

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 677

DATED 26th March 97

[Despatch Abstract.]

INFORMING P. Venkatasubhiah, late Kannan,
of Sambasapattin Village, Sadyamangalam Taluk, Coimbatore
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. 7043

Order

From

Pungampally Venkata
- Subbier
Sabalagappathur
Satyamangalam
No. Combatment-

Dated 19.9.96
Received 29.9.96
Registered 2.10.96
Enclosures 4
Spare copies

SUBJECT.

Praying for restoration
to the post of Kurnam-

White over

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

10

His gracious Excellency

The Governor in Council

Fort Saint George

Madras.



PETITION

0700

REVENUE DEPT.

The humble petition of Pungampully
Venkatasubbiah, Mirasi-Kurnum of
Sambagapputhur Village, in the Taluk
of Puthamangalam, Coimbatore District,

Most Respectfully Sheweth;—

That your Excellency's petitioner
respectfully beg to address this petition
in the full hope that your Excellency will
condescend to take his case under reference
into a compassionate consideration, and after
doing so, award kind justice, for which he
has none but your gracious Excellency as
the highest tribunal—

I That your Excellency's petitioner begs to
state that he, as a Mirasi-claimant, was
appointed, at the time of the village
Revision Establishment, to his Mirasi-post
of Kurnum of this Village, and subsequently
he was removed from the office on the
ground

of the multiplicity of members of the same family. The Government, in their order in May 1871, ordered that the same man's holding more than one office in a family is not objectionable.

II That the respondent was appointed to the office, in no connection of Mirasi blood, of Murmam in the year 1876.

III That the petitioner filed a Revenue Suit before the Deputy Collector, in suit no. 1 of 1875, which was dismissed; against which he appealed to the collector, who in his proceedings dated the 7th June 1876, rejected this appeal; and the petitioner duly appeared to the Board of Revenue, which in its Proceedings dated 19th June 1876 No. 2816 Miras (received by the petitioner on the 25th July 1876) (herewith submitted with orders of the lower two authorities) for your Excellency's fair consideration.

IV That your Excellency's petitioner respectfully beg to submit that the view held by the lower courts, are, as stated below, among other just grounds, contrary to the law and practice. viz the matter of limitation of the present suit.

V

(a) The cause of action arose at the time when the respondent came to the Office. It was on the 3. August 1894. Therefore the suit is within the prescribed period of limitation of three years.

(b) The Government in its Order No 310 of May 1891 has declared same man's holding more than one office is not objectionable. By analogy it follows that there may be multiplicity of offices in the family if there is Inrasi claimed. Therefore any order of depriving an individual of his appointment on the ground of multiplicity is Ultra Vires. When an order is Ultra Vires, the order cancelled by it becomes virtually restored.

VI

That Your Excellency's humble petitioner entreats Your gracious Excellency to state that the suit has therefore to be considered on merit of Inrasi claim as well as the claim of having been appointed at the time of Revision of Village establishment.

VII That the petitioner begs to enclose herewith a Copy

CHIEF SECRETARY
26-SEP. 1896
GOVERNMENT OF MADRAS

a copy of the petition addressed to
the Board of Revenue for your
Excellency's petition for fair consideration.

Under the just and legal grounds
set forth above, Jam Excellency's petitioner
craves and solicits that your Excellency
will be pleased to take his case
appealed against in a compassionate
consideration and quash the judgement
of the Lower Courts and restore the
poor petitioner to his Mirasi. Post of
the Tarnam of Shumbagappathur
village and protect him, which act
of charity shall be valued with much
obligation and kind remembrances.

19th September 1896. He begs to remain

Your Excellency's
most obedient and humble

servant

S. S. S.

Government of Madras.

Read no: 7043 of 96.

REVENUE DEPARTMENT

Endorsement No. 6772 d 26 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.

Note

The petition is
d 19-9-96

25 March 97

(By Order.)

(cc)

Under Secretary to Government.

FORT ST. GEORGE,

189

To the petrs
with Encls

26-3-97

25/3/97

Handwritten notes at the top of the left page.

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189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTERS OF GOVERNMENT

STATEMENT WITH DITTO

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IN ORIGINAL.

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