

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 245

DATED 3rd Feb

[Despatch Abstract.]

Declining to interfere on behalf of the petition
Krishnaswami Syer, late Kurnam of Maruthur
Taluk Dt., praying that he may be restored to his
Curnam's post.

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. 7/6

20/2/97

From Krishnaswami Aiyar
late Karmam of Marutheri
Tharaff, Krishnagiri Taluk,
Salem Dt.

Order R. No: 245 of 30 Feb 1897.

The Govt declines
to interfere in petitioner's
behalf.

[Signature]

No.

Dated 9th January 1897.

Received 15th

Registered 26th 28th

Enclosures 3.

Spare copies

To the pet^r with Enclosures.

26.2.97

Note.

The pet^r who was the
Karmam of Marutheri Tharaff in
the Salem Dt. was dismissed by the
Sub. Collr. on account of certain
false statements contained
in a darkhast report^{Sept 1896}. Both
the Collr. and the Board confirmed
in

SUBJECT.

Praying that he may be
restored to the Karmam's post
of the above mentioned Tharaff.

28/1/97

in appeal the order of the
Sub. Collr.

Salem is one of those
districts in which village
offices are not hereditary,
and the above ^{draft is submitted} ~~is submitted~~
in pursuance of the views
expressed in the note under
No. 561 of 8-2-96.

(R.
12 Feb 97)

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

PETITION
0048
His Excellency the Governor ~~in Council~~ ^{REVENUE DEPT.}

FORT ST. GEORGE.

MADRAS.

THE HUMBLE PETITION OF KRISHNASWAMI AIYER
LATE KARNAM OF MARUTHERI THARAF KRISHNA-
GIBI TALUQ SALEM DISTRICT.

MOST RESPECTFULLY SHEWETH:—

1. That your Excellency's humble petitioner begs to appeal against the order of the Board dismissing the appeal preferred by him against the order of the Collector confirming the order of the Sub-Collector dismissing your Excellency's humble petitioner from the office of Karnam of the above-mentioned Tharaff.

2. Your Excellency's humble petitioner was removed by the Sub-Collector on 3rd October 1894, on account of certain false statements contained in a report made by him and the village Munsiff in respect of the Darkast of a certain lands vide para (5) of the Sub-Collector's Proceedings (copy enclosed Exhibit A.).

3. Before proceeding any further your Excellency's humble petitioner feels it incumbent on him to submit that the office of the said Karnam was held in the petitioner's family for more than a century, petitioner being the last person that succeeded to it, and that during his tenure of office your Excellency's humble petitioner discharged the duties of his office to the entire satisfaction of his superiors and was never found fault with for anything done or omitted to be done.

4. The charges formulated against your petitioner are.

(a). The Karnam falsely reported that the Village Munsiff had eksal puttah for fuslies 1300 to 1302 but as a fact he had not for fusli 1302.

(b). The Karnam omitted to mention all the adjacent lands of one Kanni Goundan (appellant to the Sub-Collector).

(c). The Karnam stated that Kanni Goundan signed his name as a witness in the A notice whereas he had not done so his explanation as to this is false. He pretends Kanni Goundan signed notice relating to eksal puttah of fasli 1301 where he did not do so,

5. (a) As to the first charge your Excellency's petitioner would humbly submit.

Firstly that the statement is not altogether false. Because although there was no eksal puttah granted for fusli 1302, still an application was made by the respondents (to the Sub-Collector) in that fusli also and the puttah should have been granted except for the fact that the respondent themselves said that they did not want it for that year because the Jamahandy time was very near and withdrew the darkast.

Secondly your Excellency's petitioner could not have intended to make a false statement in the report, because in the A memorandum already submitted by him in full. A reference to this (copy enclosed Ex. B.) will show that the eskal puttass for fuslies 1300 and 1301 as well as the application for one 1302 and the circumstances under which the same was not granted are all faithfully stated in columns 11 and 12 (portions under-lined in red-ink) by your Excellency's humble petitioner. By this your Excellency's in Council will come to know that your Excellency's humble petitioner has stated that the Munsiff had eskal puttah only for fuslies 1300 and 1301 and not 1302 as observed by the Collector.

6. (B) As to this your Excellency's humble petitioner would humbly submit that in preparing the A memo he went entirely by the boundaries given in A notice prepared by his father in respect of a darkast of the very land by the respondents in fusli 1300, No. 36 b being shown as southern boundry in the A memo as in the notice prepared by the father. In the subsequent report however No. 35 c was shewn as the adjoining land held by him. As to No. 32 it does not adjoin the darkast land being separated by a channel. At all events this was the reason why petitioner did not mention Survey No. 32 as an adjoining field. This the appellant Kanni Goundan has stated in the darkast he presented to the Tahsildar on 1-11-93 (copy enclosed C). So that it will be seen that there was enough in the darkast and in the report to show that Kunni Goundan (appellant to the Sub-Collector) owned some at least of the adjoining lands while the respondents owned none. If therefore the circumstances were to guide the Taluk authorities in determining which darkast was entitled to preference, there was enough said by the petitioner already that the appellant was entitled to the land in preference to the respondents. If however it had been the object of the petitioner to defeat the appellant then what he had stated already was enough to frustrate the object. It will be clear therefore that no fraud was intended.

7. (C) As to this your Excellency's humble petitioner humbly submits that the A memo was not with him when the report was written. He could not have possibly hoped to mislead the authorities by this statement as the A memo was with them. Again if it was a falsehood it was which one would not venture to make, as it could not possibly escape detection. The only reasonable inference in the circumstances will be that the statement was made inadvertently by mistake. This will be seen to be more probable from the following circumstances.

(1) The land was obtained by the respondents (Rama Goundan and Kuppa Goundan) in fuslies 1300 and 1301 and they had all but obtained it also in Fusli 1302. In no one of the three years did the appellant express his wish to apply for the same.

ii. The darkast of the respondents in fusli 1303 was published in the village and the appellant was perfectly aware of it and yet he never claimed the land.

iii. When the Revenue Inspector inspected the land with a view to assess the value of the trees and held an enquiry as to a portion said to be necessary for communal purpose, appellant was present but never signified his intention to apply for the land but acquiesced in what was being done. As your Excellency's humble petitioner knew that appellant had never cared for the land and never claimed it although he was present at the proceedings taken in connection

with the other darkast he made the innocent mistake of supposing that appellant himself had signed the A memo. In the appeal petition to the Collector your Excellency's humble petitioner requested him to enquire the Revenue Inspector, whom the petitioner trusts, will bear him out on the point. But unfortunately his prayer was not granted. Again your Excellency's humble petitioner had most respectfully requested the Honorable Members of the Board to order for the enquiry sought for, as he thinks that by doing so it will help his case a good deal. To his great misfortune the Honorable Members too were not pleased to grant him that prayer. But they have simply stated in the order now appealed against that the Collector's order in appeal as well as the reasons stated by him were right.

8. It will thus be clear your Excellency's humble petitioner was not guilty of any wilful falsehood or fraud. Certainly this was not a case in which your Excellency's humble petitioner could have got any illegal gratification by such fraud, the successful applicant (1st respondent Rama Goundan) in whose interests the false statements are supposed to have been made being the village Munsiff himself. Petitioner was *quite new to his duties* having just succeeded his father and the mistakes made therefore are not improbable. It would also be remembered that it was inevitable to a certain extent that petitioner should depend upon the village Munsiff as the older official in preparing the memo and the report; who unfortunately for petitioner, was the person interested in the matter.

9. In these circumstances your Excellency's humble petitioner humbly submits that it is hard that the extreme penalty should have been inflicted on him and he removed from the service.

10. Your Excellency's humble petitioner begs to submit that he is a big family man entirely depending upon the employment from which he was lately removed and thus he is now deprived of the very means of his maintenance. Words cannot express the difficulties he is undergoing since his removal from his office in supporting his family.

11. Your Excellency's humble petitioner, therefore throws himself upon the benevolent grace which is vested in your Excellency's and humbly prays in view of his youth and inexperience as also of all the circumstances of the case, that your Excellency may be pleased to acquit him of wilful fraud and thereby to allow him to enjoy the fruits of the above mentioned worthy grace.

For which act of kindness and justice your Excellency's humble petitioner shall as in duty bound ever pray.

*He begs to remain
Your Excellency's most obedient
& humble servant
Dated, 9th January 1897.
D. L. and S. S. S.
Late. Kurnaim*