

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 548.

DATED 18th March 1897

[Despatch Abstract.]

Petition from A. Krishnamma Chari
Madras praying that certain lands in the
Maduranthakam taluk may be assigned to him
recorded with remark.

BACK PAPERS.

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

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Revenue (1897) Department.

CURRENT No.

18/2/97

From A. Krishnamma Chari
Flower, Bazaar
Madras.

Order R. No. 548. d. 18th March 1897.

Received with
reference to G. P. No. 485R
d. 10.3.1897.

No.

Dated 8th March 1897

Received 10th

Registered 11th

Enclosures

Spare copies

List
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SUBJECT.

Praying that certain lands in
the Madurantakam taluk, Chingleput
Dt. may be assigned to him.

12/3/97

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PETITION

0222

REVENUE DEPT

To



Secretary to Government
Revenue Department
Substantive.

In continuation of his petition of 4th March 97, the petitioner most respectfully begs to submit the following additional arguments in support thereof.

The petitioner's case is as follows.

The lands demarcated for, were relinquished in the first instance by a pattadar. The petitioner applied for the same on 12th March 82.

All the procedure with reference to the disposal of demarcated cases has gone through by the Tahsildar of Madurantakam, and the lands were assigned to the petitioner on his death.

12th March 82 on 19th June 82 + 10th June 82.

Subsequently on account of ill health, the Tahsildar to whom the petitioner now for the third time, colors himself, that by an oversight he assigned the lands on the first two occasions.

That as he now sees the lands are required for a public purpose the same should not have been assigned to the petitioner.

Cancels his assignment thereof to the petitioner on 14th Aug 82.

Was it he believed that on the first two occasions besides when going through the regular procedure regarding disposal of demarcated applications, that they were not fit for assignment?

No. He evidently was led to do so through the collusion of the village authorities who were not well disposed towards him.

Now arises the first irregularity of procedure committed by the Tahsildar of Madurantakam in the case.

The officer who assigned the lands to the petitioner was the Tahsildar of Madurantakam. The officer who cancelled the assignment was the same Tahsildar - the same officer.

Cannot cancel his own assignment. This is against

against the standing orders of the Board of Revenue.

To proceed further the petitioner appealed to the Sub collector & Collector against the above referred to irregularity & these did not open their eyes. The petitioner appealed to the Board of Revenue & Dept. In the meanwhile the same Tahsildar of Madanabakam, to further his ill will recommended out of the contested darakhast lands that 1 acre should be given to the mahomedans for burial site. no: 1212

The Hon James Fraser the then Land Revenue member has in his proceedings no 872 of 8-2-92 in disposing of the petitioner's appeal ordered his order "petitioner can apply to the local authorities to have them transferred to aryan & assigned to him on darakhast". This BP no: 872 was communicated to 8-2-92

the Sub collector. & the second irregularity a very serious one now arises. The collector directed that survey no: 178 be put in auction & was silent with the other no: 1212. It was the survey no: 178 now directed to be put in auction, that for the third time on the ground of its being required for a public purpose the assignment thereof was cancelled by the same Tahsildar who originally assigned it to the petitioner. What has now become of the public purpose. It is evident that when the land was originally assigned to the petitioner on his darakhast, all rights of others thereto were over for all definitely decided & the petitioner's upheld. and on his darakhast the land was assigned. What the Hon James Fraser directed in his order was that the petitioner's darakhast, already standing, originally accepted but subsequently cancelled, be upheld over for all, that according to his darakhast the finally standing & settled out the land be transferred to aryan & assigned to him only on darakhast. This is the meaning & force of the words "assigned to him on darakhast". Had the Hon member opined that petitioner should not let the land & the benefits by his appeal to the Board the Hon member would have worded his order "assigned on darakhast" or "where Sub collector way

the Hon member's wording is specific & clearly in favor of the petitioner. The Collector of Balinguput should only have obeyed the Board & assigned the land to the petitioner on his only finally decided & accepted but cancelled ultra vires, & now definitely decided to be accepted (By the Board BP no: 872 of 8-2-92) darakhast.

The collector has committed a serious irregularity in putting the land in auction. with a view to ruin the petitioner. Evidently had the petition not appeared to the Board, the collector would not have had any [illegible] purpose whatsoever to put the land in auction as he did. It is only when there are two or more applicants for the same land on darakhast that discretion is left to the collector to put the land in auction. But not in a case like this when over for all there has been one applicant therefor, to whom the land was originally assigned but subsequently cancelled ultra vires, against which he appealed to the Board & got in BP no: 872 of 8-2-92 the land assigned to him on darakhast". The collector was not right

& acting ultra vires in putting the land in auction, when it was decided by the Board in favor of the petitioner. The petitioner would not like to enrich others at his expense. The second serious irregularity complained of is this. When in a case like this the darakhast appeal was disposed of in favor of the petitioner by the Board, the collector should not have put the land in auction. That process should only have had recourse to, when there are more than two or three applications received for the same land under darakhast & that also in the first instance. His having put the land on a favorably disposed of darakhast appeal, in the second instance, is a grave irregularity of procedure, an act entirely ultra vires. on receipt of BP no: 872 of 8-2-92 the collector should have assigned the land to the petitioner on his darakhast once accepted, cancelled subsequently ultra vires, and now for all finally accepted by the Board. These are the irregularities of procedure complained of.

Petitioner respectfully prays the Sacred Council these irregularities and anomalies to be set aside BP no: 872 of 8-2-92 & the land be assigned to him on his darakhast.

For which act of kindness the petitioner is ever duty bound to remain, by

8th March 97 A-Krishnamachari

For the Board
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Petitioner

When given for copying _____
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When signed _____ } 189

READ AGAIN G.O., No. _____ DATED _____
189 ,

CURRENT No. _____

ENCLOSURES TO O. No. _____

ORDER OF GOVERNMENT

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LETTERS OF GOVERNMENT

WITH DITTO

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IN ORIGINAL.

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