

Revenue (189)) Department.

MISCELLANEOUS SERIES.

G.O., No. 3119

DATED 19th June

[Despatch Abstract.]

Declining to interfere on behalf of Mr.
Sulhanayadu Godavari Di: praying for the
refund of the water cess collected from him.

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. 457

Secy.

From H. Subbarayudu
Godavari Dist.

Order Misc. no. 31198/19th June 97

The Govt sees
no reason to interfere in the
petitioner's behalf.

No.

Dated 26 May 1897

Received 31-5-97

Registered 2-6-97

Enclosures 5

Spare copies

SUBJECT.

To the Petr with Encls. des. 25-6-97 Praying for the refund of the
Nali. water cess illegally collected
from him.In Hasli 1304, the petr having
taken water from a prohibited
source for the irrigation of his
dry lands, the Jamiabandi
Officer charged a penal
rate of double the water tax.
The collector to whom the petr pr.

petr appealed confirmed the Jamabandi officer's order on the 20th February 1896. Thereupon, the petr presented a review petition to the Collector and being unsuccessful, ~~proposed~~ preferred a second appeal ~~to the~~ which reached the Board of Revenue on the 23rd July 1896. As the appeal time to the Board is only three months from the date of the Collector's order, the petr's second appeal was rejected by the Board of Revenue as being out of time. Now the petr comes up to Govt saying that the review petition ^{which was disposed of on the 27th April 1896,} was pending before the Collector for more than two months, and requesting that the Board may be directed to dispose of his appeal on its merits. Attention is invited to the note flagged C in G.O. No 21,310/18.6.95, in which it has been held that such a plea is inadmissible.

BACK PAPERS.

G.O.	No.	Department.	Date.

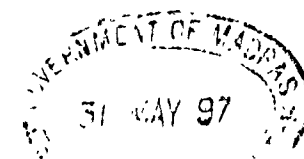
FURTHER PAPERS.

G.O.	No.	Department.	Date
	X B.	100221 p. 1004. (012225/1004)	

5/6

To.

The Secretary to the Government, of Madras, Revenue department.



PETITION

1004

REVENUE DEPT

Stumble petition of Kadimcherla Subbarazhdu against the order of the Board of Revenue dated 14th August, 1896 No 1002.

In the matter of refund of water cess illegally realised from the petitioner for 1302 to 1304.

Sheweth,

That the Honorable the Board of revenue dismissed the petitioner's appeal against the order of collector, Godavari on the ground that, it was presented after the limited time i.e 3 months from the date of the Collector's order- vide Copy of the Board's proceedings No 1002 dated 14th August 1896 hereto annexed.

I.

That, though the Collector's order complained of was dated 20th Febry 1896 there was an application of the petitioner for review made ^{before the time expired} bonafide, within a short time afterwards which was disposed of on 27/4/96 though unfavorably to the petitioner.

II.

That the appeal to the Honorable Board was received by it, on 23.7.96. and hence presented 5 months & 3 days, after the Collector's original order.

III.

That sufficient cause for the delay is shown by the fact of a review having been in pendency before the Collector for more than two months.

IV.

That in the matter of appeals to the same Board under

These papers relating to the review petition of the petitioner, Kadimcherla Subbarazhdu, are being sent to the Board of Revenue for their consideration.

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Reg VII of 1828 against the orders of Collectors the time limited by Regulation is 3 months, but the Honorable Board's Circular order No 176, art 4 has given the following indulgence to appellants which is plain justice, may be extended to the petitioners case:—

Board's C.O. 176, art: 4 (Edition of 1857).

Although Reg. VII of 1828 prescribes three months as the limit for appealing it is competent to the Board to admit an appeal after that time if just & reasonable cause for the delay is shown.

VI. That where sufficient cause is shown for delay in the presentation of an appeal Sec V para 2 of Indian Limitation Act gives to Civil Courts a discretion to admit the appeal and this broad principle of justice may by analogy be applied to the petitioners case.

VII. That the Hon- Board not having gone into the merits of the appeal petition they are not touched now by the petitioners.

Your humble petitioner, therefore, prays that the Hon- Board's proceedings above complained of be set aside by the Honorable Government, and that it may be directed to dispose of the petitioners appeal on its merits.

I beg to remain

Sirs

Papers annexed herewith

1. Rev. Board's Proceedings d 14/8/96 No 1002. Your most obedient rpt

2. Order of Collector Godavari d 20/2/96 No 181. 28th May 1897.

3. Endorsement on Review d 27/4/96 given by Collector No 181.

4. Petition of this appellant to the Board of Revenue d 20/4/96

5. Copy of petition presented originally before the Collector d 23.7.95.