

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 647

DATED 26th March 97

[Despatch Abstract.]

INFORMING Venkata Gounda, late Momin
of Sattagal Village, Sivasamudram Taluk, Cannibatoor
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 (189 7) Department.

CURRENT No. 2139



From

The Board of Revenue, Land
Revenue, Madras.

Order

No. 850 Misc.

Dated 6th March 1897.

Received 9-3-97

Registered 10-3-97

Enclosures 39

Spare copies

SUBJECT.

Submitting, with remarks, to Govern-
ment the memorial of Venkata Goun-
den regarding his dismissal from
the moniam office of Sattedal vil-
lage, Sivasamudram Jaghire, Coimba-
tore District.

By 10-3-97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

4/1/97

I

His Excellency the Governor of Fort
Saint George in Council.

Have The collector of Coimbatore

The humble memorial of Venkata Gaudar
late Saimeonegar of Sathyagal, Kollegal Taluk
Coimbatore District most respectfully
sheweth.

1 That he was the Saimeonegar of Sathyagal
village. Saissamudram Jaghir in Coimbatore
District.

2 That he was removed from the Service
by the Deputy Collector of Kollegal on the
report of the Amildar of Belukuvadi
a Jaghir in Mysore Province.

3 That he appealed to the Collector of
Coimbatore who in his Proceedings dated 12th
December 1895 confirmed the order of the
Deputy Collector dismissing him (Copy
enclosed).

4 Thereupon your Excellency's humble
memorialist

m b 7-95

7
6
2139
10 Current No.

memorialist preferred an appeal to the Honorable the members of the Board of Revenue who in their Proceedings dated 20 June 1896 to 1897 rejected the Petition on the ground that under Section 23 of Act III of 1895 more than one appeal is inadmissible regarding the dismissal of Sani hunevars.

5 Your Excellency's humble memorialist most respectfully begs to state that Act III of 1895 has no application to his case at all. Section 3 clause 2 of Act III of 1895 says that it applies to hereditary village offices to which the Madras Proprietary Estates Village Service Act 1894 is extended. In the first place the office is not hereditary at all and in the second place the Madras Proprietary Estates Village Service Act II of 1894 has not been extended to this District. Therefore Act III of 1895 can have no application to this case and under the ordinary practice hitherto obtaining a Second appeal and an appeal to Government does lie in such cases. Act III of

1875 having come into force only on the
1st October 1875, there being nothing in the
said Act III of 1875, to show that Legis-
lature intended to give retrospective effects
to the provisions of the said Act, your
Excellency's humble memorialist further
begs to state that Section 23 cannot apply
because he was removed from office in
July 1875.

6 It is admitted by the collector himself
that the entire village is a jaghir village
under the control of the jaghirdar of
Sivasamudram, over the servants of which
Government has no manner of control
except probably in the matter of the
appointment of a Kurnum under
regulation 29 of 1802. In the matter of
dismissal of even the Kurnums of these
zemindary villages, power is given to the
District Judge to do the same, such being the
case as regards Kurnums, Petitioner most
humbly submits that Government had
not at any time any ~~time~~ control over the
appointments and dismissals of

Sanimonigars and other Servants of Zemindars
villages. It is no doubt true that at the
time when this village formed part of
the British Government certain lands were
given as Inam to the Village officers
and when the village was given as Jaghir
to the ancestor of the Zemindar of
Sivasamudram, the rights which Government
had over the lands as well as over the
officers were transferred to the Jaghirdar
The custom put forward by the Collector
has no existence whatever especially in the
case of Sanimonigars of the village and even
if it had existed it is clearly void and
illegal. The Sanimonigar is like a
private servant of the Jaghirdar over
whom Government has no manner
of control and therefore the arrogation
of this authority is illegal.

7 The first charge against the Amigar is
that he allowed the collection of a large
amount of Kist to fall in arrears.

Your Excellency's humble memorialist

begs

begs to submit that this charge is unfounded
Your Excellency's memorialist would collect
such amounts as were paid by tenants, on
demand and without compulsion and
those were the only orders that were
given to him by the Jaghirdar. As
regards arrears, it was usual in the
Jagheer to collect such amounts from
recalcitrant tenants by filing suits in civil
suits courts. But from 1893, the Jaghirdar
has specially appointed a clerk to collect
such amounts by proceedings taken
under Act III of 1865. It therefore
formed no part of his duty to collect
such arrears from recalcitrant tenants and
he was never asked nor was he given the
authority to take steps to collect such
arrears. It is therefore unjust to accuse
your Excellency's memorialist of having
allowed collections to fall in arrears
while he was not given the authority
to take the necessary steps to collect.

Your Excellency's memorialist has also
reported to the Jagheer authorities that
the arrears cannot be collected and
that steps should be taken to do
the same. The heriz of the entire
village

Village was Rs 6000, +odd of which, Your
Excellency's memorialist had collected
Rs 5000 and odd, so that the balance
left uncollected was only Rs 1000 +odd.
This had to be collected by filing suits
in Civil Courts and by taking proceedings
under Act VIII of 1865. As already
submitted Your Excellency's memorialist
was not invested with power to take
such steps and it is extremely unreasonable
to accuse him of it. Besides, the amount
left uncollected was not large and
even if it should be considered as
large a punishment of dismissal
is a too severe one and is not at all in
keeping with the nature of the offence.

8. The next charge brought against
Your Excellency's memorialist is that he
connived at the concealed cultivation of
a portion of field No 1048 and that he
did not obey the orders of the Amildar
when he directed the other portion of
the said field which was granted on
Dakhash by the Jaghir authorities to
be put in possession of the Dakhashdar.
Your Excellency's memorialist most
humbly begs to submit that Doddha Sutta

56 the

the Darkhastdar on the grant of the land
to him was immediately put in possession
in Sastli 1304 and there has been an exchange
of Pattah and Muchilikka for the same.
This will be evident from the accounts of
the Jaghir, which if sent for and looked
into would prove that it is so. It is therefore
incorrect to say that he disobeyed the orders
of the Amildar. As regards the other
portion of the charge, Your Excellency's
humble memorialist begs to state that
his servant did not carry on any concealed
cultivation.

Dalla Luiga the servant of your Excellency
memorialist has been enjoying portion of
field No 1048 from a very long time with
the knowledge of the Jaghir authorities.
The Pattah for that portion of the land
stands in his name and he has been
paying assessment to the Jaghir all
along. This fact will be evident if the
Jaghir accounts are sent for and examined.
That land is still in his possession. It is
no doubt true that your Excellency's
memorialist reported that the portion
of the field which was darkhasted for
did

did not belong to his servant. The collector
and the Deputy collector have mistaken
the portion of the land which was
darkhasted for as the same portion which
was in his enjoyment of his servant.

The fact is one portion of field
No 1048 was enjoyed by his (Your Excellency's
memorialist's) servant while the other portion
which was waste till Fasli 1304 was
darkhasted for by Daddha Sidha. As
Your Excellency's memorialist already
submitted the portion which his servant
enjoyed was enjoyed by him for a very
long time and the Pattah for that
portion stands in his name. The other portion
that was darkhasted was put in the
Darkhastdar's possession as soon as it was
granted to him and it is now in his
possession. There will be patent if
the Jaghir accounts are sent for and
examined. Even if it should be true
that your Excellency's memorialist's servant
carried on concealed cultivation, it was
no fault of his, and therefore that
he should be punished for a fault
of his servant is unjustifiable and
inequitable.

9. On the third charge of your
Excellency's humble memorialist of
having carried on concealed cultivation
of fields Nos 298, 399, 400, & 401. Your
Excellency's humble memorialist begs
to state as follows. During the life time
of the late jaghirdar Mr. Ramaswamy
Modaliar as a token of his appreciation
of the services the Monegars, he had
given them, certain lands as a reward.
Your Excellency's memorialist cultivated
those lands for 2 years some 15 years ago
and the land has since been lying in
waste. He never cultivated them
afterwards and this will be admitted
if the jaghir authorities are consulted.

10. If the fact of the concealed
cultivation be true, then it would not have
failed to attract the attention of the
authorities of the jaghir. viz. Karamams,
Revenue Inspectors, Taluk Sheristadars.
The absence of any such notice clearly
shows that the allegations are not
true and unfounded.

11. Your Excellency's
humble

humble memorialist requested the Deputy Collector to send for some of the accounts of the jaghires to have them filed in the case. The Deputy Collector failed to do so and if he had done so, your Excellency's memorialist would have been able to disprove the charges brought against him. Some of his important witnesses too were not examined by the Deputy Collector.

12. There was enmity between your Excellency's memorialist and the Amildar of Belukodvadi who was a friend of Marigowder, Naranappa and Siddha Gowda. With a view to get one of them the post of Munigar these false charges were brought against your Excellency's memorialist. That this is true, will be evident from the report of the Amildar who while reporting against him, recommended the appointment of one of these men named above. It is unusual always to find that while the conduct of one man is being reported against, in the same report another is recommended even before that one who has been reported against is found fault with and condemned.

13. Your Excellency's memorialist hopes that he has satisfactorily explained away the charges brought against him and even if true the punishment meted out is too severe.

out is too severe.

14. The collector disposed of your Excellency's memorialists' petition without hearing his pleader and if he had been heard he would have been able to satisfy him.

Excellency's humble

to satisfy him.

Your Excellency's humble
memorialist most humbly requests that
your Excellency in Council will be pleased
to reverse the decision of the Collector
and restore your Excellency's memorialist
to his post:

Yours very obedient servant

X 263 1000 000 000
 Your Excellency's humble
 Memorialist:

Petn no 2169 ^{10/1/87}
Rev 7/96

Mr
Ref on petn no 2169
Rev 7/96

Forwarded to the
Dy Collector, Kollegal,
for submission of
all the connected
records at an early
date.

Herbert Bradley
Collector

5/1/97

Ch

11/5/11



Proceedings of the Board of Revenue (Land Revenue)

No. 850 Misc., dated 6th March 1897.

Read the following :-

1. Again Board's Proceedings No. 905 Routine, dated 27th March 1896, returning for resubmission through the Collector, the appeal of Venkata Gowda, late *Sani* monigar of Sattaygal, Kollegal Taluk, Coimbatore District, regarding his dismissal from office.

2. Also again Board's Proceedings No. 1697 Rout., dated 20th June 1896, rejecting as inadmissible the appeal petition of Venkatai Gounden, late *sani* monigar of Sattaigal village, Kollegal Taluk, Coimbatore District, regarding his dismissal from the Moniem post.

3. Also letter from Herbert Bradley, Esquire, Collector of Coimbatore, to the Secretary to the Commissioners of Land Revenue, Madras, Ref. on Petn. No. 2169/Rev. of '96, dated 3rd February 1897.

Resolution

Submitted to Government.

2. The appellant was the Revenue Monigar of Sattigal village belonging to the Sivasamudram jaghire. As there is a Government inam attached to the office, it has been the practice for the Divisional officer at Kollegal to control the appointment. In June 1895, the Amildar of the Jaghire charged the appellant with (1) creating factions in the village, (2) neglecting his legitimate duty of collection work, (3) fraudulently cultivating certain lands belonging to the Jaghire without paying assessment and without the knowledge of the

Md. R. H.

Government of Madras.

Read no. 2139 of 97

REVENUE DEPARTMENT.

Endorsement No. 6474 26th March 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.

[Signature]

(By Order.)

O.C.

Under Secretary to Government.

PORT ST. GEORGE,

189

To the petrs
thru the Board Ld
with Encls

[Signature]
23 March 97

[Signature]
22/3/97

6474-3-97

[Handwritten note: 25/3/97]
The petition to Govt does not bear any date but it appears to have been put into the collis hands for transmission to Govt on 28-12-96.

2. The Board says that it was in error in deciding that no more than one appeal was admissible in the case and that therefore its Pros have to be cancelled. Whether the Board was right or wrong in its decision, the petition is an appeal that has to be dealt with under Act III of 1895 as amended by Act II of 1897. Under these acts, no appeal lies to Govt under any circumstances and hence the draft endorsement. It is open to ^{the Board} review its Pros but the Govt cannot interfere because the act does not provide for such interference.

Read 21213 of 17

July 22 = 1897

on 21213 of 17

The petition to 1897
has not been any date
but it appears to have
been put in to the
Board for consideration
on 12-12-97

The Board say that
it cannot say in this
case that it is more than
an appeal and that the
Board has to be con-

sidered in the case of
the Board in the case of
the Board in the case of

the Board in the case of
the Board in the case of
the Board in the case of

the Board in the case of
the Board in the case of
the Board in the case of

the Board in the case of
the Board in the case of
the Board in the case of

the Board in the case of
the Board in the case of
the Board in the case of

the Board in the case of
the Board in the case of
the Board in the case of

the Board in the case of
the Board in the case of
the Board in the case of

en for copying
ied
mined
ned

189

G.O., No.

DATED

No.

TO C. No.

GOVERNMENT

GOVERNMENT

WITH

NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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

A A A A A A A