

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1246

DATED 5th March 1897

[Despatch Abstract.]

Sanctioning the defence of the Suit in
S. no. 987 of 1896 on the file of the
Munsiff of Kamekhal, re. the Sale of
Pudur Village in the Perambalur Taluk
in the Salem D.C.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No.



The Hon. Mr. Gross C.I.E

21/5/97
5/3/97

Order No. 1246 of 50 Mar 1897

From

The Board of Revenue, Land
Revenue, Madras

No. 721 Misc.

The defence of the
suit is sanctioned and the
draft answer approved.

Dated 25th February 1897.

Received

Registered

Enclosures 5

Spare copies

SUBJECT.

Submitting to Govt. with remarks
letter from the Collector of Salem
requesting sanction for the defence
of O.S.No.987 of 1896 on the file
of the District Munsiff of Namakkal
(re: the sale of the Pudur village
of the Pavithram Mitta) and agreeing
with the Collector in thinking
that the temporary injunction issued
by the District Munsiff may be
allowed to stand.

To the Board of Rev (L.R.) with Encl
The Collector of Salem. 25.2.97

Note

The facts are concisely set
forth in the Board's Resolution. The
Case is posted for hearing on the
9th instant.

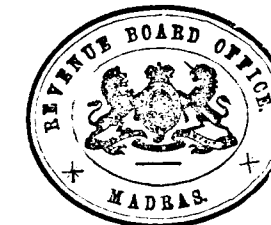
5/3/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Land Revenue)

NO. 5067 Misc. dated 6th July 1896.

Read letter from R.H. Campbell Esq. Sub. Collector in charge Salem to the Secretary to the Commissioners of Land Revenue, Madras Ref. No. 1303-cur. dated 28th May 1896; and the following reference thereon dated 19th June 1896:-

The Collector is requested ~~to report~~ to report whether the adjustment of the surplus sale proceeds towards the arrears due on the Pavithram Mittah which was made on the 30th March 1895 was intimated to the Mittadar (Malayandi Pillai's heirs) and whether the purchasers-the present registered holders-had as a consequence the Collector's authority for believing that the mittha was free of arrears at the time of transfer of registry in their names.

2. The Collector is also requested to state whether the surplus sale proceeds were actually distrained under section 8 of Act 11 of 1864 before they were adjusted towards the arrears.

Read endorsement of the Ag. Collector of Salem Ref. No. 1303-cur. dated 28th June 1896, on letter from the Tahsildar of Namakkal dated 25th June 1896.

Read also letter from the same officer office issue No. 796-B & C dated 2nd July 1896.

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Resolution.

As it appears from the second paper read above that the Pavithram Mitta was not free of arrears at the time of purchase of the same by the present registered proprietors, the Board consider that the estate in their hands is liable to be proceeded against for the recovery of the arrears, which have revived in consequence of --

the ~~modification~~ cancellation of the adjustment of the surplus sale proceeds of the Shendamangalam Mitta under the order of the District Court of Salem. It accordingly approves of the action already taken by the Collector in the matter, and of the course proposed to be followed in the first letter read above.

2. The Board does not consider that a reference to the Government Plender which was under consideration when Board's Proceedings No. 2757 Misc. dated 16th June 1896 was issued is necessary.

The Collector of Salem.

(True Copy & Extract)

(sd) P.C.C. Carr.

Ag. Secretary.

(True Copy)

Reeann
Secretary..

189⁶.
Board of Revenue
(Land Revenue),
MADRAS.

True Copy of Board's

Proceedings No.3067 Misc..
dated 6th July 1896.

Subject.



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10-12-96.

Proceedings of the Board of Revenue
(Land Revenue).

NO.3958 A.dated 29th June 1896.

Read letter from C.H.Mounsey Esq., Collector of Salem to the Secretary to the Commissioners of Land Revenue Madras - Reference on No.1502-cur.dated 26th June 1896.

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Resolution.

The following ~~telegram~~ urgent telegram will be despatched to the Collector of Salem:-

"Yours 26 instant Pavitram Mitta accept offer as proposed"

The Collector of Salem.

(True Extract)

(sd) R.C.C.Carr

Ag.Secretary.

(True Copy)

Recess
Secretary.

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DEF
C.D.

189 .
Board of Revenue
(Land Revenue),
MADRAS.



Proceedings of the Board of Revenue
(Land Revenue)

No. 721 Misc., dated 25th February 1897.

Read letter from C.H. Mounsey, Esquire, Ag. Collector of Salem, to the Secretary to the Commissioners of Land Revenue, Madras, Ref. No. 3261/Cur., dated 20th February 1897.

Resolution

Submitted to Government with the request that the defence of the suit may be sanctioned, and that the draft written statement submitted by the Collector may be approved.

2. The facts of the case are as follow:-

One Malayandi Pillai who was the sole proprietor of the Pavithram Mitta consisting of the five villages noted on the margin and also a joint proprietor of the Shendamangalam

Pavithram
Pudur
Navaladippatti
Singalamkombai
Simmankombai

Mitta died in 1892, leaving two widows. Before the registry of the estates could be transferred to the names of the widows, the Shendamangalam Mitta had to be sold for arrears of revenue in January 1895, and the deceased's share of the surplus sale proceeds amounting to Rs. 1100-9-4 was kept in deposit in the Namakal Taluk Treasury. The Pavithram Mitta was sold by the widows in March 1895 to one Gopalsami Chetti who in his turn alienated two of the villages (Singalamkombai and Simmankombai) to one Dorasami Reddi on 2nd April 1895, and the remaining three to Venkata Rao (the Plaintiff in the present suit) on the 22nd May 1895. As the instalments of peishcush on the Pavithram Mitta for fasli 1304 were then falling due, the Tahsildar of Namakal adjusted the

~~True copy of Board's Proceedings~~

No. 29th Jun 1896 No. 2958 A Misc

Subject.

the surplus sale proceeds of the Shendamangalam Mitta towards the arrears outstanding on the 30th March 1895. In the meantime the District Court of Salem had, at the instance of Gopalasami Chettiar issued an order attaching the surplus sale proceeds for the recovery of certain debts payable to the said Gopalasami Chettiar by Malayandi Pillai's widows and this order, which was received by the Collector on the 19th March 1895, could not be communicated to the Tahsildar of Namakkal until the 10th April 1895 as an intermediate reference had to be made to the Local Government Pleader in connection therewith. On receipt of a report that the surplus sale-proceeds had been adjusted by the Tahsildar of Namakkal towards the arrears due on the Pavithram Mitta before the District Judge's order was communicated to him, the fact was intimated by the Collector to the District Judge (letter dated 14th May 1895). The estate had by that time been attached for the remaining arrears due for fasli 1304 (Rs. 3340-6-3) and it was advertised for ^{sale} ~~festi~~ on the 29th June 1895. The transferees referred to above, Venkata Rao and Dorasami Reddi, paid up the arrears and the sale was accordingly stopped. They then pressed for the transfer of registry of the estate in their names jointly and this was effected on the 17th September 1895. On the 28th October 1895, the District Judge sent an order in reply to the Collector's letter of 14th May preceding, to the effect that his attachment order having been served on the Collector on the 19th March 1895, the adjustment on the 30th idem of the surplus sale proceeds towards the arrears due on the Pavithram Mitta could not be held to be valid and that the amount should accordingly be placed at the disposal of the Court. The Collector thereupon requested the District Judge to reconsider his decision on the ground that as the judgment creditor (Gopalasami Chetti) had delayed pressing his claim up to October 1895 and the registry of the Pavithram Mitta had meanwhile been changed, there would be some difficulty in giving effect to the Court's attachment and in realizing the arrears already adjusted by the Tahsildar, and that the judgment creditor might be directed to proceed against any other property belonging to his debtors; but the Judge finally dismissed this application on the 20th August 1896.

3. In the meantime Venkata Rao and Dorasami Reddi applied for the subdivision of the mitta into two portions and this was

sanctioned in Board's Proceedings No. 45, dated 1st February 1896. As the order of the District Court had not been received up to that date and as the joint holders were pressing the Collector to give effect to the Sub-division, he thought it desirable to revive the arrear pending the Court's orders and accordingly had the surplus sale-proceeds (originally adjusted to Land Revenue) refunded and transferred to Revenue deposit in April 1896. A notice of the revival of the arrears was subsequently issued to the registered holders on the 24th April 1896. As the arrears were not paid, the estate was attached on the 23rd of the following month. Dorasami Reddi paid his share of the revived arrears (Rs. 215) on the 29th June 1896. As the remaining arrears were really due solely on the three villages owned by Venkata Rao, the sub-division sanctioned in Board's Proceedings No. 45, dated 1st February 1896 was given effect to on the 7th August 1896; and a fresh sub-division of the three villages and the sale of one of them (Puthur) were sanctioned in Board's Proceedings No. 358, dated 19th September 1896. The sale of the Puthur village was fixed for the 26th November 1896, but it has since been postponed in pursuance of the injunction of the Civil Court obtained by the Plaintiff in the present suit.

4. The Plaintiff's main contention is that the estate had been released from attachment and sale on the 29th June 1895 by the payment of the entire arrear of fasli 1304 outstanding on it accordingly to the Taluk accounts as they stood at that time, and that Government could have no claim to recover anything more from him for the arrears of that fasli. It is proposed to plead on behalf of Government that the purchase of the estate by Venkata Rao (the Plaintiff) and Dorasami Reddi was subject to the charge of the entire arrears due for fasli 1304, that this liability is not affected by the initial erroneous adjustment of Rs. ¹¹⁰⁰⁻⁹⁻⁴ ~~110-9-4~~ due to Malayandi Pillai's widows, which adjustment had to be subsequently cancelled under the orders of the District Court, and that the estate being in any case liable for the revived arrears, the Plaintiff's cause of action, if any, lies only against his

predecessors in interest, Gopalasami Chetti and Malayandi Pillai's widows.

5. The Board agrees with the Collector in thinking that the temporary injunction of the Civil Court may be allowed to stand.

6. As the hearing of the suit is posted for the 9th proximo, the Board requests that the orders of Government may be communicated to the Collector direct.

(True Extract)

Reelin

Secretary.

To

The Secretary to Govt.R.D., with ~~2~~ letters & Enclosures in original to be returned & with copies of B.Ps. No. 3067 *dis.*
6-7-96

And 2958 A Misc.
29-6-96.

The Collector of Salem.

Md.R.H.

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When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH LITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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F.B.-

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