

Revenue (1897) Department.

Roa sine

MISCELLANEOUS SERIES.

G.O., No. 1503

DATED 10th Aug.

[Despatch Abstract.]

Declining to interfere on behalf of
Nathiyar of Padwickpam, the Cadda
lore Saluk, praying the put in possession
of certain inland 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 (189) Department.

CURRENT No. 6172

From

Para Mathrayan,
Cuddalore
S. Arcot St.
No.

Order

Dated 13th July 1897

Received

Registered

Enclosures

Spare copies

SUBJECT.

Appealing against
the order of the Board of
Revenue re. the issue
of revenue patta in the
name of one Perumal
Naidu for certain
land in the

BACK PAPERS.

G.O.	No.	Department.	Date.
	3789		20 July 1897
	46		20 July 1897

FURTHER PAPERS.

G.O.	No.	Department.	Date.



To

The most honorable
the Government of Madras

The most humble petition
of nottigan of Padonkuppam
Cuddalore Taluk most respect-
fully sheweth.

2 Taluq aggrieved
by the decisions of the
Board of Revenue and
the Collector of the District,
the petitioner begs to take
the opportunity to lay his
unfortunate case before the
Honorable Government - the
only course now left
for him - with the strong
hope that the Government
will not but endow and
to go through his hard case
and render him the redress
unjustly denied to him
by the Board and the Collector.

3 The circumstances

of the Caste are briefly
as follows: —

The dispute is regarding
the Emoluments of the Talian
Gnan which comprised
of 7.78 acres of dry lands
in the village of Padiri-
Kuppam. The 17th Frasi
misasdar was Siri who
was the father of the
petitioner. The former
held the office from men
before Frasi 1217. After ^{him} his
eldest son Kallan succeeded
and did the duty till 1864
when he was dismissed
from service for some
fault and a stranger
named Perumal Naik
was appointed as Talian.
This individual, it is said,
continued in service
till 1890 when the revision
of the village establishment
took place and when he
was dispensed with, as
the village was clubbed
with another village
Anippankuppam, and

As the Talian of that village
was chosen to do the duty
of the Talian. In the year
1889 the work of enfranchising
the Service Gnan commenced
in the district and the then
Deputy Collector having found
in his enquiry that the
Gnan attached to the
Talian of the Padiri-
Kuppam was in the en-
joyment of one Kallappa
Nayak ordered the registry
of the Gnan in that man's
name. The petitioner —
objected to it and was
told to establish his title
thereto by a Suit under
Regulation III of 1831. The
petitioner accordingly
filed a Suit before the Head
Quarters Deputy Collector
and obtained a decree
in his favour. He was
however not allowed
to enter upon the duty
as Talian as he could
not ^{oust} the then holder

Kullappa Nayak on the
ground that he had been
Taliari for more than
3 years. He was in conse-
quence obliged to wait
till he vacates the office.
In the following year
the revision was brought
to effect and the Meradar
of A village having had
the preference to continue
in service, the petitioner
had no opportunity to
succeed. In 1894 an
additional Taliari was
ordered to be appointed
for the Taluam when the
petitioner put forth his
Merasi right and was
accordingly appointed
as Taliari. He has been
continuing Taliari ever
since. In the meanwhile
the petitioner requested
the Mam Commissioner to
have his name entered
in the title deed for the
Mam and after a reference
to the Honorable Government
(vide G.O. No 3789 dated 20th June 1890)

the Mam was confirmed
in the petitioner's name.
Subsequently in Decr 1891
in reference to G.O. No 468 dated
22nd January 1891 the
Mam Commissioner ordered
the resumption of the Mam
and issue of a putta on a
full assessment. A putta
was accordingly issued
in the name of the petitioner
in that. Fashi. Perumal
Naik objected to the issue
of putta and when the
objection was pending
the petitioner filed two
suits in the District Munsiff's
Court Cuddalore for the
recovery of the Mam,
and obtained decree in
his favour - vide Exhibits
A and B. In the first
suit the said Perumal
Naik and one Pandra
Ammal were defendants
and in the 2nd the same
Perumal Naik and
Rasagopal Saami were

Defendants. Against the decree
in the 1st Suit Perumal
Nayak did not choose
to appeal while the 2nd
Defendant Andrammal
alone appealed to the
District Court and the
appeal was dismissed.

Against the decree in the
2nd Suit Perumal Nayak
appealed. It was then
that the Collector decided
Perumal Nayak's objection
petition against the petitioner
and ordered cancellation
of the putta issued in the
petitioner's name without
reference to Government
or to the Main Commissioner.
Armed with this decision
Perumal Nayak got over
the difficulty and had
the decree of the Lower
Court reversed.

4. The petitioner appealed
to the Board who declined
to interfere - vide Bt. No. 587 Mis.
1529

5. The reasons in which

the Collector's decision
was based are

1. The Main should
be authorised in the
name of the last employer
of the Main.

2. The putta should
correspond with the
employer.

3. The issue of putta
in the name of the petitioner
was brought out by false
means.

6. The Collector's decision
is not only bad in law
but also opposed to
principles of equity.

7. The last employer as
was elicited in the Main
Deputy Collector's enquiry
was Nallappa Nayak
and not Perumal Nayak
and the Collector's holding
that Perumal Nayak was
the last employer is there-
fore incorrect. Again
the term employer is well
defined and does not
restrict to a period in-
considerable as it is in the

present case. The prin-
ciple of Government as
understood by the petitioner
is that if the man has
been in the possession
of a stranger for over a
life, the stranger becomes
entitled to it in preference
to the mirasi holder. The
term "life" for the purpose
of man and in the ordinary
sense of Government means
to extend to the period of
a century. In the present
instance Perumal Nayak
had the enjoyment of the
man for some 20 years.
It then passed to the
possession of Kulkappa
Nayak who enjoyed it
for some 6 years while
the petitioner's father and
his brother enjoyed the
man for over 50 years.
Thus in point of enjoy-
ment, the petitioner has
superior title besides being
the 17th Kuli mirasdar.
The petitioner is further

3
Now a Taluk under
service of Government.
8. As regards the 2nd
point adduced by the
Collector, it is strange that
the Collector should cancel
the putta simply to correspond
the name of the putta with
that of the enjoyer. instead
of leaving the enjoyer to
get the putta cancelled
by a Competent civil
Court rather than
referring the puttadar
to a civil Court. It is
more strange that an
entry once ordered in
the man account by
an order of Government
should become expunged
from it by the motion
of the Collector himself with-
out reference to Govern-
ment or mere permission
or sanction.

9. As regards the 3rd
point, neither Perumal
Nayak nor any one of
the defendants in the

present suits referred to
above advanced or tried
to advance the plea of
fraud or foul play in
these said Courts of justice
where the subject of puttah
was ^{the prime} fact at issue. So
much so, how the Collector
had distribute foul
play or fraud to the
puttah in question the
petitioner is at a loss
to know. In the absence
of a glimpse of evidence
such remarks seem
uncalled for and the
of no avail and cannot
deprive an innocent man
of the benefit of his an-
cestral property. On the
other hand it is the duty
of the Tahsildar to promptly
carry out the orders of
superior officers and he
did so in the present case
and he has done ^{himself} and issued
the puttah in the Juma
bandi which followed the
order. Another fact, namely,

inadvertance on the
part of the Mam Commissioner
- or that the name of the
petitioner was entered in
the list of Perumal
Nayak was also introduced
in the Collector's decision.
This is a mere surmise
and it would have been
well had the Collector
by a reference to the
Mam Commissioner cleared
of it before acting up to
his own whims. The enquiries
of the Mam Deputy Collector
show beyond doubt that
Kullappa Nayak was the
last owner. He there-
fore noted his name
at first in the Mam
list and when the peti-
tioner established his
Mirasidari right, the Mam
Commissioner made a
reference to Government
and had the petitioner's
name substituted in the
Perumal Nayak had
nothing to do with the
Mam nor did he add

is before the
Nam Deputy Collector.
There cannot therefore
possibly be any
inadvertance in the
matter.

10. It may be argued
that because Perumal
Nayak is the brother-in-law
of Kullappa Nayak and
had the work done by the
latter as his proxy the
employment continued in him.
This cannot hold good,
because the emoluments
for work done. Perumal
Nayak was supplying the
Nam as long as he
was doing service and
when he ceased to work
the possession changed
and the acting man began
to enjoy it. The circumstances
in the case is virtually
the 7th Kori Meradar
e. the petitioner and
not Perumal Nayak -
the stranger introduced

4
to do duty until the
lifetime of the convicted
Meradar. The moment
the convicted Meradar
ceased to exist, the office
with the emoluments should
revert to the next member
of the Meras family. —

— provided the
man doing the work has
not continued in service
for more than 3 years. Other
wise the Meradar should
~~be at it~~ ^{wait} till he vacates
the office. At any rate
the spirit of the mirasi
right is that the
Mirasi member retains
the right and title
to the office and its em-
oluments ^{even} if they are
estranged from the family
for causes unconnected
with himself.

11. The petitioner is a
poor pariah, having
neither influence nor
affluence so as to bring
about a putta in his
name by unfair or

of four means as presumed
by the Collector. On the
other hand Perumal
Nayak benefited himself
by the disposal of the drain
land to some wealthy
people at Thirupapattinam
who with a view to secure
the lands to themselves
help him.

12 In conclusion
the petitioner most humbly
craves that the Govern-
ment will be pleased
to call for all records
from the Drain Commission
Office and from the
Collector's Office, to peruse
them and cancel the
order of the Collector
and restore puttah in
his name as before in
consideration of the
petitioner now being a
taliari of the same
village on poor pay and
of his mirasi right
thereto and of the short
period (less than a life)
the drain existed in the

possession of Perumal
Nayak and another.

13. For this act of grace,
the petitioner, as in duty
bound, shall ever feel
grateful.

The petitioner begs most
humbly to remain

13th July 1897

- Vagayyayy - Connam
Mangal

Read Current Number 6172 of 1897.

G. O. Routine. No. 1573 d/10 Aug. 1897

The Government sees no reason to interfere on the petitioner's behalf.

To the Petitioner, with encls. 17-8-97

NOTE.

The facts of the case are fully stated in the Collector's Proceedings dated 9th November 1896, flagged A. They are briefly:- The last Mirasi holder of the Talayari inam land in the village of Padirikuppam in the South Arcot district, was one Kullen, who was dismissed in 1864 on a conviction for theft. Kullen was succeeded by one Perumal Naick, who did the duties of the Talayari and enjoyed the inam till 1890, when his services were dispensed with consequent on the amalgamation of the above-mentioned village with another village. It is stated that Perumal Naick nevertheless continued in possession of the inam. In G.O. No. 3789, d. 20th June 1890 the Government approved the Inam Commissioner's recommendation that the inam might be confirmed in the name of Mottayyan (the present petitioner), who was proved to be a brother of Kullen, the last Mirasi holder. In 1892 however the Inam Commissioner ordered the resumption of the inam with reference to the orders contained in G.O. No. 46 dated 22nd January 1891, and issued a fully-assessed

The Hon. Mr. C. J. C. 9/8/97

Flagged B.

Flagged C.

07/8/97

1981/1/7/21

1981/1/7/21

assessed statement in respect of the inam, noting therein the name of Mottayyan and not that of the actual occupant of the land at the time of the resumption. Accordingly a ryotwari patta was issued in the name of Mottayyan. On this, Perumal Naick, the actual occupant, appealed to the Assistant Collector and the Collector, the latter of whom held that the entry of Mottayyan's name in the fully assessed statement above referred to was no authority for the issue of the patta in his name, as the procedure followed by the Revenue Department is always to register the actual occupant as pattadar, referring the party disputing it to Civil Court. The Collector accordingly directed the cancellation of the patta issued to the present petitioner and the grant of a fresh patta in the name of Perumal Naick. The Board on appeal upheld the Collector's decision. (B.P. dated 15th Feby: 1897, flagged B.) It is submitted that there are no grounds for interference.

GA.
5 Aug 97
17077

This was in 1897 the delay in the disposal of the appeal was due to the fact that it was allowed in the Collector's Office till January 1896

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189

READ AGAIN G.O., No. 189 DATED

CURRENT No.

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