

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 3974

DATED 6th Oct. 98

[Despatch Abstract.]

Recording B. T. on the subject of the Exemption
of the water supply in Paltan Nizamat
Anantapur D.

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 Financial (1898) Department.

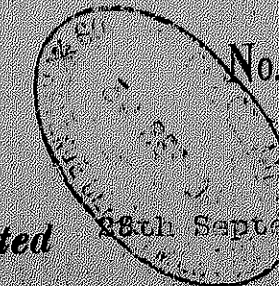
CURRENT No. 6712

Recd B.P. No 1379 misc (Cm no 3806)
26-5-98
Recd G.O. No 148 24-7-98
Recd B.P. No 2426 (Cm no 6712) From 1898
28-9-98

Order ~~3079~~ Misc No: 3974 d/6⁰⁰ Oct 1898
The Board of Revenue, Land
Revenue, M. S. D. R. S.

Recorded

8.10.98



Dated 28th September 1898

Received 30

Registered 30

Enclosures

Spare copies

To the Bd of Res. L. R. Q. 40
To the Legislative Dept. 1898
with ref to Cmt No 604

SUBJECT.

Reporting to Govt. that the or-
ders contained in G.O. No. 1780 dated
10.5.98 regarding the resumption of
the barber service Inams in Puttur
village were not hitherto carried
out and that instructions were ---
issued to give effect to the order
forthwith.

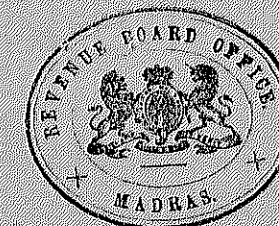
BACK PAPERS.

G.O.	No.	Department.	Date.
O.M.	148	K.W.	4.7.98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
15-7-98.



Proceedings of the Board of Revenue (Land Revenue).

No. 2426 Routine Dated 28th September 1898

-----:O:-----

Read Official Memorandum from the Ag. Under Secretary to Government, Revenue Department, No. 148, dated 4th July 1898; and reference thereon No. 754 dated 12th July 1898.

Read also letter from Bannatyne Macleod Esq., M.A., Barrister-at-Law, Collector of Anantapur to the Secretary to the Commissioners of Land Revenue, Madras, Ref. B & C No. 608, dated 19th September 1898.

-----:O:-----

Resolution

In reply to the Official Memorandum first read -- above, the Board begs leave to report that the orders contained in G.O. No. 1750 dated 10th May 1898³/_A regarding the resumption of the -- barber service Inams in Puttur village were not carried out as the papers were "misaid in the office of the Dy. Collector, Cooty". The Collector states that he has now instructed the Dy. Collector to -- give effect to the order forthwith.

(True Extract)

Lonel Davidson

Ag. Secretary.

To the Secretary to Government, Revenue Department.

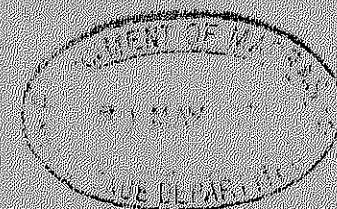
189 .
Board of Revenue
(Land Revenue),
MADRAS.

To

Subject.

Regular No. of 189 .
Revenue (189) Department.

CURRENT No. 3906



Read B.P. No. 1379 (C.No. 3806)
26.5.88

O.M. No. 146, d/11.7.88

B.P. No. 2126 (C.No. 670)
25.8.88

From

The Board of Revenue,
Land Revenue,

Madras.

No. 1879 Misc.

Order Endt

Transferred to the
Legislative Deptt.
with reference to Endt. No.
604, d/5.3.88.

Dated 26th May 1898.

Received 30

Registered 31

Enclosures 3

Spare copies

SUBJECT.

Submitting to Government Boards
remarks on the petition from Kondiga-
du & Gampigadu of Puthur village,
Tadpatri Taluk, Anantapur District
regarding execution of decrees pass-
ed under Regulation VI of 1881.

To the Legislative Deptt.

U.S.
1.10.88

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

0
18 6,000-19-7-27.

Revenue (189 8) Department.

CURRENT No. 1883.

Encl. Legis. No. 604 of 5-2-98.

Referred to the Bd.
of Revenue for remarks.
(By order)

Sd/- A. Edgington
dy. Asst. Secy. to Govt.

From
Khangala Mandalgadh
Jumhigada of Puthar
Tadpatre Taluk
Chantapur Mf.

Order

To the Bd. of Rev. (L. R.)
through the Rev. Dept.

Rev. Encl. Legis. No. 1234

Forwarded to the Dated 2nd March '98.
Bd. of Revenue (Land Revenue)
Received } 3rd "
Registered }
Enclosures 2

Sd/- G. S. Forbes,
dy. Secy. to Govt. Spare copies.

SUBJECT.

Praying to devise some
provision in law to give ef-
fect to the decrees passed
in their favor by the R.
Courts in the matter of
the enfranchised Barren
Service mans of the
village of Puthar.

Thos St. Georgey
10 March '98

BACK PAPERS.

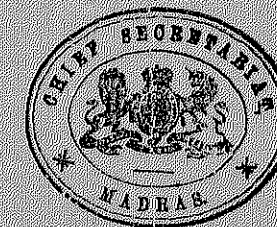
G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[68]
-21-9-05.

Legislative Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

Petition from Mangala Mondigadu
Barber Inaudar, Puttoor, Talpatti Taluk,
Kumbapur District, dated 7th June/95

Order, dated 4th July 1895, No. 51

The Petitioner will be informed that
the subject-matter of his petition has already
been under the consideration of the Legislative
Council and that the bill to repeal Regulation
VI of 1831 contains a clause (section 14 (3)) provi-
ding that a decree or order passed under that
Regulation may be executed on application
received within three years of the date of such
decree or order and within one year of the date
upon which the repealing Act comes into force.

(True Extract)

Doneel Davidson
8-7

Ag. Secy. Secretary

I.

The Petitioner

RC

#

6

Docket 1270

Application for writs of habeas corpus and certiorari from the

U. Subba Rao, police, 1905, on behalf of Mangal
Kondyasa and Ganapasa residents of Pullar,
Tarpatri Ig, requesting to secure the release
of his embe in suits nos 12 & 13 of 1880 regarding
the shares in Barbo Amin Inams.

Read also the records connected therewith
Heard the Plaintiff's case.

Order

These are applications for execution of
the writs - Suits 12 & 13 of 80 under Reg. 11 of 1880
on the file of the court. The plaintiff is a resident
as entitled to portions of the barbo Amin Inams
Inams lands, and there is on the record a report
from the Revenue Inspector of Pullar that the
lands were formerly divided into 10 shares
on the 29th Aug. 1877. It might from the
plaintiff that the revenue liability of lands
was also divided. But the late report of the
Revenue Inspector sets forth that the defendant
pleaded that there were no particular portions
that could be set apart as belonging to the
plaintiff; that the lands had been

...and that what he perceived were ~~the~~ ^{the} plots of ground pointed out by the plaintiffs
...were of course
abstracted from cultivating the lands
...delivered to them
by the Revenue Inspector, and some criminal
charges were brought which ended in the
conviction of some of the defendants.
The convictions were set aside on appeal.
Then they again began to agitate for the
execution of the decrees. They received endorsement
from the Collector, and the Deputy Collector
dated 5-7-92 and 13-7-92 stating that
their decrees could not be executed under
Reg VI of 1831. Another endorsement dated
13-6-93, was also given by the Deputy Collector
to the same effect. They were told that they
might apply to the Civil Court for the
possession of the land. A petition put
in by the decree holder Gampigadu in
Suit 13 of 90 to the District Court at
was rejected on 19-7-90 on the ground that
the Civil Court had no power to execute

38 Subsequently the petition was dismissed
and the Government on the departure of the
of the law and order. The petition dated
13-7-90 was forwarded by the District Collector
to the Deputy Collector through the Board of Revenue
for disposal according to the provisions of Act
III of 1895. Vide Board's proceedings dated 13-7-90
No 5176 dated 10-7-90. The petition was by
Collector Mr. Mangayana. The next reference
to the collector in this office was on 10-7-95
if the decree could be executed. The collector
replied that it could be executed although
passed more than 3 years previous to Act
III of 1895. If the decree holder had been paying
the rent his decree would have been executed for the past several
years. Another reference was made to the collector
by Mr. Mangayana in Re 619 of 95 dated
12-3-96 enquiring whether applications for
execution of decrees under Reg VI of 1831
should not be over until the
rules framed under Section 2 of the new
act came into force. He was referred to
Section 10 of the new act vide collector's order No 1177
of 24-3-96. The decree holder's applications were
therefore delayed to be over until the rules
for the execution of the decrees came into force.
The office order No 4 dated 10-7-96

9 4
In his former report of 1892 dated
August 16, the applications were eventually
rejected owing to misjoinder of defendants.
The defendants' 100 fresh applications for
execution of the decrees were presented on
August 29 and it was requested to issue orders
for their execution. I found in the records
the pleadings of the defendants opposing
a former application and the arguments
of the defendants, which seem entitled to
much weight. In the first place the
collected opinions given in his report of
1892 dated 26 July 28 and 28 July 28
it would have been better by reference
was made to the Bank of America in the
last of 1892 of the act. At the pleads for
the defendants argued before the application
appear to be denied. The words used in Section
No. 13 are "3 years from the date of such
decree" and this decree was made in 1890
or 7 years ago. The decrees are rightly or
wrongly once executed in 1891 as the receipts
given by the plaintiffs show and even
supposing that this was no proper execution
at all, it is doubtful whether interpreted

of the collected and decrees passed in 1891

10 5
3 years before the passage of Act III of 1895
can be executed now. In Section 15 of Act
III of 1895 only but not of 1895 of the limit of
act was repeated by the legislature intended
that the limitation could be prolonged by
filing an application more than 3 years
after the period for the execution of
the decrees. It would have been
expressly by using appropriate language
or by making other provisions of the
Limitation Act applicable. For example
in Act III of 1895 Section II of the limitation act
— "The limitation for applications for
execution of decrees is 3 years from the
date of applying to the proper court to
take some step in aid of execution &c."
There is nothing in Act III of 1895 or in the
rules framed under Section 13 about the ^{extension} ~~amount~~
of time in cases where the decree holders were
presenting petitions for the execution of
decrees. In fact, as long as Act VI of 1831
was in force, a man who presented a petition
for the execution of his decree and another
who did not were precisely in the same
position, as there was no method of executing
the decrees at all. This is a very

7 13

The Secretary to the Government
of Madras Legislative
Department

Most Honored and Respected Sir.

The humble petition of
Mangala Kondigadoo and Gumpigadoo
of the village of Buttoor in the Seddatri Taluk
of the Anantapur District.

Petitioners are the Registered
Proprietors of the unenclosed Barren
Gumma lands of the village of Buttoor.
Some Civil trespassers having taken
objection to their title and enjoyment of
these Gumma lands, Petitioners filed Revenue
Suits under Madras Regulation VI of 1831
in the Courts of the Deputy Collector of Gooty
Division. The suits were decided in favour
of the Petitioners in the early parts of 1891
and from that time forward, Petitioners
have been making various endeavours
to obtain possession of the plots of soil
decreed to them and which formed the
emoluments of the office. Petitioners
enclose herewith the Proceedings of the
Deputy Collector of Gooty Division dated
6th October 1897 for the kind perusal of

70

Gumpigadoo.

Buttoor

His Excellency the Governor in Council and
humbly trust that arrangements may be
made to rectify the several defects in law
as pointed out by the Deputy Collector in
his Proceedings under reference.

II

July

It will be observed in
the first instance that there was no
provision in law to exempt the decrees
passed under the old Madras Regulation
of 1831 - Petitioners complained of the
statutory defects in June 1895 by a postal
petition and the Government in their
order No 51 dated 4th June 1895 (herein
enclosed) have informed the petitioners
that provision has been made in the
repealing Act III of 1895 for exempting
the Revenue decrees if the operation provisions
are taken out within three years from the
date of such decree and within one year
of the date upon which the repealing act
comes into force. The decrees of the
petitioners have been passed in the early
parts of 1891 and it was only after the
 lapse of four years that the new Act
was introduced. It will thus be observed
that the decrees were already time-barred
by the time the new Act came into
existence. Petitioners have been endeavoring
all along to get the decrees exempted
into some cause or other, from
the defective state of the Law, the officers
were not able to comply with the request.
As the Act is silent on the point and as

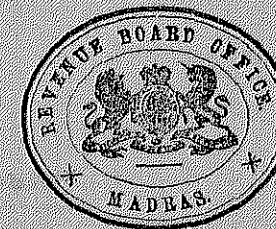
3 15
it is not fair that the Petitioners should
suffer in account of the defective
state of the Legislature; Petitioner himself
may state the matter may be heard
before the Honorable Members of the
Legislative Council and no arrangements
may be made to devise some provision
in Law to give effect to the decrees
passed by the Revenue Courts in favour
of the Petitioners.

For this act of justice
Petitioners shall, as in duty bound
ever pray and remain
Your Most Obedt & Humble Servants

III

2/3/98/

— 15/10/1898 —
— 15/10/1898 —



Proceedings of the Board of Revenue

(Land Revenue).

No. 1379 Misc., dated 26th May 1898.

Read the following :-

1. Again Board's Proceedings No. 8053 Misc., dated 13th November 1891, dismissing the appeal of Dubba Ramudu & others claiming the barber service Inam lands of Puthur, Tadpatri Taluk, Anantapur District.
2. Again Board's Proceedings No. 6463 Misc., dated 11th October 1892, dismissing the petition of Campigadu & another barber Inamdars of Puthur village, Tadpatri Taluk, Anantapur District, appealing against the order of the Collector refusing to enforce a decree for possession of Barber service Inam lands.
3. Again Board's Proceedings No. 5174 Misc., dated 12th October 1895, forwarding to the Collector of Anantapur for disposal petition from Kondigadu, Barber, Puthur village, Tadpatri Taluk, re: certain unenfranchised barber service Inam lands.
4. Endorsement of the Ag. Secretary to Government, Revenue Department, Mls. No. 1234, dated 10th March 1898, on that of the Ag. Asstt. Secretary to Government, Legislative Department, No. 604, dated 5th March 1898.

-----:0:-----

Resolution

The Government petitioners are hereditary barbers doing service in the Puthur village in the Tadpatri Taluk of the Anantapur District. In 1890 they filed suits under Regulation VI of 1831 to recover portions of the barber

17
service Inam lands and obtained a decree in their favor. The lands which they pointed out as being covered by the decree were formally handed over to them in 1891. Having been subsequently obstructed by the defendants in the suit from cultivating the lands, the petitioners applied for fresh ^{Execution} ~~exemption~~ in 1892, after ^{resorting} ~~resorting~~ to the criminal courts in vain. They were then informed that the decree could not be executed under Regulation VI of 1881. On a further application they were advised that they might bring a civil suit to obtain possession of the lands. A civil suit was accordingly filed but it was dismissed on the ground that a civil court had no power to execute decrees of a Revenue Court. In 1894 & 1895, the decree holders petitioned Government regarding the execution of the decree and their petition was forwarded to the Deputy Collector, Gooty for disposal under Act III of 1895. The petition was however rejected for misjoinder of some of the defendants. Fresh applications were thereupon put in in 1897 and these were also rejected by the Deputy Collector on the grounds

- (i) that they were barred by Limitation under section 14(3) of Act III of 1895;
- (ii) that the decree had already been executed in 1891.
- & (iii) that the decree was indefinite and incapable of execution without fresh enquiry.

The decree holders have now petitioned Government to devise some provision in the Law to give effect to the decree passed in their favor and Government desires to have an expression of the Board's remarks on the petition.

2. The Board endorses the Deputy Collector's finding that the application for execution of the decree presented to him in 1897 is barred by section 14(3) of Act III of 1895. Nor can the decree holders now file a fresh suit, as such a suit will be time barred under section 14 of the Act and liable to be dismissed under the rule of res-judicata. The only course that can now be adopted is to fully assess the Inam in the possession of the trespassers departmentally and pay the assessment to the individuals performing service who have been ^{adjudged} ~~adjudged~~ to be entitled to the land. (True Extract)

W. Swamikanni

27 MAY 1898

To The Secretary to Govt. R.D. with p.c. & 2 enclos. returned. Secretary.

1
Read again C.O. 1234 of 10.3.98.
also B.P. 1379 of 26.5.98
(enc. 3906 of 98)

Note. The papers read above relate to a petition from Kandigadu and Cumpigadu, herbar mirasdar of Puttur village, Tadpatri Sub. Anantapur district regarding the execution of certain decrees passed under Regulation II of 1831. The petitioners had each a fourth share of the herbar service inams of their village registered in their names and ^{being} ~~being~~ in the enjoyment of them for a long time. In 1890, their cousins who were also mirasdar having forcibly entered on the petitioners' lands and taken possession thereof, the petitioners filed suits under Regulation II of 1831 for the recovery of their lands and obtained decrees in their favor.

Copy of the Deputy Collector's Judgment of 6th May 1897. Encl. No. 2 stated to the court. B

lands which they pointed out as being covered by the decrees were formally handed over to them in 1891. Having been subsequently obstructed by the defendants in the suit from cultivating the lands.

to the criminal Courts in vain, applied for fresh executions in 1892 when they were informed that the decree could not be executed under Regs. VI of 1831. On the petitioners' appeal to Court the following order was passed:-

Para 3 & 4 of p. 1730
10-5-93

The existing law on the subject makes no provision for the execution of decrees passed by Revenue Courts under Regulation VI of 1831, and the Government is therefore powerless to assist the petitioners in recovering possession of the lands decreed to them. The petitioners will, therefore, be informed that they must sue in the Civil Courts, if they wish to regain possession of the Inam lands. The Government is, however, in a position to afford some relief to the petitioners by securing to them the assessment on the Inams to which they have been declared entitled. This can be done by resuming the Inam tenure of the lands, already decreed to them by the Revenue Courts and now in possession of Respondents, collecting fresh

3

the respondents and paying it over to the petitioners.

The Board should take the necessary steps to have this done."

Vide portion marked
at page 2 of tender
Collector's Indemnity
of 16 October 97.

2. It appears that a civil suit was ^{also} filed to obtain possession of the lands but that it was dismissed on the ground that a civil court had no power to execute decree of a Revenue Court.

Vide pps. 302-304
of S. D. R. Madras
Vol. VII.

3. Subsequent to the order of 1893 quoted above, the Full Bench of the Madras High Court decided on the 6th February 1894 in an appeal from the S. Arcot district that a suit for the possession of the emoluments of a hereditary office was barred in the Civil Court by the operation of section 3 of Regulation VI of 1831. In April 1894 the petitioners forwarded a copy of this decision and prayed for a review of C. O. 10.0.93 No. 1730. The Government however saw no reason to modify its former order. The petitioners thereupon appealed to the Court of Sudder and in forwarding the ap-

pp. 887
5-5-94

to that Government it was pointed out that some relief has been afforded to the petitioners by resuming the inam tenure of the lands and by securing to petitioners the assessment thereon, as the law at present stands nothing further can be done in the matter." The

Government of India having declined to interfere on behalf of the petitioners, one of them Koudigadu again appealed to Govt. (Legislative) and was

informed that "the bill to repeal regulation No. 15 of 1831 contains a clause (section 14(3)) providing that a decree or order passed under that Regulation may be executed on application received within three years of the date of such decree or order and within one year

of the date upon which the repealing Act comes into force." His subsequent

petition to Govt. was forwarded to the Dy. Collector, Coosy Division for disposal according to the provisions of Act III of 1895. The petition, which was lying over until the rules under that Act came into force, was

Para 4 of letter no. 27867
17.7.94

G.O. 3364 J. 29.8.94
E

Co. 5130
Encl. 17.7.94
G.O.

G.P. 4029
7-10-95

pp. 3 & 4 of the
Dy. Collector's findings
of 6 October 1897.
Encl. No 2. Sticked
into the current.
B.

owing to misjoinder of some of the defendants. Fresh applications were thereupon put in 1897 and these were also rejected by the Dy. Collector on the grounds (a) that they were barred by limitation under section 14(3) of Act III of 1895;

(b) that the decree had already been executed, though improperly, in 1891;

and (c) that the decree was indefinite and incapable of execution.

4. The decree holders have now petitioned Govt. (Legislative) to devise some provision in the Law to give effect to the decree passed in their favor.

The petition was referred to the Board of Rev. (through the Revenue Department) for remarks. The Board endorses the Deputy Collector's finding that the application for execution of the decree presented to him in 1897 is barred by section 14(3) of Act III of 1895 and states that the decree holders cannot now file a fresh suit, as such a suit will be time-barred under section 14 of the Act and liable to be dismissed.

Encl. Regue. No 604
H 5-3-98

B. P. 1379 Min
26-5-98
para 2.
J

~~proposed by the Board to be carried out~~
~~to be carried out~~ under the rule of res.
judicata. The Board therefore considers
 that the only course that can now
 be adopted is to fully assess the
 claims in the possession of the
 trespassers departmentally and pay
 the assessment to the individuals
 performing service who have been
 adjudged to be entitled to the
 land. The Board was already
 requested to ~~do so~~ ^{do so} (vide
 paras 24 of C. O. 1430 & 10.5.93)

Before transferring the current
 to the Legislative Department,
 the Board may be called upon
 to report whether the assessment on
 the lands is not paid to the
 petitioners as accordance with
 para 5 of C. O. 1430 & 10.5.93

18/6/98
 Secy
 35678
 17/7/98

34. 1430 1438 issued
 8-7-98

Read B.P. No. 2426 of
 28.9.98 (C. No. 6712)

To the Under Secretary

~~Reference to~~
~~reference~~ With reference
 to O. M. No. 145 of 4.7.98,
 the Board of Revenue
 reports that the orders
 contained in G.O. No. 1730
 of 10.5.93 were not carried
 out as the papers were
 "mislaid in the office of
 the Dy. Coll. Gouty"
 and that he has now
 been instructed to give
 effect to the order forthwith

It is submitted that
 the papers may now be
 transferred to the
 Legislative Deptt. as
 suggested in the note
 at page 6 of the office note
 A draft order is put up on
 the docket.

1.10.18
 3/10/98
 The Secy has
 passed an order
 no 6712

B.P. 2426 Rout. I
 18-9-98

Read B.P. No. 1379,
d/26.5.98 (C. No. 3906)

O. M. No. 148

With reference to B.P.
No. 1379 Miss, d/26.5.98,
the Board of Revenue is
requested to state at an
early date whether the
assessment on the lands
in question is paid to the
petitioners in accordance
with G.O. d/10.5.93 No. 1730

kkk
10/2/98

mine

Cotacmand
4th July 1898

To the Board of Rev. L.R.

Recd
5/7/98

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DISTO.

PAPER NOT FILED UP, BEING WANT FOR DISPATCH
IN ORIGINAL

H.S.

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