Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 1759

DATED 23 Septr

[Despatch Abstract.]

Informing Muthirala Thevar of Tembar Village, Sivaganga Zemindari, Madura Dt., that under section 23 of Act III of 1895 no appeal lies to Govt.

BACK PAPERS.

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

FURTHER PAPERS.

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

$\frac{0}{18}$ 4,000—19-7-97.

Revenue (189) Department.

CURRENT No. 8002

Ap 23/9/97

From

M. R. Rs.
S. Gopalaswamy Iyengar,
High Court Vakil,
Madras.

Order R. Ro 1759 a/23 Sept 97

No.

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

13/9/97.

Dated 9th Septr. 1897.
Received 11.9.97
Registered 15.9.97
Enclosures 1
Spare copies.

List
A.
20 Sep 97

To the petitioner with Encls

7-1-88-ms

SUBJECT.

Forwg. the appeal petition of one Muttuvala Thevan, Ambalagaran of Sembar village, Sivaganga Zemindary, Madura dt.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Mylapore Madras
9- September 1897.

To His Excellency, the Governor in Council,
Fort St George. Madras.

PETITION

REVENUE DEPT

The humble Petition of MUTHIRULA THEVAN, Ambalagar of Sembar village, Sivagunga Zemindary, Madura District, through S. Gopalaswamy Iyengar, High Court Vakil, Mylapore, Madras.

MOST RESPECTFULLY SHOWETH AS FOLLOWS:—

1. Petitioner's great-grand-father one Raman Ambalagar was the Ambalagar and Village Munsiff of the aforesaid village in Fusli 1211, nearly one hundred years ago. *Vide* Exhibit **A**, herewith annexed. (Extract from Fysal account.)

2. From 1837 A.D. petitioner's grand-father Muthirala Thevan, son of the former holder, was holding the said place as he was appointed by the Collector of the District and the petitioner's father Muthu Thevan was given the place in 1877, and he was very old and infirm, and the said office was conferred on the petitioner in 1882, and he has been discharging the said duties since 1882. (*Vide* Exhibit **B**. order of appointment No. 344, 14th June 1882).

3. Thus, the petitioner and his ancestors have been discharging the duties to the entire satisfaction of the superiors, most honestly and faithfully.

4. Some years previous to 1882 a claim was set up by one *Arulappa Nadan* to the said office though as far as can be seen, he was not the original holder's representative and in 1882 it was ordered by the authorities that the petitioner and the said Arulappa Nadan be appointed both Ambalagars and so far as petitioner's rights were not interfered with, petitioner was content with his office. (*Vide* Exhibit **B**.)

5. The said Arulappa Nadan died in 1891, and no body was appointed to his place, and petitioner was doing duties *as sole Ambalagar since* 1891.

6. The said Arulappa Nadan's brother Sevithi Nadan was *Village Munsiff* of the said village from about 1886, and he the said Sevithi Nadan was never *Ambalagar*.

7. Even after the death of his brother Arulappa Nadan, who was *an* Ambalam, Sevithi Nadan was not appointed as an Ambalam in the place of the deceased and so Sevithi Nadan was only Village Munsiff between 1891 and 1893.

8. The order connected with the appointment of Sevithi Nadan as Village Munsiff in or about 1886: when Arulappa Nadan was doing duties as *an* Ambalam jointly with petitioner since 1882 and other papers connected with joint Ambalams appointment after his death, *being unconnected with petitioner's place, he could not get* copies of the same to show that Sevithi Nadan was only Munsiff from 1886 and not Ambalam and that Sevithen Nadan or any other was not appointed in Arulappa Nadan's place in 1891; But the facts will be clearly established if even now a report is called for from the local authorities and if necessary petitioner will file an affidavit from the Lessees' officers.

9. In 1893 the said Sevithi Nadan was dismissed from the Munsiff's place because of his conviction for theft. (*Vide* Exhibit **C** the order of the Head Assistant Collector.).

10. In the said order dismissing ~~Arokea~~ Sevithi Nadan from Munsiff's place it is exactly put that he is removed from *Munsiff's place* (see last para.) and not from Ambalam place, though by a slip in the first portion he is wrongly *styled* as an Ambalam and Munsiff and some slips can easily be accounted for by the fact that Arokea Nadan incorrectly stated in his petition that Sevithi Nadan was an Ambalam and which recital might have found place in some papers. But he was never Ambalam.

11. Now as the Village Munsiff was dismissed, an enquiry was made as to who should be appointed Village Munsiff and the petitioner was the then sole Ambalagar from 1891, and had been joint Ambalagar with Arulappa Nadan from 1882 to 1891, and he was appointed Village Munsiff and it is here a little explanation is necessary.

12. The order appointing petitioner as Village Munsiff was worded "appointed" "as Ambalam, and Munsiff, and a copy of the order No. 179 Huzur, Head Assistant Collector in 1894, has already been applied for and will be sent when obtained.

13. The very reason for his then appointment as Munsiff in 1894, was that he was holding for 12 years previously Ambalam's place and the family were holding it for about 100 years.

14. Now Sevithi Nadan the Munsiff and who was never Ambalam, died in 1894, leaving a son Yahappa Nadan (a major son.)

15. Arokia Nadan referred to as appellant in Proceedings of the Revenue Board, dated 3rd November 1896, put in a petition for his appointment as Munsiff and *Ambalam* ignoring (a) the fact that Sevithi Nadan had left a son, (b) that the said Sevithi Nadan was only Munsiff and not Ambalam, (c) that the said Sevithi Nadan was not the representative of Fysal holder.

16. The Head-Assistant Collector without notice to the petitioner and acting on the incorrect representations of the said Arokea Nadan the said appellant appointed him as an Ambalam, *vide* Exhibit **D** order of the Head Assistant Collectors, dated 19th December 1895 in Dis. No. $\frac{205}{\text{Rev.Jud.}}$ of 1895.

17. The petitioner represented these facts to the Collector and the Collector seeing "*the mistake*" cancelled the said appointment and the petitioner who had been Ambalam since 1882 was *continuing* as Ambalam and Village Munsiff since. *Vide* **E** order of the Collector, dated 21st April 1896 in Mis. Petition, No. 132.

18. The petitioner submits that the "mistake" referred to, is that Sevithi was supposed to have been Ambalam and owing to that misapprehension, the said Arokea Nadan was appointed Ambalam and it is also clearly stated in the order that the Collector did not consider a second Ambalam necessary and the petitioner was Ambalam since 1882, and here petitioner again submits, that Arulappa Nadan was only joint Ambalam from 1882, and died in 1891 and no one was appointed and Arokia Nadan was not his representative.

19. The said Arokea Nadan put in a petition to the Honorable Board against the said order of the Collector.

20. Petitioner heard of the same and fearing that facts might have been misrepresented requested a copy of the said petition, but the Board declined to grant copy of the petition, *vide* exhibit **F**., dated 30th November 1896, B. P. No. $\frac{3260}{\text{Routine}}$ and petitioner did not receive any notice of the appeal by Arokia Nadan.

21. But on the 19th June last, he received an order from the Deputy Thasildar of Sivaganga Briga that the order of the Collector, dated 21st April 1896, had been cancelled and that Arokia Nadan is appointed as Ambalam (*vide* Exhibit H.) order of the Deputy Thasildar, dated 12th June 1897.

22. Petitioner did not understand the real meaning of the order, and asked for a copy of the Head Assistant Collector's order, he has not yet obtained the same.

23. But as the order from the Deputy Thasildar referred to a Board's Order, petitioner applied to the Honorable Board for a copy of the same and obtained the same and now from it he understands that the Board has cancelled the order of the Collector, dated 21st April 1896, and ordered further proceedings according to law (Exhibit **G**. dated 3rd November 1896, B. P., No. 4928 Mis.

24. The Honorable Board's Order seems to contemplate that the petitioner was appointed in 1894 in Sevithi Nadan's place *temporarily* as Ambalagar whereas petitioner was Ambalam jointly since 1882 with Arulappa Nadan till 1891 and solely from 1891 to 1894. And Sevithi Nadan was never an Ambalam.

25. Further it is possible to contend on Arokea Nadan's behalf that the petitioner's right even to continue as an Ambalam has been now taken away from him by the Board's Order, even though he and his family were holding it for nearly 100 years.

26. Under such circumstances, the petitioner submits that he has been greatly prejudiced by the present order of the Board and of the Head Assistant Collectors and it is likely that the said Arokia Nadan may even question petitioner's right to continue as *an Ambalam*, if not the sole Ambalam.

27. The petitioner submits:

(*a*) that he and his family were holding the office for 100 years.

(*b*) that he himself has been holding the same for the last 15 years.

(*c*) that there was no fault whatever on his part—nor is it alleged, by any body.

(*d*) that his right to Ambalam's place is independent of and unconnected with any right of Sevithi Nadan.

(*e*) that Sevithi Nadan was only Village Munsiff and never Ambalam.

(*f*) that the wording of the order might have given rise to some misapprehension.

(*g*) that Sevithi Nadan has left a son, who is superior to appellant.

(*h*) that it could not have been the intention of the Honorable Board to remove petitioner for no fault of his and without notice to him and when he was not *a temporary Ambalam*.

(*i*) that even granting that the said Arokea Nadan had a right to the place of an Ambalam as belonging to *Arulappa Nadan's family* the petitioner cannot be put, in a worse position than that in which he was during the life time of Arulappa Nadan, *i e*, petitioner's joint right at least cannot be taken away.

(*j*) that there is a probability of the Board's Proceedings being construed against the petitioner's joint right also as if it takes away his right to be an Ambalagar at least jointly.

(*k*) Petitioner submits that the Board's Proceedings having been passed without any notice to the petitioner, on an entire misapprehension as to the real facts it ought not to prejudice him.

(*l*) Further petitioner begs to submit again that the Board might not have passed the said Proceedings if they had given him notice and copy of the said Arokia Nadan's petition but they did not to do the same.

28. Petitioner therefore most humbly prays that His Excellency the Governor in Council will be pleased to set aside the Board's Proceedings, dated 3rd November 1896. 4928 Mis. Series, or pass such an order that it may not affect petitioner's pre-existing rights.

S Gopalaswami Iyengar
High court vakil
for petitioner

To

The Secretary
to his Excellency
the Governor in
Council. Madras.
(Rev. Depart)

From

S Gopalaswamy Ayengar
High Court-Vakil
Mylapore. Madras

Appeal petition of
one Muthirala Thevan
ambalagar of
Sembar village. of
Sivaganga Zemindary.
Madura Dist-.

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READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

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