

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4976

DATED 16th December 98

[Despatch Abstract.]

Recording the reply given to a question put at the meeting of the Legislative Council held on the 13th December 1898 regarding the action taken by Govt. regarding an article in the Hindu headed "High-handed proceedings by Revenue officials."

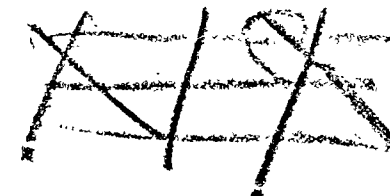
BACK PAPERS.

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FURTHER PAPERS.

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$\frac{D}{4}$ 1,000-8-4-97.



REVENUE DEPARTMENT.

From the Board (L.R.)

3479 m Dated 7-12-1898

Handwritten notes:
15-12-98
18-12-98

FOR ORDERS. To be.

The Board submits the reports called for from it regarding Legislative Council Question XIX (below)

- After giving a detailed account of the ^{referred to} brief in the question the Board suggests one of two draft replies the second of which gives fuller information than the first

RS
8-12-98 *See*

The first of the alternative replies suggested by the Board seems preferable. There is, I submit no use going into the details of the

Handwritten notes:
15-12-98
18-12-98

FOR ORDERS.

The Hindu d/1. 9. 98

**HIGH-HANDED PROCEEDINGS BY
REVENUE OFFICIALS.**

We now and then hear of high-handed proceedings and miscarriage of justice in some of the Native States, and we feel surprised how a Native Rajah can afford to mismanage his affairs, especially when there is a Government over him, which is ever ready to take into account his smallest faults and to make him pay dearly for it. But all along we forget that similar high-handed proceedings are not confined to Native States alone. There are not wanting similar grievances in our midst, only these are not so often brought to the notice of the public, and even when they are brought, are more difficult of redress. Here, for instance, is a case, which sufficiently illustrates a state of affairs which may be considered general in certain situations and in most parts of the country. The ryot, the petty officer, or, for that matter, any man may at any moment be put in trouble for no reason and without his ever being able to obtain redress at the hands of the authorities.

A certain shrotriadar who owns lands in Mukundaroyapuram, Wallajah Taluq, North Arcot District, and who generally resides in Madras, all of a sudden, received on the 10th May 1896, a registered letter from the Village Munsiff, intimating that on the 12th May a part of his lands would be sold by public auction for an arrear of 2 pies due by him for Fasli 1305. The shrotriadar sent on the next day two registered letters, one to the Tahsildar and the other to the Head-Assistant Collector, distinctly intimating that there was not a single pie in arrears against him, and that the sale referred to ought to be stopped. In the meantime a part of his land worth Rs. 30 was sold by auction on the 16th May 1896 for 6 Rs. 8 as., and the amount debited to some unknown account of the owner. The auction was confirmed 6 months after and an intimation to that effect was all the reply the shrotriadar received to his original petition to stop the auction on January 1897. The shrotriadar sent a notice to the Collector pointing out that his land was auctioned out unjustly and while there was no arrears whatever due from him, and praying him to cancel the auction, as otherwise he would be driven to the necessity of a civil suit. He waited for three months and more, and no reply came. At last he filed a suit in the District Munsiff's Court, Sholingar, and secured the services of a High Court Vakil to plead for him. The civil suit lasted for nearly eight months, and the Government Pleader argued the case as often as the case came up for discussion and as skilfully as possible though in a wrong cause. Several issues were raised and among these were, whether the notice to the complainant was given in proper time; (2) whether the sale was regular and properly conducted; (3) whether there was any arrear from the plaintiff on any account, and whether the account prepared by the defendant was correct or not.

The Judge writes a long and impartial judgment of the case in which some of the tactics played by the lower officials are made apparent. The Judge finds all the issues in favor of the plaintiff and gives a judgment with costs in his favor. In the meantime one year and 8 months have passed and after all the time, labor and anxiety the plaintiff was put to, he has been decreed entitled to recover from the Government 22 Rs. and odd as being the cost of the suit, while he spent really nearly 400 Rs. This is the case of a shrotriadar who is being conspired against by the kurnam and monigar of the village; and the unrighteous proceedings of the latter have received some aid and support even from certain of the higher officers, as appears indirectly from the judgment of the Munsiff. The troubles of this shrotriadar are not yet over. Another similar case is foreshadowed by a notice which he received a month ago, and his land must, in all probability, have been auctioned out by this time for arrears which again might be as imaginary as the last one. And if he wants to save himself the trouble, he must pay up the so-called arrears. This, though convenient enough, will in the long run, only help to multiply his difficulties. Men in such circumstances are merely helpless. Although our properties are, technically speaking, safe, and although at the end we might be confident of getting the abstract and immaterial justice, yet the hardships are there rendered manifold in the attempt to secure this justice. When will the responsible officers of Government open their eyes to evils of this sort? Where then is the remedy to come from or is it never to come at all?

XIX
XVIII
By the Hon'ble P. Ramesabhapati Pillai

XIX. (a) Has the attention of Government been drawn to the sub-leader in the *Hindu*, dated 1st September 1898, headed "High-handed Proceedings by Revenue Officials," and has Government made any enquiry into the matter referred to therein, and, if so, with what result?

(b) Is it a fact that whereas no arrear was due by the shrotriendmar of Mukundarayapuram (Wallaja—North Arcot), an arrear of 2 pies for fasli 1305 was claimed from him, and his land worth Rs. 30 was sold in auction for Rs. 6-8-0 on 16th May 1896?

(c) Did the shrotriendmar send two registered letters, one to the Tahsildar, and one to the Head Assistant Collector on 11th May 1896 intimating that there was not a single pie in arrear against him, and that the sale advertized ought to be stopped?

(d) Was the auction sale nevertheless held on 16th May 1896 with the results mentioned in clause (b) of this question?

(e) Did the shrotriendmar give to the Collector notice of his intention to file a civil action against Government, and was any enquiry made by Government or the Board of Revenue upon the receipt of the notice of the intended action before the defence was sanctioned, and, if so, with what result?

(f) Was a civil suit subsequently filed by the shrotriendmar against Government in the Court of the District Munsif of Sholingar, and decreed against Government with costs amounting to Rs. 22 and odd payable to the plaintiff, while his actual expenses amounted to nearly Rs. 400?

(g) If the facts are as stated above, does not the Government think that the shrotriendmar is entitled to some adequate reparation at the hands of Government?

Approved W.D.
8-12-98

It is a fact that the shrotriendmar obtains a decree with costs against the Govt for Rs 22 and odd. It further appears that

Suggested answer

The Government has obtained a report from the Bd of Revenue on the subject, from which it appears that

the Bd ordered an enquiry into the matter some time ago as may last but that the enquiry has been

himself ~~and~~ of
 Sholinghur. ~~But~~
 As the ~~case~~ ^{facts} have
 not yet been fully
 investigated the Govt
 is unable to say
 whether ~~the~~ ^{the} facts
 detailed ~~are~~ ^{are} correctly
 delineated in the Hon
 Member's question, or
 to make any pronouncement
 on the merits of the
 case.

J. J.
 8/1/8

The Hon'ble P. RATNASABHAPATI PILLAI *swargal* :-

XIX. (a) Has the attention of Government been drawn to the sub-leader in the *Hindu*, dated 1st September 1898, headed "High-handed Proceedings by Revenue Officials", and has Government made any enquiry into the matter referred to therein, and, if so, with what result?

(b) Is it a fact that whereas no arrear was due by the shrotriendmar of Mukundarayapuram (Wallaja—North Arcot), an arrear of 2 pies for fasli 1305 was claimed from him, and his land worth Rs. 30 was sold in auction for Rs. 6-8-0 on 16th May 1896?

(c) Did the shrotriendmar send two registered letters—one to the Tahsildar, and one to the Head Assistant Collector—on 11th May 1896 intimating that there was not a single pie in arrear against him, and that the sale advertized ought to be stopped?

(d) Was the auction sale nevertheless held on 16th May 1896 with the results mentioned in clause (b) of this question?

(e) Did the shrotriendmar give to the Collector notice of his intention to file a civil action against Government, and was any enquiry made by Government or the Board of Revenue upon the receipt of the notice of the intended action before the defence was sanctioned, and, if so, with what result?

(f) Was a civil suit subsequently filed by the shrotriendmar against Government in the Court of the District Munsif of Sholinghur, and decreed against Government with costs amounting to Rs. 22 and odd payable to the plaintiff, while his actual expenses amounted to nearly Rs. 400?

(g) If the facts as stated above, does not the Government think that the shrotriendmar is entitled to some adequate reparation at the hands of Government?

The Hon'ble Mr. Forster

XVIII

XIX. The Government has obtained a report from the Board of Revenue on the subject from which it appears that it is a fact that the shrotriendmar obtained a decree with costs against the Government for Rs. 22 and odd. It further appears that the Board ordered an enquiry into the matter so long ago as May last, but that the enquiry has not yet been completed for want of certain records from the court of the District Munsif of Sholinghur. As the case has not yet been fully investigated, the Government is unable to say whether the facts are correctly detailed in the Hon'ble Member's question, or to make any pronouncement on the merits of the case.

For

B. P. Lee

file re: question no. 227

XXIII

Order mis No 4976 27/10/98 Dec 1898.

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