

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2573

DATED 20th May

[Despatch Abstract.]

Issuing instructions re the disposal with reference to Act II of 97 of certain appeals preferred under Madras Act III of 1895.

BACK PAPERS.

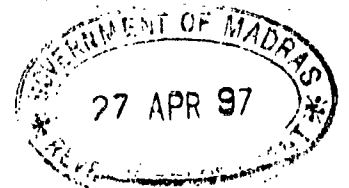
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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Revenue (1897) Department.

CURRENT No. 3464



From

The Board of Revenue,
Land Revenue, Madras.

Order

No. 1466 Misc.

Dated 22nd. April 1897

Received 27-4-97

Registered 28-4-97

Enclosures

Spare copies

SUBJECT.

Requesting instructions of Govt
on certain points in regard to
the disposal with reference to
the Madras Act II of 1897, of -
certain appeals preferred under
the Hereditary Village Offices
Act III of 1895.

BACK PAPERS.

G.O.	No.	Department.	Date.
	276	ord	15-6-96
	406	---	12-2-96
	4220	---	27-10-96
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	4132	---	19-10-96
	3555	---	4-12-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Land Revenue)

NO.1466 Misc.dated 22nd.April 1897.

Read the following:-

- (1) Again Board's Proceedings dated 17th August 1896, NO.3777 Misc. recording G.O.agreeing with the Board in considering that an amending Act should be passed giving retrospective effect to Madras Act III of 1895 and stating that in the meanwhile G.O.NO.276, d/22.6.96 may be held in abeyance.
- (2) Again Board's Proceedings dated 27th October 1896, NO.4824 Mis. recording G.O.(R.D.) commg.Progs.of the Legislative Department --- directing the publication in the Fort Saint George Gazette of the Bill to amend the Madras Hereditary Village Offices Act, 1895 with the statement of objects and reasons & requesting the Hon'ble Mr. A.T.Arundel to take charge of it.
- (3) Again Board's Proceedings dated 2nd.November 1896, NO.4918 Mis. recording G.O.dated 27th Octr.1896 NO.4220 recording Board's Proceedings regarding the amendment of sec.19 of the Madras Hereditary village offices' act III of 1895.
- (4) Government Order Revenue Department Mis.NO.1620 dated 25th --- March 1897.

Resolution.

Before communicating the above orders of Govt.to Collectors the Board would request definite instructions on the following points.

2. On the 1st Octr.1895, the date on which the Madras Act --- III of 1895 came into force there were pending in this office 128 appeals against decrees or orders passed under Regulation VI of

1831. Of these 96 were rejected as being inadmissible under section 23 of the new Act, while 31 were disposed of on their merits, the principles of the new Act being followed; one case is still pending. Of the appeals filed on or after 1st October 1895, 57 were disposed of on their merits under the provisions of Act III of 1895 and 99 have been kept over pending the passing of the Amending Act II of 1897. Thus there are three -- sets of cases falling under two classes, as shown in the margin, which -- now require consideration with reference to the Madras Act

	Cases rejected as inadmissible under S.23.	Cases disposed of on the merits.	Pending Cases
(1) Appeals filed before 1st October 1895.	96	31	1
(2) Do. filed after that date.	-	57	99
Total	96	88	100

284

NO. 276 Rev. dated 23rd June 1896 which has been kept in abeyance.

3. The 96 cases rejected as being inadmissible must no doubt be taken up under Act II of 97 and disposed of on their merits, as well as the 100 pending cases. But the questions which require orders of Government are (1) Under what law are the cases to be heard - Regulation VI of 1831 or Act III of 1895?

(2) If the provisions of Regulation VI of 1831 and the rulings thereunder are to be applied to these cases, the same course must be followed in regard to the 31 cases which were filed before Oct: 1.95 and have already been disposed of under the provision of Act III of 1895. The 57 -- cases filed after ~~1~~ Oct: 1.95 and so disposed of must fall within the purview of S.19 of Act III of 95 in so far as procedure is concerned, but it would appear that they should be reheard under Regulation VI of 1831.

(True Extract)

Reelan
Secretary.

TO.
The Secretary to Government, Revenue Department. ✓

G.B.

The Hon Mr G. S. S. S.

Read cor 3464 of 97
G.O. no 2573 of 20th May 97.
Subject to the provisions of Madras Act II of 1897 which determines the right of appeal in cases disposed of under Reg: VI of 1831, all appeals from decisions and orders passed under the said Reg: should be disposed of in accordance with the provisions of Reg: and the rulings thereunder, so far as substantive law is concerned. As regards procedure, however, all cases disposed of after 1-10-95 come within the purview of Section 19 of Madras Act III of 1895. The Board of Revenue should deal with the cases referred to in its Proceedings read above in the light of the foregoing.

28
20/5/97

017/5797
20/5/97

Case No. 1000

10/1/19

To the Board of Directors,
Oct. 25, 1907.
Vote of the Board.
Please see Ex. 276
of 22-6-96 which explains
the law applicable
to cases disposed of
under an act which
has been repealed
by another. The rule
in such cases is that
a right which is con-
ferred by a law and
which has already ac-
rued, cannot be
taken away by the
mere repeal of the
law unless there are
words in the repeal-
ing enactment ex-
pressly taking away
such right. ^{But} except that
act II of 1897 which
amended act III of
1895, the right of

appeal that had ac-
rued under Reg. VI
of 1831 was expressly
taken away in
certain cases and
beyond that. The
rights of parties
whose cases were
disposed of under
the Reg. are in no way
affected by Act III
of 1895 which repealed
the said Reg.

L.P.
13 Mar 97

11/1/19

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READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITO.

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