

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 284

DATED 10th Feby.

[Despatch Abstract.]

Declining to interfere on behalf of petitioners,
Visvalingam Pillai & Co., ~~Contractors~~ Shop renters
Tinnivelly, in the matter of fines imposed on
him by the Collector for delay in opening his
shops.

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. 943

Me. Am. No. 3310 C. 22



From

The Secretary to the Commissioner of
Salt, Alkali and Separate Revenue
Madras

His No. 199

For Orders

Please see the Office note flagged C,
and the remarks of the H. M. at the foot of it.

2. The petitioner appears to have purchased
163 toddy shops in five talukhs. The number
of these were opened on various dates and the fines
levied are shown below:—

Dated 19th January 1897

Received 29th

Registered 2-2-97.

Enclosures 2 5.

Spare copies

No. of shops opened.	Date	Date of fine	Total amount
125	End of January	3	375
32	10th March	2	64
21	1st April	23	21
Total			502

SUBJECT

Submitting to Government with copy of
the Tinnivelly Collector's report on the subject
petition from Visvalingam Pillai, Toddy

No delay in opening the shops was reported by the collector as due to the petitioner's attempt to subvert the shops for exorbitant prices. In these circumstances, it is presumed that the Govt. will not interfere on the petitioner's behalf.

Shop owner, Tinnivelly, appealing against the Board's orders declining to interfere in his behalf in the matter of fines imposed on him by the collector for delay in opening his shops.

4/2/97

5/2/97

6/2/97

BACK PAPERS.

G.O.	No.	Department.	Date.
50	5054	20-12-96	

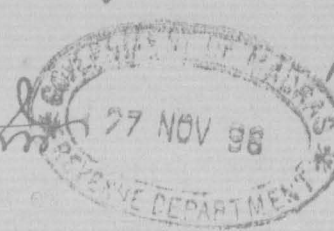
FURTHER PAPERS.

G.O.	No.	Department.	Date.

Submitted through

The Board of Revenue

21st Dec 1896.
Ottapidaram



Madras

TO

HIS EXCELLENCY,

The Right Honorable

The Governor in Council

Fort Saint George,

MADRAS.

PETITION

0955

REVENUE DEPT



The humble memorial of **Visvalingam Pillai**, son of Chitraputra Pillai residing at cusbah Ottappidaram Taluq, Tinnevely District.

MOST RESPECTFULLY SHEWETH,

1. That the memorialist purchased the right of selling toddy in the 163 shops mentioned in the margin for the year 1895—96 for an aggregate sum of about Rs. 11,000.

26 toddy shops in Ottappidaram Taluq,
42 toddy shops in Srivaikuntam,
34 toddy shops in Nanguneri,
13 toddy shops in Tinnevely,
and 48 toddy shops in Sankaranainarkovil Taluq.

Total 163 toddy shops.

2. That the Collector of the District fined the memorialist Rs. 501 on the ground that the memorialist did not open some of the shops in proper time.

3. That the memorialist most respectfully begs to submit that in so fining the memorialist the Collector did not take into consideration the various causes which disabled the memorialist from opening the shops earlier.

4. That when the memorialist became aware of his being fined on the demand being issued to him for the sum and the money collected he applied on the 13th July 1896 to the Collector to revise his order.

5. That the Collector endorsed thereupon "The Collector is not disposed to revise his orders".

6. That the memorialist thereupon, appealed to the Board of Revenue who on the report of the Collector declined to interfere.

7. That the memorialist most respectfully begs to state that in the circumstances of the case it is most unjust that the memorialist should have been fined and humbly prays that your Excellency may be pleased to take the following circumstances into your Excellency's merciful consideration and reverse the order imposing fine on the memorialist.

(a) The tree tapping system was for the first time introduced in the above Taluqs for 1895—96.

(b) The bidders were afraid to bid for the toddy shops on account of ignorance of the new system. This is significant from the fact that the toddy shops in Sankaranainarkovil Taluq had to be auctioned on 4 different occasions.

(c) The memorialist having been an Abkrai contractor for several years previous and well known to the authorities, the auction authorities told the memorialist to bid for and purchase the several shops and so set an example to the other bidders and accordingly the memorialist purchased the above several shops. And encouraged by the memorialist's conduct the other bidders followed the memorialist and purchased the other shops.

(d) That at the time of the sales there was no notice in the Gazette regarding the number of trees for each shop. The bidders were informed that the number of trees to be tapped for each shop would not exceed 15 as was then said to prevail in Madura. But after the auction the Collector to the great astonishment of the bidders issued an order fixing 25 trees for each shop even this latter condition the memorialist would have complied with in time but for the fact that the tree tapping system was newly introduced.

(e) The toddy drawing people are mostly illiterate and when they heard that they have to pay a license fee of one rupee per palmyrah to be tapped for toddy and that those trees were numbered by Government officers they were afraid that they would have to pay the same one rupee (which they treated as enhanced assessment) permanently or that the government may seize the numbered trees and take it away from them for toddy purposes. So the memorialist had to struggle hard and persuade the poor, ignorant toddy climbers to draw toddy from the trees.

(f) Besides the memorialist had to comply with another rule which required that license would be given to only one toddy drawer for tapping 25 trees for toddy. Hence the memorialist had also to spend time in finding out a person willing to draw toddy and owning 25 trees or to obtain a lease of 25 trees from the several owners in favour of one climber.

(g) That notwithstanding all the difficulties he had to contend with it cannot be said that the memorialist did not open any shop during the period and did not finally persuade climbers to tap 25 trees for each shop. In fact the Government has not sustained any loss on account of the conduct of the memorialist.

(h) The memorialist also begs to submit that in respect of some of the shops he has procured the tapping of about 400 or 500 trees in addition to the 25 trees which have to be tapped in for each shop accordance with the order of the Collector.

(i) The memorialist also most respectfully begs to bring to your honor's notice the fact that in respect of the 163 shops the memorialist had procured about 7000 trees in all whereas in accordance with the direction of the Collector that each shop should have 25 trees tapped for toddy the total number comes only to 4075 trees.

(j) That a reference to the accounts will show that the memorialist has been doing his best in procuring the climbers for drawing toddy to the several shops. The fact that the memorialist was able to procure about 7000 trees (although it is the new year) is a clear evidence of the trouble which the memorialist has undergone in the matter.

(k) There being thus no deficit in revenue derivable by Government in respect of the trees the only blame (if any) attachable to the memorialist is that there was delay in procuring the trees and consequently in the opening of some of the shops. The memorialist humbly submits that he is the real loser by the delay in the opening of the shops. Every day the shop is open will bring fresh money into his pocket. Hence the delay in the opening of the shops cannot in the least be attributed to the negligence of the memorialist but to the unfortunate circumstance of that being the first year and to the difficulty in the procuring of the climbers.

(1) Besides it is only in places where there are cocoanut trees that shops could be opened at any time even in the month of December. There are no cocoanut trees fit for drawing toddy in these parts and the climbers here are not accustomed and do not know to draw toddy from cocoanut trees. Here toddy is drawn from palmyrah. It is only in the beginning of Masi (i. e.) February, March that the shooting of pith in palmyrah trees take place. The memorialist has not failed to select the best trees for toddy wherever they were found and for two of the shops namely Puthiamputtur and Vadakoopacheri the memorialist arranged for bringing toddy from Veppalodai which is at a distance of 15 miles, no palmyrah trees being available nearer. For many other shops he procured toddy from a distance of 8 miles and 10 miles.

The memorialist therefore most humbly prays that your Excellency may be graciously pleased to take all the above circumstances into consideration set aside the order of fine of Rs 501 imposed upon the memorialist and do justice to him.

21-4260
~~or 20~~ November 1896.

Espresso Amm

Copy of a report from the Collector of Tinnevely
referred to in Board's Proceedings No 199 (S.R.),
dated 19th January 1897.

Disposal No 477 of 96
Sep. Rev.

29th September 1896.

I have the honor to reply to Board's
reference on petition register No 1077 of 1896 dated
2nd September 1896 calling for a report on the
petition of one Visvalingam Pillai Toddy Contractor
appealing against the order imposing a fine
of Rs 502 for delay in opening some toddy shops.

2. The petitioner purchased in the lease of
1895-96, 163 toddy shops in the 5 taluks of Tinnevely
Sankaranai narkoil, Naugumri, Ottapidaram
and Srivaikuntam. It was notified at the
time of sale (1st August 1895) that all the
toddy shops should be opened within six weeks
at the latest from the commencement of the
lease, viz, 1st October 1895. But in the case of
Sankaranai narkoil taluk where a sufficient
number of Toddy yielding trees was not available
the period was extended upto the middle of
December 1895 when the toddy season —

usually

usually commences. In spite of the notifications referred to, the petitioner left a large number of shops unopened in the 4 talukas noted in the margin, even up to the end of December.

Explanation was called for from the petitioner. He alleged that the delay in the opening of shops was due to toddy not being available for want of spathes in palmyras and promised that he would make arrangements to open all his shops about the middle of January. The petitioner was warned for the delay.

3. About the middle of January it was ascertained from the abkari officers that the palmyras were fit for tapping and that all shops could be opened. A strict circular was then issued to all Tahsildars to intimate to the Board's petitioner as well as other defaulting renters that drastic measures would be adopted in the event of shops not being opened before the close of January 1896. In defiance of the warnings repeatedly

Name of Taluk	Number of shops (palmyras)	No. unopened
Changaneri	34	32
Tirunelly	13	11
Chirapudanam	26	17
Sivakurumam	42	37
	<u>115</u>	<u>97</u>

repeatedly given to him, the petitioner failed to open all the shops referred to above only 38 having been opened out of 163 - shops by the end of January 1896. The petitioner then also wanted an extension of time up to 31st March 1896, urging (1) difficulty in securing the consent of tree owners (2) want of spathes, as excuses for the delay. These excuses were found to be false. The petitioner had then no valid reason whatever to justify his delay. The delay was reported to be due to the petitioner's attempting to sub-rent shops for exorbitant sums, under condition No 27 of the toddy license, I fined the petitioner Rs 3 in respect of each of the 125 shops not opened by the end of January 1896.

4. The petitioner was allowed time up to the 25th February 1896 to enable him to have the remaining shops opened and a notice was accordingly served on him, and he was warned that any further neglect

297
L.S. 2. 21/1896

neglect would involve him in a much heavier fine.

5. Later on it was found that the petitioner left unopened 32 shops up to the 10th March 1896 and 21 shops up to the 1st April 1896. As nearly half the term of the lease had then expired it was considered essential that stringent measures should be adopted for getting the shops opened. The petitioner was therefore fined a second time Rs 2 in respect of each of the 32 shops not opened up to the 10th March 1896 and a further fine of 1 Rupee in respect of each of the 21 shops not opened up to the 1st of April 1896.

6. The fine imposed on him amounted in all to Rs 502 and not Rs 501 as stated in the petition. It will thus be seen that the petitioner had not sufficient grounds to justify the inordinate delay he made in the opening of shops and that he was allowed reasonable time before adoption of stringent measures.

measures. The delay in the opening of shops for nearly half the term of the lease had some effect on the Government Revenue in respect of Collection under Tree-tax.

7. I might have resold the shops at the petitioner's risk which would have been the proper course in reference to his dilatoriness in opening the shops but I refrained from so doing in consideration of the fact that the Tree Tax System was newly introduced. The fact that the petitioner took a large number of shops in the district, does not seem to be a valid ground for the serious delay noted above. The more shops he had, the more difficult it was for him to sub-rent them or otherwise arrange for their being opened but that is hardly the fault of the Government officers more especially when sub-renting is not strictly lawful under the Tree Tax System. The Board's petition forwarded with the reference under reply is returned.

(True copy)

Ramdas Mestrel
Assistant Secretary

28/1/97



Proceedings of the Board of Revenue

(Separate Revenue),

Dated 19th January 1897.

Ms. No. 199.

Read petition from Visvalingam Pillai,
Tinnevely District dated 21st December 1896

Resolution

Submitted to Government with a
Copy of a report from the Collector of Tinnevely
on the strength of which the Board decided
to interfere in the petitioner's behalf.

2. With reference to para 7 (d) of the
Memorial the Board has leave to
state that prior to the sales a notification
was published in the district Gazette,
dated 1st August 1896 fixing the minimum
number of trees at 25 palmyras for
each tree tapping license with reference
to condition 3 of the notification published
by the Board regarding the sale of toddy
shops

1897
REVENUE BOARD OFFICE
CHOCURU No. 2
To District No. 943

shops under the free-tax system and
to rule 6 of the Free-Tax rules published
by Government.

(True Exh.)

Commandant
Assistant Secretary

Co. 356
24-7-96

To

The Secretary to Government,
Revenue Department

(with the petition and copy of the
Collector's report).

2/28/97
29/1/97

Read Cus. 943 of 1897

G.O. R. No. 284 of 10th Feb 1897

The Govt. sees no
reason to interfere on
petitioner's behalf, and
accordingly dismisses the
~~appeal is accordingly dismissed.~~

KD
8/2/97

1/19/97

SP
10/2

List from Orders.

To the petitioner
with enclosures.

The Board of Rev (L. O.)

25-12-2-97

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

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDERS OF GOVERNMENT

LETTERS OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILLED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

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