

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 644.

DATED 25th March 1897

[Despatch Abstract.]

INFORMING S. Subramania Battar, late Muneeff Moriam,
of Melu Sankarag - Village, Sankaranamankoil Taluk, Tinnevely
maankoil
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. 8548



From

The Board of Revenue, Land Revenue, Madras.

Order

No. 5184 Misc.,

Dated 18th November 1896.

Received 23-11-96

Registered 24-11-96

Enclosures 32 (3 files)

Spare copies

SUBJECT.

Submitting to Govt. the report called for on the appeal petition of S. Subramania Battar regarding the Munsiff Moniam office of Melasan-karanainarkoil village, Sankaranainarkoil Taluk, Tinnevely District.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Cw 8348/96

Note for the Repn.

Please see para 8 of
the B.P. The report
was called for before
for 406 & 12-8-96
was passed. The
current should there-
fore be over.

ed
26/11/96.

Yest.
30/11/96



Proceedings of the Board of Revenue

(Land Revenue).

No. 5184 Misc., dated 18th November 1896.

Read the following:-

1. Endorsement of the Ag; Under Secretary to Government, Revenue Department, No. 1384 R., dated 13th July 1896.

And the following Reference thereon dated 21st July 1896

Forwarded to the Collector of Tinnevely with the request that he will submit the records referred to in para 2 of the Government Endorsement.

2. Also the following letter from A.W.B. Higgins Esqr., Collector of Tinnevely, to the Secretary to the Commissioners of Land Revenue, Madras, Dis. No. 1904/Genl. Rev. of '96, dated 22nd October 1896.

As requested in the Board's reference dated 21st July 1896, I have the honor to submit the 22 documents referred to in the end of the Government petition of S. Subramonia Battar regarding the office of Munsiff Monigar in Melasankaranainarkoil village, Sankaranainarkoil Taluk together with 7 documents produced by Palvannasanga Tevan.

Resolution

With reference to the Government Endorsement No. 1384 R., dated the 13th July 1896, the Board begs to report as follows:-

2. At the Settlement of 1877-78 the village of Melasankaranainarkoil which had formerly been a portion of Sankaranainarkoil, was newly constituted as a separate village and at the revision of village establishments which followed in 1879, the Respondent's father, Siva Subramania Tevan, was appointed Munsiff Monigar thereof. Thereupon the Government

appellant

~~appointment~~ instituted suit No.79 of 1881 in the Court of the Deputy Collector on the ground of his being the great grandson of the ayacut holder, but the suit was dismissed as it was thought that the appellant, not having been ~~in~~ office at the time of revision, had no cause of action. This decision was also confirmed by the Collector on appeal; but on second appeal, the Board ~~recommended~~ *remanded* the case for disposal on the merits.

3. The Deputy Collector, who re-heard the suit, found that the Government appellant was a hereditary claimant but considered that he was not warranted in ousting the Respondent's father who, as an old Nattangar, had an equally good claim to the post and had been in office since 1863. In the concluding portion of his judgment the Deputy Collector, however, directed the appellant to wait for a vacancy. This decision was upheld both by the Collector and the Board.

4. In 1887 the Respondent's father died and was succeeded by the Respondent. After some delay, the Government appellant took action against the respondent on the strength of the direction contained in the Deputy Collector's decision above referred to. From the evidence adduced on both the sides, ~~the~~ ^{the} Deputy Collector found that the appellant's grand-father, Sankarapandiya Batter, and his father, Sankaranarayana Battar, were successively holding the mirasi office from the year 1829 up to 1871, that although the name of Sankara Battar, the alleged great grand-father of the appellant, appeared in the Ayacut olugu account of Fasli 1211 yet there was no documentary evidence to connect him with the appellant's grand father and that therefore the tenure of office by the appellant's family should be considered to have commenced only from 1829. On the other hand it was proved that the Respondent was the descendant of the Nattangar of Fasli 1211 and that the Nattangars had been doing collection work. In these circumstances the appellant's suit was dismissed.

5. The appeal from this order to the Collector was also dismissed with the remarks that the appellant's allegation that his hereditary claim had been admitted in the decision in suit No.79 of 1881, to be superior to that of the Respondent was incorrect, in as much as that decision simply stated that even ~~if~~ if his claim should prove on investigation to be superior he must wait for a vacancy before suing, and that the Board and the Government had ~~held~~ in Board's Proceedings No.3500 Misc., dated 12th May 1886 and Government Order No.3206, dated 1st June 1886 respectively that the Nattamai office in Timnevelly was older than and superior to

the 'mirasi' office.

6. Against this decision an appeal was presented to the Board which rejected it on the ground that as the office in question was a new creation at the revision, the suit was untenable under Government Orders 1168 & 563. But on receipt of Government Order No. 1004, dated 21st November 1893 24-11-93 8-2-93 directing the retrial of all cases to which the Government Orders quoted above had been applied retrospectively, the Board called for a report from the Collector on the appealant's appeal, and disposed of it on the merits, with the result that the Board agreed with the Lower Courts in holding that the Nattamai office in Tinnevely was older than ^{and} superior to the mirasi office and that the appellant on whom the onus lay had failed to establish his superior title. The Board accordingly rejected the appeal (B.P. 2336). 8-5-95.

7. It is against this order that the appellant has now appealed to Government in a petition dated May 1st, 1896. This appeal, which it has taken the appellant nearly a year to draw up, contains no arguments which were not before the Board when the last order was passed, and the Board has no recommendation to make in appellant's favour.

8. The Government called for a brief report on this case but it has been thought advisable to detail the various stages of this long-protracted litigation. The Board ventures to call attention to the fact that, as soon as the amending Bill communicated in Government Order No. 4132 Rev., dated 19th ultimo is passed into law, no appeal, such as that now under report, will lie to Government.

9. The records called for in para 2 of Government Endorsement read above are also submitted herewith.

(True Copies & Extract)

R. Allen

To Acting Secretary.
The Secretary to Government, Revenue Department, with petition and its Enclosures returned & with 2 bundles of records to be returned.

Md. R. H.

Sedw

Government of Madras.

Read no: 8548 of 96.

REVENUE DEPARTMENT.

Endorsement No. 6442/15-3-97

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.

(By Order.)

(C.C.)
15/3/97

Under Secretary to Government.

FORT ST. GEORGE,

189

To the petrs
thru Board del.
in the Smt

6442-3-97

e. H.
24/3/97

note
The petition is
d. 1-5-96.

CR.
24 March

Sp. 24/3/97

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189.

READ AGAIN G.O., No.
189

DATED

CURRENT No.

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ORDERS OF GOVERNMENT

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STATEMENT WITH DITTO.

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