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Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4982

DATED 16th December 98

[Despatch Abstract.]

Recording Boards' Progress reporting on certain questions asked at the meeting of the Legislative held on 13th December 1898 regarding a suit instituted against Govt. by one of the Khatri - dars in N. Arcot and increase in sales of arrears in two other districts.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1975		16-12-29				

FURTHER PAPERS.

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

Revenue (189) Department.

CURRENT No. 8364

From

The Board of Revenue, Land
Revenue, Madras.

No. 3479 Misc.

Dated 7th December 1898

Received }
Registered } 8

Enclosures 2

Spare copies.

SUBJECT.

Submitting a report on the --
questions proposed to be asked at
the next Legislative Council re:
a suit instituted against Govt. by
one of the shareholders of Mahan/
in North Arcot
Gharagapuram and increase in sales-
for arrears in 2 districts.

Order

By

See notes
below

The answers
approved by the Hon.
were recd after 6.30.
P.M. and copies were
sent to the Press
8.10.98

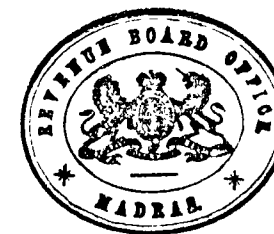
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
6-10-98.



Proceedings of the Board of Revenue (Land Revenue).

No. 5479 Misc. Dated 7th December 1898

Read Government Order, Revenue Department, NO. 1695 R, dated 2nd December 1898.

Read also the following telegram to the Collector of North Arcot, dated 3rd December 1898.

"Board's Proceedings 1321 twentieth May last. Please send copies of judgment and decree returned therewith and state when reply to para 2 of Proceedings may be expected"

Read also letter from the Collector of North Arcot, dated 4th December 1898, Ref on Cur NO. 1687/Ver of 1897.

Resolution.

Of the two questions referred for report in the Government Order read above, the facts of the case relating to question XIX are briefly as follow:-

The Mukundarayapuram shrotriem village in the Wallaja Taluk of North Arcot is divided into 59 shares which are registered in the names of 37 persons. Bethamangalam V. Krishna Rao who is one of the shareholders, possessed an absolute interest in Register Nos. 9, 16, 23, 24 and 28 and had also a joint interest in three other Register numbers 2, 51 and 54. According to the balance sheet prepared by the ka nam, an arrear of Rs. 3-11-7 was due from the shareholder for fasli 1305 in respect of the Register Nos which belonged to him exclusively; and for the recovery of this amount the lands involved in the Register Nos. were

via 10.4.98
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attached and advertised for sale on the 14th, 15th and 16th May 1896. On the 11th May 1896 the defaulter presented petitions to both the Tahsildar and the Head Assistant Collector alleging that the Karnam's balance sheet was wrong and that no arrear was in fact due from him, and requesting that the sale already advertised might be stopped pending enquiry into his petitions. The Head Assistant Collector referred the petition received in his office to the Tahsildar for immediate report; but the Tahsildar (since deceased) proceeded with the sale on the 16th May 1896 and sold one-half of paimash NO. 14 comprised in Register No. 28 for Rs. 6-8-0. Before reporting the sales for confirmation by the Head Assistant Collector, however, the Tahsildar sent for the defaulter and made an enquiry at which it was found that including certain items of demand which he improperly refused to pay, there was an arrear of Rs. 0-15-2 for which his lands could have been sold; and the sale was accordingly confirmed by the Head Assistant Collector on the 14th November 1896.

Bethamangalam V. Krishna Rao thereupon served a notice of suit on the Collector who obtained a report from the Head Assistant Collector setting forth the above facts.

The shrotriendar subsequently filed a suit for the cancellation of the sale in the Sholinghur District Munsiff's Court on the grounds that no arrear was due from him for fasli 1305, that no notice was served on him prior to the attachment of his lands and that the sale of the land in question was also vitiated by material irregularities.

On the recommendation of the Collector (Mr. Wynne) the Board sanctioned the defence of the suit and approved the draft written statement submitted by him, to which was appended a statement showing the demand for fasli 1305 on each of the Register Nos owned by the Plaintiff and the total demand, the amount paid and the balance due on the date of sale. Before the commencement of the hearing, the Local Government Pleader who defended the suit on behalf of Government examined the karnam who prepared the Bakkipatti (balance sheet) and found that he was unable to substantiate the figures given therein; he did not therefore cite the karnam as a witness. The District Munsiff decided the suit in favour of the Plaintiff and decreed to him his costs amounting to Rs. 22-10-9 on the grounds (1) that Government had failed to prove that there was an arrear of revenue patta and (2) that no notice of demand was

served on the Plaintiff under Section 25 of Act 11 of 1864 that the attachment and sale were also vitiated by irregularities. The Collector thereupon reported to the Board that in these altered circumstances it was inadvisable to prefer an appeal against the District Munsiff's decision and added that the Tahsildar on whose representation Head Assistant Collector had confirmed the sale having died, he would enquire and look into the records of the case carefully in view to see who else was to blame and, if necessary, address the Board on the matter again. The Board agreed with the Collector and ordered that the enquiry which he proposed to hold should be of a searching character, that the individuals responsible for the irregularities and for the failure to bring them to notice at the time when the defence of the suit was recommended should be severely dealt with and that the action taken should be reported for its information.

2. The Collector of North Arcot was reminded on the above subject on the 24th August and 19th October 1898; in reply to a fresh reference made to him on receipt of the Government Order read above, he states that he is awaiting a detailed report from the Head Assistant Collector who recently promised to submit it on receipt of certain records to be obtained from the Sholinghur District Munsiff's Court.

3. In regard to question XXIV (a), the Board submits that the Collectors of Tanjore and ^{Vijayanagara} ~~Colombatore~~ have already been called upon specially to investigate the causes that brought about the large increase in sales in fasli 1306 and that their reports will be submitted to Government on receipt.

7. 10. 98. BP. 277
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4. The Board begs leave to submit draft replies to the two questions referred to above.

(True Extract)

Lonel Davidson

Acting Secretary

the Secretary to

Question XIX

The attention of Government having been drawn to the matter by the Honorable Member's question, ^{it} ~~the Government~~ has obtained a report from the Board of Revenue from which it appears that the Board ordered an enquiry so long ago as May last and that the Collector of North Arcot is awaiting a detailed report from his ^{whose investigation} ~~His~~ Assistant ^{complete} ~~which~~ has not yet been ~~finished~~ for want of certain records for which application has been made to the Sholinghur District Munsiff's Court. The matter will be duly dealt with on receipt of the Collector's report.

Alternative answer to the same question giving fuller information.

(a) The attention of Government was drawn to the article mentioned on receipt of the Hon'ble Member's question. The Board of Revenue was requested to submit a very early report on the matter and has replied that it is now engaging the Collector's attention. The fact that enquiry was called for was first brought to the Board's notice in May last when the Collector reported the result of the civil suit filed by the Shrotrigudar and stated that he was about to make an investigation in the matter. ^{On the} ~~the~~ portion of his report the Board passed the following order:--

"The Board notes that the Collector is about to enquire who was to blame for the irregularities which have led to the cancellation of the sale, and for the failure to bring those irregularities to notice at the time when the defence of the suit was recommended. The enquiry should be searching, and the individuals responsible should be severely dealt with, the action taken being reported for the Board's information".

(Board's Proceedings No. 1321 Misc. dated 20th May 1898).

The Collector's investigation has not yet been completed --- owing, it is stated, ^{to} the fact that delay has been caused by the necessity of obtaining certain records from the District Munsiff's Court.

(b) The District Munsiff who decided the suit filed by the Shrotrigudar has found that it was a fact.

(c) Yes.

(d) The sale was held on the 16th May 1896 and the land realized -

Rs.6.8.0.

(e) An inquiry was made by the district officers upon receipt of the notice of the intended action, and on the facts as then reported it appeared that the Shrotriaman had no valid grievance.

(f) The suit filed by the Shrotriaman was decreed in his favour with costs amounting to Rs.22.10.9. The Government has no information as to the amount of his actual expenses.

(g) [This question is hypothetical in form and inadmissible with reference to Rule 9 of the Rules for asking questions in the Legislative Council published in Notification dated 14th February 1893, No.4 Legislative.]

XXIV

(a) No. The collectors of Vizagapatam and Tanjore have not yet replied to the Board's call for further information.

(b) The matter will be considered when the correspondence is complete.

David Davidson
Ag. Secretary.

G.B.

7.12.98

Legislative Memo No 58
of 5-12-98. A

Telephone

From the Ag. Undersecy to Govt-

Rw: Dept.

To the Secretary to the Board of Rev

Land Revenue
Rev. Settlement.

Please see Revenue

B
C

Enclosurement No. 1695, Routine, dated
Official Memorandum No. 302
the 2nd instant, referring to the Board
of Revenue for very early remarks
Questions No. XIX and XXIV
Question No. VII
proposed to be asked by the
Honourable P. Ratnas-abhapati
Pillai at the ensuing meeting
of the Legislative Council on the
13th idem. The Legislative Dept.
desires to have the draft answers
by tomorrow evening. Kindly
therefore say whether the Board's
reply can be submitted
to the Rw: Dept so as to
enable a draft answer being
transmitted to the Legislative
Dept within the appointed
time.

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No.

XXIII

From the Board (Y. R.)

3479 Dated 7-12-1898

FOR ORDERS. To us

Draft reply submitted by the Board to question XXIV (below):

(a). ~~By reply to the first clause of the question the answer is in the negative.~~ ~~the negative.~~ ~~yet applied to the Board.~~

~~Call for further information.~~

(b). ~~In answer to the second clause, the expediency of placing the pp. on the table will be considered when the correspondence is complete.~~

The above draft may be approved

rs
8-12-98

Secy
8/12/98

HCU
8/12/98

8-12-98

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

XXIV: (a) With reference to the figures quoted on the margin in regard to the revenue sales made for arrears of land revenue for fasli 1306, and the observations of the Board of Revenue in its resolution submitting to Government its report on the settlement of land revenue for the above fasli that the Collectors of Vizagapatam and Tanjore will be separately requested to report on the abnormal increases in the number of sales, has

District.	Number of defaulters whose property was sold in	
	Fasli 1305.	Fasli 1306.
Tanjore	727	1,549
Vizagapatam	65	126
Trichinopoly	246	379

Government received any communication from the Board on the cause of the increases in question?

(b) Will Government be pleased to direct the papers on the subject to be placed on the table?

The Hon'ble Mr. Forster

XXIV. (a) In reply to the first clause of the question the answer is in the negative.

(b) In answer to the second clause, the expediency of placing the papers on the table will be considered when the correspondence is complete.

Order Mis No 4982 of 16th Dec 1898

Recorded.

He 16/12/98

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

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READ AGAIN G.O., No.
189 ,

DATED

CURRENT No.

ENCLOSURES TO U. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH CITTO.

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

N.B.—

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