M.R.O. 14–5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 526 Press ~~Mis.~~

47-49

Dated 2 — 3 — 1867.

Not to be folded or roughly handled

5526/1867

No. 47. Read again Proceedings of the Board of Revenue, dated 8th January 1867, No. 114, and recorded in G. O. 9th idem, No. 65.

No. 48. Read also the following Proceedings of the Board of Revenue, dated 21st January 1867.

Read the following letter from V. RAMIENGAR, to the Secretary to the Board of Revenue, dated Madras, 12th January 1867 :—

In obedience to G. O. 9th instant, No. 65, I have the honor to submit, for the consideration of the Board of Revenue, the enclosed explanation in the two cases referred to in their Proceedings of the 8th idem.

Explanation by V. Ramiengar, in the cases referred to in G. O. 9th January 1867, No. 65.

1. I feel I am under a disadvantage in having to explain points on which the Board have apparently already arrived at conclusions and formed opinions; but as I have every confidence in their candour and judgment, I proceed to submit the following explanation.

2. When the Board's Proceedings of the 16th August last, No. 136, regarding the two Durkhast cases now in question came before Government, the Revenue Secretary to Government was kind enough to furnish me with a copy, and I then begged him to request the Board to send for the records in both cases, and give an opinion.

Puttabi Ramien's Durkhast case.

3. The original application in this case was for a large extent of Padugay land; the whole tract in fact comprised between A. and D. in the sketch plan submitted by the Tahsildar, with his report No. 124, dated 9th June 1863. The application stated that the land was wanted for coffee cultivation. The extent of the land so applied for was, as far as I can gather from the papers,* nine acres. The purport of the Tahsildar's report on this application is given in paragraph 3 of the Board's Proceedings. On the receipt of this report, I can have had no hesitation in passing orders rejecting the application; but this was not done, apparently, because Puttabi Ramien had represented that the ryot's objections did not apply to a particular spot† comprised in his original Durkhast, and asking for an inquiry about that spot. He appears to have acquiesced in the objection raised to his getting the other portions. Thereupon an order‡ appears to have been sent by me to the Tahsildar for inquiry into this new representation. He replied by an Arzi, dated 31st July 1863, No. 194. This Arzi, and the order to which it was a reply, appear to have been overlooked by the Board, when they state§ that nothing was done by me after receipt of the Tahsildar's report of the 9th June 1863, till the 6th February 1864.

* Vide Petition No. 342, being enclosure 5 in Tahsildar's Arzi No. 124 of 1863.

† Nir Odsi.

‡ A copy of the order issued is not among the papers, but that an order had been issued, I gather from my subsequent Takeed of the 6th February 1864, in which the Tahsildar's Arzi No. 194, is stated to be in reply to an order sent.

§ Paragraph 4.

4. In the Arzi of the 31st July 1863, above alluded to, the Tahsildar simply referred me to his first Arzi of the 9th June preceding, which was wholly about the large extent of land applied for, for coffee cultivation. I could not satisfactorily dispose of the matter, as I was then informed; and if the petition registers were referred to, it would probably be found that I had petitions about this time from the petitioner requesting me to visit the spot before passing final orders; or, at all events, he must have made the request in person. To the best of my recollection, I wished to make myself acquainted with the question by a personal inspection of the locality before disposing of the

matter. Accordingly, I must have taken advantage of my being in the neighbourhood at the Jummahbundy which followed, to visit the Durkhast land; for the date of the order which I immediately afterwards issued, viz., 6th February 1864, shews that it was the time of the annual settlement when I visited the place. The petitioner, I remember, pointed out to me a spot which was a sort of Odai, or gully or hollow below the level of surrounding land, and on which there was no nanul grass or trees or scrub of any kind. That was the spot the petitioner said the ryots had no objection to his getting, and which he wanted me to inquire about after the Tahsildar's report of the 9th June 1863. The ryots present told me they had no objection to the Odai in question being given to the petitioner for cultivation, and that what they had objected to was his having the whole of the land he had originally applied for for, coffee cultivation. I myself could see no objection. The spot in question being lower in level than surrounding land, was a source of weakness rather than of strength to the river bank. It was not Kuttukad in the sense of being overgrown with grass or under-wood of any kind, for there was none of this, and it was immediately adjoining some land under plantain cultivation. I did not see under these circumstances why such land should not be utilized by being allowed to be cultivated, as that would be for the benefit both of the ryot and the Government revenue; and it will be seen that it is to this piece that my Takeed of the 6th February 1864 has reference.

5. I asked the Tahsildar to measure the "Odai" land and to examine all the ryots, (for only a few had been present at the time of my inspection), and give his own opinion about making that spot over for cultivation.

6. The Tahsildar replied on the 25th March 1864, that the spot in question measured acres 3-2-11, (the original Durkhast which had in effect been withdrawn was for the long belt of Kuttukad land from A. to D. in the Tahsildar's sketch plan already referred to), and that, for reasons stated, there was no objection to the land being given for cultivation.

7. This report I forwarded to the Collector on the 7th April 1864, for his opinion. Objection has been taken to this course. But in the first place it will be seen that I did so only in obedience or with reference to a requisition from the Collector—*vide* his Yadast of the 26th August 1863, which, however, I do not find among the papers accompanying the Board's Proceedings. But the real reason I desire candidly to state; and that was that as the Karangad case, with the particulars of which the Board are already acquainted, was, at the time, under investigation in the district, and Puttabi Ramien's opposition in the matter was not liked by the Cutcherry people, I did not want to settle his Durkhast without the Collector's knowledge, for I did not like to run the risk of having my proceedings upset, and my authority weakened in the division under my charge. This may imply a want of moral courage, but my wish in the then state of feeling in the district was to be also prudent.

8. The purport of my reference to the Collector is given by the Board in paragraph 8 of their Proceedings, but I am charged with having failed to notice in my Yadast the Tahsildar's first Arzi or the Superintending Engineer's letter, or to forward them to the Collector. As already stated, the Tahsildar's first Arzi of the 9th June 1863 was about the long belt of Kuttu land from A. to D. for which the petitioner had in effect withdrawn his application. The question to be decided when I wrote to the Collector was regarding the three acres of Odai land, and the Arzi I did send was the only one relating to this land. The first Arzi or the subsequent one of the 31st July 1863, had nothing to do with the Odai land. This was probably (for I cannot at this distance of time state precisely) the reason for the previous Arzis not having been sent. One thing, however, I respectfully submit is abundantly clear, viz., that if the fact of two previous Arzis from the Tahsildar and a previous Mahazur from the ryots having been before me could be clearly gathered from the papers I *did* send to the Collector, and were at his disposal, if he chose to call for them and refer to them, there could possibly have been no *intentional* withholding on my part of those documents. I am simply incapable of such an act, and I sincerely trust that on a careful

Proceedings of the Madras Government, Revenue Department, 2nd March 1867.

perusal of this paper, and a review of the circumstances of the whole case, the Board will be able to acquit me of an imputation so painful and distressing to my feelings.

9. As regards the correspondence between Captain Gahagan and myself, referred to in paragraph 6 of the Board's Proceedings, and which I am also charged with having withheld from the Collector, it will be seen from the Board's own recital of the purport of that correspondence that the Sub-Engineer Veerasawmy's complaint which Captain Gahagan had sent to me was, that I had ordered almost all the "Kuttukad lands in the limits of Manapully to be taken up for "cultivation, retaining only from ten to twenty yards of Kuttu between the Cauvery and "Nunjah lands, and that the Tahsildar was engaged in carrying out that order." As I informed Captain Gahagan in reply, this was all imaginary and without any foundation in fact. At the same time, I assured him in general terms, as his complaint was general, that "I thoroughly appreci-"ated the importance of keeping waste Padugay lands as far as they might be necessary for the "protection of the river channels, and that Durkhasts for such lands were never hastily disposed "of by me or without professional advice where such was really needed." My reference to the Collector was about the three acres of Odai land, and not about the long belt of Padugay for which the petitioner had originally applied, and which very likely was what Captain Gahagan's subordinate referred to, and that was probably the reason why I did not submit, with my Yadast to the Collector, the correspondence with the Engineer. It is hard for any one to be required after nearly four years to account for every step in one's proceedings, taken in the course of business. I can only again assure the Board that there was no *intentional* withholding of any papers.

10. It is true that the Collector's Yadast, returning the case to me, was dated the 15th July 1864; but as will be seen from the Yadast itself, it reached me only on the 22nd August following. It will also be seen from a pencil note* in my handwriting on the Yadast which is still faintly visible, why I did not take any immediate action. I must have accordingly subsequently visited the spot, and it was after that that I addressed the Superintending Engineer on the 17th November 1864. Why I took this step, I do not clearly remember now; but I imagine the Collector's unusual reply to my reference naturally made me more cautious than I would probably have been otherwise. I believe my going up to the Engineer must have been also with reference to the groyne which, it will be observed, the Tahsildar had stated in his Arzi of the 24th March 1864, was about to be constructed close to the land, and which had been completed by the date of my second inspection. It was evident to me that the effect of the groyne was to divert the action of the stream from the kuttu on either side of it, and from the lands above, of which the Odai formed a part; but it was doubtless from a desire to be also strengthened by professional opinion on this point, that I referred to the Superintending Engineer. It was in any case only a simple matter of precaution, for which I cannot fairly be found fault with. His reply simply forwarding on his Sub-Engineer's opinion, being dated in February 1865, must have been received after I had left Namkul for Trichinopoly. In this letter the Sub-Engineer says that the land in question was Kuttukad land; but as I have already said it was not so, in so far as it was bare Odai land, situated between Kuttukad land properly so-called, and land under regular cultivation The Sub-Engineer also says that the Vaganay or groyne is at three miles distance from the land. It is true there is one at some distance; but the other one (for according to the Sub-Engineer's own shewing he had proposed in February 1864, to construct *two* groynes within Manapully limits, at an estimated cost of 2,150 Rupees) is not much more than 700 yards, or less than half a mile from the Odai land, unless I am to discredit the evidence of my own senses, as far as my present impressions go. I should have at least pointed out these facts if I had remained in Namkul when the Sub-Engineer's reply was received, and invited the Superintending Engineer to visit the land himself and give an opinion; but the final disposal of the case was made by my successor.

* "To lie over till I have seen the land again and the groyne."

Vide paragraph 6 of the Board's Proceedings.

11. I trust that, from the foregoing explanation, the Board will see reason to modify the opinions expressed by them in paragraphs 13, 14, and 15.

12. As regards the belief expressed by them in paragraph 15, I have only to repeat that the Tahsildar's first report was about a long belt of Kuttukad land; whereas his second report was regarding three acres of Odai land without any Kuttukad upon it. I also submit that the reasons given by him, viz., that reeds were planted and encouraged between the river and the land in question, and that a new Vaganay (or groyne) was being constructed by the side of the said land were sufficient to account for his recommendation that the land should be given for cultivation; and that, in the face of these facts, there is nothing to justify the belief that the Tahsildar contradicted himself out of deference to my views. I thought he had stated his honest conviction, because he gave ample reasons in support of it, and he admitted this in a deposition he subsequently gave before the Collector himself. I can say this much conscientiously for myself at least. While I jealously guarded Padugay land from encroachment, (and the records will shew that I repeatedly took notice of such cases Magisterially,) I was also desirous to see land which could be properly brought under cultivation, without prejudice to the river and channel conservancy of the division, turned to account as adding both to the resources of the ryots and to the revenue of Government. This I believed and still believe to be the only sound way of dealing with Padugay lands, and it is the way in which they are practically dealt with both in Tanjore and the Namkul Division of the Salem District. If this were not the case, it would be difficult to account for the cultivation which is to be seen down to the waters' edge in numerous places along the banks of the Cauvery, and for the cases which I could point out, if I had the necessary records by me, in which lands on the margin of the river have been given for cultivation by such Officers as Messrs F. N. Maltby, Grant, and Brett. If I were writing from Namkul with access to the records, I could also send up one communication at least from the Collector, the Honorable Mr. Arbuthnott, advising me to give away a large extent of Kuttu for cultivation, as it would add to the Government revenue. The rule observed practically is to reserve land, the occupation of which by ryots would interfere with the river conservancy; and, on the other hand, to allow to be brought under cultivation lands which would not so interfere. It was on this principle that the "Karangad" land which, as the Board know, had been reserved for years for the conservancy of the Moganoor channel which is taken off from the Cauvery, was ultimately given away for cultivation in 1865, and it is on this principle that all Kuttukad lands are dealt with at this moment.

Board's Proceedings, paragraph 5.

Vide deposition given by the Tahsildar, before the Collector on the 15th November 1864.

13. The Board would seem, from their remarks in paragraphs 16 and 17 of their Proceedings, to be under the impression that a defined width on either side of the river bank is reserved as Kuttu, and that the Odai land in question was within that width. There is no such rule; and simple observation of the existing state of things will be sufficient to convince one that none such existed, and if it had existed, that it could never have been acted upon. I remember that when I was in Tanjore, some such rule was attempted to be laid down in 1858 or 1859, but that it could never be carried out, simply from the impracticability of acting upon it. The defined width would be too small in some places, and it would consequently be necessary for the safety of the bank to reserve land beyond the prescribed limit; while, on the other hand, land, rich alluvial land, situated within the regulated line, and which could be brought under cultivation without the least detriment to the river bank, would be required to be purposely kept waste.

14. I consider it hard that the Board should have taken the very unfavorable view they have of the case, seeing that, after all, I never gave the land away, and never took advantage in the least of the supposed pliancy of the Tahsildar to accommodate himself to my wishes; but that, on the contrary, I exhibited throughout great caution in the matter, and anxiety not to compromise the interests of the Ryots or Government. If I had been disposed to favor the petitioner unduly,

nothing would have been easier than to have given the land away, and then perhaps the Board's strictures might have applied to me, more or less; but as the case now stands, I cannot but feel grieved at being found fault with in the way I am, and to have inferences drawn from every step in my proceedings, taken, as I humbly assure the Board, in good faith at the time. I am so impressed with the correctness of my personal observation and views in this case, that I am convinced that if Captain Gahagan or Colonel Wilkieson had visited the spot themselves, they would have taken the same view of the matter as myself, and pronounced the land eligible for cultivation; for, after all, it is the Sub-Engineer Veerasawmy Mudaliar's opinion and information that are placed against mine.

15. The facts in this case, as I gather them from the papers before me, are briefly these:—

The Pettapalayum Durkhast case.

The Durkhast was originally presented on the 9th June 1862, or upwards of four years ago, to the then Tahsildar Kuppusami Nayadu. The case having been inquired into by his Sheristadar, he appears to have accepted the Durkhast, and made over the land to the applicants on the ground that it was unoccupied Podugal land. I literally knew nothing about the case then. It was one of hundreds of Durkhasts disposed of in the talook in the usual course. It is, however, important that the Board should know exactly the grounds on which Kuppusami Nayadu gave the land away, and I beg accordingly to refer to the depositions he or rather his Sheristadar took at the time. It is not true, as the Board and Collector suppose, that the case was investigated by me at the time of the ensuing Jummahbundy in January 1863. All the depositions in the case were taken, as will be seen from the record, before and by the Tahsildar, who had succeeded Kuppusami Nayadu. The Annual Settlement Takarar Book, which I punctually kept for each talook, and in which I recorded every case that came before me, will shew whether I took any and what part in the matter now in question. The Board are under the impression that the case was investigated by me at the time of the Settlement, probably from observing that the depositions taken by the Tahsildar in January 1863, *i. e.*, apparently at the time of Settlement, bear the stamp of my signature; but the stamp must have been put upon them when they came before me afterwards in June 1863, as enclosures in the Tahsildar's Arzi of the 15th of that month. Besides, if I had formally disposed of the matter, it need not have come before me, in appeal again, as it did afterwards, and as I shall presently explain. As far as my recollection now serves me of what took place at the Jummahbundy, there was some Takarar about a Puttah for the land made over by Kuppusami Nayadu, and the Tahsildar appears to have shewn me a plan of the locality. He may have also verbally explained the matter to me.

16. After the Jummahbundy, an appeal was preferred by the holder of the adjoining land complaining of the Durkhast land having been given away, and denying that it was Podugal land. This was referred to the Tahsildar, and his report is contained in his Arzi of the 15th June 1863, No. 143. To this Arzi, I beg special attention. It contains, first, the record of the inquiry made in the first instance by Kuppusami Nayadu when he gave the land for cultivation; secondly, the investigation made by the Tahsildar who succeeded him, namely, Gopalasami Mudaliar; and thirdly, the result of the personal inspection of the spot by the Cultivation Inspector Abdul Khadar, which was made consequent on my order calling for a report on the appeal to me. The report altogether left no doubt on my mind, as to the correctness of the proceedings held in the talook; and as the land was declared to be Podugal land, and demarcated as a separate number by the new Survey and Settlement Department, and that fact was stated to be supported by the public accounts, I acted in good faith in rejecting the appeal on the 17th of June 1863. That I did act in good faith, and believed the land to be Podugal, and not Patta, may be inferred from what I wrote to Captain Gahagan on the 26th March 1864, and which the Board quote in their Proceedings* :—"This last (case) relates to a Durkhast which was presented for two and odd

Vide my endorsement on Petition No. 232.

* Paragraph 19.

"acres of land in the Pettapolliem limits, and was disposed of in the talook in the first instance "as all Durkhasts are. The land having been certified by the Curnum to be Podugal land "formerly under cultivation, and there being land under tillage on both sides of it, it was given "to the Durkhastdar by the talook authorities. This case subsequently came in appeal before "me, and I saw reason, under the circumstances, to approve of the land having been given for "cultivation. I am not aware, therefore, that any Padugay land was given away in this instance." Here was an honest straightforward statement of what I had done and thought in the case; and if Captain Gahagan had reason to think that I was mistaken in supposing the land in question to be Podugal land, and not Kuttu, I do not understand why he did not open my eyes, and I would certainly thus have then thoroughly gone into the matter. I know nothing of the two communications to which the Board advert as having been addressed by one of the Overseers and the Sub-Engineer of the Public Works Department to the Tahsildar on the subject of this land. They were never sent to me, and it will be seen that they are not even alluded to in the Tahsildar's Arzi of the 15th June 1863, already referred to, which was the only report I had from him on the subject.

Paragraph 2.

17. In this paragraph, the Board noticed the delay which I had allowed to occur in sending the record of the case to the Collector, when the matter was carried before him in appeal. There was no delay in sending up the record in the first instance, as the Board seem to suppose. As already stated, my order confirming the grant of the land in question by the talook authorities was dated 19th June 1863. The appeal from that order was probably preferred before the Collector in the following month. There was then a call for the record of the case, which the Board will observe was submitted by me on the 11th August. Upon this came the Collector's Yadast of the 13th October 1863, to which the Board refer, and in which he directed further inquiry on certain points involving an examination of old Curnum's accounts, and which examination I was required to conduct in person. At the time of the receipt of this Yadast, the annual Jummahbundy was not far off, and as that was the most convenient and appropriate time for making the inquiry, I naturally deferred it till then, as I subsequently informed the Collector in my letter of the 17th November 1864; but unfortunately, I must have lost sight of the matter, and for this I expressed my regret at the time to the Collector. After the receipt of his reminder of the 30th August, however, I sent orders to the Tahsildar to make the necessary investigation, and also send me up the accounts and the parties concerned, but I left the district before he sent a reply.

Paragraph 21.

See paragraph 1 of Collector's Yadast of the 13th October 1863.

18. I take all the blame which attaches to me for the delay in making the inquiry directed in the Collector's Yadast of the 13th October; but I can only submissively repeat my assurance to the Board that that was not in the least intentional, but the result of oversight. I had no reason to suppose anything wrong had been done, and it is not alleged that I had any direct or indirect personal interest in the matter. The Curnum's accounts after all, and in spite of all the investigation which was subsequently made, still seemed to have shewed the land to be Podugal, and I could have had no object in delaying to send them up.

19. It is true that Sub-Engineer Veerasawmy wrote to me on the 16th May 1863, asking me to send the Tahsildar to inspect the spot. I only beg the Board to look at my pencil remark* on that letter to shew that I had no intention of passing over the Sub-Engineer's complaint, but that, on the contrary, I contemplated visiting the land myself, though from the fact of the Tahsildar's Arzi of the 15th June, having been shortly afterwards before me, and final orders having been passed upon it, I may have felt no doubt on the subject, or the letter may have escaped me.

* "Subba Rao—remind me of this when I go to Mohanur."

NOTE.—Subba Rao was the Clerk who used to keep the English correspondence in my office.

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2nd March 1867.

20. With reference to the Collector's remarks in his decision of the 10th and 12th March 1866, in this case, quoted in paragraph 23 of the Board's Proceedings, I cannot think that either the Honorable Mr. Arbuthnott or the Board wish me to defend myself against such accusations, as two of the parties examined by him are stated to have made against me after I had left the district. I only ask the Board to compare those statements given before the Collector with the depositions given before the talook authorities only a short time before.

21. Some time before I left the district, I learnt that one at least of the parties to whom the land had been made over by Kuppusami Nayadu was a connection of Gopalaya's, and I advised Gopalaya to state clearly in the Return of lands held by Uncovenanted Servants which he had to furnish, whether he had any and what interest in the land, and I believe he did so.

22. I had no reason to shew undue favor to Gopalaya or any of his relatives. I had never known him before I went into the Salem District; but I know that he was a marked man in the district after he had to give evidence in the case of perjury against Kuppusami Nayadu and the Namkul District Munsiff, which it became my unpleasant duty to commit to the Sessions. There was also to my knowledge personal ill-feeling against Gopalaya on the part of the Sub-Engineer Veerasawmy, who fancied that Gopalaya was the party who had given me information about the lands held by the Sub-Engineer and other subordinates of the Public Works Department along the Cauvery, and of which I had occasion to call for a Return from the talook in 1862 or 1863. It was also the belief of the Sub-Engineer and others that Gopalaya did not go along with them, or that he had given me information (which however he never had) in the Karangad case which is already known to the Board; and if the fact is considered to be of any significance, the Sub-Engineer, it will be seen, stirred himself up actively both in this and Pattabi Ramien's case only after my report of the 13th October 1864 on the Karangad land, which was unfavorable to him, had been laid before the Collector, and precisely at the time the Collector submitted the case to the Board on the 13th December 1864.

Vide Sub-Engineer's letter to Collector, dated 9th Dec. 1864.

23. Party spirit arising, as I imagine, from the part I had to take in the perjury case, and from my endeavours to get at the truth in the Karangad case, was carried so far in the district, that after I left it, funds which had been raised by me for a talook school building at Namkul, have been diverted to the Salem School; the Namkul Dispensary which was under construction when I left, and which I had been at great pains in getting built, has since been abandoned as a private residence for the local Deputy Collector, and the rent derived therefrom devoted to the support of the Salem Dispensary. Funds which I had raised, and to which I had myself subscribed for clearing Namkul of the noxious prickly-pear weed with which the place is overgrown, and for other local improvements, and for which I had succeeded in getting from Mr. Arbuthnott a grant-in-aid from Government Funds, under the standing rules, were, as I understand, returned to the Treasury after I left. Avenue trees between Namkul and Trichengode, which I had planted with the aid of village labor, and reared partly at my private expense, have, (as I am informed, though I am not certain on this point), been neglected since I left. These circumstances I mention, not in self-glorification, for I never mentioned them before this to anybody, but simply to shew to what extent party spirit and prejudice may be carried.

24. In conclusion, I beg leave respectfully to remind the Board that I have settled hundreds of Durkhast cases in the districts in which I have served, viz., in Nellore, Tanjore, and Salem, and have had the re-assessment of upwards of 1,700 villages in Tanjore, and have never allowed myself to swerve from the strict line of my duty. I trust that, on a review of the circumstances of the two cases now in question, and my present explanation, the Board will be enabled to acquit me of any intentional fault or irregularity, and that in considering the matter, they will not overlook my known character and antecedents. I willingly plead guilty to some delay and oversight in the cases in which my conduct is now scrutinized, but I am conscious I am guilty of nothing

more ; and I humbly and respectfully appeal to the experience of the Board, as to whether there is a public office under the Government, in which old records might not be found, from which cases of such delay and oversight could be made out.

MADRAS,
12*th January* 1867. (Signed) V. RAMIENGAR.

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1. The Board have again referred to the record in each case, and have carefully considered the present explanation.

2. In the first of the two cases, Ramiengar accounts* for not having proceeded at once to pass orders on the Tahsildar's report, dated 9th June 1863, No. 124, by supposing that subsequent to the receipt of the abovementioned Arzi, Puttabi Ramien made a new representation to him, to the effect that the ryots' objections did not apply to a particular spot (Nir Odai) comprised in his original Durkhast, and asked for an inquiry about that spot. Ramiengar supposes that he sent an order to the Tahsildar to make this inquiry, and that the Tahsildar's Arzi, dated 31st July 1863, No. 194, was a reply to that order. He further supposes that the Board overlooked this Arzi, and the order to which it was a reply, or they would not have stated that nothing was done by Ramiengar, after receipt of the Tahsildar's report of the 9th June 1863, till the 6th February 1864.

* Paragraph 2.

3. The Board, however, did not overlook the existence of this Arzi as part of the record. They observe that this Arzi† does not relate to any such "order" as Ramiengar describes, requiring the Tahsildar to make a further inquiry. It is merely a report on a referred petition from Puttabi Ramien, (date not given), relating to certain matters unconnected with the present case, except that in a general way the petitioner averred in it that the Mahazernamah given by the ryots, objecting to his having the Nir Odai Jambu Madai‡ land, was erroneous. The Tahsildar in his reply reports in detail on the other matters; but as to the Nir Odai Jambu Madai land he referred the Deputy Collector to his Arzi of the 9th June, No. 124, "reporting that the land referred to was found to be Kuttu land." He was no doubt of opinion, and rightly so, that having already reported on the merits of that question, he had no more to do than refer the Deputy Collector to the previously made report; and as the petition was evidently referred to the Tahsildar in the ordinary routine, without regard to anything stated in his report of the 9th June, the Board saw no necessity for their noticing the Arzi in question, when describing the successive steps taken in the case by Ramiengar, subsequent to his receipt of the Tahsildar's report of the 9th June.

† Translation sent, No. 1.

‡ Jambu Madai signifies a channel on which sedges are growing.

4. Ramiengar is also in error when he states to the effect that the Tahsildar's report of the 9th June did not relate to the land described as "Nir Odai"—*vide* explanation, paragraphs 4, 5, 6, 8, 9, and 12. In one of these (paragraph 8) he

observes ; "As already stated, the Tahsildar's first Arzi of the 9th June was about "the long belt of Kuttu land from A. to D., for which the petitioner had in effect "withdrawn his application. The question to be decided when I wrote to the "Collector was regarding the three acres of Odai land, and the Arzi I did send "was the only one relating to this land. The first Arzi, or the subsequent one of "the 31st July, had nothing to do with the Odai land."

5. The Board must remark that this statement is entirely incorrect. Puttabi Ramien gave a Durkhast for the land described as the "Nir Odai" on the 6th September 1862 (in the talook.) The Tahsildar refused to give this land, on the ground that it formed part of the Kuttu land by the side of the Cauvery, and gave the petitioner an endorsement to that effect on the 8th October 1862. Subsequently, Puttabi Ramien appealed in a petition which was sent by Ramiengar to the Tahsildar for report by endorsement No. 326. The Tahsildar replied by Arzi on the 20th May, No. 112, stating that the petitioner's application had been already refused, and at the same time sent Ramiengar a copy of the endorsement above referred to, dated 8th October 1862.*

* Translation sent, No. 2.

6. It also appears from the records that Ramiengar about the same time sent the Tahsildar two petitions, which Puttabi Ramien had addressed to the Collector, under dates 29th March and 3rd April 1863, both complaining of the same order, (viz., that dated the 8th October) rejecting his application for the land described as "Nir Odai Jambu Madai." The Tahsildar having already reported regarding the same land in his Arzi dated 20th May 1863, returned these two appeal petitions with an Arzi, dated 23rd idem, and referred Ramiengar to his report of the 20th idem, for all the petitions related to the same land.

7. On receipt of these Arzis, Ramiengar by Takeed dated the 27th May, No. 118, returned the petitions to the Tahsildar, and called for further information, as explained in the Tahsildar's Arzi dated the 9th June 1863, a translation of which was sent to Government with the Board's former Proceedings.

8. In that Arzi, dated 9th June 1863, the Tahsildar reported both in regard to the returned appeal petitions (relating to the Nir Odai Jambu Madai land), and in regard to the Durkhast to which Ramiengar refers in his explanation as made for nine acres of Kuttu land for a coffee plantation. The Arzi shews that all the land referred to in the several petitions and Durkhasts was Kuttukadu land, and that all belonged to one and the same Kuttu tract, the land marked B. being the land referred to in the appeal petitions† returned with the D. C. Ramiengar's Takeed, dated 27th May, No. 118, (viz., the Nir Odai Jambu Madai land), and that referred to in the endorsed petition‡ No. 342, (viz. nine acres—*vide* second paragraph of Arzi) being all the Kuttu land lying between A. and D. in

† Translations sent, No. 3.

‡ Translation sent, No. 4.

the Tahsildar's sketch plan. The "nine acres" application embraced the whole from A. to D., while B. was a part, viz., the land between A. and C.

9. The Board are, therefore, of opinion that Ramiengar has failed to justify any part of his proceedings by the alleged fact that the "Nir Odai" land was not the subject of the Tahsildar's report, dated the 9th June 1863, or that the Tahsildar had not before him when he made that report all that Puttabi Ramien could urge in support of his application for the "Nir Odai."

10. As to other points in the first case, the Board cannot see in Ramiengar's explanation or remarks any ground for modifying the opinion they have already given.

11. The Deputy Collector had not the power, properly speaking,* to give Kuttukadu land for cultivation without the consent of the Superintending Engineer, all such land having been for some time past placed under the supervision of the Engineer Department, expressly that its reservation for public purposes might be the better secured.

* Paragraph 4.

12. The Board had no such impression as that ascribed to them in paragraph 13 of the explanation. The question was not whether a uniform width of land was needed, but whether the width of the existing Kuttu land in Manapully was more than sufficient for the object in view. This was properly a question for the Superintending Engineer to decide, and had that portion of the Kuttu land described on this occasion as "Nir Odai" been given to Puttabi Ramien, the existing width would have been reduced. The Sub-Engineer† had certainly good ground for bringing to his superior's notice that a portion of the Kuttu, if not all, was about to be given away, the Sub-Engineer having no doubt heard that the Tahsildar had received orders to measure the "Nir Odai" tract preparatory to its being made over to Puttabi Ramien.

† Paragraph 14.

13. The Board do not see, in the fact, that the tract in question may be described as "Nir Odai and Jambu Madai," any proof that it did not form a part of the reserved land, commonly called Kuttukadu land; nor did they intend it to be understood, when giving a general definition of the term "Kuttukadu land" in the margin to paragraph 3 of their former Proceedings, that over every part of such reserved land nanul grass, trees, and scrub would always be found. The freshes frequently cut up such land, forming gullies, channels, and such like, and making it necessary that the usual kinds of grass, trees, &c., should be planted upon such spots anew.

Paragraph 4.

14. The Board did not find fault‡ with the Deputy Collector, because at the last he did consult the Superintending Engineer (*i. e.*, in November 1864.) They were of opinion that he ought

‡ Paragraph 10.

to have taken that step previous to his referring the case to the Collector, and committing himself to the opinion that Puttabi Ramien's application might be complied with. Nor did they blame* the Deputy Collector for the mere act of having referred the case to the Collector. They observed that when making his reference he ought to have forwarded the entire record, (that is, his own previous correspondence with the Superintending Engineer and all the Tahsildar's reports, it being contrary to fact to say that the Tahsildar's Arzi, dated the 9th June 1863, did not refer to the land called "Nir Odai.") The Board submit translations† of the following papers:—

* Paragraphs 7 and 8.

† Paragraph 9.

Translations Nos. 5, 6 and 7.

The Deputy Collector's Yadast, dated 7th April 1864, referring the case to the Collector. The Collector's Yadast, dated 26th June 1863, No. 43,‡ (erroneously stated in Deputy Collector's Yadast to be 26th August 1863, No. 43), requiring the Deputy Collector to dispose of Puttabi Ramien's Durkhasts as soon as possible, and Collector's Yadast, dated the 19th July 1864, No. 38, returning the case.

‡ Paragraph 15.

15. The Karangad land, to which Ramiengar refers§ is nearly a mile from the river side. It had been reserved for a special purpose, viz., to supply materials for forming a temporary dam (erected annually) at the head of the Maganoor channel. The land was near the existing head of the channel, but the Maganoor channel having been extended five or six miles within the last few years, the Karangad land no longer served for the purpose stated, and, therefore, it has been given for cultivation. There is no analogy between this case and the ordinary Kuttukadu lands, nor can the Board admit that Ramiengar was at liberty to give Kuttukadu land for cultivation, because such land at some former period was so given. The fact‖ that this practice (whether directly sanctioned by the Officers named might be questioned) was certainly a mischievous one, and one that ought to be stopped, was the reason why of late years stringent orders forbidding its continuance were issued; and as a further precaution against the local officers attempting to give Kuttukadu land to any one applying for it, the Engineer's Department was requested to take charge of all such tracts, that department undertaking not merely the duty of preserving the land from encroachment, but also that of looking after the grass, &c., usually grown on it.

§ Paragraphs 7 and 12.

‖ Paragraph 12.

16. As to the second case, no doubt the Tahsildar's report, dated 15th June 1863, No. 143, with its enclosures, affords a certain support to the final order passed by the Deputy Collector on the petition of Venkatrayen, the present holder of the lands belonging to Cooppien (marked C. C. in the Survey plan); but looking at the nature of the details given in that petition¶ (dated the 4th February 1863), and at the objections raised by the Sub-Officers of the Public Works Department, the Deputy Collector might, the Board consider, have reasonably doubted the truth of

¶ Translation sent, No. 8.

the brief depositions given on the other side. And in this case also, as in the other, it was the duty of the Deputy Collector, when he found that the Officers of the Department of Public Works objected to the land being cultivated, to put himself in communication with the Superintending Engineer.

17. Ramiengar denies that the case was investigated personally by himself at the time of the Jummahbundy in January 1863.* Such a case ought to have been so investigated; for, first, one of the Overseers in the Department of Public Works wrote previously to the Tahsildar pointing out that the channel Monegar had objected to the land being cultivated; and, second, the owner of the contiguous land (Venkatrayen) complained as to the injury he would incur if the land was not retained as Kuttu land. The Board did not, however, assume that the Deputy Collector had investigated the case in person, merely on the ground that certain depositions, purporting to have been taken before the Tahsildar on the 31st January 1863, bear the signature stamp of the Deputy Collector. They found the fact, that the Deputy Collector had made a personal inquiry, expressly stated by the Tahsildar of the talook in a Yadast addressed by him to Sub-Engineer Veerasawmy on the 28th of the succeeding month.

* Paragraph 15.

18. In this Yadast,† after remarking that the land was not "Kuttukadu," the Curnum having so certified, the Tahsildar proceeds to say, though the Sub-Overseer had stated in his Yadast,‡ that the land was Kuttukadu, and though Venkatrayen in a petition presented by him during the Jummahbundy had made the same statement, as it was brought to the notice of the Deputy Collector in person by the Nunjah Monegar and others, that there was a water-course on the southern side of the Putcut land of Sauthamungalum Cuppien, that on the north of it was a waste, and that on the south Kuttukadu is situated, an order was passed to issue puttah for the land lying between Sauthamungalum Cuppien's and the water-course, and the land was made over to Kistnien and others.

† Translation sent, No. 9.

‡ That addressed to the Tahsildar before the Jummahbundy.

19. This Yadast certainly indicates that, during Jummahbundy, the objections made both by the Sub-Overseer, Department§ of Public Works, and by the owner of the adjoining land, were taken into consideration by the Deputy Collector at a personal inquiry, and that if the depositions now bearing the Deputy Collector's signature stamp were not taken in his presence, the persons who gave them were examined by himself as to the points therein referred to.

§ See concluding part of paragraph 16.

20. Venkatarayen is the person whose complaints were disposed of by the Deputy Collector on the 15th June‖ 1862, No. 143. With regard to Ramiengar's remark at the close of paragraph 15, to the effect that if he had formally disposed of the matter at the Jummahbundy, it could not have come before him in the appeal again, it appears from the appeal petition¶ that the petitioner complained at

‖ Paragraph 16.

¶ Translation No. 8.

the Jummahbundy, and then immediately appealed to the Collector, his petition being dated the 4th February, or only five or six days after the Jummahbundy.

21. The only instance in which the Board find that their statement of the facts, as gathered from the records, was incorrect, is in paragraph 21 of their former Proceedings. Ramiengar explains* that the record belonging to the second case was forwarded to the Collector on the 11th August. He was afterwards called upon by Yadast, dated 13th October following, to make further inquiry in person, and it was only a reply to the Collector's call for that additional information that the Deputy Collector did not send up previous to his leaving the Salem District. The Board readily admit that they were in error on that point.

* Paragraph 17.

22. With regard to the concluding part of paragraph 22 of the explanation, the Board think it proper to explain what part the late Veerasamy Moodely, (the person therein referred to), took in this and the other case. The letter dated the 9th December 1864, to the Collector's address was, as the letter indicates, a reply to some order personally given to him by Mr. Arbuthnott. He forwarded a survey plan, as required, shewing the land given over in Pettapolliem to Kistnien, ("nominally to Kistnien, but it is, I hear, really to Sub-Magistrate Gopalien.") He then referred to the fact that he had sent a plan of the land to the Deputy Collector (in his letter to the Deputy Collector, dated 16th May 1863), and submitted for the Collector's perusal three Tamil documents relating to the complaints by the Reed Contractor to the effect that his contract reeds embraced the land given to Kistnien.† He also submitted a survey plan of the Kuttukadu land in Manapully, and finally remarked that, "although the foregoing objections of mine are to preserve the existing interests, yet the Deputy Collector took it amiss, and vainly against me." Before this the Sub-Engineer had addressed a Yadast to the Tahsildar regarding the land at Pettapolliem, under date the 25th February 1863. (The Yadast referred to above, paragraph 18, being a reply), and had also written once to the Deputy Collector.‡

† *Vide* on this point the Tahsildar's Yadast, dated the 28th February. Translation No. 9.

‡ *Vide* end of paragraph 16, Ramiengar's explanation.

23. In the other case the Sub-Engineer wrote only to the Superintending Engineer (the letter which Captain Gahagan sent to the Deputy Collector under date the 2nd March 1864.)

Paragraph 6 of Board's former Proceedings.

The Board do not think that this Sub-Engineer took a more prominent part in either case than his duty required.

24. They must also notice a remark of Ramiengar's in paragraph 16, viz., that if Captain Gahagan had reason to think Ramiengar was mistaken in supposing the land in Pettapolliem was Podugal land and not Kuttu, he might have written and opened Ramiengar's eyes. The Board observe that Captain Gahagan died in August 1864, and that for some months previously he was seriously ill. It is, therefore, not unreasonable to suppose that his having omitted to pursue the subject further was due as much to his inability to attend fully to his work at the time referred to, as to any other cause.

Proceedings of the Madras Government, Revenue Department, 2nd March 1867.

25. The Board having gone through Ramiengar's explanation, desire to add, in conclusion, that the object of their further remarks has been to place all the facts of the two cases in a fair light before Government. They see no reason to impute a corrupt motive to Ramiengar; but their views, as expressed in their former Proceedings, paragraphs 13 and 14 on the first case, and paragraphs 24 and 25 on the second case, remain unchanged.

No. 49. ORDER THEREON, 2nd March 1867, No. 526.

Miscellaneous.

1. The Government have fully considered all the papers submitted to them with the above Proceedings, but they deem it unnecessary for them to go into the merits of the individual cases.

2. Errors of judgment there may have been, and perhaps errors of procedure, but the Government see no reason for impugning V. Ramiengar's good faith in the course he adopted, or for impeaching his integrity and character as a public servant.

(Signed) W. HUDLESTON,
Secretary to Government.

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Explanation by V. Ramiengar in the cases referred to in G.O. 9th Jan=uary 1867, No 65=

1. I feel I am under a dis=advantage in having to explain=points on which the Board have apparently already arrived at, con=clusions and formed opinions; but as I have every confidence in their candour and judgment, I proceed to submit the following explana=tion=

2. When the Board's Proceedings of the 16th August last No 136 regard=ing the two Sunkhast cases now un=question came before Govt, the Re=venue Secretary to Govt was kind=enough to furnish me with a copy, & I then begged him to request the Board to send for the records in both cases and give an opinion=

Ramiah was then in the Collectorate & asked him what he had to say to the charges, and after hearing the explanation he made this re=port on 13th August 1867

I&E

3. The original application in this case was for a large extent of Poduga land - the whole tract in fact comprised between A and B in the sketch plan submitted by the Tahsildar with his report No 124 dated 9th June 1863. The application stated that the land was wanted for coffee cultivation - The extent of the land so applied for was, as far as I can gather from the papers, 9 acres - The purport of the Tahsildar's report on this application as given in para 3 of the Board's Proceedings: On the receipt of this report, I can have had no hesitation in passing orders rejecting the application; but this was not done, apparently because Puttabh Ramien had represented that the Ryots objections did not apply to a particular spot comprised in his original Sunkhast, and asking for an enquiry about that spot - He appears to have acquiesced in the objection raised to his getting the other portions - There upon an order appears to have been sent - 6th May 1864, in which the Tahsildar's Arzi No 194 as stated to be in reply to my order of

Puttabhi Ramien's Sunkhast case.

× vide Petition No 342, being enclosure 5 in Tahsildar's Arzi No 124 of 1863.

× Viz, Ôdai.

* A copy of the order issued is not among the papers that an order had been issued, I gather from my subsequent taking of the

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I did not want to settle his Sunkhast without the Collector's knowledge, for I did not like to run the risk of having my proceedings upset and my authority weakened in the Division under my charge: This may imply a want of moral courage, but my wish in the then state of feeling in the District was to be also prudent:-

8. The purport of my reference to the Collector is given by the Board in para 8 of their Proceedings, but I am charged with having failed to notice in my yadast the Tahsildar's first Arzi or the Superintending Engineer's letter or to forward them to the Collector - As already stated, the Tahsildar's first Arzi of the 9th June 1863 was about the long belt of Kuttu land from A to B for which the Petitioner had in effect withdrawn his application - The question to be decided when I wrote to the Collector was regarding the 3 Acres of Ôdai land and the Arzi I did send was the only one relating to this land - The first

first Axis or the subsequent one of the 31st July 1863 had nothing to do with the Odai land - This was probably (for I cannot at this distance of time state precisely) the reason for the previous Axis not having been sent - One thing however I respectfully submit is abundantly clear, namely, that if the fact of two previous Axis from the Tahsildar and a previous Maharzar from the Ryots having been before me could be clearly gathered from the papers I did send to the Collector, and were at his disposal if he chose to call for them and refer to them, there could possibly have been no intentional withholding on my part of those documents - I am simply incapable of such an act, and I sincerely trust that on a careful perusal of this paper and a review of the circumstances of the whole case, the Board will be able to acquit me of an imputation so painful and distressing to my feelings -

9. As regards the correspondence between Captain Gahagan and myself

myself referred to in para 6 of the Board's Proceedings, and which I am also charged with having withheld from the Collector, it will be seen from the Board's own recital of the purport of that correspondence that the Sub Engineer Veerasamy's complaint which Captain Gahagan had sent to me was, that I had ordered almost all the "Kuttookad lands in the limits "of Manapully to be taken up for cultivation, retaining only from 10 to 20 yards "of Kootoo between the Canaery and Punjah lands, and that the Tahsildar was engaged in carrying out that "order." As I informed Captain Gahagan in reply, this was all imaginary and without any foundation in fact - At the same time, I assured him in general terms, as his complaint was general, that "I thoroughly "appreciated the importance of keeping "waste, Padooguy lands as far as they "might be necessary for the protection "of the River channels and that our "chasts for such lands were never "hastily disposed of by me or without "professional advice where such was really

"really needed". My reference to the Collector was about the 3 Acres of Oddie land and not about the long belt of Padugay for which the Petitioners had originally applied, and which very likely was what Captain Cahdgan's subordinate referred to, & that was probably the reason why I did not submit with my yadast to the Collector the correspondence with the Inquiller - It is hard for any one to be required after nearly four years to account for every step in one's proceedings, taken in the course of business - I can only again assure the Board that there was no intentional withholding of any Papers -

10. It is true that the Collector's yadast returning the case to me was dated the 15th July 1864, but as will be seen from the yadast itself, it reached me only on the 22d August following - It will also be seen from a pencil note in my handwriting on the yadast which is still faintly visible, why I did not take any immediate action. I must have accordingly subsequently visited the spot, & it was after that that I addressed the Superintending Inquiller on the 17th November 1864 - Why I took this step, I do not clearly remember now - but

from the part I had to take in the perjury case, and from my endeavours to get at the truth in the Karungad case, was carried so far in the District that after I left it, funds which had been raised by me for a Talik school building at Nainkal, have been diverted to the Salem School; the Nainkal Dispensary which was under construction when I left, and which I had been at great pains in getting built, has since been abandoned as a private residence for the local Deputy Collector, and the rent derived therefrom devoted to the support of the Salem Dispensary. Funds which I had raised and to which I had myself subscribed for clearing Nainakal of the noxious prickly pear weed with which the place is overgrown, and for other local improvements, and for which I had succeeded in getting from Mr. Arbuthnot a grant-in-aid from Government funds, under the standing rules, were, as I understand, returned to the Treasury after I left. Avenue trees between Nainakkal and Trichengodu which I had planted with the aid of Village labor, and reared partly at my private expense, have, (as I am informed, though I am not certain on this point), been neglected since I left. These circumstances I mention, not in self-glorification, for I never mentioned them before this to anybody, but simply to show to what extent party spirit and prejudice

may

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× "To be overseen with Inam settlement and the progress"

the Salem District, but I know that he was a marked man in the District after he had to give evidence in the case of perjury against Kuppusámi Naidu and the Námkal District Munsiff, which it became my unpleasant duty to commit to the Sessions. There was also to my knowledge, personal ill-feeling against Gopálaya on the part of the Sub-Engineer Virásámi, who fancied that Gopálaya was the party who had given me information about the lands held by the Sub. Engineer & other subordinates of the Public Works Dep[t] along the Cavery, and of which I had occasion to call for a return from the Talúk in 1862 or 1863. It was also the belief of the Sub. Engineer and others that Gopálaya did not go along with them or that he had given me information (which however he never did) in the Karungád case which is already known to the Board; and if the fact is considered to be of any significance, the Sub-Engineer, it will be seen, stirred himself up actively both in this and Pattábhirámaiah's case only after my report of the 13th October 1864 on the Karungád land, which was unfavorable to him, had been laid before the Collector, and precisely at the time the Collector submitted the case to the Board on the 13th December 1864.

Vide Sub-engineer's letter to Collector 9th December 1864.

23 Party Spirit arising as I imagine, from

case were taken, as will be seen from the record, before and by the Talsildar, who had succeeded Kuppusámi Naidu. The Annual Settlement Takrár Book, which I punctually kept for each Taluq and in which I recorded every case that came before me, will shew whether I took any and what part in the matter now in question. The Board are under the impression that the case was investigated by me at the time of the Settlement, probably from observing that the depositions taken by the Talsildar in January 1863, i.e. apparently at the time of Settlement, bear the stamp of my signature, but the stamp must have been put upon them when they came before me afterwards in June 1863 as enclosures in the Talsildár's Arzi of the 15th of that month. Besides, if I had formally disposed of the matter, it need not have come before me, in appeal again, as it did afterwards, and as I shall presently explain. As far as my recollection now serves me of what took place at the Jamábandi, there was some Takrár about a Patta for the land made over by Kuppusámi Naidu, & the Talsildar appears to have shewn me a

plan

plan of the locality. He may have also verbally explained the matter to me.

16 After the Jamábandi, an appeal was preferred by the holder of the adjoining land complaining of the Darkhást land having been given away, and denying that it was Pódugal land. This was referred to the Tahsildár, and his report is contained in his Arzi of the 15th June 1863, No. 143. To this Arzi, I beg special attention. It contains 1st the record of the enquiry made in the first instance by Kuppusami Naidu when he gave the land for cultivation. 2dly The investigation made by the Tahsildár who succeeded him, namely, Gópálsami Mudaliyár, and 3dly the result of the personal inspection of the spot by the Cultivation Inspector Abdul Khadar, which was made consequent on my order calling for a report on the appeal to me. The report altogether left no doubt on my mind as to the correctness of the Proceedings held in the Taluk, and as the land was declared to be Pódugal land, and demarcated as a separate number by the new Survey and Settlement Department, and that fact was stated to be supported by the Public Accounts, I acted in good faith in rejecting the appeal on the 17th of June 1863. That I did ~~not~~ act in

Vide my endorsement on Petition N.

Ro: of Govt. of 24. Augt. 166.

Rev Bd. Pro. of 8 Jany/67

forwarding with remarks letter from Collr. of Salem to the record.

Letter from Raminengar submitting explanation

Rev Bd. Proc of 21. Jany 67. submitting remarks on Raminengar's explanation

For orders -

The papers give such full details of the cases in which Raminengar is held to be open to censure - that I need only indicate their general nature.

In their Proc 8th of 16. August 1866 No. 5772 disposing of a report from the Collr. of Salem on a petition complaining of the rejection of an applican for certain land, the Bd. resolved to request the orders of Govt. on the last para of the Collr's letter in which he stated that Raminengar's conduct in two cases in which he made over or attempted to make over to applicants certain Padugay - or "Kootta Kádoo" reserved bottoms or river banks was unsatisfactory - and expressed his opinion in accordance with the

that of his predecessor that such lands should be strictly reserved from private occupation.

The Govt. enjoined the strict maintenance of the reservations and directed the Bd. to call for the records of the cases & submit them with their own remarks.

Mr. the Bd. Revenue (?) ... of Ranga has had an opportunity of perusing explanations of what the Bd. deemed blameworthy.

The facts of the first case are as follows.

On 6 Oct. 62 one Kattavi (?) Ramien applied to the Tahsildar of Kumbakonam taluk (in Dy. Collr. Kumbakonam charge) for about 3 acres of "Nir Odai Jamba pallam" land in Manapalli village.

On 8 Idem the application was rejected on the ground that the land was ... on the banks of the Cauvery (& therefore a special reserve for the protection of the cultivation in the vicinity).

On 29 March & 30 April 63 the Ramien appealed to the Collr

He describes the land as of Kottayam (?) ... taluk ... Dt.

The land is in taluk Dt.

?6

He describes the land as being ... 4 Acres in extent.

From the Collr. it appears that a previous order No. 326 had gone on 17 May ... about the same land.

No. 342

See note about

This Mahazarnama is signed by 15 villagers.

against the Tahsildar's decision and then having arrived at the next inspection ... the Revenue report.

On 20 May 63 the Dy. Collr. endorsed this Petn. to the Tahsildar for report in order No. 332.

On 9th April 63 D. Ramien presented a further applicn. to Dy. Collr. for about 9 acres of land in Manapalli village on the banks of the river ... Cauvery to the Collr.

On 21 Idem the Collr. ... endorsed the Petn. to the Dy. Collr. to inspect the place & report.

On 29 May 63 the villagers gave a Mahazarnama to the effect that both the land referred to in the order No. 326 and that in order No. 342 ... were included in the reserved ... & could not be given ... the village.

On 9 June 63 the Tahr. forwarded this Mahazarnama to the Dy. Collr. stating that the land was

to be given: the Collector should be directed to cancel
On 31st July &c. the Petr
appeared in Court & this application
in respect of the Govt. land and the
Govt. Counsel consenting, opposing
the application for the withdrawal of
"Kir Odai Janda Kedri"
On 29th January &c. certain
villagers of Kanapathy
Crown in number including
appointed 3 of the former
who gave a Statutory
the Petr. & Respondent
Commissioner & the former
& direct of "Kir Odai Janda Kedri"
Land
On 26th &c. the Petr. & his
Pakeer & the Govt. urging that
Collector directed the land case
enquiry in the opinion that the
"Odai" land might be given to
applicant. and thereupon directing
the Petr. & measure the land.
& take the usual documents from
the leading villagers - which & forthwith
opinion as to giving the land.
On 2nd March &c. the then
Supt/Engr. Capt Gahagan sent
to the Govt. a report from the Supt Engineer
Trincomalee of 27th Feby complaining
of the grant of Korthu Kadu lands

Vide in
page

Supra J. 8th Dec.
J. 8 Jan

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for cultivation. Subsequently
in Steering. Kanapathy
and requested the Govt.
the Grant Lease & Patent
Certain lands

On 25th March &c. the
Petr. sent to the Govt.
a Petition of 21st Feby.
signed by 11. Kanapathy
villagers (including appellant)
5. of the respondents) stating
that the "Kir Odai Janda
Kedri" might be given
cultivation and stated that
the Land in question
transformed certain
Acres 3. 2 - 11.

On 26th March the Govt.
applied to the Supt Engr.
that he had been informed
as to the Korthu lands in
Kanapathy

On 7th April the Govt.
addressed the Govt. Surveyor
the Petr. report of 25th
March & his instructions
& recommended that
the Acres 3. 2. 11. of

land should be given - and
asking the Govt: to decide -
The main grounds of the
Indian Office objections -
but that these should might
be gathered from the enclosures
from others. The fact was is
gathered by the Govt: The Surveyor of
The decision as to granting
of the certificate lay with the Supt
Govt: & that this had taken place
was not to be gathered from the
papers sent by the Govt:

On 19. July the Govt: applied for copy
of that the papers were not complete -
& that they were opposite opinion on
record as to the principle of giving
the land - but that as the Govt:
in objecting had not gone into
the merits of the Govt: an
ordinary matter & he was confident
of settling himself.

On 19 Oct: 63. the Govt: sent
the Govt: Govt: (appendix No of 24 March)
Col. Wilkinson who had become Supt
Govt: in Capt Gahagans draft in dispt
pending - & asked him to state whether
he objected to the land being given

The Govt: had omitted the Govt: letter
the Supt Govt: replied in Oct 63
forwarding the Supt Govt: Memorandum
letter objecting to the land being given

Some 2 1/4 months.

Oct. I may as well mention
that I was acting in the Govt:
Office when the Govt: Secy: of State Govt:
was passed. & drew
knew Rather than interfere
was to bring to the notice of
the complainant of Lawyer or
the question of the removal of
the land.

JB

as the term of the lease "land"
Instructions

On 21. Feb: 63: W. Liggett
the new Govt: rejected the
draft and positively
the Govt: enjoined the
rejection -

It was in this Govt: Dis:
passing of the application
appeal & then of the Govt:
after the case - that
the Govt: brought the subject
to the Instructions. Land
of these Instructions
& the action of Govt.

The Govt: complained
of damages & instructions
of Govt: and the Govt:
the matter and the Govt:
have never passed this
opinion that he is "answerable
for any serious Consequences"
for not consulting the Supt
Govt: before recommending
to the Govt: that the land
be given - & for not placing
before the Govt: all the papers
required to enable him.
to "form a correct judgment
on the merits of the case."

Damages in his Govt: declaration
states that the papers in the

Upon the objection of the Kutikadu
Land of one Ghanesh Patil and
that the "Sir oddi" land B. is also
recommended should be given to Kakhast.

Ref. again that the former included
the Letter and they remark that the
"Kutikadu" reserve ~~should~~ "tangledjungle"
was often by floods reduced
the existing B. is indicative
of the designation "Sir oddi" — = bati coorie
being actually the ground the
stream the backward upwarded
& overflowing to Kat. & Land &
be applicable.

The Council then
as follows.

On 8 June 62 "two persons
relations of Lat. Chapter of Ferunattu
(Copalaya)" ~~Brahmins~~ named
Krishnan & Ramien applied for some
land in Kottapolium

10. July 62. The Village Karnum
deposed upon Oath that the land
measuring Acres 2-24-4. was
"Podgal" or fallow land not cult.
being Rs. 76. & assessed at Rs. 27-8.

9 January 63. an Answer of the D.P.W.
with Kadastil & Dat. objecting to land
being made over.

Summary of the letters
& Orders made by Company.

31st. Dec. Petition was
presented for the land &
application &c.

4. Feb. Reply thereto Land.
Collector appeals & Obs. objecting
that the land was Kutikadu
& ordered to remain.

28. Feb. This Rep. was
endorsed by Company "refers
to the Collector"

Same date. Letter replied
to Endorsed of the 4th Inst.
§ 6. & 25. Abs objecting appli-
cation of Kutikadu land &
in Letter to them & Krishnan &
Storey stated that as such
land had been given
over to only Bengal land.
and that personal enquiry
had been made by the Obs.
at the Jummabundy in
consequence of the objection
of the Poreyer Obs. & neighbour
ing land holders. upon the
petition was granted.

16. or 18 May 63. Lat.
Engineer wrote to Obs. Collt.
requesting him to order
Obs. to specify the land
they occupied this letter

11. June 63 Sub. Inspector
Abbott Khasia reports inspection
of Sund. & Sat. by Simmons report
& appeal to Judge.
15. Idem . Lieut. reports according
to Dy. Coll.
19. Idem Dy Coll. dismisses
Umeata Rogoi's appeal. (Neighbour case Roi)
(? Sept. 63) Umeata Rogoi
appeals to Coll. Breaks for rent.
11. Aug. 63. Dy Coll. finds rent &
Collector .
13. Oct. 63. Coll. calls for proceedings
30. information.
27. Feb 64 Lut. Griffin sends &
Supdt Griffin's Capt Balagan about this
& the "Kuttukadu" land. (same letter as mentioned in first case).
2. March 64 Supdt Griffin
sends letter & Dy Coll. asking
explanation
26. Idem Dy Coll. replies
& Supdt Griffin stating that he
has been misinformed & that
the land was not Padugay (river ground)
but Poduyal (ordinary fallows)

18.

30 Augt. 64 Coll. again
calls on Dy Coll. for the
information required in Oct/63.
14. Nov 64 Coll. reminds
his call.
17. Idem . Dy Coll. replies
that the case had been
disposed of &c.
2. Feb 65 Sub. reports to Dy.
Suppdt Griffin sends Dy Sub. Mr Sadasivam
Lawaya to the land
& that the boundary Kuttukadu
it. & that the Kurumas admitted
10. March 66 Dy Coll.
inspected the land & finding
it to be clearly Kuttukadu
cancelled the Pattah -
& directed the Kurumas

Dy. Coll. considers the
Dy Coll's "much to blame
for not having fairly
investigated the question
at issue" & gives his
reasons. They remark
that neither he or the Sub.
might easily have inspected
the land that
Lawaya says he

[illegible] has misled. But he acted in good faith - & that he intended to inspect the land. as evidenced by his pencil memo: on the Sub Engrs letter of 16 May 05.

I do not think this opinion alters by his explanation.

24. June 06.

Memo:

For Orders.

V. Ramayas Case

Assuming the correctness of Sub Engineer Viraswamy's bird plans, I should not myself have agreed to the grant for cultivation purposes, of either of the areas under notice.

As regards the one in Manapelly it is, however, to be observed, that V. Ramayya declares that the part which he contemplates making over to Puttaky Ramien under his tender, is only a small portion of what in the Manapelly plan, is entered as a whole. His opinion in respect of that portion may be erroneous - it may be that that too, should have been reserved - but I find nothing in the papers which shows that that may not be right. We have therefore the opinion of one man against that of another, the former being an officer of great revenue experience of high position and high character, - the other, a subordinate of the P.W. Dept. whose feelings towards this revenue official are antagonistic.

I do not attach importance to V. Ramayas opinion to lend to the

Collector, the short communication between himself and the P.W.D officers relative to the Manapilly land. The Sub Inspector Virasamy had broadly charged the revenue officers with apiquing for cultivation, all the Kottoo Kadoo of the village. V. Ramaya denied that such was the case and his denial is not questioned. He stated that a single application for land of this kind was under enquiry before him and added that he fully appreciated the necessity of protecting from encroachment the riparian tracts.

Had Sub Inspector Virasamy's communication been the only paper calculated to show to the Collector, that objections had been raised to a compliance with tenders for Kottoo Kadoo land, its contents would have been awkward. But, as the Collector had been furnished with all the vernacular correspondence and in this case was the Shanadan original refusal to allow the tract in question to be cultivated, as also all the comms which subsequently passed between him and V. Ramaya, when that refusal was withdrawn, I really do not see that the merits of the case were not sufficiently opened to the Collector. The officer appointed no precaution as to how such applications ought to be treated under the District rules, and once aware that the villagers had objected to the grant solicited by Pullatay Kannen, he might have deemed it a point to enquire. Any how, I am unable to see any fair opening for a belief that the non submission of the P.W. sup.t letters even if intentional, was an act of dishonourableness. They contained an unfounded charge, & to that, there was V. Ramaya's denial. Nothing more.

In regard to the Pettapollien case, V. Ramaya acknowledges that he may have been misled by his subordinates. He denies all improper motives, and explains the paper supply as found wholesome for supposing that any existed. His out of the question to believe it possible for a Deputy Collector to be personally inspecting even a small fractional part of lands for which cultivation tenders are received, and I therefore have no difficulty in agreeing with the Bd of Rev. that they see no reason to conclude a "corrupt motive" to V. Ramaya.—But

I do further thank the Board. I think it very creditable to V. Ramaya that out of his multitude of cases of various kinds & in his official capacity he has scarcely embarked & [illegible] he only the two under which an opening had been afforded for picking holes. If any communication in the service had been made to depend on a careful analysis and strict scanning of my proceedings & course & even prior to my quitting the District in which I was Collector, I am inclined to think that stronger objections might have been raised to many of my acts than have been now brought to bear on the two cases that are selected by V. Ramaya and I therefore feel very confident with Sir T. Lyall that nothing has been left for the Government to do but to calculate & to bear the groundless attack V. Ramaya may be deemed entitled.

28 January 1857.

W. D.

In the point of transaction case or that of the land applied for by Pattabhi Ramayan the chief charge against V. Ramayan is that, in tendering the Collector his resignation that the Revenue Board & proceed, he did not accompany it with all the papers bearing on the case, and did not append a memorandum of the correspondence which had passed between himself & the Board of Revenue.

It seems to me that V. merits this charge fairly enough, although in omitting at some disadvantage in consequence of the haste of the time he occasion-

them a few years, and
his inability to refresh
his memory by communi-
-cation with persons
in the locality.

That there was no
wilful suppression
or suppositio veri
could be evident from
the fact that the papers
sent with this Report to
Govt. contained
Land in the first in-
-stance. Doubtless
it would have been the

case course. It was
Eden ultimately.

Errors of judgment
there may have been,
and errors in proce-
-dure but wilful ones
there were none whatever
-ever. The correspon-
-dence between R. &
Pattali Rangaya
Eden why he formed
should favor the latter.
R. might have given
the land without con-
-sulting the Collr.
or his making the
enquiries he was told
to carry out-pointing up. The
Govt. enjoined the
Supt. Surveyor for his
official and confiden-
-tially but the District
without-fearing the
land at all

It does not concern
me particularly
that he should be called
today very easily Kuttr
Kadoo. The statement

that it is R adoa
ver-application of Wolly a
R report of R Sub Inspector
Veliatamni who does not
seem acquainted with affect-
-ed towards R - There
is nothing to show that
Sub Engr Colr Wilkinson R
R Deputy Colr In Legislat
or R Colr. can interpret-
-ed R Land or dictate
them accept R Sub Com-
-sioners report -

In R second case in
that of R Rs called Podor.
-gal Land R is blamed
because he did not perso-
-nally inspect the land
but limited the report
of R Thanidar and
Canoon - and by reason
of this delay in giving
-ing his permission re-
-jected by R Colr - R
would particularly
how both the land he in-
-spected the Land but
allowance must be made
for R position & Influ-
-ence of Native Officials when
R Dr Colr - He can hardly
be expected to visit
every piece of land in
his Zamin about which
there may be any dis-
-pute - The duty is
a positive information
is admitted by R. I
do not attribute
to him corrupt-
-ion in this case but
corruption are
important -

From my own
personal observations
I can say that there
is often much difficul-
-ty in deciding what
land on a Zamin
may be claimed
as private property
consistently and
what in a particular
-ion and much diffe-
-rence of opinion there
-on by R Ryots and
Native Authority

R must be remem-
-bered that the picture
are only too correct, and
of a multitude which
R must have had

Salem, in which mis-
-conduct is imputed
to him. I believe that if
he proceedings of Depart-
-ments in general
—not to say other
offices—were closely
investigated there would
be found which would
not occasionally
show errors of judgment
and shortcomings to
be fully as great as
can be charged
against R ——

On the whole I do not
see in the proposing
anything to impeach
Rainier integrity
and his character
as a public servant
or to show that he is
unworthy of promo-
-tion.

J.P.

Transmitted in
triplicate of
V. Ramiengar's

Revenue Department.

No. 526.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 2d March 186

Read the following papers again Pro. of the Bd of Rev. dd 8th Jany 63 No 114 & recorded in G.O. 9th Idem No 65

Pro. Board of Revenue
Submitting with remarks
letter from the Coll. of Salem
forwarding records of proceedings
which Dy Coll. Ramiengar
made over certain Kuttoo Kadoo
lands for cultivation.

Read also the following

Letter from V. Ramiengar
Madras -
Submitting explanation
regarding the Koottao Kadoo
lands in Salem district. — — — a — 12th — do

Pro. Board of Revenue
Submitting further
remarks on proceedings of
V. Ramiengar, late Dy Coll.
Salem District, in making
over certain Koottao Kadoo lands
for cultivation. — — — — — a — 21st — do
No

WDH JP

The Govt have
fully considered all the
papers

papers submitted to them with the above proceedings, but they deem it ~~quite~~ unnecessary for them to go into the merits of the individual cases.—

Errors of judgement there may have been, and perhaps ~~also some~~ errors of procedure, but the Govt see no reason for impugning T. Ramiengar's good faith in the course he adopted or for impeaching his integrity and character as a public servant.

L.R.

14 Copies Letter B. & Rec'd Despatch
1 Copy — R. T. Ramiengar's

21/3

Rec 1867 Departt
Pro of Govt for March

N: 526.

Pro of the Muduas Govt
Dy 2d March 1867

Observations
re Cannanigan from cor.
respg motives in con-
nection with the Kootoopa-
doo lands in Salem made
over for cultivation.

N. 47 @ 49