

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3873

DATED 26th July

[Despatch Abstract.]

Forwarding to the Board of Rev. appeal petition of one
Subbaraya Mudali, late Revenue munsif of Palayakurichi
-puram, Gudiyattam Taluk, in regard to and stating that
Rev no 5552 was dated 6th Nov/95 require revision.

BACK PAPERS.

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

FURTHER PAPERS.

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[Pub.]
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Rev.
Public (1897) Department.

5395
CURRENT No. *2276*



Subraya Mudali.

From *Lata Moniam Mansif of*
Palaya Krishnapuram
Surigatam Taluk
No. N. Arcot Dist.

Order

Dated *17-6-97*
Received *1930*
Registered *23* *6-97*
Enclosures *- 5*
Spare copies *-*

SUBJECT: V.P.

Praying for restoration
to office.

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20/1

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS

G.O.	No.	Department.	Date.

The peti. states as follows:-

His settlement Palavanattam & Nilakantipalayam were clubbed with Palayakrishnapuram which was the central and therefore the main village of the group. The peti. was Munsif of Palavanattam which has the largest beriz of population. The Paimash munsif of Palayakrishnapuram is doing duty in some other village. At Revision Kaveri Mudali Munsif of Nilakantipalayam was appointed Munsif of Palayakrishnapuram group and the peti. was removed from office. Against the peti. files a suit under Reg. II of 1831 ~~in~~ in the court of the Sub. Collr. who removes Kaveri Mudali from office & appoints the peti. on the grounds of his having been Munsif of the largest village of the group. This order was ~~also~~ reversed by the Collr. on appeal and Kaveri Mudali was restored on the grounds of his having been the individual appointed at revision. This order having been cancelled by a Court of Order Kaveri Mudali presented

presented a revision petition to the Coll. who however upheld the Sub Coll's suit decision and restores the peti. Against this order Kaveri Mudali appealed to the Board which restored him on the ground of his having been the individual retained at Revision. Against this order of the Board the peti. now appeals to Govt. on the following grounds:-

When the Govt. order which recognised suit decisions above all was in force the peti. filed a suit, established his claims and got himself appointed & was also confirmed by the Coll. on appeal.

Subsequent to this the Govt. order ~~of~~ recognising the claims of individuals retained at revision was passed. The Board in restoring the respondent under this order was wrong in having ignored the former G.O.

The new Act requires the recognition of Superior Mirass right. The respondent owns no house or land in the village. His appointment therefore is against the order of the Coll. issued during the Jamahoori of Fash 1305. The peti. is the mirasdar of the largest village of the group. His appointment therefore was not opposed to the G.O.s on the subject. Under the circumstances the peti. prays that the P.P. appeals against may be set aside & that he may be restored to the Moniem Munsif office of Palayakrishnapuram.

26.6.97

Sp. 24.7.97

The Hon. Mr. C. R. S. C. R.

For Orders.

The records submitted by the petitioner are not complete, but the following seem to be the facts of the case:- At the last revision of village establishments, four villages in the Gudiyatom taluk were clubbed together and the moniem of one of them was appointed as the moniem-munsif of the group. The petitioner who had been the moniem of another village of the group sued the former and the Sub-Collector decided in his favor. This decision was first reversed by the Collector on appeal on the strength of G.O. No. 1168 dated 24th November 1892, under the impression that retrospective effect could be given to it. But when it was subsequently explained in G.O. No. 1264 dated 21st November 1893 that only prospective effect could be given to the order of November 1892 quoted above, that is, that it was only when a suit was decided in Court of Original Jurisdiction subsequent to 24th November 1892 that -- the rules contained in G.O. 1168 of 1892 should be applied, but that in all cases decided in the Original Court under --

of F.

of D

of F

c23/7/97
12/7/97

clearly wrong, and requires revision with
reference to G.O. No. 2975 dated 20th May
1897 in which the Board was told that
"Subject to the provisions of Madras
Act 11 of 1897 which determines the
right of appeal in cases disposed of
under

H. 25

1. The petitioner now appeals
to Govt. Under Act III of 1895
as amended by Act II of 1897,
no appeal lies to Govt. But
the Board's order is

Fig C

The opposite shore of the
after reaching it and the water
level was low and the
the ship was not to be
seen in the distance.

The order referred to by the
 Secy. appeared before Gov. 1166
 of 24-11-92. This is a good
 original of the order.
 It will be seen from ^{encl. to} the ^{current}
 the papers of 1166 that the
 order - (especially of 1166) was
 of 12-11-1892 (ing H) that the two
 Govt. was originally of the
 that new offices created by
 clubbing of sub dividing
 villages could be made of
 the Reg. VI of 1831 by
 persons having minor right
 in the separate of original
 villages. The ^{to the Govt. of which}
 first time was done in Gov. 1166
 of 24-11-92, no order in 1166
 of 1166 of 21-11-93 the office
only to cases decided in the Govt.
 of the original jurisdiction the
that to the Govt. of the
 of 24-11-1892. The order

under Regulation VI of 1881, all appeals from decisions and orders passed under the said Regulation, whether filed before or after the 1st October 1895, should be disposed of in accordance with the provisions of the Regulation and the rulings thereunder, so far as substantive law is concerned".

The following draft is submitted:

G.O. Mis. No. 3873 of 26th July 97.

25/7/97 The petition read above and its enclosures will be forwarded to the Board of Revenue with the intimation that its Proceedings No. 5553 Vis. dated 6th November 1895 require revision with reference to the instructions contained in G.O. No. 2575 Vis. dated 20th May 1897. (Flag C)

2. The petitioner is referred to the Board of Revenue which has received orders in his case.

11.22/7/7.

To the Board of Revenue (L.R.)
with petition and enclosures.
Para 2 to the petitioner.

G.A.
6 June 1977

es. } bud. 3-8.97

* The reference requires dispatch
 of part of the date - Hence
 the principle of said law
 in the order of 1892
 does not apply to it.

(R.
 20 July 97)

The signal of April 1168 de
 24-11-92 for which there
 have been waiting for a few
 days is reported to be missing.

When given for copying _____
 When copied _____
 When examined _____
 When signed _____ } 189

READ AGAIN G.O., No.
 189

DATED

REFERENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

WITH DITTO.

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 IN ORIGINAL.

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