

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 1829

DATED 5th October 1897.

[Despatch Abstract.]

INFORMING Arunachalam Pillai, late Karunan,
of Karunayuduchari Village, Chingleput Taluk, Chingleput
District, that, under section 23 of Madras Act III of 1895, as amended by Act — of 1897, no appeal lies
to Government.

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. 8418

From

Arumugam Pillai.
Chingleput Dt.

Order (Rev) No 1829 of 5 Oct 97

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

No.

Dated 22nd Sept. 1897.

Received

Registered

Enclosures

Spare copies.

SUBJECT.

Praying that he
may be reinstated in
the post of Karmam of
Karmay Rinduchari village
Chingleput taluk.

And
to

The petitioner
with enclosures.

(Sd)
2 Oct 97

16.9.10.97

15.11.97

24.10.97

BACK PAPERS.

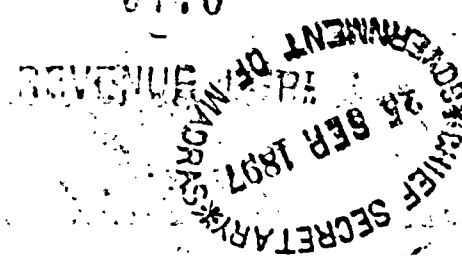
G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

5770



His Excellency the Right Honorable
the Governor in Council

(Port Saint George)
Madras.

The Humble petition of Arunga Pilla Co. Kurnam
of Larnay Pudukhari Village Chingleput Talug.

Most Respectfully sheweth.—

I

Petitioner begs most humbly & confidently—

to appeal to His Excellency in Council as the ultimate
& certain fountain of pure & strict justice opened to
the aggrieved subjects of Her Majesty in the Presidency
against the order of the Honorable Board of Revenue
dated 16th October 1896, No 4705, his dismissing Petitioner's
appeal. It is marked. A. The proceedings of the
Collector of Chingleput District dated 9th June 1896
which was preferred against the Sub-Collector's order
No 220 of 1896, dated 21-1-1896, dismissing the Petitioner
from the Kurnam's post of Larnay Pudukhari
Village is herewith submitted and marked. B. The
order of the Sub Collector Mr. R.C.C. Carr dated 21-1-96
is also put up herewith & marked. C.

Handwritten signature or initials.

2. Petitioner's great apprehension is that his history is rather too long & may be somewhat tiresome, but as the series of misfortunes which unawares have slowly and steadily come upon the Petitioner grew up into a prodigious mountain of miseries, he has resolved to submit this Exhaustive appeal, ignoring considerations of being tiresome, with fullest confidence that whatever may be the momentary annoyance, nothing that is incompatible with justice, mercy & good conscience can emanate from this August Tribunal.

3. Petitioner respectfully begs to submit that he held the office of Kurnam for a period of 7 years in Karandei Pudukheri village, which had been conferred on him by virtue of hereditary right to the said office. His father served in the same village as Kurnam for a period of over 33 years. In fact the office is Petitioner's family mirassi right, and in consideration thereof, Petitioner was left undisturbed in his appointment at the recent re-
-vision of the village establishments.

4. Under the Rules regarding the maintenance of the boundary marks every Kurnam is bound to -

- to submit yearly to the Taluk Tahsildar, a list of boundary marks requiring repairs prescribed in para 7 of the Rules published at page 2 of the supplement to the District Gazette dated 1st July 93 & also put up herewith & marked. J.

5. Petitioner, in obedience to the aforesaid Rules, furnished to the Taluk a list for his village in November 1894, & thereupon a notice was put up in the village in December 1894 vide Rules VII to X

6. In the said list, Nos 54 & 57 were included amongst the several demarkation stones which were in need of repair. Petitioner unfortunately owns as lands bearing survey Nos 53 & 58 which adjoin the field No 57 B belonging to one Varadappa Naikew of Karandei Pudukheri a mere subkarni and not a mirassidar. The demarkation stones Nos 54 & 57 mentioned above are common boundary marks to both the lands of the Petitioner & the said Varadappa Naikew.

7. The Tahsildar, on receipt of the list furnished by the Petitioner forwarded the same to the Sub Collector who sanctioned the repairs of

- of the stones shown in the said list.

8 The Tahsildar afterwards sent to the village a notice in duplicate the original of which - was signed by the principal ryots & returned to the Taluq. The duplicate was fixed in the conspicuous part of the village, when the said Varadappa Naicken, on whose complaint Petitioner was ordered to be criminally prosecuted, was present but made no protest regarding the stones Nos 54 & 57.

9 Petitioner received ultimately an order from the Tahsildar to repair the stones mentioned in the list submitted to the Taluq & sanctioned by the Divisional officer. In carrying out the order, Petitioner had also to repair the stones bearing Nos 54 & 57, the position of which has since been disputed by the said complainant. Petitioner finding those two stones standing or lying down measured the fields where the stones were, & fixed them in the proper places according to the field sketch on 27-1-95 which necessarily showed a moving of a few links from the original spots.

10 Varadappa Naicken the owner of land -

2
10 No 57 B, presented a complaint to the Sub Collector on 15th February 1895, charging the Petitioner with having on 27th January 1895 removed the demarcation stone fixed on the western side of his (Petitioner's) wetland in survey No 53 & planted the stone in the adjoining field of the complainant in survey No 54, thereby moving from the original position about 6 feet and with having also about the same time removed the demarcation stone from Petitioner's land in survey No 58 and fixed it in complainant's land bearing survey No 57, thereby moving the said stone about 4 yards so as to give himself more land.

11 Varadappa Naicken's petition of complaint was referred to the then Revenue Inspector Pungasammie Moody with endorsement No 79 of 1895 dated 3rd March 1895. He reported on 8th April 1895, after measuring in correctly rather carelessly, that the two stones complained of had been removed from one place to another, & submitted also a sketch indicating the present & former positions of the stones. Petitioner would point out satisfactorily later on that both the measurements & the sketch of the said Revenue Inspector were inaccurate in his -

report, the said Revenue Inspector moreover remarked that if the Petitioner found any deficiency in the escant of the fields in question, it was Petitioner's duty simply to make a reference about it to his superiors, for orders. Petitioner would honestly admit that it should be done so, but as petitioner was busily engaged to prepare a very long list of stones in bad repairs he overlooked it.

12 The result of the Revenue Inspector's report - was that Petitioner was unjustly ordered to be prosecuted under section 9 of Act XXVIII of 1860. This course was mercilessly adopted by the order of the late Ag. sub. Collector Mr Carr, dated 26-10-95.

13 Petitioner before he was handed up before a criminal court had been directed by the Revenue Inspector to replace the stones in question in their original places, & Petitioner had done so and reported the fact vide the Revenue Inspector's report dated 8th May 1895.

14 Petitioner was ultimately prosecuted before - the Probationary Sdy Magistrate who was convicted the Petitioner of the offence with which he -

stood charged, and sentenced him only to a nominal fine of Rs 7.

15 Petitioner appealed against the said conviction & sentence to the joint Magistrate Mr Clegg who has reversed it & directed a refund of the fine - imposed with the following observations & remarks in his judgment, judging from the manner in which the stones were removed, it is difficult to say whether the act was wilful, or whether measurements were carelessly made. There seems to be a reasonable doubt on this point. The appellant's carelessness would better have been dealt with departmentally. The appeal judgment dated 7th March 1895 is herewith submitted & marked D.

16 Petitioner would here parenthetically urge on the kind attention of His Excellency in Council that on the conviction of the Petitioner - Mr Carr the late Ag. sub. Collector dismissed the Petitioner from the post of Kurnam - without patiently waiting for the result of Petitioner's appeal against the sentence passed on him by the probationary Sdy Magistrate. The sub-collector's order of dismissal dated -

Done

21-1-96 is here with submitted and marked C.
The sub-Collector would however say in his order of dismissal that "petitioner has a service of 7 years or so, and no fault has been found with him", and yet no consideration was given to it, but Petitioner was simply dismissed.

17 Petitioner thereupon sought for redress by appealing to the collector against the Sub-Collector's order of dismissal & that officer by proceedings dated 9th June 1896 confirmed the dismissal.

This is also enclosed already and marked B.

18 After the result of the criminal appeal, — Petitioner presented a petition to the Collector to review his order dated 9th June 1896 but the latter declined to review his said order stating that in confirming the dismissal, he considered the appellate Court's criminal judgment. This order dated 21st July 1896 is enclosed & marked E.

19 Petitioner before the disposal of the appeal by the Collector against the order of dismissal & after the sentence was quashed, presented a petition to Mr Spry who was in charge of

The Sub Division, for restoration to his office of Kurnam.
This officer after considering the judgment in criminal Appeal, directed Petitioner's reinstatement but as Mr Clegg who disposed of the criminal appeal — remarked that Petitioner's carelessness would better have been dealt with departmentally he ordered that the period from the date of dismissal to the date of receipt of his order of restoration should be considered as suspension. In conformity with this enclosed order dated 31-8-96 & marked F, Petitioner resumed his office and performed his duty for about 3 months. It was while — Petitioner was on duty that the Collector's order deprived the Petitioner of his office. The dire effect of such order is indescribable. Had — Petitioner been departmentally dealt with for the alleged carelessness of part in the very — beginning he it is most respectfully submitted would not have been unjustly dragged to court — subjecting him to mental anguish heavy pecuniary loss, humiliation & disgrace in the eyes of the public, now according to the procedure adopted the punishment is unlawful.

20

Now coming back to the report of the Revenue Inspector Rungaswami Mudaliar, he would give prominence to the report & sketch of his success or on the same subject of removal of demarkation stones submitted by the latter to the Tahsildar. The Tahsildar, adhering to the order of the sub-Collector passed, and complainant Varadappa Micker's petition, for possession of his lands 57 B by measurement — directed the Revenue Inspector Narayanaswami Iyer who succeeded Rungaswami Mudaliar to see that the stones are placed in proper places and report the result at an early date. This order of the Tahsildar dated 7-10-96 is also enclosed & marked Cc.

21 This Revenue Inspector submitted his report which runs as follows:—

"I measured the Kurram Inam lands No 58 of Karanai puducheri as well as portions of S No 57 relating to the demarkation — alleged to have been planted in the wrong place according to the Field measurement — the stone in question was found — planted at the point G, whereas according

to the measurement book it ought to be at the point K i.e. two links further west. The several measurements from the stone in question as at present and they ought to be according to the measurement book are noted in the sketch here with submitted." This report is annexed hereto & marked H, as also the sketch marked I.

22

Petitioner would now most emphatically urge on the kind attention of His excellency the Governor in Council, that the former Inspector fixed the demarkation stones in wrong places & that the present Inspector, according to his report & sketch removed & planted the stones in the very places to which they were removed by the Petitioner, & for which act the Petitioner was prosecuted & deprived of his hereditary office of Kurram. The plan filed by the latter officer in the Taluk, compared with that of the former — Inspectors will justify the conduct of the petitioner in fixing the stones in the places in which he did. The Tahsildar Mr. Premivasa Chariyar also inspected the spot and measured the same, and found that the stones had been fixed by the Revenue Inspector in the same place in which —

Petitioner did.

23 It is not out of the place to submit for the consideration of His Excellency in Council the singular fact that the portion of land where the stone was said to have been wrongly & fraudulently placed does not belong to Varadappa Naicken the complainant, his portion being quite separate & different. The disputed portion belongs to one of Varadappa Naicken's divided comperees, & yet he has not launched out the complaint. Varadappa Naicken, it would clearly appear had unauthorized brought the charge against the Petitioner.

24 The Petitioner did not keep quiet after the painful order of the Collector but appealed to the Honorable Board of Revenue with no better result. Vide their proceedings dated 16th October 96 No 4705. already marked A.

25 Petitioner would here submit for the merciful consideration of the honorable Government the disastrous effect of the Collector's order. Petitioner held the post of Kurnam without any blemish on his character for a period of 7 years. His

dismissal from the public service is deplorable and more so, when, after a faithful, and industrious service of 7 years, he sees himself made the victim of a capricious charge & obliged to lead a beggarly life, pained to the depth of his heart at seeing his large family with youngsters & old people suffering for their maintenance & reduced to starving condition in life.

26 Petitioner under the above lamentable circumstances prostrates himself at the accessible feet of Your Excellency seated on the throne of mercy in full expectation of equity, justice and good conscience which your Excellency as the Patron of your Excellency's humble servants does not fail to grant.

27 Petitioner, therefore, most humbly prays that taking into a charitable consideration the considerable hardship and heavy pecuniary expenditure to which he was subjected the unjust prosecution and acquittal of the Petitioner on appeal, and having in view also the fact that Petitioner's restoration to his post of Kurnam was ordered by Mr. Justice St. J.

By Collector in Charge of the Divisional —
 officer and the honest & unsullied service of
 the Petitioner for a period of 7 years your
 Excellency in Council will be graciously —
 pleased to direct his reinstatement to the
 office of Lurnani in the Village of Karmai
 Duducheri.

For this act of benevolence and
 merciful dispensation of justice, Petitioner
 shall, as in duty bound.

Ever pray.

22-9-97

[Signature]

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

189

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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 IN ORIGINAL.

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