

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 655

DATED 26th March '97

[Despatch Abstract.]

INFORMING Chidambaram Kuthalam, late Kannam,
of Kuthalam Village, Pellai Taluk, Tiruvallur
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 (1897) Department.

CURRENT No. 794

To lie over along with
Cms 6822/86
12 Feb 97

Order

From

Chidambaram Kuthalam
Pillai

Late Karmam of Kutha Malavolu
Sai Village, Tenkasi Taluk
Tinnevely Dt.

No.

Dated

Received

Registered

Enclosures

Spare copies

SUBJECT.

Stating that no orders have been
received on his previous peti-
tion of the 14th September 1896

Recd
14/1/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

0066 His Excellency
REVENUE DEPT.
The Government in Council
18 JAN-1897
Fort Saint George
Madras.

The humble petition of Chidambaram Pillay later
curnam of Kuthukalvalasai
village Tenkasi Taluk, Tin-
nevelly District.

Most respectfully Sheweth

1. That the petitioner has
not as yet received any order
from His Excellency to the appeal
memorandum submitted by
him on the 14th September 1896
praying for a reversal of
the decision of the Honourable
the Board of Revenue in no

2202

13-5-95

2. That the petitioner prays that
His Excellency will be graciously
pleased to go through the records

97

16-1-97

16-1-97

7291

Revenue (1896) Department.

CURRENT No. 6822

Order

From

Chithambarakuttalam
Pillai
Late Cusnam of
Kuthukalvalasai
No. village
Tanjore Dt.

Dated 12-5-96

Received 22-5-96

Registered 22-5-96

Enclosures 10

Spare copies

SUBJECT.

Praying for restoration
with arrears of pay.

To be over.

Ret 22/9

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

By order of the Secretary



TO

HIS EXCELLENCY,

THE GOVERNOR IN COUNCIL,

Fort Saint George,

PETITION

MADRAS.

0740

The Humble petition presented by Chithambarakuttalam Pillai, late curnam of Kuthukalvalasai village, Tenkasi Taluq, Tinnevely District appealing against the Pro. of the Board of Revenue No. 2202 dated 13th May 1896 Mis:

REVENUE DEP:

RESPECTFULLY SHOWETH:—

That the petitioner feels aggrieved by the enclosed copy of the Proceedings of the Honourable the Board of Revenue ejecting him from the office of curnam of the said village on the ground that his suit was barred by a limitation under Section 14 (1) of Act 3 of 1895. (Vide Proceedings of the Board of Revenue dated 13th May 1896 No. 2202).

2. That the petitioner respectfully submits that the said proceedings have been passed under a thorough misapprehension of the scope and meaning of the said Section 14 of the said Act.

3. That the facts of the case are briefly as follows; petitioner instituted regulation Suit No. 6 of 1894 on the file of the Head Assistant Collector, Tinnevely to have his hereditary right established to the office of Curnam of the said Kuthukalvalasai. The then Head Assistant Collector (Mr. Sivaramier) held that the suit fell within the scope of G. Os. ¹¹⁶⁸ ₂₄₋₁₁₋₉₂ and ¹⁰⁰⁴ ₂₁₋₁₁₋₉₃ as the constitution of the village was affected at the revision; (vide judgment of the Head Assistant Collector dated 17-11-94). The petitioner appealed to the Collector who confirmed the decision of the Lower Court on the 21st February 1895 but on appeal to the Board, the suit was remanded to the Lower Court for trial on merits and the Board also observed in their Proceeding No. 3925 dated 8th August 1895 (herewith submitted) that the suit did not fall within the scope of G. O. S. 1168 dated 24-11-92, 563 dated 8-2-93 or 484 dated 7-6-93 as the constitution of the village was not affected at the settlement or at the revision.

4. That agreeably to the order of the Honorable Board, the suit was tried on merits and the Head Assistant Collector found that the petitioner, being descended from the elder branch of the family of the Ayacut Office holder had a superior right to the post in preference to the counter petitioner, (the present incumbent) who was admittedly descended from the younger branch of the same; Vide Head Assistant Collector's judgment dated 30-9-95. This finding was upheld on appeal also by the Collector who, in his elaborate judgment, disposed of all the objections of the present office holder (Vide Collector's judgment dated 5th March 1896).

6. That as regards the first point of limitation, petitioner respectfully submits for the benign consideration of your Excellency in Council that the Honourable Board have totally misconstrued Section 14 of Act 3 of 1895 as having retrospective effect. The petitioner's suit was brought and decided long before the present Act 3 of 1895 came into force and the Honourable Board also in the said Proceedings No. 3925, ruled that there was no limitation and that the suit must be decided on its merits. Accordingly, the suit was heard and decreed in petitioner's favour on 30-9-95 before the present Act 3 of 1895 came into operation. The said section does not bear the interpretation placed on it by the Board and is intended to apply to suits brought under the said Act and not to suits brought and decided under Regulation VI of 1831. If the Honourable Board's interpretation is allowed, petitioner respectfully begs to submit with due deference to the Honourable Board that it will practically have the effect of annulling all the prior decisions come to under Regulation VI of 1831.

7. That as regards the doctrine of estoppel referred to in the Board's Proceedings, petitioner submits that all along petitioner and his ancestors have been persistently urging their claims to the office. The papers on the record, as the Collector observes, go to show (1) that in fuslis 1211 and 1217, Chithambaram Pillai, (petitioner's grand father) was in office (2) that in 1858, petitioner's father claimed the office as the son of the Ayakat Holder but was rejected by Mr. Livinge in his order of 1859 because he was incompetent and because his son was a little boy, the same order stating that if the son should prove competent, his case might be considered. Again when the name of the present office holder was registered petitioner protested and put in petitions proving his claims on the ground of superior hereditary right. He never acquiesced in the right of the present incumbent nor has he waived his right of acting as gumastha. Petitioner respectfully submits that the Board have misconstrued the doctrine of estoppel. The Collector has considered the said objection and overruled them.

Prays, therefore, that your Excellency in Council will be graciously pleased to reverse the Proceedings of the Board of Revenue and after perusing the papers herewith submitted (as per enclosed list) restore the petitioner to his office with arrears of pay.

For which act of benevolence and justice, petitioner shall as in duty bound
ever pray.

12 - 9-1896.

of money to pay for the

Exhibits:	Particulars of the record.	No
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19. 9. 1891

Government of Madras.

Read Nos 6822 of 96 and
794 of 1897.

REVENUE DEPARTMENT.

Endorsement No. 655426 - 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.

The first petition
is dt 12-9-96.

(A.
24 March 97)

(By Order.)

(cc.)

W. S. S. S.

Under Secretary to Government.

FORT ST. GEORGE,

189

To the petitioner
with rule

655426-97

22/3/97

When given for copying _____
 When copied _____
 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

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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

N.B. -

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