M.R.O. 14—18,000—27-9-94.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 6	Press ~~Mis.~~
9-10	
Dated 3 — 1 — ~~19~~ 1867	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 3rd January 1867.

No. 9. Read the following Proceedings of the Board of Revenue, dated 27th December 1866.

Read the following letter from the Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 20th December 1866, No. 333 :—

1. With reference to the correspondence noted, I have the honor to enclose translate of an appeal petition filed in the Civil Court at Tellicherry by Tindunel Karunnacaram Nambiar, against the decree of the Tellicherry Principal Sudder Amin in O. S. No. 37 of 1862, and to request that sanction for defending the appeal at the public cost may be obtained.

Collector to the Board of Revenue, dated 1st December 1863, No. 259 A.
Board of Revenue, 22nd December 1863, No. 8,128.
Government Order, 24th December 1863.
Collector to the Board of Revenue, dated 12th December 1865.
Board of Revenue, 3rd January 1866, No. 2.
Government Order, 29th January 1866, No. 244.

2. A Memorandum shewing the appellant's grounds for the appeal, and the arguments to meet them accompanies this. As regards the evidence recorded by and the procedure of the Lower Courts the remarks of the Principal Sudder Amin* on the several points may safely be referred to.

* *Vide* the Principal Sudder Amin's Judgment, recorded in Board's Proceedings, dated 3rd January 1866, No. 2.

3. The appellant, for the first time, *clearly* puts forth a prescriptive right. This implies the absence of all better title. As regards the validity of this claim, it may be remarked that the appellant has not exercised any acts which imply undoubted possession, nor has his possession been uninterrupted or unchallenged for any length of time, which according to local usage or law can be supposed to extinguish the pre-existing right of the Pychi Rajah or Government.

4. The appeal will be heard early in January next immediately after the Sessions are over, and I therefore request early sanction to conduct the suit at the public expense.

Recommended for the early sanction of Government. The original defence was sanctioned by Government in the correspondence quoted by the Collector.

No. 10. ORDER THEREON, 3rd January 1867, No. 6.

Miscellaneous.

Sanctioned.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

Proceedings of the
Board of Revenue

Dated 27
Declared 28 } Dec. 1866.
Rec.
82 Rols

Recommending for early sanction of Govt. application of Collr. of Malabar for permission to defend Appeal preferred in Tellicherry Civil Court against decree of Tellicherry Rinch. Dist. Amin in S. C. No. 37 of 1862 regarding right to certain Hills.

Sanctioned

3 Jany 1867

14 Copies Forwarded 14th Jan.

A.g.t.c