

Revenue . (1897) Department

MISCELLANEOUS SERIES.

G.O., No. 1377

DATED 11th March

[Despatch Abstract.]

Declining to interfere on behalf of
Ganapathi Pillai of Tirunelveli. He is appealing
against the levy of prohibitory assessment
on his lands.

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. 1047

11/3/97

By order of Govt. C. P. 2

Order no. 1377 dated 11 March 1897

From

Ganapathi Pillai
Puttadar No. 76, Suvalappury Village,
Nanguneri Taluk,
Tinnevely Dt.

No.

The Govt. sees no reason
to interfere with the orders appealed

28
63-97

Dated 22-1-97

Received 30-1-97

Registered 4-2-97.

Enclosures 14.

Spare copies

The pet. is practically un-
intelligible, & the Govt. has
therefore made a most thorough
enquiry.

The petition with ans
dis. 13-3-97

SUBJECT.

The petitioner encroached upon
anatham poremboke to the
extent of 4.7 acres and the local officers
after an enquiry into allegations of
title, imposed prohibitory assessment
in some cases, charged wet rates in
some others and dry rate in one instance
and the Board of Revenue on appeal
ordered the remission of tax on all
other than Palmyras which

appearing against the orders
of the Board of Revenue, regarding
prohibitory assessment.

at 5.2.97. C. 8/3/97
R. 10/3/97

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are taxed according to the custom of the dt.
The petitioner now appeals to Govt. but his petition
is not quite intelligible. attention is
solicited to the collector's letter no 925 of 25 May 1896
of which a copy was obtained from the
Board's office on application. It gives
concisely the facts of the case and discusses
fully the several arguments which the
petitioner adduced in support of his claim. It
is submitted that the petitioner's case received
very full attention of the collector.

11/9/97

BACK PAPERS.

G.O.	No	Department.	D

FURTHER PAPER

G.O.	No.	Department.	D

Stitch with enclosure 997



2,000
16-7-96.

Proceedings of the Board of Revenue
(Land Revenue).



No. 2804 Misc., dated 18th June 1896.

Read the following :-

1. Again B.P. No. 2744 Routine, dated 16th October 1895
2. Petition from Ganapathi Pillai, Pattadar No. 76 of Sevalaperi, Nanguneri Taluk, Tinnevely District, dated 8th November 1895, and Reference thereon dated 22nd November 1895
3. Petition from the same individual, dated 7th May 1896, and Reference thereon dated 21st May 1896.
4. Also letter from the Collector of Tinnevely, Dis. No. 925/Genl. Rev of '96, dated 25th May 1896.

Resolution

The Board approves of the Collector's recommendations that the tree tax ordered to be levied on trees other than palmyrahs be remitted and that single dry rate be charged on the 4 cents of land in petitioner's occupation about which no orders were passed by the Collector through oversight.

2. The petitioner is referred to the Collector for orders on his appeal.

(True Extract)

/signed/ L.D. Swamikannu Pillai

To The Collector of Tinnevely, with records ret'd. & with Enclos. to be ret'd. to the petitioner.
Para 2 to the Petitioner.

are taxed according to the custom of the clt.
The return is

BACK PAGE

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

To

True Copy of Board's

Proceedings No. 2804 Misc.
Dated 18th June 1896.

Subject.

Disposal 935/96
Gen:Rev:

Tinnevely Collr's Office
Dated 25th May 1896.



From

A.W.B. Higgins Esquire
Collector of Tinnevely.

To.

The Secretary to the Commr.
of Land Revenue, Madras.

Sir,

I have the honor to reply ~~int~~ to the Board's reference dated 23rd. November 1895 on petition (Register No. 3942 of 1895) from -- Ganapathiappa Pillai claiming certain pieces of nattan land in -- Sivalaperi village, Manguneri Taluk.

2. In July 1893, the Local Fund Engineer reported to the President, District Board, that petitioner had encroached upon two cents of Road No. XVI (from Ambasamudram to Panagudi) running through -- survey No. 257 Nattan Poramboke in Sivalaperi village. The letter -- was forwarded to the President, Taluk Board, Sernidevi, for necessary action. A notice was issued to the petitioner to remove the encroachment. The petitioner not having complied with the notice, the Head Assistant Collector, at the jamabandi of fasli 1303, charged him six times block rate with a warning that the charge would be ---- doubled if the encroachment were not removed in fasli 1303.

3. Against this order the petitioner appealed to the Collector in Revenue Appeal 103 of 1893. After detailed enquiry, the Collector Mr. Forbes, dismissed the appeal on the 27th April 1894 on the ---- ground that the occupation was a clear encroachment.

4. In connection with the above enquiry, it was found that the petitioner had also encroached on several other ---- of common village site. The Head Assistant Collector was asked to take notice

~~prohibitory~~ assessment on the undermentioned plots:-

Serial No.	Survey No.	Extent of encroachment cents.	Nature of encroachment	charge.
3		40	Dry cultivation	4 as. per cent up to 30 cents
1		50	Dry cultivation	and 2 as. per cent above the extent.
34		5	Plantains with baling from -- channel.	4 as. per cent up to 30 cents and 2 annas -
5		40	Tope with baling	per cent above that + 1 1/2 water rate.
4		37	Do.	
3		49	Do.	
8		15	Do	
17		16	Brinjals with baling.	
16		3	Mud wall enclosure.	Re. 1-8-0
19.		1.	Manure pit.	Single rate.

5. Against this charge the petitioner appealed to the Collector in August 1894. In connection with the enquiry which ensued, it was brought to light that petitioner occupied several plots of nattan land beside those noticed above. I had a statement of all such lands prepared and passed orders in respect of each case after examining the documentary evidence adduced in support of the petitioner's claim - vide my proceedings in Revenue Appeal No. 153 of 1894 and the statement appended thereto. Hence the present appeal to the Board.

6. The chief grounds of appeal are (a) that 4.07 acres of nattan land in survey No. 357 in Siyalaperi village belongs to the petitioner, has been partly inherited from his ancestors and partly acquired by purchase from others, and has been in the enjoyment of the petitioner's family and their vendors for more than a hundred years.

(b) that some of the enclosures are tope lands covered with valuable

(c) that it has been finally decided by the Collector in July 1890 that, for the tope lands and the lands cultivated in the nattan in question single wet rate alone should be charged and the charge of tree-tax in addition to wet rate in respect of some of the plots is therefore illegal.

7. A sketch showing the locality of the several enclosures claimed by petitioner is enclosed. The sites claimed by petitioner are numbered 1 to 34 in red ink. The reasons for my orders in respect of each enclosure are noted briefly in the enclosed statement. I would however add a few general remarks on the chief contentions put forth by the petitioner.

8. In support of grounds (a) & (c) petitioner has produced, besides sale deeds - particulars of which are discussed in the enclosed statement - (1) presettlement pattas issued to his father Sundralingam Pillai in faslis 1266, 1272, 1273 and 1276. (2) Extract from the Nattan Register of the village prepared in fasli 1294.

(3) Takid dated 25th June 1895 from the Forester of Tinnevely -- District -- with his father (styled hukdar of the Government depot in Kalakad) stating that the sub-overseer had been directed to pay him Rs. -- the rent due to him for the month of May; (4) a number of land paper receipts granted to petitioner's father for payment of land revenue and sevoyjamma assessment.

8. The present pattas produced by petitioner show -- that his father cultivated 12 cents of Bhaghayat land in fasli -- 1266 and that from 1272 to 1276 about 18 plots with an aggregate extent 3 acres 39 cents of Bhaghayat land were in his occupation. There is no mention in the pattas showing the particular locality of the several plots. The Nattan Register prepared in fasli 1294 (1883-84) shows that all plots claimed by him were in his occupation in fasli 1294. The takid of 1875 shows that Government paid a monthly rent of Rs. 3 from the site of the Government depot at Kalakad owned by petitioner's father. This site is entered as -- serial Nos. 31 and 32, in the enclosed statement. The receipts merely show the payment of sivoyjamma assessment in the several years.

9. Petitioner also relies on old A and B Registers of the village prepared in 1861 -- Register dated 10th 1075

the Nattam of the village—then measured 33 kottais, 15 markals, 1 padai i.e. 51 acres, 62 cents of which 11 kottais, 4 markals, 6 7/8 padis i.e. 8.20 acres were Bhagayat land on which totakkal cultivation was being made. Thus it would appear that the garden lands are not "Totakkal" proper but are actually portions of Nattam grown with garden crops. The old B registers shows that 15 plots of Bhagayat lands with an aggregate extent of 1.91 acres were being cultivated by petitioner's father in 1861. There is nothing in the B register to identify the particular plots mentioned therein. The entries in the presettlement pattas merely show sivoijamma cultivation and do not give the petitioner any right to regular patta for the Nattam lands which he cultivated. Hence the contention of the petitioner that the lands were held on patta prior to settlement and should now be restored to his patta is untenable.

10. Petitioner examined several witnesses before the Tahsildar, who have deposed to the length of enjoyment by petitioner's father and his vendors of the several plots claimed by petitioner. I, however consider the oral evidence in such matters is of little value. The only documentary evidence which shows the particulars and locality of each plot claimed by petitioner is the Nattam Register prepared in 1883, which shows petitioner's enjoyment of the lands from 1883, and the takid, of 1875 which shows that two of the plots (Nos. 21 and 22 in the statement) were owned by petitioner's father from before 1875 and that Government recognized his right of ownership to the land by payment of rent.

Grounds (b) and (d).

11. The growth of the trees on plots 3 to 8 see enclosed sketch—however is clear evidence that those plots have been in the enjoyment of private persons for over sixty years. I inspected the topes on the 13th May 1896. These plots moreover lie close to the Nanguneri and Parayan channels and in the North-eastern border of the Nattam apart from the habitations. By reason of the existence of old and valuable trees on these plots and of their detached situation, they seemed to require a different treatment from other plots. I therefore ordered the levy of single wet rate and tree tax in respect of these plots except plot 3 about which please see para 13 below. Petitioner objects to this relying on the Collector's order dated 22nd July 1890 to the Tahsildar of Nanguneri. This order relates to the jumbandi of fasli 1301 and cannot be

palmyras on ordinary assessed lands pay only the block wet rate, single or double according to the classification of the block, without paying tree-tax. Government is not bound to conform to this rule in case of Nattam lands. I have however no strong objection to urge the permanent remission of the tree tax on trees other than palmyras. Palmyras should be charged according to district custom.

12. In case of plot (1) the petitioner's title to the land has not been satisfactorily proved. The prohibitory assessment was therefore confirmed.

13. In case of plot (2) the cultivation is unobjectionable owing to its situation and length of occupation; and I have accordingly ordered the charge of single dry rate if no water is used, ^{and wet rate if water is used,} and tree tax; and I recommend that the order as to tree tax be confirmed as regards palmyras and the on other trees be remitted.

14. The cultivation of plots 12 to 24 owing to their situation or other causes seemed objectionable and consequently I ordered the imposition of prohibitory assessment if they should be cultivated, and I adhere to this recommendation. In respect of 4 cents in serial Nos. 10 & 11 about which by oversight no orders have been passed, single dry rate may be charged if the ^{lands} ~~land~~ should be cultivated.

15. The Board's opinion and all the records connected with the subject are enclosed.

I have &c.

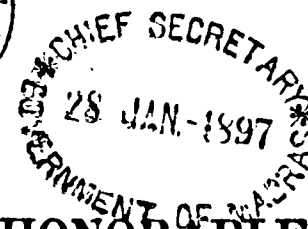
(sd) A.W.B. Higgins

Collector.

(True Copy)

h. swamikannu
19 FEB 1897

Asstt. Secretary.



To,

HIS EXCELLENCY THE RIGHT HONORABLE,
THE GOVERNOR IN COUNCIL,
PETITION
501
FORT SAINT GEORGE,
MADRAS.

REVENUE DEPT. The humble appeal Memorial on behalf of GANAPATHIAPPA PILLAI,
Pattadar No. 76, Seevalappery village, Nanguneri Taluk, Tinnevely District,
against the Resolution of the Board of Revenue No. 2804 dated 18-6-1896.

MOST RESPECTFULLY SHEWETH:—

That 4 acres 7 cents of Land in Nattam, Survey No. 257 in the said Seevalappery village, belongs to the Memorialist; which has been in the enjoyment of the Memorialist's family prior to Ayacut (1803 A. D.) and the English Government for more than 100 years; and the appearance of trees that stand in the said lands will prove the above period; and the Collector who inspected those trees on 12th May 1896 will be an evidence of it.

2. The Board of Revenue issued a circular order dated 17-6-1861 to the effect that the patta and waste lands entitled from Fasli 1211, must be brought to B register, and the signature of the owners of the said lands be obtained in it in proof of those lands having been accepted by them: the said lands of the Memorialist is accordingly entered in the said B register, and the Memorialist's father Sundralingam Pillai's signature is also obtained in it. Vide Exhibit A.

3. The Sub Collector issued a general order No. 61/1862 to the effect that tax will be levied on those lands left waste of such as are entered in the said B register and patta: the Memorialist has been paying tax even for the waste when the said lands happened to fall waste: such payment for the waste will be evidently seen from the following of the patta granted in Fasli 1276 for the said lands, viz, items "Kar, Pishanam and Waste" totalled. Vide Ex. B.

4. Copies for the said Board's order referred to in para 2 (of this memorial) and the Sub Collector's order referred to in para 3, were declined by the Collector. Vide Ex. C.

5. The said lands acres 4 and cents 7 of the Memorialist are entered also in the Nattam register of the Fasli 1291 prepared in accordance with the circular dated 5th September 1878 of the said Board: and the Memorialist's father Sundralingam Pillai's name is also entered therein as a owner to the said lands. Vide Exhibit. D.

6. A few receipts will show that the said lands are ones, tax paid for, since the English Government commenced and down to the present. Vide (Group). r E

7. The Kurnam of the village admits the entry ^{of} the said lands 4 acres 7 cents in all the 3 accounts, viz, Patta, B register, and the Nattam register. Vide Ex. F.

8. The Government, using some of the said lands as a Forest Timber Depot, paid a rent of Rs 3 per mensem: which will be an evidence of the Memorialist's right having been accepted by the Government to the said lands. Vide Ex. G.

9. It will appear in the Proceedings of the Collector that the said lands have long been cultivated and entered in Pattah. Vide Ex. H.

10. In a dispute arose in regard to the right of the supplying channel to the said lands, and of the cultivation therein, the Head Assistant Collector has decided a right not hurting the cultivation in the said lands, and the irrigation therefor. Vide Ex. I.

*This is not a
sub order*
11. In 1890 the District Collector charged without tree tax only the land assessment for both the lands, viz, the lands which contain trees and the lands which contain not trees. Vide Ex. J.

12. While, in fasli 1300, Head Assistant Collector, the Jamabandy Officer (against mamool tax) charged prohibitory tax to the same that the Memorialist may not even dream to enter into the said lands. Vide Ex. K, K1.

13. The Memorialist thereupon appealed it to the Collector and the Board of Revenue; the Board of Revenue has ordered that a separate tax should be levied for the palmyra trees standing on the assessed lands, that prohibitory tax should be charged on other lands cultivating than the Tope, that 2 cents out of 6 in total of 2 cents in No. 224 and 4 cents in No. 225 on the said lands 4 acres 7 cents entered in the Nattam register, are an encroachment, increasing prohibitory tax therefor, and the remaining 4 cents are owned to the Memorialist and if it is cultivated, Dry rate will be charged. Vide Ex. L, L1.

14. What right the Board confer to the Memorialist towards the said 4 cents Nattam lands, the same right only he has also for his other lands in the same Nattam: and consequently, for the said 4 cents while Dry rate is charged, that the other similar lands of the Memorialist are charged in an other way is great injustice, and further, is against mamool.

15. The Memorialist, therefore, prays that Your Excellency in Council may be pleased to order for all the lands entered in the Nattam register in the Memorialist's name to charge the same Dry rate charged by the Board on the said 4 cents in No. 224 and 225, to charge no tree tax to those trees that are standing in the lands assessed, to refund the tax unjustly collected, to entitle him to the said 2 cents in No. 224, and 225 said to have been encroached on by him as it is entered in the Memorialist's name in the Nattam register, and to issue Patta after sending for the Board's order and the Sub Collector's order referred to in para 4 (of this Memorial) and perusing them as well as the B register referred to in para 2, and the Patta that is referred to in para 3 and that contains assessment even for waste, and the Nattam register, referred to in para 5, and the Kurnam's statement referred to in para 7.

LIST OF DOCUMENTS.

- | | | |
|------------|---|----|
| A. | Public copy of the B register. | |
| B. | Patta of the Fasli 1276. | |
| C. | Endorsement of the Collector dated 16—11—94. | |
| D. | Public copy of the Nattam register prepared in Fasli 1291. | |
| E (Group). | Kist receipts Olais 28 | |
| | Paper 3 | |
| | | 31 |
| F. | Public copy of the statement of the village Kurnam dated 25—11—93. | |
| G. | Forestor's order No. 253 dated 25—6—75. | |
| H. | Public copy of the Proceedings of the Collector dated 29—3—78. | |
| I. | Do. Do. of the Head Assistant Collector dated 29—5—83. | |
| J. | Do. of the Collector's order to the Tahsildar, No. 751 dated 22—7—90. | |
| K. | Do. of B Memorandum of the Fasli 1303. | |
| K1. | Do. of account No. 6 of the Fasli 1303. | |
| L. | Do. of the Proceedings of the Collector dated 5th June 1895 in Revenue appeal No. 153 of 1894 with its appended statement (Nos. 2). | |
| L1. | Proceedings of the Board of Revenue in No. 2304 dated 18—6—1896. | |

22nd January 1897.

Ram Kumar