

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 893

DATED 11th May

[Despatch Abstract.]

BACK PAPERS.

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Revenue (1897) Department.

CURRENT No. 3600

Order R. no. 893 of 11th May '97.

The petr is informed that under Section 234 of act III of 1895, no appeal lies to Govt.

From

Karuppa Gounder,
Late Monegar of
Perialemur Village,
No. Erode.

Dated 27th April 1897

Received 30th April 1897

Registered 2nd May 1897

Enclosures 5

Spare copies

SUBJECT.

Appealing against the order of dismissal passed by the Collr. of Coimbatore and confirmed by the Board.

Let

Let the petr
with Encls

6-5-97

to be

The Subcollector's order dismissing the petr is dt 10-6-96.

C.P.
May 1897

840/75777.

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

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Rev

PETITION

808

REVENUE DEPT



His Excellency the Right
Honorable the Governor in
Council, Fort Saint George
Madras.

The humble memorial of
Karuppa Gounder Monegar
of Peria Semur village
Erode Taluk with profound
respect most respectfully
Sheweth:

- 1 That the memorialist was the Monegar of Peria Semur village having been appointed in succession to his grand father on the 1st January 1894, and as such belongs to a mirasi family with an unbroken line of succession from three generations.
- 2 That with respect to a Sharkhash memorandum submitted by the Kurum of his village and his grand father on behalf of one Appachi Gounder and Sundara Gounder and the memorialist

contaminated had shown the
of

the authorities have dealt with the humble memorialist in a most severe way by awarding the utmost punishment of dismissal which has also been unfortunately for him confirmed both by the Collector and also by the Board of Revenue. (the several orders enclosed).

3 That in the petition he has respectfully submitted to the Board of Revenue the facts of his case have been clearly represented, with a prayer that the appellate authorities may be pleased to view the injustice of the order of dismissal and afford adequate redress to the memorialist. (vide copy enclosed)

4 That on a perusal of the connected papers your Excellency in Council may be highly pleased to observe that the humble memorialist has been very severely dealt with for an error if at all it be an error, to which he was no party) under hard circumstances of

of his having spent a large amount from out of his own pocket by way of improving the soil till then quite unsalubrious and unfit for any growth whatever after such a lapse of time during which period there had been ample opportunities for the existing order of things to transform and improve.

5 It is a fact for the kind consideration of your Excellency in Council that the fields concerned were originally settled upon one Marappa gounder for a period of 20 years in 1871 with a prospect of patta being granted to him after the lapse of time prescribed that in pursuance thereof, the grantee son Sundara gounder applied for issue of patta as his father had died, joining as he had done the memorialist and ^{as} there out of the fear to defray the whole cost of effecting improvements which stood at high figures and that as prayed for patta was ordered to be issued as per sub collector's order no. 35 dated 22-1-94 and also Taluk endorsement No. 223 dated 3-2-94. Copies enclosed, and

And that pursuant to the patta had already been granted to them as well.

6 The only question that was raised for consideration before the Lower Court was the propriety or otherwise of ^{having} ~~having~~ upon the fixtures on the fields then settled on patta.

7 The Lower Court has misinterpreted the records bearing upon the case as is most respectfully explained below, having had to rely not upon any evidence, but on presumptions alone.

(a) It is a question for your Excellency in Council to consider as to whether the improvements of the father of Sundara goindan at his own cost to form a private tope on the fields at first granted to him provisionally for raising private tope trees during a period of 20 years and as to which patta had also been issued after the prescribed period, could be charged as being the natural products over other similar

wastelands, in respect of which there appears not the slightest expense of care or capital, on the part of any individual.

Viewed in the above light the products in the fields in question are absolutely private property and as such not at all liable to be charged.

(b) There being not a particle of evidence tending to prove that the orders directing the entry of valuable trees in the Memo, which seem to have been silent at the time when the same was prepared and submitted by the Kurnam, was ever taken to the knowledge of the Kurnam Memorialist by the Kurnam and when the Kurnam has taken the sole responsibility of submitting the records with the entries he thought fit to make therein and affixing his own signature thereto, the Lower Court were not at all justified in holding the humble Memorialist also to pay very dearly at the cost of his appointment even with respect to a circumstance which was never

taken to his knowledge at all.
If on the other hand the matter
had ever been taken to the
knowledge of the memorialist
and his co-partners they would
have represented the hard-
circumstances of the case for
favourable consideration
so that the products may not
be charged.

(C) In as much as an officer of
standing and responsibility
viz Revenue Inspector had been
deputed as usual to verify
and estimate the trees standing,
your Excellency in Council
will be pleased to hold that
the memorialist is not at all
entitled to sit in judgment
upon the action of his superior
responsible superiors whose
orders he is bound to obey
and carry out, as such the
memorialist is not in any
way to blame for the apparent
omission on his part to
magnify

an action of his superior while
himself being perfectly ignorant
as to the standard with which he
could judge such action viz
valuation of trees, particulars
as to which have not been fur-
nished to the village officers,
the whole concern in the matter
being considered to solely devolve
on Revenue Inspectors and
Tahsildar alone.

(D) That even with respect to the dif-
ference between the first and the
second valuation, your Excellency
in Council will be pleased to
observe that the time that
elapsed between the two inspections
was more than two years, during
which period your Excellency
alone could imagine as to how
the growth of the existing trees
might have raised regard being
had to the fact that in the mean-
while the soil had been greatly
fertilized at a great cost, how

how new trees might come into
existence, all of which seem
to have found the ample basis
for a magnified valuation
during the 2^d inspection not
to speak of the fact of the
difference in the estimation of
the value as in the opinion
of the respective officers en-
trusted with the valuation
work.

(4) The sentence awarded in the
case is unduly severe and
out of all proportion to the
magnitude of the charge
if your Excellency in Council
is pleased to view the matter
favorably.

In conclusion the
humble memorialist most
respectfully prays your
Excellency in Council
may be graciously pleased

to render justice to him and
upon a consideration of the facts
herein set out as well as in the
petition to the Board (copy enclosed)
if he is held liable for any
apparent omission on his part,
to hold that the punishment of
dismissal is too severe and
modify the same to a suspension
till now or to any form which
your Excellency in Council
may be pleased to judge.

I am, Sir, with kindest
Charities, your humble memorialist's
Obedient Servant, as is duty bound.

Wrote } B. B. Munro
27.4.97 }

To receive further to him and
 upon a consideration of the fact
 herein set out as well as in the
 petition to the Board of Copy and
 if he is to be kept in the same
 of the present circumstances of
 the Board that the present Board
 is to be kept in the same
 in the same manner as before
 till now in a copy of the
 from the Board in the same
 way as before in the same
 Case is in duty bound
 out of all proportion to the
 magnitude of the
 if your Excellency Council
 is pleased to view the matter
 favourably.
 In conclusion the
 humble memorialist most
 respectfully prays your
 Excellency in Council
 may be graciously pleased

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189.

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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