

Revenue (189) Department.

MISCELLANEOUS SERIES.

G.O., No. 108

DATED 7th Jan'y 1897

[Despatch Abstract.]

Informing Kummaraudu Pillay, Pillar Village,
Madura that under sect 23 of act III of 1895, no
appeal ^{his to Govt} against the order of the Board, rejecting his
appeal by the Muzasai right of the 1st Curuan
Shih of the above village

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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Revenue (189) Department.

CURRENT No.

1897/1197

From Kumarantha Pillai
Villur village
Dinmanaganam
Madura Dt

Order No. 108 d. 7th Jan 1897

The petitioner is
informed that under
Sec. 23 of Act III of 1895
no appeal lies to Govt.

No.

Dated 17. 12. 96.

Received 23. 12. 96

Registered 29. 12. 96

Enclosures 5

Spare copies

SUBJECT.

To the petitioner-
with encls. }
Note

This is a case which
falls within the provisions
of Act III of 1895.

Appealing against the
order of the Rd. rejecting
his appeal re: the
mirass rights of the
head curonanship of
the above village

C.P.
8 Jan 97
dist

Recd
11.1.97

BACK PAPERS.

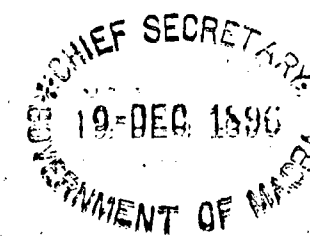
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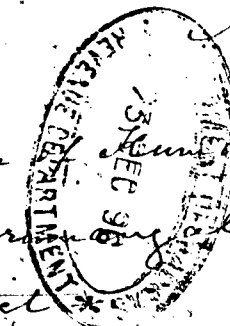
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His Excellency, the Right Honourable, Sir, Arthur Elibank Havelock
G. B. M. G. G. B. I. C.



Governor in Council
Fort St. George
Madras.

The humble petition of Kumbanavelu Pillai,
Villur village, Turaiyachalam Taluk
Madras District.



Most Respectfully sheweth:-

That the Petitioner humbly begs to state
that the orders of the local authorities and of
the Board of Revenue declaring that no Mirasfi
right exists for the sheard. Curnamship of the above
said village, and appointing to it a stranger
named Perumal Pillai, in obvious disregard
of the Petitioner's hereditary Mirasfi rights thereto, having
been based on the Board's former erroneous order
giving retrospective effect to G. O. 1168
24-11-92, passed
before 1st October 1895 is the date on which the
Madras Hereditary Village Officers Act III of 1895
came into force, they are subject to revision by
your Lordships in Council as was ruled in August
last.

That before the grounds on which
the revision of the orders is sought for, Petitioner
thinks it necessary to state briefly what the facts
of the case are, so that your Lordships in Council

in
the

may decide whether or not due effect was given to the
G.O. No 1004, 21-11-93, which declare that G.O. 1168, 24-11-92 has no
retrospective effect and that all cases to which
retrospective effect was given should be revised in
accordance with the rules laid down in the G.O.
No 1004 of 1893.

That the facts are these: The village
Vellur was divided into Vellur and Gujampatti in the
recent Revenue Settlement. At the revision of the Village
Establishment in 1890, Petitioner's brother, Sella^{half}ammuthu Pillai,
who was the hereditary Mirasfi Gurnam of the old Vellur village
was appointed as head Gurnam of the new Vellur village
with Petitioner as his Gurnasta. He died 2 years after the
revision i.e. in June 1892. In his place a minor named
Kathiravelu Pillai was appointed by the Collector, on
the ground that he was the adopted son of the
deceased Gurnam. Petitioner's uterine brother, Dorasami
alias Subramania Pillai, appealed to the Board of Revenue
questioning the adoption and claimed to be appointed
to the head Gurnamship. The Board by Proceedings dated
10th August 1893 No. 4628 Mir. gave retrospective effect
to G.O. 1168, 24-11-92 and cancelled the appointment of Sella-
ammuthu Pillai at the revision on the ground that an
incompetent major should not have been appointed as well
as the appointment of the minor Kathiravelu Pillai as
both of them are not qualified Candidates according
to G.O. 1168, 24-11-92 and para 6 of Board's Pro. No. 719,
15-12-92.

That after the issue of G.O. 1004, 21-11-93, the Board

Proceedings 2663 Mir. 16-5-94 directed the Collector to dispose of
the

the case on Mirasfi rights; The Deputy Collector thereon
appointed the minor Kathiravelu Pillai as the adopted
son of the deceased Gurnam Sellaammuthu Pillai. But
the Collector on Petitioner's appeal cancelled the
minor's appointment, as his adoption fell through in
the Civil Court and ordered the ^{Deputy} Collector to appoint
another man.

That in doing so the Deputy Collector appointed
a stranger named Perumal Pillai on a wrong
motion that no Mirasfi right exists for the head Gurnam
ship of the village in question as it is affected both
at the Settlement and at the revision and as the Board
also has so held in its Proceedings 4628, 10-8-93. The District
Collector too confirmed the Deputy Collector's order, and
the Board strange to say without reading at all the
facts stated in the petition repeated it stating that
under section 23 of the Madras Hereditary Village Officers
Act III of 1895, more than one appeal is inadmissible
against appointments made at a revision of Village
Establishment.

That the Petitioner again petitioned the
Board stating that his petition of the 20th July 1896
is not an appeal against the revision appointment
but a petition to pass all its Proceedings Nos. 4628 & 2663,
10-8-93 & 16-5-94
by which it has cancelled the appointment of the
Petitioner's brother, Sellaammuthu Pillai at the revision
in 1890, by giving retrospective effect to G.O. 1168,
24-11-92, as
the Deputy Collector, in pursuance of the said erroneous
Proceedings of the Board has wrongly stated that
no Mirasfi right exists for the office in question,
but the Board declined to reconsider its former order.

Now the fact that the Petitioner's brother

Sellaammuthu

Sellamuthu Pillai was appointed as head gumam of the new Villur village at the revision in August 1890 is not only evident from the Revision Register and from the order issued to Petitioner to do duty as gumasta because he is old, but is admitted by the Deputy Collector himself. The G.O. ¹¹⁶⁸/_{24.11.92} which declare that incompetent men ought not to be appointed to the chief offices in affected villages at the revision and in pursuance of which the said Sellamuthu Pillai's appointment was cancelled by Board 2 years after the revision by Pro. No 4628 ¹⁰⁻⁸⁻⁹³ its cannot affect his appointment made prior to ~~the death~~ issue, as the subsequent G.O. No 1004 ²¹⁻¹¹⁻⁹³ peremptorily ruled that the said G.O. 1168 of 1892 has no retrospective effect.

Therefore the deceased Sellamuthu Pillai, though incompetent must be held to have been rightly appointed to the gumanship at the revision under the rules in force on the date of the revision which authorized the appointment of even incompetent Marafadars with gumastas to affected villages and consequently his (Sellamuthu Pillai's) appointment at the revision holds good. The Board's order ^{No 4628}/₁₀₋₈₋₉₃ which set aside his appointment by giving retrospective effect to G.O. ¹¹⁶⁸/_{24.11.92} ought to be revised according to G.O. No 1004 ²¹⁻¹¹⁻⁹³ and the appointment restored and the succession to the office in question after his death should devolve on his heirs in accordance with the rule (IV) in G.O. ¹¹⁶⁸/₂₄₋₁₁₋₉₂ which was enacted as section VI of the Madras Hereditary Village Officers Act III of 1895

The Petitioner humbly solicits your Lordships in Council to decide whether the Deputy Collector's order dated 1st February 1896, confirmed as it was by the Collector and the Board of Revenue, declaring that no body was appointed at the Revision, because Sellamuthu Pillai who was appointed at the Revision in August 1890 was removed by Board for incompetence 2 years afterwards in pursuance of an order to give retrospective effect to G.O. ¹¹⁶⁸/₁₈₉₂ when in fact he should have been restored according to G.O. ¹⁰⁰⁴/₁₈₉₃, that the head gumastah is still vacant and that he therefore proceeds to make the appointment now as the first revision appointment can be supported upon the undisputed facts urged above, kindly bearing in mind that the said Sellamuthu Pillai had continued in office for nearly 2 years after revision in 1890, and that his removal from office by Board was only in consequence of an erroneous order to give retrospective effect to G.O. dated 24th November 1892 No 1168.

17th December 1896

For which act of justice
Petitioner as in duty bound
will ever pray.



When given for copying _____
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When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATUM

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

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