

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 942

DATED 14th May

[Despatch Abstract.]

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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Revenue (1897) Department.

CURRENT No. 38219

From

Ratnasahapathy Mudali,
Saidapet,
Chingleput Dt.

No.

Order

Dated 3rd May 1897

Received 7.5.97

Registered 8.5.97

Enclosures 4

Spare copies

SUBJECT.

Praying that he may be
restored to the Morean
Munsiff office of Manapp-
pakkam Village.

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Madras
GOVERNMENT OF MADRAS
3 MAY 1897

To
His Excellency the Governor
in Council, Madras

PETITION

0392

REVENUE DEPT

CHIEF SECRETARY
GOVERNMENT OF MADRAS
3 MAY 1897

The humble petition of
Ratnasahapathy Mudaliar
of Manabakam, Village No 190
of Saurashtra taluk, Chingleput
District.

Most respectfully sheweth.

This is an appeal against the
order of the Board of Revenue passed in
Prop No 4859 this dated 28th October 1896
(herein enclosed)

2. Before entering into the grounds
of appeal it is necessary to state briefly
the ^{facts} of the case for the information
of His Excellency the Governor.

3. The appellants' father was the
Village Munsiff of the above said Village
from ^{till} 1880, the office having devolved on him
by hereditary right. The office resided
in appellants' family for several generations,
none others having any claim thereto.

4. In the revision of Village List in
1880, this Village was not affected by
the revision. However appellants' father was

was appointed on a year's probation. In 1881
he resigned the post owing illness & family
calamity. The resignation was not accepted.
but he was removed from office for lack of
in collections. It was not then cared for
to have the order set aside by preferring
an appeal. The records in the taluk office
will bear out these facts. As the appt was
then a minor one Singara Mudali was appointed
as Munsiff in 1881.

5. In October 1894 the revision of Village
Estt took place when Singara Mudali was
appointed on probation. The appellant having
been out in Madras was aware of the revision
only in January 1895 - accordingly on the 8th
January 1895, an application was presented
to the Dy Collector urging hereditary claim.
It was endorsed that ⁱⁿ the revision appts
having been made the appellant might prefer
an appeal. An appeal was preferred
to the Collector which was rejected as being
out of time. The Collector's order was
appealed against and the Board in its Progs
No 4055 Dns dated 13th August 1895 directed
to seek remedy by a suit under Regulation
VI of 1831.

6. Thereupon a suit was filed
before the Dy Collector, Soudapet Division
who found that appellant possesses

possesses hereditary right to the office, but that he cannot assume the office during the life time of his father. (Vide para 6 of the Dy Collector's Progs in Suit No 4 of 1895 of 26-11-95. The Dy Collector further found that as the respondent Singara Mudali has held the office for more than 3 years he cannot be reasonably ousted. (Vide para 8 of the Dy Collector's Progs)

7. This order of the Dy Collector was appealed against before the Collector so far as it related to the appellant being ^{precluded} from assuming the office during the lifetime of his father and to the question of ousting respondent Singara Mudali as he held the office for more than 3 years.

8. In dismissing the appeal the Collector found that the suit is time barred and that as found by the Dy Collector the appellant has no hereditary right.

9. An appeal was preferred to the Board against the order of the Collector who upheld in decision & refused to discuss on the point of limitation. It is against this order of the Board that the appellant moves appeals to His Excellency.

10. The suit is not time barred as the Collector thinks - according to the evidence recorded at the trial of the suit which is now the subject of the

the appellant was born on 32 Vyasi of
Jyva (about the middle of May 1875) -
evidence was not rebutted & was not disbelieved
by the Dy Collector. So, appellant became
a Major in 1893 May. The Suit was filed
on the 4th November 95 i.e. within 3 years
after he attained majority. There were two
alternatives for appellant for bringing
a Suit in respect of the Munsiff's post
claimed of. Firstly within three years from
the date of his becoming a Major and
secondly within one year from the date of
the creation of the vacancy the respondent
Sungara Mudali having held the office con-
tinuously for three years prior to the present revision.
The present revision was effected in October
1894. In January 1895 app't has claimed
the office by presenting petitions to the Dy
Collector & the Collector & the Board who
have ultimately directed the institution of the Suit
in August 1895. In any case His Excellency
will see that the Suit was within time.
The Collector's view that the app't having
given his age as about 22 years on the
29th November 95, the Suit having been
filed on the 4th November 95, It must be
mentioned that at the time of the institution
of the Suit before the Dy Collector in November
95, act III of 1895, was not brought to force.

Under these circumstances the Collector's impression that the suit is time barred is erroneous

11. As regards hereditary claim the appellant begs to say that his father was not dismissed for any serious offence. He was removed from office in the collection of Kists. This will be clear from the Lahudor's arji No 795 to the Dy Collector 25-9-81 a copy of which was however refused to the abt. Further ^{it} would appear that abt's father submitted his resignation previous to the dismissal stating that he was unable to look after his duties owing to ill health. It was improper on the part of the Dy Collector not to have accepted the resignation and to have dismissed him. The post of the Munseiff having been long held by abt's forefathers before the revision of 1880 and abt's father having been chosen as the revision either conditionally or otherwise the right of hereditaryship has not extinguished. Though the Dy Collector has rightly found the issue in favour of the abt. yet the Collector has erroneously dissented from him & found the issue against abt. Since the office continued in abt's family any how the Mit-asi right has been carried

Carried with it & still continue.

12. The abt. therefore prays that the His Excellency the Governor will be graciously pleased to send for all the records of abt. case reverse the finding of the Collector on the heads dwell by him & appoint him to the Village Muzaffar post of Manapakkam as prayed for by him.

For which abt. shall ever pray.
Mo. Mathuramudamputh Moody

List of records filed

1. Collis Prods 2172 1730 August 96.
2. By Collis judgment Ref. Sirkas 4095 1726 November 1895
3. Application of 8th January 95 of the abt. asking for the Muzaffar post.

Government of Madras.

Read no 3849 of 97.

REVENUE DEPARTMENT.

Endorsement No. R942 of 14th May 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.

11/4/97.

(By Order.)
(cc.)

Under Secretary to Government.

FORT ST. GEORGE,

12-5-1897.

To the
with Encl

26-5-97

SW 12/5/97

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.

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