

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 591

DATED 2nd Febr'y 1897

[Despatch Abstract.]

confirming the Bd's action in
sanctioning the defence of certain
OS. no. 290 of 1896 on the file of the
St Municipality const. Rajahmundry, Vizag.
It is an inalienable right
to certain lands.

BACK PAPERS.

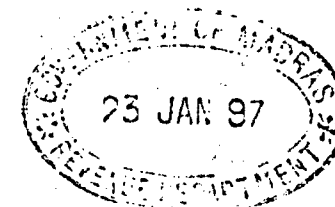
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No. 667



The Hon Mr. G. S. C. E.

Order in: No. 591 of 2nd Feb 1897 From

The Board of Revenue, Land
Revenue, Madras.

No. 240 Misc.

Recorded
Confirmed accordingly

Dated 20th January 1897.

Received 23rd.

Registered 23rd.

Enclosures 10

Spare copies

SUBJECT.

Sanctioning the defence of O.S.No. 290 of '96 on the file of the Dt. Munsiff's court Rajam, Vizagapatam Dt. (re: an inamdar's right to certain lands), requesting the Collector to file in Court the revised draft written statement furnished by the Government Pleader, and submitting a copy of the ^{Proceedings} ~~Proceedings~~ for the confirmation of Government.

In the Board of Revenue

6-2-97

28 Jan 97

C. 28/1/97
R. 2/2/97

Recd 27-1-97

BACK P

G.O.	No.	Depar	

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 19 January 1894

Request No. 422 Miscellaneous.

READ

the following letter from W. A. Willock Esquire, Collector, Vizagapatnam district, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, Madras, dated 7 November 1893, R.C. no 941 of 1893.

I have the honor to state that survey field No 242 in Annamalai in the Palakonda Taluk is entered in the Settlement Register of the village as a Poramboke tank. It has, however, no outlet and is useless and unnecessary. The adjoining

lands

lands are all wet and irrigated by river channels which can also irrigate it. It has been applied for and the Principal Assistant Collector proposes to transfer it to ayam and to give it over to the applicant at the highest wet rate in the village. I request that his proposal may be sanctioned.

Reference thereon dated 4 December 1893.

- The collector's proposal to charge the highest wet rate of the village is approved, but the Board is of opinion that the land should in accordance with the custom usual in such cases be sold by auction in convenient plots:
1. The wet rate charged should of course be a consolidated charge as in the rest of the district.

Read also the following letter from W. A. Willock Esquire, Collector of Vizagapatam District, to the Secretary to the Commissioner of Revenue & the Assistant and Director of the Department of Lands Records and Agriculture, Madras, dated 9 January 1894.
No 3/5.

Referring to the Board's reference dated 4 December last on General Register No 7788 of 1893, I have the honor to state that I have asked the Principal Assistant Collector to sell the lands referred to by public auction in one plot as its area is small subject of course to the payment of assessment at the highest wet rate of the village viz Rs 9-5-0 per acre which is a consolidated charge.

Resolutions.

Recorded.

(True Copies and Extracts)
(Signed) P. Rajaratnam Muddakar
(True copy) Secretary

Heelan
Secretary

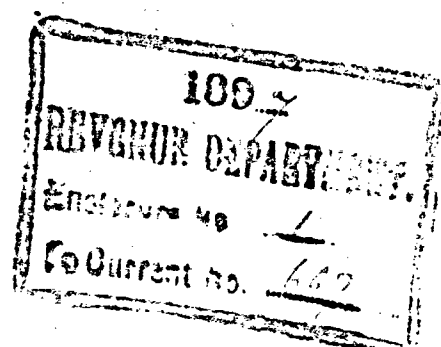
L. M. S.

1894
Board of Revenue
(Land Revenue), Settlement.
MADRAS.

To

(True copy)

Proceedings, dated 19 January 1894,
No. 422 Mis. Routine Enclosures.
Subject.



500
25-11-96.

Proceedings of the Board of Revenue

(Land Revenue),

Dated

9 January 1896.

Forst No.

98

Miscellaneous.

Read

the following letter from W. E. Horne Esquire, Acting Collector, Vizagapatam District, dated 29 December 1896, R.C. No. 4538 of 96 to the Government, Madras.

Copied in the P.P. current.

Adverting to the Board's Reference dated 30 November 1896 on General Register Nos 5743, 6093, and 6224 of 1896, I have the honor to answer below seriatim the several questions put by the Board.

(1) In the P.S. account of Kurnamaram in the Palakonda Taluk prepared in Faski 1209 (1799) no fieldman particulars of lands were given. There is an entry in it of Kurnam service inam.

consisting of 1 garce dry and 5 garces of wet land, without any mention of a tank. From this account, 3 tanks would appear to have been treated as poramboke at the time. Their names are not however given in it. It is not therefore possible to assert definitely whether the suit land was included in the Karmam service inam or in the three tanks above referred to. Subsequent accounts, however, throw some light on the point as indicated below.

In the Hakikat account prepared in 1818, the Karmam service inam was shown as measuring 5 garces of wet land. No fieldwar particulars were given in this account, nor was any mention made in it of any tank belonging to the Karmam.

See

In the Gudicattu accounts of 18th November 1834, and 11th February 1836, which were prepared by the then Karmam, the tank called Kuppam - nagari cheruvu "was excluded along with 2 others of the village, from the area of cultivable land, and treated as a poramboke tank. In both these accounts, the Karmam service inam was shown as measuring 1 garce dry and 5 garces wet land, with no mention of any tank. In the account of 18th November 1834, however, mention was made of 2 garces of garden land belonging to the Karmam, and if the suit land (Kuppam nagari tank) belonged to the Karmam, and if the suit land (Kuppam nagari tank) it would likewise have been shown in it, instead of being shown as a poramboke tank. It is only in the measurement account

account of fash 1254 (1845) and subsequent accounts that the suit land was entered as part of the Karam service inam. It is possible that the Plaintiffs' ancestors fraudulently made the entries in these accounts.

(2) The tank was never used by the Plaintiffs for irrigating the lands in their possession and enjoyment, but by their grantees for the irrigation of their mirasi lands and by the adjoining ryotwari pattadars for the irrigation of their putta lands.

(3) The Plaintiffs began cultivation of 3 acres of the tank bed some 20 or 25 years ago with the aid of the water of Vengedda a hill stream, and continued the cultivation up to 1886, when it was prohibited by

Messrs

Messrs Ashutthot and Company who were then the renters of the Taluk.

2 The suit is posted for the first hearing to 1st February next.

Endorsement of the Collector of Vizagapatam, dated —

Submitted to the Secretary to the Commissioners of Land Revenue for information.

Resolution

Recorded.

(True copies and extracts)

(Signed) R.C.C. Carr.
Secretary.

(True copy)

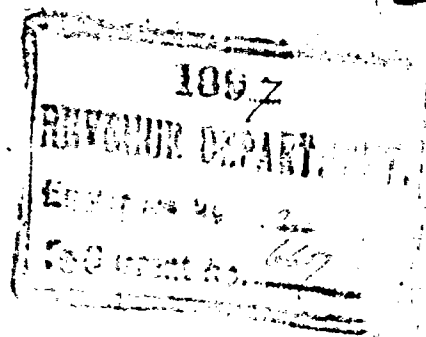
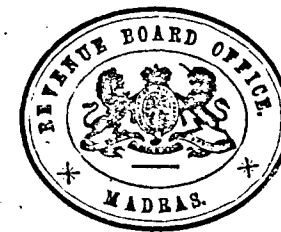
P. Allen
Secretary.

2/11

1897.
Board of Revenue
(Land Revenue),
MADRAS.

Proceedings, dated 9-1-1897
No. 'Mis. Routine' Enclosures.

Subject.



Proceedings of the Board of Revenue
(Land Revenue).

No.240 Misc.,dated 20th January 1897.

*The place
to be put above
the last paper
in this Res.*

in the file

Read again Board's Proceedings No.98 Misc.,dated 9th January 1897.

also
Read letter from W.O.Horne,Esquire,Ag.Collector of Vizagapatam,
to R.C.C.Carr,Esquire,Secretary to the Commissioners of Land
Revenue,Madras,Re.C.No.2971 of 1896,dated 19th October 1896.

And the following Reference thereon dated 3rd November 1896.

From the office Inam Register of Village
Service Inams in the Palkonda Taluk the Board observes that
Survey No.242 was not included in the title deed issued to
the holders of the karnam office of Annavaram village in
1892.The Collector is requested to ascertain from the Inam
Deputy Collector's records and report whether the Plaintiffs
in the present ease suit or their predecessors claimed the
plaint land at the recent Inam Settlement and if so,on what
grounds the claim was rejected by that officer.

2. It is observed that the Proceedings relating to the
sale of the plaint land is Board's Proceedings No.422 Misc.,
dated 19th January 1894 and not Board's Proceedings No.1129
Misc.,dated 16th February 1894 as stated in para 2 of the
above letter.

3. The following deferred telegram will be despatched
to the Collector.

" Yours 19 ultimo 2971 further informa-
tion being called for.Please apply for adjournment."
also
Read letter from W.O.Horne,Esquire,Ag.Collector of Vizagapa-
tam,to R.C.C.Carr,Esquire,Secretary to the Commissioners of
Land Revenue,Madras,Re.C.No.4129 of 1896,dated 9th November

1896.

And the following Reference, thereon dated 18th November

1896.

Referred to the Government Pleader.

2. The facts of the case are given in full in the first of the Collector's letters read above.

3. The Collector does not deny the Plaintiffs' allegation that the land now claimed was shown as belonging to them or their predecessors in the old Gudicattu account of 1835 & in the measurement account of 1845 and is included in the boundaries specified in the inam statement submitted to the Inam Deputy Collector in 1863. It appears from the written statement that he only proposes to urge that by paying Sevoyjama assessment to Government in Fasli 1302 and submitting an application for a ryotwar putta subsequently, the Plaintiffs are estopped from claiming the land as karnam service inam and that the suit is also barred by limitation. The former plea and the omission on the part of the Plaintiffs to prefer any claim to the plaint land at the recent Settlement of village service inams can apparently affect only the Plaintiffs' claim to hold the land free of assessment as part of the karnam service inams but not the right to obtain a ryotwari putta on the strength of long occupation. But it seems doubtful whether the Plaintiffs will, on failing to prove the former claim, be allowed to rely on an inconsistent title to obtain a ryotwari putta for the land. Moreover it may be urged on behalf of Government that the Inam statement filed in 1863 is of no importance; for it is no part of the Inam Deputy Collector's duty to localise the inams to be enfranchised or confirmed; and the fact that the Plaintiffs' predecessors inserted the boundaries of the land claimed as inam amongst other particulars concerning it in the statement filed before that officer will not bind Government simply because the boundaries were not disputed at the time. It may also be said that the Plaintiffs and their predecessors having been the karnams of the village the entries in the old accounts of 1835 & 1845 might have been based on the information furnished by them and are not of much value as against Government.

4. It is not clear how the present suit is barred by limitation; for it is not a suit to set aside an official act (of the demarcation by Survey & the entry as Poramboke in the Settlement

Registers made in or before 1888-89) but one to recover immovable property and the Plaintiffs (assuming that they had a title to the land) have therefore only to show that they have had possession within 12 years before the date of suit (I.L.R. 2 Madras 306). The renters of the Palkonda taluk, Messrs. Arbuthnot & Co. prohibited the cultivation of the land by the Plaintiffs only in 1886.

5. The Government Pleader is requested to favor the Board with his advice as to whether & on what lines the suit may be defended with a fair chance of success and to furnish a revised written statement to be filed in the case.

6. The hearing was originally fixed for the 11th instant but an adjournment has been applied for.

also
Read letter from E.B. Powell, Esquire, Government Pleader, Madras, to the Secretary to the Commissioners of Land Revenue, Madras, No. 1022, dated 24th November 1896.

And the following Reference thereon dated 30th November 1896.

With reference to the concluding portion of the last paper read above, the Government Pleader is informed that as the plaint lands have been sold by auction to a third person (*Turupati Ganapathi*) it is now out of the power of Government to issue a ryotwar putta for the same in favor of the Plaintiffs and that a written statement has therefore to be filed on behalf of the Collector putting the plaintiffs to the proof of the alleged long possession and expressing the Collector's readiness to issue a patta for the plaint lands in the name of the Plaintiffs in case the Court declares them to be entitled to the same. At the same time the Board is not sure whether the Plaintiffs have been in continued possession of the lands from before 1835 and up to 1888, as alleged by them, and it is possible that there is documentary evidence of earlier years contradicting the entries in the fieldwar and measurement accounts of 1835 & 1845. The Collector of Vizagapatam is requested to ascertain ^{and} report to the Government Pleader direct (1) whether in the Permanent Settlement accounts of Fasli 1207 for the Palkonda and Honjeram Estates the plaint lands are included in the karnam Service Inam lands, or appear as a Poramboke Tank, (2) whether the tank was

used by the Plaintiffs only as alleged in para 3 of the plaint or by the other ryots of the village also for purposes of irrigation, &(3) when approximately the Plaintiffs began to use the water supply of the river channel referred to in the same para of the plaint & commenced the cultivation of the plaint lands.A copy of the report should be submitted for the Board's information.
Read also letter from E.B.Powell,Esquire,Government Pleader,Madras,No. 72,dated 18th January 1897,to the Secretary to the Board of Revenue,Land Revenue,Madras.

Resolution

The defence of the suit is sanctioned;the draft written statement furnished by the Government Pleader should be filed in Court in lieu of the one submitted by the Collector.
2. A copy of these Proceedings will be submitted for the confirmation of Government as the value of the suit exceeds Rs.1000.
(True Copies & Extract)

Reed
Secretary.

To
The Collector of Vizagapatam, with a copy of the revised written statement & Inam Register returned.
The Secretary to Government (R.D.) with letters and Enclosures in original to be returned and with copies of B.P.98 Misc., dated 9-1-97 & No.422 Misc.,dated 9-1-94. Settlement
Md.R.H.

When given for copying	189.
When copied	
When examined	
When signed	
READ AGAIN G.O., No. 189	DATED
CURRENT No.	
ENCLOSURE TO G. No.	
ORDER OF GOVERNMENT	A A A A A A A
LETTERS OF GOVERNMENT	
STATEMENT WITH DITTO	
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL	

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