

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 538

DATED 18th March 97

[Despatch Abstract.]

Reg. No. 10 of Rev. Uniform P. Thudimappa
late Kammam of Talupula, Madras District, Cuddalore
Dt. that the orders already passed are final

BACK PAPERS.

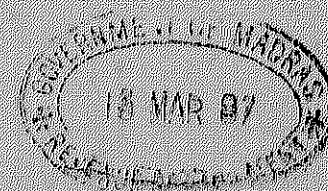
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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Revenue (1897) Department.

CURRENT No. 23/2



From

The Board of Revenue, Land Revenue, Madras.

No. 912 Misc.

Order R. No. 538, d. 18th March '97.

The petrs should be informed that the orders already **Dated** 11th March 1897. passed are final **Received** 13th and that no notice **Registered** 15th will be taken of **Enclosures** any further com- **Spare copies** munications from him on the subject.

SUBJECT.

Submitting to Govt. the review petition of P. Thimmappa regarding his dismissal from the karnam office of Talupula, Kadiri Taluk, Cuddapah District.

Let
To the Board & Co.
with papers

(A. T. Kumar)

8th/10/3/97

623.22-3-97

Sup. clerk
15-3-97

BACK PAPERS.

G.O.	No.	Department.	Date.
	1651/93		1801 Jan
	1095/95		1-5-93
			935 mms
			2-3-95

FURTHER PAPERS.

G.O.	No.	Department.	Date.

COLLECTOR'S OFFICE
20-FEB-1897
CUDDAPAH

His Excellency the Right
Honorable The Governor in Council

Madras.
The humble Review petition of Pakiam
Simmappa late Kamm of Talupula Ka-
diry Taluq Cuddapah District.

Most humbly Sheweth,

1 This review petition is now submitted
to the benign Consideration of your Excel-
lency upon the order no. ¹⁵⁷⁶ _{31st May 95} of the
Government of India (herewith enclosed) in-
timating "That the Government of India
will not interfere with the order of the
local Government with holding the
submission of his petition."

2 A brief pericope of the humble peti-
tioner's case is as follows:-

The humble petitioner and his ancestors
had been the holders of the Kammship
of the said Talupula Village for a period
extending over 22 years. The petitioner
came to his office in 1868 and had been
discharging his duties very satisfactorily
till

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till 12th December 1890. About that time, there existed between himself and the Village-Magistrate, Venkata Reddi, some misunderstanding, which culminated in the fabrication of a Criminal case against the petitioner, in which he was found guilty and fined, contemporaneously with the dismissal of the petitioner on the 12th December 1890. The alleged facts, in consequence of which the petitioner was dismissed, were that the petitioner, fraudulently prepared a panchayetnama and destroyed the same when his fraud was detected. This was alleged to have been done in a darakha-stucase of Shamir Badshah for field no. 1133, 1155. It was a bare-faced false allegation and was intentionally set up with the cooperation and intrigue of the said Village-Magistrate Venkata Reddy, who commands respect and influence, added to his vast riches and official authority. The only officer who enquired into the case was the Tahasildar, who was a Mahammadan. The complainant was a Mahammadan, all of his witnesses except one were Mahammadans. The Tahasildar contracted relationship in Talupala Village by giving his daughters to the relation

of the complainant and witnesses. Under these circumstances, the Sub Collector's order of the dismissal of the petitioner could not but proceed upon the misrepresented facts of the Sahasildar, who held a partial and incomplete enquiry into the case with the village magistrate working beneath.

3 It is hardly necessary to recapitulate all the grounds put forward by the humble petitioner in his appeal to the Collector and Board of Revenue.

4 The petitioner, exceedingly regrets, that neither the Collector, nor the Board of Revenue, had the patience to consider at length, not upon the feigned facts to his prejudice, but upon the real facts of his case. Further the Collector omits to notice many important grounds, upon which the Sub Collector based his conclusion of the justice of the petitioner's punishment.

5 The only point in the humble petitioner's case for the benigne consideration of your Excellency is, whether the Government or any individual has to suffer any kind of loss from the alleged act of the petitioner or whether the petitioner has any wrongful gain, acquired thereby. Both the points may be

4

Negatived for the following reasons:-

- (a) The Darakhast land in question has not been granted on patta up to date.
- (b) In the Darakhast submitted to the Tahasildar for approval, the petitioner plainly expressed as a Karumun ought to do, that there were trees in the Darakhast land and he drew up a panchayatnama as to the value of the trees which the field contained, which panchayatnama was submitted to the Tahasildar along with the Darakhast. He added in his remarks that the value of the trees as estimated by the panchayeldars was not based upon proper calculation and that in his opinion they cost more. Such being the case, it is left to your Excellency's consideration to decide, whether the petitioner had any intention; nay, any motive to destroy a panchayatnama as alleged by the Sub Collector. All these allegations will bear out by a perusal of the original Darakhast and all the other connected papers therewith.

6 The Sub Collector noted in his order that there existed a previous panchayatnama which was held by the persons named in the complaint. But he did not mention any particulars about panchayatnama alleged to have been destroyed, nor did he mention the motive of the petitioner to destroy it or the necessity to

to do so.

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7 In the first place there is no responsibility on the Karmun as to the value of the trees in any Darakhast land when their value exceeds Rs. 5. It is the duty of Revenue Inspector and Tahasildar. It is the Karmun's duty, simply, to mention their existence. That was done in the present case. The petitioner did not at all take anything on his head and left it to the discretion of the higher authorities.

8 As to the other remarks regarding the petitioner's misconduct noted in the Sub Collector's order the humble petitioner submits the following:—

(a) As to his dismissal in 1886 the petitioner begs to submit that it is unnecessary to reiterate the explanation of the Sub-Collector as he himself states that the petitioner's conduct was restored on appeal. Therefore the restoration of his conduct could under, no circumstances, have any relation or influence upon his subsequent misconduct and the consequent dismissal in 1890.

(b) As to the fine of Rs. 2 imposed upon by Mr. Welsh, the petitioner submits that it is a well known fact that ill-paid and inferior servants, scarcely, escape being fined once at least during a long course of service. In the present case the petitioner was a servant

6
for upwards of 22 years. In such a long service, it is not extraordinary to get a fine of this insignificant sort, to serve as a correction for the future; and it can scarcely add to the heinousness of the misconduct alleged as a reason for his absolute removal from office.

(c) As to fine of Rs. 25 in a criminal case, which the Sub Collector carefully noted in his order, the petitioner regrets, that the Sub Collector did not observe the real nature of the charge brought ^{to bear} upon the petitioner, when he was in a depressed condition, by the influence of the Village Magistrate, to one of the witnesses in that case to prepare another witness, whom he supposed to deny all knowledge of the facts. Moreover the alleged act charged was not committed in his official capacity as such and the petitioner, had to encounter the charge brought to bear upon him at a time when he was in a miserable plight of his being dismissed from his service, which fact evidently ^{was} known to the Village Magistrate, in his letter, referred to above in this para.

9
As to the remark of the Sub Collector that the petitioner's own witnesses did not support him, it must be observed that one of the witnesses who ought to

Copy of a letter by
the village magistrate.

is herewith enclosed.

7
to have been examined, was not examined, and the rest who were examined were the disciples of the same school as that of the Village Magistrate and were the members of the same caste as that of the Complainant and the Tahasildar, namely Mahammadias.

It is not difficult for a complainant to get two individuals to depose to the same facts, but it is the duty of the judge to see which version is true; and the Tahasildar in this case was not a perfect judge, free from all prejudice.

10 The Sub Collector merely agrees with the opinion of the Tahasildar without assigning any ground for such belief and the Collector on appeal, flatly refused to interfere with the Sub Collector's order without a word more on the subject.

11 The panchayetnama filed along with the Darakhast mentioned in para 5 (b) was noted by the Sub Collector, the only record prepared by the Karmum in the presence of two witnesses Pula Narasanna and Guduleg, who corroborate the story as related by memorialist and there is not an inch of ground to support the belief of the existence of an apocryphal document, the nature and contents of which are nowhere suggested.

12 From the above facts it must be clear to
 Your Excellency that the petitioner fail-
 ed to secure any decision on the merits
 of his case and that there was complete
 a failure of justice, because of the ab-
 sence of such imputation of criminality
 and ~~malversation~~ make him liable to be
 absolutely dismissed from service.

The petitioner prays judgment
 on the merits, the reversal of the order of
 the subordinate appellate Court and his
 restoration to the office of Harum of
 Talupala Village, for which your humble
 petitioner shall, as in duty bound, ever
 pray

Your humble petitioner begs to
 remain,
 your Excellency

Your most obedient servant
 Talupala Harum

17th Feb 1897 }
 Cuddapah } *Commissioner of District*



Proceedings of the Board of Revenue
(Land Revenue).

No. 912 Misc., dated 11th March 1897.

Read the following :-

1. Again Board's Proceedings No. 1242 Misc., dated 9th March 1895.
2. Also Endorsement of the Collector of Cuddapah, Dis. No. 1558/Rev. of '97, dated 4th March 1897.

Resolution

Submitted to Government.

2. The Collector's Endorsement explains the position.

(True Extract)

Ree

Secretary.

To

The Secretary to Government, Revenue Department, with
petition & its Enclosures & with the Collector's
letter in original to be returned.

Md. R. H.

189 .
Board of Revenue
(Land Revenue),
MADRAS.

To

Subject.

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

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READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTERS OF GOVERNMENT

DEPARTMENT WITH DITTO

PAPERS NOT FILED UP, BEING WANT FOR DISPATCH
IN ORIGINAL

F.B.—

A — Copy in full.
B — Not to be copied.
P — Copy abstract only.
Q — Copy heading only.