

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 637

DATED 25th March 1897

[Despatch Abstract.]

INFORMING Srinivasa Iyengar, late Village Munsiff,
of Vedilapuram Village, Srinakuram Taluk, Tinnevely
District, that, under section 23 of Madras Act III of 1895, as amended by Act II of 1897, no appeal lies
to Government.

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 (1896) Department.

CURRENT No.

8748

To be over.

3 Dec 96

Order

From

Srinivasa Sengar.
Late Village Munsiff Vithalapuram
Village, Srikailasham Taluk
Tinnevely Dt.
No.

Dated 25 - 11 - '96

Received 30 - 11 - '96

Registered 1 - 12 - '96

Enclosures

Spare copies

SUBJECT.

Praying that the order of
the Sub Collr, appointing
him as Munsiff
may be confirmed
and that of the Board
be reversed.

BACK PAPERS.

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

FURTHER PAPERS.

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

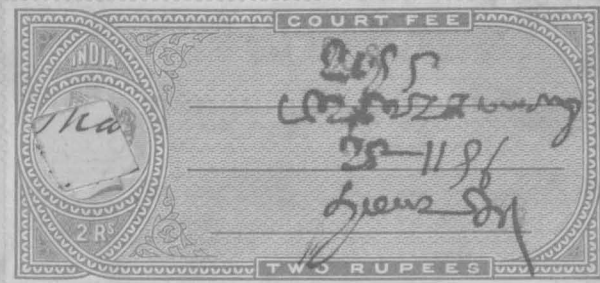
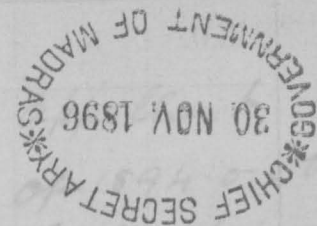
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

That before the Division of
 Village Establishment which took place in 1818
 Belknap's father was owner of Littlepans
 village in Brunswick county and at the
 Division he was appointed as one of the
 members of the said village.
 That Belknap's father
 was having duties of the said Division &
 himself for more than a year, when all on
 a sudden he was removed to the other side
 of the River in the superior position that the
 Government of America had ordered that the
 who were on the said Division claims to
 that who were not himself.
 That on the removal of
 Belknap's father one Belknap was appointed
 to the post.



To His Excellency The Governor in
Council
REVENUE DEPT. Madras

The humble petition of Srinivasa Iyengar
late village Munsiff of Vittilapuram village
Sivaraikuntham Taluq. Tinnevely Dt.

Most Respectfully Sheweth,

1 That before the Revision of
village Establishment which took place in 1878,
Petitioner's father was munsiff of Vittilapuram
village in Sivaraikuntham Taluq. and at the
Revision, he was appointed as both Munsiff &
Moniom of the said village.

2 That Petitioner's father
was doing duties of the said Moniom &
Munsiff for more than a year, when all on
a sudden he was removed by the then Collector
Mr. Pennington on the alleged ground that the
Board of Revenue had ordered that the persons
who were monioms had superior claims to
those who were only Munsiffs.

3 That on the removal of
Petitioner's father one Subbiah was appointed
to the post.

4. That Rajangam Iyengar appellant No 1 in Revenue appeal No 73 of 1894 on the file of the collector of Sinnerilly having filed a Suit against the said Subtah and got the office in 1882 held it till 1887, when he resigned it in favour of his son appellant No 2.

5. That this appellant No 2 is still a minor and the duties of the office are being discharged by his gumastah appellant No 3.

6. That in 1893 Petitioner filed a Regular Suit (No 12 of 1893) against the three appellants referred to above in the Court of the Sub collector of Sinnerilly who finding that Petitioner was the heir of the man appointed at the Revision declared that he was entitled to the office of the Munsiff Inamdar of the above village.

7. That against this order of the Sub collector the abovenamed three appellants appealed to the collector, who in his Proceedings dated 3rd August 1894, reversed the abovementioned decision of the Sub collector and re-appointed appellant No 2 in the post.

8. That against the order of the collector Petitioner appealed to the Board of Revenue + the Board passed the order attached hereto.

9 That against the said order of the Collector & Board the petitioner begs to appeal to the Madras Government with the full confidence that justice would be rendered to him after a patient perusal of the records connected with his case and after a patient consideration of the equity connected therewith which is expounded in the following paragraphs.

10. That the Collector's reasons for upsetting the Sub Collector's order are,

- (a) That the Collector Mr Pennington's order removing petitioner's father was not ultra vires
- (b) That the three years rule does apply to the present case though appellant No 2 is a minor
- (c) That neither the Petitioner nor appellant No 2 is the heir of the Revision holder, but that the latter got stands in his stead.

11. That as regards the order of Mr Pennington, Petitioner would respectfully submit that it was only a departmental order as stated by the Sub Collector and even under no circumstances he said to over ride the claims of a person who had been duly appointed at the Revision. In fact G.O. dated 24.11.92 No 1168 Review, published in the —

village sheet of the Innerelly District
Gazette dated 1. 3. 93 Page 23 is conclusion
on the point and if any one can claim
the post now on the strength of this order
it is only the heir of the person appointed
at the Revision and such a person is the
petitioner he being his son and no one
else. Again the Board's order referred to
cannot possibly be made applicable to a
case in which the appointment had been
made more than a year previous to its
date, and the person who had actually
been doing duties for more than a year
cannot be ousted on the strength of
the said order. Besides it is an admitted
fact that no body had appealed
against the said appointment. If at
the date of the passing of the Board's
order or subsequent thereto any vacancy
had actually occurred, it may then
be said that the said order was applicable
to it. In other words it cannot be said
that it had a retrospective effect. The
said order moreover, cannot in any
way affect Petitioner's right to sue as
the heir of the person appointed at the
Revision. The order of Mr Pennington is
therefore ultra vires and the person who
was appointed on its strength had
therefore no good title. Appellant No 2
being one absconded from a person who
sued this way man and got his post has
therefore no locus standi and his claims

Cannot be superior to those of the
Revision nominee.

12 That as regards the
3 years rule, Petitioner would respectfully
submit that it does not apply to cases
where a minor is the Registered holder
as stated by the Sub collector. If a
major has been doing duty for nearly
3 years, that fact may be a recommend-
ation in his favour not to disturb him.
But in the case of a minor who is not
doing duties personally no such concession
need be given at all, there being no
hardship in the case.

13 That apart from the
question of the 3 years rule on which
the collector does not base his decision
he relies solely on the grounds that
though neither of the parties to the
Suit are the heirs of the Revision holder
appellant No 1 stands in his stead.
Here Petitioner would point out that the
collector is incorrect both in his view & in
his statement of fact in as much as
Petitioner is as a matter of fact as admitted
both by the collector & the Sub collector
the son of the Revision nominee. According
to the G. O. referred to above no sort of
Mirasi claim can arise in this case
the appointment of the petitioner's father
having become final at the Revision
and the only person who could sue

List of Enclosures

- (1) Sub Collector's Proceedings
- (2) Collector's Proceedings
- (3) Board's Proceedings
- (4) Vernacular Jaded containing Dr Pennington's order.

for it being his son as shown above. If neither party is the heir of the Revision holder as the collector puts it, how can one of them be said to stand in his stead? Petitioner would humbly point out that this is but a contradiction in terms

The question now is who is the Revision nominee. Petitioner's father or appellant No 1's father. Surely not the latter. Because he was the person who sued a stranger and not Petitioner's father and even that so late as 4 years after the date of the appointment made at the Revision and such a person can under no circumstances be said to be Revision holder at all

Under the circumstances set forth above Petitioner most respectfully prays that your Excellency would be so pleased as to reverse the proceedings of the Board and restore that of the Sub collector and also to order for the return to the Petitioner of the enclosures attached to this Petition after the disposal of his case.

From which act of kindness Petitioner will as in duty bound ever pray.

D. J. Pennington

25. 11. 96.

Government of Madras.

Read case 8748 of 96.

REVENUE DEPARTMENT.

Endorsement No. 637R 2/25-3-97

HP 25/97

The petitioner is informed that no appeal lies to Government under Section 23 (1) of Madras Act III of 1895. as amended by act II of 1897.

note

The petition is
dt 25-11-96.

CP.
24 mar 97

(By Order.)

(cc)

1/15/97

Under Secretary to Government.

FORT ST. GEORGE,

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in the rule

bus. 29-3-97

24/3/97

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189

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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