

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 654

DATED 26th March 97

[Despatch Abstract.]

Declining to interfere on behalf of
Kitchiah, late Kammam of Alur Taluq, Hoar
Taluk, Salem Dist.

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. 834.

*To be over
the post. was dismissed
before Act 1895 came
into force.
12 Feb 97*

Order

From *Hitchiah,
Late Karmam of Alur Zaraf
Hosur Taluk, Salem Dt*

No.

Dated 20th January 1897

Received 23rd

Registered 27th

Enclosures *one*

Spare copies

SUBJECT,

*Praying for the reinstatement
to the Karmam's post.*

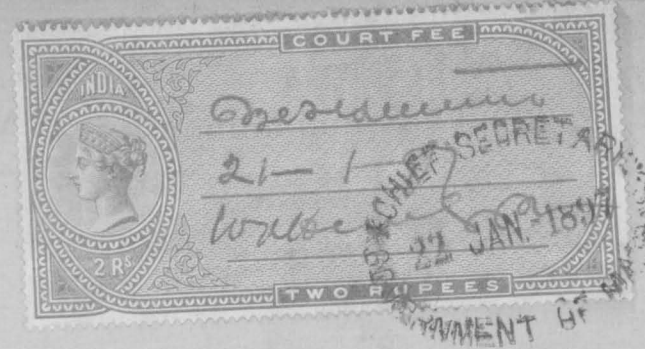
*Registered
27/1/97*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



PETITION To,

REVENUE DEPT

HIS EXCELLENCY
THE GOVERNOR IN COUNCIL
OF

Fort St. George,

MADRAS.

May it please your Excellency,

The Humble Appeal Petition of Kitchiah Late Karnam of Alur Taraf, Hosur Taluk, SALEM DISTRICT. Most respectfully sheweth:—

That the Petitioner appeals against the Proceedings of the Board of Revenue, Dated 2—10—96, No. 4509. Mis: communicated to the Petitioner on 24—10—96.

2. That the Petitioner was *Dismissed* by the Sub Collector of Salem, on the following charges:

(a). That the Karnam got field No. 116, in Kathirê Palli Village, assigned to Munigadu and Motappan jointly through fraud while Munigadu alone applied for it.

(b). That the Karnam *failed to properly publish* A 1 Notice in the case of Dharkast field No. 113, in the same Village and reported that there were no other Dharkasts for the same, while one Munigadu actually put in a Dharkast for the same field when the Revenue Inspector republished a Notice at the instance of the Tahsildar who entertained same suspicion in the matter.

(c). That the Karnam systematically got a number of fields assigned on behalf of himself, his sons, relations, and the name of one Motappan.

(d). That he *wilfully omitted* to note in the A memo relating to field No. 32A of the same Village the fact that the adjacent Land-holder Nanjan and Timmarayan did not want the Dharkast Land as alleged by them.

3. That the Petitioner appealed against this order to the Collector of Salem on 8—8—95, Stating among other grounds that he was not called upon to account for the charges framed against him. Thereupon the then Ag. Collector Mr: C. H. Mounsey *reversed* the order of the Sub Collector and sent back the case for disposal after hearing the Petitioner and taking his explanations.

4. That the petitioner submitted a Petition to the Sub Collector on 16-3-96 stating that he has fully defended himself in his appeal Petition and requested that certain Witnesses may be examined to support his statements. The Petitioner begs to state that they were not summoned or examined. The Collector Mr. Le-Fanu confirmed the order and dismissed the appeal.

5. That the Petitioner appealed to the Board of Revenues who also upheld the Collector's order. Hence the appeal as a matter of *mere mercy* which the Petitioner is fully confident, can be had from your *excellency* and with fervent hope that this case will receive the benign *consideration* and support of your *excellency*.

6. As regards charge (a) the Petitioner most humbly begs to state that the two Witnesses examined by the Revenue Inspector in support of the charge have not been in good terms for a very long time. They were not examined by the Tahsildar in the presence of the Petitioner, who was in fact given ~~no~~ opportunity to cross-examine them. Hence what was elicited in the Revenue Inspector's Enquiry forms no valid evidence at all. The fact is that Motappan and Munigan applied for the land jointly, and this fact is borne out by Motappan who admits that they both did so, and that the *tree-value* was collected from them both by the Village Munsiff who remitted it to the Treasury. The Village Munsiff has ~~attested~~ both the Notice and the *A memo*. The assignment was made during the Petitioner's absence when he was undergoing Survey training at Dharmapuri. These facts have been eliminated both by the Tahsildar and the Sub Collector. If Munigadu had been in any way affected by the joint Dharkast, he should have come forward as he has done now, and complained against the misjoinder of parties, but should not have delayed so long and deposed to the contrary before the Revenue Inspector, who took the enquiry on hand after a lapse of two years and in the absence of the Petitioner. This *fallible* evidence of Munigadu should not have been weighed with by the authorities.

7. As to chage (b):—The Petitioner humbly begs to state that Munigadu has no land adjacent to field No. 113 which was applied for by the Petitioner's (Karnam's) Son before the Tahsildar, the Dharkast was forwarded to the Karnam for the preparation of *A memo*. and he duly published the notice in the Village when no body came forward. The Village Munsiff who is a literate man has attested both the *A memo* and the Notice with his Signature and this is a sufficient evidence to show that the notice was duly published and that no one responded to it. The Village Munsiff and the Ryots who have attested the notice are *Material* Witnesses of the supposed fraudulent transaction of the Petitioner, but it is surprising to see that they have not been indicted with the charge of having participated in such a transaction. Nor were they examined either by the Tahsildar or the Sub Collector; and it will be deduced from the above circumstances that the Revenue Inspector brought his influence to bear upon Munigadu and extorted a Dharkast from him.

8. As to charge (c) the Petitioner humbly begs to submit that he is not aware of any standing rule or order which prohibits Karnams from acquiring lands for themselves and their kith and kin. As long as the lands are brought under cultivation it is no matter of concern to whom the lands are assigned, who pay the rent and who enjoy them. In Fasli 1291 the total holdings in the village were 50—10 Acres and now they have risen to 210—50 Acres. Besides ~~they~~ are Podugal and poramboke and waste lands to the Extent of 233.35, 255.67 and 21—64 Acres respectively for the free use of the Villages. The village is a very small one consisting of only 8 houses and contains a population of 14 adults and the Lands are cultivated by the other villagers.

9. It is through the strenuous Exertions of the Petitioner that so large an Extent of land was made cultivable. In this connection it would not be irrelevant here to State that for all the lands which the Petitioner acquired for himself and his relations, dharkasts were presented to the Tahsildar, the fact duly noted in the A Memos, and the land assigned to them after Personal inspection by the various Tahsildars and Revenue Inspectors. All these were acquired above-board and not surreptitiously, as will be seen from paras. 6, 7, and 8 supra. And the harsh Punishment which the Petitioner has received in recompense to his conscientious services is not in harmony with the principles of Law and Equity.

10. As to charge (d) 1 The humble Petitioner begs to Submit as follows:— Tahsildar has assigned field No. 32 A to one Nanjan. The fact is that one Munigan applied for the land in question. Notice was, as usual, duly published and the adjacent landholders Viz:—Nanjan and Thimaraya ~~on~~ being asked if they wanted the land, ~~having~~ replied ~~on~~ the negative. This statement of the Petitioner, Nanjan, corroborates but when the Revenue Inspector republished the Notice he perhaps thought over and wanted the land. There were no misunderstandings between Nanjan, Thimarayan and the Karnam (the Petitioner). Nanjan was not gained over by the Petitioner as surmised by the Tahsildar; his Statement was outspoken and there is no reason to disbelieve him, although he changed his inclination out of fickleness of mind. The Dharkast rules do not insist upon any such thing as the Tahsildar requires being mentioned in the A memo, and hence the Petitioner begs to submit that although he admits laxity of skill on his part to have noted the fact, the omission was not wilful and hence not culpable.

11. In conclusion the Petitioner humbly begs to solicit the gracious attention of your excellency to the facts:—

(1). That he was holding the Office of the Karnam for a period of over 18 years during which time he discharged his duties honestly and satisfactorily and was never implicated in any trouble for his delinquencies.

(2). That the Revenue Inspector got up Nanjan to depose against the Petitioner out of spite.

(4)

(3). That the authorities passed the order of dismissal on suspicion and not with reference to tangible circumstances established by evidence.

(4). That his alleged short-comings do not constitute, if at all, any serious offence, which can warrant the dismissal of the Petitioner from service.

(5). That, taking into consideration all the arguments adduced in vindication of the charges, the long service that the Petitioner has put in, the enhancement in the Revenue of the Village accrued to the Government through his exertions, your excellency will be pleased to set aside the dismissal, and order the reinstatement of the Petitioner in his Office.

12. For this Act of charity and generosity the humble Petitioner shall ever dutifully pray.

20-1-1897.

S. S. S. S. S.

Enclosure (one)

Proceedings of the Board of Revenue No. Mis. 6509,
dated 2-10-96 in Original affixed with Stamp.

Read case 834 of 97
E.O. R. No. 654 of 26th March 97

The Govt declines to interfere on the pet's behalf.

1/5/97

1/5/97

To the pet with Encl.

44.30.3.97

Let

Note

Village offices in Salem are not hereditary.

(A.
24 May 97)

e. 1/23/3/97

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When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTERS OF GOVERNMENT

STATEMENT WITH DITTO

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

N.B. -

- A = Copy in full.
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