these profits enjoyed by us in former years, and to enable us to get back our land, we have under Section 10 of Act VIII. of 1859, preferred this complaint.

4. Due by the Defendants.

	RS.	A.	P.
Annual profits of 30 Gorus, land containing iron ore at 5 Rupees per Goru after deducting all expences	150	0	0
Annual profits of grazing cattle on 170 Gorus of land at 3 Rupees per Goru after deducting expenses	510	0	0
Profits arising from Jungle on the whole of the land	100	0	0
	760	0	0

We pray that inquiry may be made, the land included within the limits of our village and the cost of suit, &c., paid by Defendants and justice afforded us.

14th December 1864. (Signed) KADERBEG SAHIB,
Pleader.

(Signed) R. E. MASTER,
Officiating Director of Revenue Settlement.

ENCLOSURE No. 3.

Answer by 71st Defendant to the Suit brought against him in No. 473 of 1864, Nellore District Munsiff's file, proposed to be filed in accordance with Section 120, Act VIII of 1859.

The 71st Defendant pleads that the Plaintiffs were not justified in including him in this suit as a Defendant. He has no interest whatever in the matter in dispute between the two villages, having simply acted in his public capacity as a Government servant, and laid down the boundary in accordance with the orders of his Official superior, the Assistant Director of Revenue Settlement. He has no objection to offer to Plaintiffs seeking redress if they consider that they have a right to the ground which they claim, but as the entry of his name as a Defendant was unauthorized, and unnecessary, he prays that the suit as against him may be dismissed with costs.

(Signed) R. E. MASTER,
Officiating Director of Revenue Settlement.

---

1. The defence of the suit, so far as the 71st Defendant is concerned, is sanctioned.

2. The Officiating Director of Revenue Settlement will, however, instruct Mr. Rundall that he should have followed the rules of the Department laid down for his guidance for settling boundary suits, which rules apparently have not been followed in the present instance.

(True Copies and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To R. E. Master, Esq., Officiating Director of Revenue Settlement.

Copy to W. Donald, Esq., Chief Assistant in charge of the Civil Paymaster's Office.

Exd. R. H. Lee.

Nellore District.
Camp Singapatam
25th January 1867.

No. 11/5

From C. Rundall Esqre
Special Assistant Collector

To, J. W. B. Dykes Esqre
Collector of Nellore.

Sir,

No. 653/128.

On the 25th November 1865 I co wrote regarding the Appeal Suit No. 116 of 1865 in the Civil Court in which the appellants (Villagers of Yerukolla) included Supervisor Modderala Venkaje as respondent (together with the Villagers of Gundemadakala) but I have not my letter by me to refer to now.

2. Under date the 6th April co No. 219, you informed me that Koniandevi co Venkatakristnamacharlu, one of the Vakeels of the Civil Court, had been ordered to co appear on behalf of Madderala Venkaje, and, in reply thereto, on the 14th idem I informed you, the said Vakeel had reported that, on the hearing of the appeal Suit, co Madderala Venkajies name had been co removed from the list of defendants.

It

Entered in the Register of Petitions and Letters received in the Board's Office, Department. 1865.

No.

Answered [illegible]

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 6th February 1865.

Despatched

Received

No. 663.

Sanctioning the defence of Suit No. 473 of 1864, filed in the District Munsiff's Court at Nellore for the recovery of certain lands.

3. It now appears that the Yarn-
-kolla Villagers have preferred a Special Appeal
No. 442 of 1866 in the High Court Madras, on
intimation of which the Supervisor obtained on
the 18th instant through the enclosed notice
which specifies the 11th February inest as
the probable day the appeal will be heard-

4. The defence of the original Suit
was sanctioned by the Board of Revenue under
date 6th February 1865. No. 663, and the Officiating
Director of Revenue Settlement, submitted a
draft of the proposed answer. I have now
the honor to request that steps may be taken
for replying on behalf of Maddaraka
Venkaje, to the special Appeal Suit thus
brought against him-

5. Copy of the Board's Proceedings
above is enclosed, and the return of the same,
together with the original notice, is requested.

I have &c.

(Signed) C. Rundall
Special Asst. Collector

(True Copy)
(Signed) J. W. B. Dykes
Collector

(True Copy)

No. 4

No

The Govr. Colonial Secretary
is authorized to appear
before the Right Worshipful
on behalf of Maulden
also Venkaye, Subject
of Pondicherry, Revenue Police
Clement Desfarges, No.
Marine
Core, Pensioned
Said Nº 473 of
1864 and in Despatch
Nº 442 of
1866. -

Colonial Secretary's Office
July 1867.

Copy of an
Enclosure in a letter from
the Collr. of Nellore to the
Secretary to the Bd. of Revr.
dated 31st January 1867.
No. 23 - regarding O. S.
No. 473 of 1864.

Rev: 364/67.

From 15th Febry. 67 to do. 156.

W. 364. 7

The necessary
Order will be issued
in the usual form to
the Govt. Pleader authorising
him to appear and defend
the Special appeal in the
High Ct. The Director of
Rev. Settlement should
at once place himself
in communication on
the subject with Govt. Pleader

3 To Govt. Pleader with Order in duplicate
14 to Rev. Board
13 to Director of Rev. Settlt

Deputy Sec. to Govt. 13 July 1867.

Rev: 1867 Dept. of Govt. Pleaders
Pro of Govt. Vs. 3642.

Proceedings of the
Board of Revenue

Dated 11th
Dept 12
Rec'd 13th
E.2. No

February 1867

From Govt Pleaders
Dy 18 Feby 67 Enc. 433

From the Offg Director of
Rev Settlements Dy 13th March 67
No 713

Requesting Government
Pleader to appear on behalf
of Government, in anticipation
of their sanction, at the hearin
of Appeal preferred in High
Court against Decree of
District Munsiff of Nellore.
in Suit No 473 of 1864 filed
for recovery of certain land.

No 156-157

156 - 157

No 3642/B Selr
With order