$\frac{O}{9}$. 5,000—17-12-96.

Revenue (189) Department.

Routine
~~MISCELLANEOUS~~ SERIES.

G.O., No. 1029

DATED 2nd August 1898

[Despatch Abstract.]

Transferring ~~to the~~ Judicial Deptt. Procgs of the Board of Rev. forwarding letter from the Collector of Kistna submitting the explanation called for in para 2 of G.O. 873 Judl of 6-6-98 regarding the suits decided against Govt during 97-98.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
no 5300 of 98							
=	E.O.	1138 / 19-8-98					

---

put on the 2nd only forwarding · O.M. No. 252 / 31-7-98

Revenue (1899) Department.

CURRENT No. 284

2 A & U.S.

Read B.P. 125 Mis of 11-1-99 (no 284 of 99) P
" again O.M. No 21 of 30-1-99 B.P.
" B.P. 599 of 17-2-99 (no 1386 of 99) 9
" 5-18 Rev of 5-3-98 (no 1601 of 98) 9
" 3304 of 6-7-98 (no 4858 of 98) 9

not the copies going to the Judl. Dept

From

The Board of Revenue,
Land Revenue,
Madras.

No 125 Mis

Order R No 1029 of 2nd August 99

Transferred to the Judicial Dept.

25/1/99

Dated 11th January 1899
Received 12th " "
Registered 14th " "
Enclosures 1
Spare copies

Secy

In the absence of the details of these cases, it is not possible to make any judgment ~~ep~~ on the merits. But please see case(s) the interventions of the Civil Court seems inexplicable. Shd the pp. be called for & examined?

P.E. 21-1-99

18/1/99

25 -1-99

30 / 1/99 Judl. Dept.
" BD of Rev (L.R.)
" (A.S.) with file in red tape

with a view in order for perusal & return

25/1/99

Ask for the Boards files in those cases – the compromise effected in many of them seems difficult to understand in absence of the records

EH 26/1

SUBJECT.

Forwarding to Government letter from the Collector of Kistna submitting explanation called for in para 2. of Government Order 873 / 6-6-98 Judicial regarding the suits decided against Government during 1897-98.

submitting a propositi... statement -

BACK PAPERS.

G.O.	No.	Department.	Date.
G.O.	2874	Rev	8.7.98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Read B.P 125 Mis. d/11th Jany 99 (C. no 284 of 99)

O.M no. 21

The Board of Rev. is requested to forward to Govt. complete files of the said cases ~~such of the papers~~, referred to in the letter^x from the Colr of Kistna, herewith sent, as have not been ~~were not~~ reported ~~communicated~~ to the Govt.

28/1/99

AT 30/1/99

Call Clerk.

The file will lie over till the records referred to in para 3 of BoP No. 599 d. 17.2.99 (C. no. 1386) are submitted to Govt.

Dis No 6827/Genl d/12-12-98

Fort St. George
30th January 1899

Desp. 31-1-99

26/1/99

To the Bd of Rev. (LR)
with the Colr's letter; to be sent.

26.1.99

62 R Dis 17.5.99

81 R Dis 4.7.99

Revenue (1899) Department.

CURRENT No. 1386

Order

From

The Board of Revenue,
Land Revenue,
Madras.

Mis. No. 599

Dated 17th February 1899.

Received } 24/2

Registered

24 FEB 99

Enclosures 1 encl: + 1 file of records.

Spare copies —

SUBJECT.

Submitting to Government with remarks the files of records relating to certain suits decided against Government in the Kistna District and stating that certain others referred to in the first para of the Collector's letter will be furnished by the Settlement Department.

Regd 24/2

W 27/2

BACK PAPERS.

G.O.	No.	Department.	Date.
		OM No 21 4pps	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

1,000
17-1-99.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue).

NO.599 Mis., dated 17th February 1899.

Read the following Government memorandum NO.21, Rev. Department dated 30th January 1899:-

Read ~~Reference~~ also Proceedings of the Board of Revenue, Land Revenue, Mis., NO.125, dated 11th January 1899.

The Board of Revenue is requested to forward to Government complete files of such EXXEXX of the cases referred to in Dis.NO.6827 Genl., d/12-12-98 the letter from the Collector of Kistna, herewith sent, as have not been reported to the Government.

N

Resolution.

With reference to the Official memorandum read above the Board begs leave to submit herewith as per enclosed list the files of papers relative to the suits referred to in paras 2 to 3(j) of the Kistna Collector's letter, and to request that the original letters and their enclosures contained therein may be returned when no longer required.

2. O.S.NO.607 of 1896 on the file of the District Munsif of Bapatla referred to in para 3(e) of the Collector's letter was compromised with the sanction of ~~Govermt~~ Government accorded in G.O.NO.-- 1198 Rev., dated 2nd March 1897.

U.S

3. The files relating to the suits mentioned in the first para of the Collector's letter will be furnished by the Settlement Department.

U.S.

(True copy and extract)

Lionel Davidson
ag. Secretary.

P.T.O

(True copy and Extract)

Ag. Secretary.

To the Secretary to Government, Revenue Department, with the Kistna Collector's letter and a file of papers as per list enclosed to be retd. & Copies of B.P. referred to

,, the Settlement Department with copy of the Kistna Collector's letter.

Revenue (1899) Department.

CURRENT No. 1601

From The Board of Revenue,
Rev. Sett. L.R. & Agri.,
Madras.

Order

No. 518 Routine.

Dated 3rd March 1899.
Received 5th
Registered 6th
Enclosures —
Spare copies —

5 FEB 9
DEPARTMENT

SUBJECT.

Requesting the Collector of Kistna to report the no. and date of the Board's Proceedings, if any, relating to certain four of the twenty nine suits referred to in para 1 of his letter to Govt., dated 12th December 1898.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

(Sett. 12 – 2,000 – 3-11-98.)

Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture),

Dated 3rd March 1899. ~~189~~.

No. 518 Routine.

READ again Board's Proceedings (Land Revenue), No. 599 Mis., dated 17th February 1899, submitting to Government, with remarks, the files of records relating to certain suits decided against ~~st~~ Government in the Kistna district and stating that certain others referred to in the first para of the Collector's letter will be furnished by the Settlement Department.

Read also telegram to the Collector of Kistna, dated 16th February '99, requesting to send a memo showing the No. and date of the Board's Proceedings connected with the 29 suits referred to.

Read also reminder telegram to the Collector of Kistna, dated 21st February 1899.

Read also telegram from the Collector of Kistna, d 27-2-99 promising to send his reply shortly.

Read also letter from the Collector of Kistna, Dis No. 18/Tour, dated 28th February 1899, submitting the memo: asked for.

--------- ---------

Resolution.

23, 49, 219, and 262 of 1897.

The Board observes that the marginally noted four suits, out of the twenty nine, specified in the Collector's present memo, are the same as those referred to in items (a) to (d) of para 3, of his letter to Government dated 12th December '98. If these four suits have been reckoned twice over in accounting for the 52 suits, for which particulars

culars were called for by Government, the Collector is requested to report what the remaining four suits are, and to quote the No. and date of Board's Proceedings, if any, relating to them.

(True Extract)

R. V. Srinivasa

Secretary.

To

Kistna. ✓

The Collector of ~~Godavari~~.

Copy to the Secretary to Government, Revenue Department.

Exd 6/7/99

Revenue (1899) Department.

CURRENT No. 4398

SECY. GOVT. 15 JUL 99 REV. DEPT.

From

The Board of Revenue,
Revenue Settlement, Land Records and Agriculture,
Madras.

Order

No. 3304 Misc.,

Dated 6th July 1899.
Received 8th -do-
Registered -do-
Enclosures 7. (6 originals & P's)
Spare copies

SUBJECT,

Suits.

Submitting to Government information regarding certain ----- disposed of in Kistna, during 1897-98.

Ref Reg w/ pr 8/7

Recd. 13/7

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Sett. 13—2,000—25-4-98.)

Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture),

Dated 6th July 1899. ~~189~~ .

No. 3304 Misc.,

A.W.B. Higgens Esquire.

1 ms 1601 [illegible]

READ again Board's Proceedings No.518, Routine, dated 3rd March 1899.

Read also the following letter from R.Morris Esquire., Collector of Kistna, R.C.No.286/B&G dated 22nd June 1899.

Adverting to Board's Proceedings No.518 Routine dated 3rd March 1899, I have the honour to report that O.S.Nos.269,285 306 and 337 of 1897 on the file of the District Munsiff's -- Court, Gudivada, were withdrawn by the plaintiffs after refunding the amounts collected from them as penal water tax, as they were regarded as agitators. I therefore request that the figures of 27 & 2 given in para 1 of my letter Dis.No.6827-[illegible], of-- 1898 dated 12th December 1898) as compromised and withdrawn, may be corrected as 25 & 4 respectively.

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

Resolution.

[illegible]

With reference to para 3 of the Proceedings of the Land Revenue Department, No.599-Misc., dated 17-2-99, the -- Board in the Settlement Department begs to report that out of the 29 suits mentioned in para 1 of the Collector's letter to

Government

submitting a propositi atement -

Government, dated 12-12-98, four suits are now reported by him to have been withdrawn by the parties, and 25 suits to have been compromised under the orders of the Board, instead of two and twenty-seven suits respectively as previously reported in that letter.

2. Copies of the Board's orders relating to 9 out of the 25 suits compromised were submitted to Government in B.P. Nos. 2596/7-4-97, 2597/7-4-97 and 2677/9-4-97, the first two of which Proceedings were recorded in G.O.No.1981 dated 13th April 1897. The papers relating to the remaining 16 suits are submitted herewith with a list. It will be seen that the plaintiffs in all the suits were persons who were considered to have taken part in the agitation against the enhancement of water-rate, and from whom, therefore, penal charge was at first levied by the Collector under a misapprehension of G.O. No.2683/6-7-95. Government having subsequently, in its order No.1482/18-3-97, held that even from agitators, only single water-rate should have been levied if reapplications for water had been made by 20th July 95, the Collector was authorised in B.P.No.2619/8-4-97 to refund the penal portion of the water-rate in all such cases. A copy of the Board's Proceedings was submitted to Government and recorded in G.O.No.1976/13-4-97. The suits referred to above were compromised, with reference to the above orders.

G.O. 1981/13-4-97

3. The 4 suits withdrawn are also reported to relate to penal charge similarly refunded.

(True Copy and Extract)

C Benn

Dy.Director for Secretary.

To

The Secretary to Government, Revenue Department, with the list and 6 B.Ps. in original, to be returned.

Copy to the Collector of Kistna with the list.

× sent by packet post.

List of papers submitted to Government.

No. of suits.	Suits to which the papers relate.	Number and date of the Board's orders.
1.	O.S. No.80 of 97 on the file of the Gudivada Dt. Munsiff.	B.P.No.2690-Mis.d/10-4-97.
1.	O.S.No.104 of 97 -do-	B.P.No.2965-Mis.d/27-4-97.
5.	O.S.Nos. 32,78,42,45 & 54 of 97. -do-	B.P.No.3559-Mis.d/20-5-97.
7.	O.S.Nos. 613,614,615, 616,637,620 & 621 of 1896 -do-	B.P.No.3678-Mis.d/24-5-97.
1.	O.S.No.82 of 97 -do-	B.P.No.3990-Mis.d/2-6-97.
1.	O.S.No.207 of 97 -do-	B.P.No.7546-Mis.d/13-9-97.
Total 16 ~~Total~~.		

Proceedings of the Board of Revenue

(Land Revenue).

No. 5679 mis. dated 14th November 1895

Read letter from J. N. Atkinson Esq, Collec of Kistna, C Ref no. $\frac{3089}{\text{ver}}$ of 1894, dated 1st. November 1895.

Resolution

The Collector's recommendation is approved and sanctioned.

(True extract)

(Signed) L. M. Wynch
ag Secretary

2.
The Collector of Kistna.
Copy to the Inam Commissioner.

(True copy)

L.D. Swamikannu
23 FEB 1899
Asst. Secretary.

Exd
MR 22/2.

5679 mis
14.11.95

1,000
17-1-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 2169 mis, dated 12th May '96

Read letter from J. N. Atkinson Esq. Collector of Kistna, Roc no. $\frac{338}{\text{ver}}$ of 96, dated 7th May '96.

Resolution

The defence of the suit is sanctioned and the draft written statement approved with the following modifications:—

(1) Para 8 should be omitted as Civil Courts are competent to decide whether any lands are liable to be assessed to revenue;

2 MHC 167

(2) In the place of the same para the following should be added:—

"A title to vingate land free from liability

liability to water rate cannot be acquired by any length of enjoyment of water-supply revenue free.

(True Extract)

(Signed) R. C. C. Carr
Secretary

To
The Collector of Kistna.

(True copy)

L.D. Swamikannu
23 FEB
Asst. Secretary

Exd
MM exp.

2169 mis
12.5.96.

Proceedings of the Board of Revenue

(Land Revenue).

No. 2136 Routine, dated 5th August '96.

Read the following letter from J. N. Atkinson Esq. Collector of Kistna, Rc no. 4443/ver of 96, dated 25th July 1896:—

In continuation of this Office Ref. on c. no 4443 ver dated 19th July 96, I have the honour to say that four more suits noted in the margin have been filed by the ryots of Mantripalem on the same grounds as those mentioned in my reference above quoted and to request that their defence may be sanctioned on the same lines.

O.S. 228 of 1896
" 229 "
" 230 "
and 231 "

2 The usual statement in form A is enclosed.

Resolution.

Recorded pending receipt of the

the report called for in Board's reference dated 28th July 96 on General Register no. 4710 of 1896.

(True copy and Extract)

(Signed) R.C.C Carr
Secretary.

To
the collector of Kistna.

(True copy)

LDSwamikannu
23 FEB 1899
Asst: Secretary.

Exd
22/2

2136 R
5-8-96

1,000
17-1-99.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue).

No. 4112 mis. dated 8th September 96

Read letter from J. N. Atkinson Esq. Collector of Kistna, R.C. no. 5205/genl of 1896 dated 2nd September 1896.

Resolution.

The defence of the suit is ~~sanction~~ sanctioned and the draft answer approved.

(True Extract)

(Signed) R.C.C Carr
Secretary

To
The collector of Kistna, with plan returned.

(True copy)

LDSwamikannu
23 FEB 1899
Asst: Secretary.

Exd
22/2

4112 recd
8-9-96

1,000
17-1-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 4388 Mis. dated 24th September 1896.

Read ~~again~~ Board's Proceedings 2136 Routine, dated 5th August 1896.

Read also letter from J. N. Atkinson Esq. Collector of Kistna. Ref on Cur no. 4443/ver of 96, dated 19th July 1896; and the following Reference thereon, dated 29th July 1896:–

The Collector is requested to obtain and submit at an early date the Executive Engineer's report ~~as~~ to what evidence is available to rebut the Plaintiff's statement that he did not breach the channel in question.

Read also ~~letter~~ endorsement of the Collector of Kistna. Roc no. 4443/Gl of 96, dated 12th September 1896.

Resolution.

The defence of the suits is sanctioned and the draft written statement is approved

"unless

unless the plaintiffs can show that the loss of the duct was brought to the notice of the officers in charge of the canal and they failed to restore it.

(True copy and Extract)

(Signed) R. C. C. Carr
Secretary.

To
The collector of Kistna with 3 enclosures returned.

(True copy)

L D Swamikannu

23 FEB 1899

Asst: Secretary

Exd
22/2

4358 mis
24-8-96

1,000
17-1-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 4482 mis. dated 1st October 1896

Read letter from J. N. Atkinson Esq. Collector of Kistna, Rc no. 4499/ver of 1896, dated 16th September 1896.

Resolution

The defence of the suit is sanctioned and the draft written statement approved with the following modifications:—

(1) For the word "ancestors" occurring in para 2, substitute "predecessors in interest."

(2) Between the words "assignment of" and "land" occurring in para 4, insert the word "unoccupied".

(True Extract)

(Signed) R. C. C. Carr
Secretary

To
The collector of Kistna.
with the plan and 2 telugu records returned.

(True copy)

L D Swamikannu

23 FEB 1899

Asst: Secretary

Exd
22/2

submitting a propositio tatement -

4482 mis
1-10-96

1,000
17-4-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 1044 mis. dated 19th March '97

requesting the Collr. to forward the Inam T.D. Nos. 173 & 174 obtained by the Tahr. from the plaintiffs, ~~and~~ to report why pattas were issued in the name of defendants 2 to 7; and to apply for the adjournment of the two suits.

Read letter from J. N. Atkinson Esq. Collector of Kistna, Rc no. $\frac{8108}{\text{ver}}$ of '96, dated 21st. December 1896; and Reference thereon dated 5th January '97.

Read also letters from the same officer, Ref no. $\frac{6092}{\text{ver}}$ of 1897, dated 2nd March 1897, and Ref on Cur no. $\frac{8108}{\text{ver}}$ of 1897, dated 13th March 1897.

Resolution.

The defence of the suits is sanctioned, but the draft written statement submitted by the Collector will be modified by the omission of the para pleading want of jurisdiction of Civil Courts and by the addition

submitting a propositio statement -

addition of another stating the circumstances under which pattas were issued to Defendants 2 to 7 instead of to the Plaintiffs in the suits.

(True Extract)

(Signed) R. C. C. Carr
Secretary

To the Collector of Kistna, with revised written statement.

(True copy)

L D Swamikannu
23 FEB 1899
Asst: Secretary

Exd
22/2

Revised Written Statement.

1. The plaint inam was granted for the maintenance of the temple of Someswaraswamivaru Ramalingeswara swamivaru and as the temple was al lowed to fall into ruin the Inam wa fully assessed.

2. As the Dharmakartas are the persons charged with the duty of supervising the services done in temples pattas were issued by this defendant to the representatives of the persons shown as Dharmakartas of the plaint temple in the Settlement Register, but this defendant is prepared to grant pattas to the plaintiffs if the Civil Court decrees tha they are entitled to the same.

3. This Defendant prays that the suit as against him may be dismissed with costs.

(True copy)

L D Swamikannu
23 FEB 1899
Asst: Secretary

Exd
22/2

1044 Mis
19-3-27

MADRAS.

Proceedings of the Board of Revenue

(Land Revenue),

No. 119 Press. dated 1st April 1897.

Read letter from J. N. Atkinson Esq. Collector of Kistna, Ref no $\frac{1648}{\text{ver}}$ of 1897, dated 20th March 1897.

Resolution.

The Board concurs with the Collector in thinking that there are not sufficient grounds for appealing against the District Munsiff's judgment.

2. The Board now considers that the Collector's recommendation to defend the suit was erroneous, and it is clear that an appeal would be waste of money. The question of charging for water was fought out in 1862 and decided in favour of the assessee

In

submitting a proposition statement -

8

In 1895 the Collector reported that the order of his predecessor was wrong, and justified the charge that he (the present Collector) had imposed. The District Munsiff appears however to have been right in holding that the use for thirty years was practically an engagement on the part of Government to supply.

3 The Collector has not touched upon the facts of the case, nor has he stated the reasons upon which he bases his recommendation that the finding of the Original Court should be accepted as final. The Board has on several occasions been obliged to make similar observations in regard to the manner in which cases of this nature are submitted for its orders. It is therefore necessary to rule that in submitting for orders the question of an appeal against any judgment of a Civil Court, Collectors should, as tersely as possible, recapitulate the arguments for and against an appeal. The Board will then be in a position to dispose of the matter at once. The mere statement that no appeal is recommended is not sufficient.

4. These orders apply equally to cases submitted by Collectors in their capacity as Agents to the Court of Wards.

(True Extract)

(Signed) R. C. C. Carr
Secretary.

To
The Collector of Kistna, with the depositions returned.
Copy of paras 3 & 4 to all other Collectors.
Copy to the Court of Wards Section.

(True Copy)

L. Dlwamikannu
23 FEB 1899
Asst. Secretary

Exd
mb ep

...ary

submitting a propositio statement -

1,000
17-1-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 1282 Mis dated 6th April 1897

Read letter from J. N. Atkinson Esq. Collector of Kistna, Ref no. 1589/ber of 1897, dated 27th March 1897.

Resolution.

The collector's proposal to compromise the suit is approved.

(True Extract)

(Signed) R. C. C. Carr
Secretary

To the Collector of Kistna, with the plaint returned.

(True copy)

L. D. Swamikannu
23 FEB 1899
Asst Secretary.

48
[illegible] 22/2

submitting a propositio statement -

1282 mis
6.4.97

1,000
17-1-09.

Proceedings of the Board of Revenue
(Settlement department)
~~(Land Revenue)~~

no. 3636 mis, dated 22nd May 1897.

Read letter from J. N. Atkinson Esq. Collector of Kistna, ~~Ref~~ no 1585/rev of 1897, dated 23rd April 1897.

Resolution

The defence of the suit is sanctioned and the draft answer approved.

2. It is presumed that the money was paid without protest, in which case alone, the limitation prescribed in section 59 of Act 2 of 1864 would apply. If the money was paid under protest, the period of limitation would be one year, under article 16, Second Schedule, Indian Limitation Act.

...ecretary

3 The Board also presumes that the land in question had not been irrigated from the Delta prior to Fasli 1305 and that the change of system consequent on the localization of manual wet lands had been duly notified, so as to give the parties to understand that thereafter water should be taken ~~from~~ dry lands on application and that penal rate would be charged for water taken without such application.

4. In case the above presumptions are not correct, the Collector should address the Board again, applying to the Court for extension of time, if necessary.

(True Extract)

(Signed) R.V. Srinivasier
Secretary.

To The Collector of Kistna.

(True copy)

Exd
22/2

L.D. Swamikannu

23 FEB 1899

Ast. Se

1,000
17-4-99.

Proceedings of the Board of Revenue

(Land Revenue).

No 2311 Mis. dated 25th June '97

Read letter from J. K Batten Esq acting Collector of Kistna, ROC No. $\frac{2434}{ver}$ of 97, dated 21st June 1897.

Resolution.

The Collector's proposal to compromise the suit is approved.

(True Extract)

(Signed) A.S. Brodie
ag Secretary

To The Collector of Kistna.

(True copy)

L.D. Swamikannu

23 FEB 1899

Asst. Secretary

Exd
22/2

submitting a propositio statement -

2311 mis
25-6-97

1,000
17-4-89.

Proceedings of the Board of Revenue

(Land Revenue),

No. 2604 mis dated 14th July 1897.

Read letter from J. K. Batten Esq. Collector of Kistna, Ref. on C no. $\frac{265}{\text{Dom}}$ of 1897, dated 9th July 1897.

Resolution

The Board sees no objection to a patta being granted to the Plaintiff for the 6 cents of land not required for communal purposes ~~purchases~~, on the suit being withdrawn. If this compromise fails, the suit may be defended, the accompanying draft written statement being filed in Court in lieu of the one submitted by the Collector.

(True Extract)

(Signed) N. S. Brodie
ag. Secretary

To
The Collector of Kistna,
with 6 enclosures returned
and draft written statement

+ ~~make copy~~

Exd
[illegible] 22/2

(True copy)

submitting a propositio statement -

Draft written Statement.

1. The land in dispute forms part of Donka Poramboke No. 724.

2. The Defendant puts the plaintiff to the proof of his allegation that the land forms part of his Inam.

3. The Defendant prays that the suit may be dismissed with costs.

(True copy)

L.D. Swamikannu
23 FEB 1899
Asst: Secretary.

Exd
MML 23/2.

submitting a proposition statement -

2604 mis
14-7-97

1,000
17-1-99.

Proceedings of the Board of Revenue
(Settlement ~~(Land Revenue)~~ Department.)

No. 5969 Mis, dated 30th July '97

Read letter from J. K Batten Esq. acting Collector of Kistna, Rc no. 1585/Rev of 1897, dated 18th. July 1897.

Resolution

The collector's proposal in para 4 of his letter read above and the revised draft written statement are approved

(True Extract)

(Signed) R. V. Srinivasia
Secretary

To the collector of Kistna.

(True copy)

L.D.Swamikannu
23 FEB 1899
Asst. Secretary.

Exd
1114 23/2

596 Mis Sett
30.7.97

Proceedings of the Board of Revenue
(Settlement Department) ~~(Land Revenue)~~.

No. 6364 Mis dated 13th August '97

Read letter from J. K. Batten Esq. Acting Collector of Kistna, Roc no. 4228/Rev of 97, dated 1st August 1897.

Resolution.

The Collector's proposal to compromise the suit is approved.

(True Extract)

(Signed) R. V. Srinivasier
Secretary

To The Collector of Kistna.

(True copy)

23 FEB 1899

Asst: Secretary

Epd
~~[illegible]~~ 22/2

Secretary

submitting a propositio statement -

6364 mis Rto.
13.8.97

1,000
17-1-99.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue
(Settlement Department) ~~(Land Revenue)~~.

No. 7279 mis, dated 7th September 97

Read letter from J. K. Batten Esq. acting Collector of Kistna, Ref no 4303/rev of 97, dated 22d. August 1897.

Resolution

The Collector's proposal to compromise the suit is approved.

(True Extract)

(Sd) R. V. Srinivasier
Secretary.

To The Collector of Kistna,

(True copy)

L D Swamikannu
23 FEB 1899
Asst. Secretary

Ex8
22/2

ecretary

submitting a propositio statement -

7279 mis Seto
7-9-97.

(Settlement Department)

No 3814 Mis. dated 12th October 97

Read letter from J. K. Batten Esq acting Collector of Kistna Ref no 4305/ver of 97 dated 24th August 1897

Resolution

The Board agrees with the Collector's proposal & and authorizes him to file appeals in the cases referred to. Copies of the appeal memoranda (when filed) should be submitted for the information of the Board.

(Sd) R. W. Srinivasa
Secretary

To the Collector of Kistna.
The following deferred telegram (Press copy) will be despatched to the Collector.

Yours of the 4th November 4470

File appeals Proceedings follow.

Proceedings of the Board of Revenue

(Land Revenue).

no. 3814 mis. dated 12th October '97.

Read letter from J. K. Batten Esq. acting Collector of Kistna, Ref no. 4470/ver of 97, dated 4th. October 1897.

Resolution.

The Board agrees with the Collector and authorizes him to file appeals in the cases referred to. Copies of the appeal memoranda should be submitted for the information of the Board.

The following deferred telegram will be despatched to the Collector.

"Yours of the 4th November 4470. File appeals. Proceedings follow."

ecretary

submitting a propositio statement -

follow."

(True ~~copy and~~ Extract)

(Signed) R.C.C. Carr
Secretary.

To The Collector of Kistna, with judgment returned.

(True copy)

L.D. Swamikannu
23 FEB 1899
Asst. Secretary.

Exd
M.K. 22/2

3814 mis
12.10.97

1,000
17-1-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 3976 mis. dated 21st October '97

Read letter from J. K. Batten Esq. Acting Collector of Kistna, Roc no 4472/ver of 1897. dated 16th. October 1897.

Resolution

Recorded pending receipt of the further report promised by the Collector in para 11 of the above letter.

(True Extract)

(Signed) R.C.C. Carr
Secretary

To The Collector of Kistna.

(True copy)

L.D. Swamikannu
23 FEB 1899
Asst. Secretary

Exd
M.K. 22/2

3926 mis.
21-10-97

REVENUE BOARD OFFICE
MADRAS.

Proceedings of the Board of Revenue
(Settlement Department) ~~(Land Revenue).~~

no. 8667 mis. dated 23rd October '97.

Read letter from J. K. Batten Esq. acting Collector of Kistna, Roc no 4473/Rev of 1897. dated 16th October 1897.

Resolution.

1 Supposing it to be true as alleged by the Karnam that the relinquishment of wat was for only a portion of a field, it is not clear to the Board that the relinquishment might not be properly rejected on this ground. Before portions of fields can be dealt with, the owners ought to arrange for subdividing them. But the monstrous delay in attending to the petition, and the loss of the papers prevent this defence being set

submitting a propositio statement -

set up.

2. The Collector is accordingly authorized to compromise the suit on the terms proposed by him or on such other terms as may appear to him reasonable; and failing compromise he is authorized to file the draft written statement as amended by the Board.

3. It is not clear what action was taken by the Collector on the notice given to him under Section 424 Criminal Procedure Code. If proper enquiries had been made then, the institution of the suit might have been averted.

4. The disappearance of the papers connected with the relinquishment is extremely unsatisfactory, and the Collector should take further steps to trace where the responsibility rests.

5. It is unreasonable to expect that

one

one watchman could remain on guard day and night for several weeks in succession, and unless gross negligence is brought home to him the Board would not call on him to pay more than Rs 7-8-0 out of the Rs 15 due to him as wages.

(True extract)

(Signed) R.V. Srinivasaiar
Secretary

To the Collector of Kistna, with written statement

(True copy)

L.D. Swamikannu
23 FEB 1899
Asst. Secretary

Exd
23/2

1,000
17-1-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 4245 mis, dated 11th November 97

Read letter from R. Morris Esq, acting Collector of Kistna, Ref no 4470/Rev of 1897, dated 29th October 1897.

Resolution

Recorded

(True Extract)

(Signed) R. C. C Carr
Secretary.

(True copy)

Exd
[illegible]

L.D. Swamikannu
23 FEB 1899
Asst: Secretary

4245 mis
11-11-97

1,000
17-1-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 4654 mis. dated 7th December 1897.

Read letter from R. Morris Esq. acting Collector of Kistna, Starting Cir no. 411/Tour of dated 4th December 1897.

Resolution

The following telegram will be desp to the Collector of Kistna (deferred).

"Your letter reporting Original S 496 - '96. File appeal as propose

(True Extract)

(Signed) R. C. C. Carr
Secretary

To
The Collector of Kistna
(True copy)

mk 22/2

W.D.Swamikannu
23 FEB1899
Asst: Secretary

Asst: Secretary

4654 mis
7-12-97

1,000
17-1-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 27 mis. dated 5th January '98

Read letter from R. Morris Esq. acting Collec
of Kistna, Ref no $\frac{4472}{ver}$ of 1897, dated
13th December 1897.

Resolution

The following telegram (ordinary) will be despatched to the collector:—

"Yours 13th December regarding Vuyy
camping ground. Suit may be compro
mised".

(True Extract)
(Signed) R. C. C. Carr.
Secretary

To The Collector of Kistna.

(True copy)

Exd

W. Swamikannu

23 FEB 1899

Asst. Secretary

Asst. Secretary

27 R
5-1-98

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Land Revenue).

No. 28 Mis, dated 5th January 98

Read letter from R. Morris Esq. acting Collector of Kistna, Ref no. $\frac{1403}{\text{Genl}}$ of 1897, dated 10th December 1897.

Resolution.

In para 3 of the report, it is state that the Plaintiff was digging earth in the suit site when the village officers prevente him.

If, as may be the case, the earth was being excavated and carted away for man and the excavation would render the site unsuitable, or less suitable, for buildin purposes, the intervention of the Jamaban officers to prevent this should, the Board thinks,

23 FEB 1899

Asst. Secretary

submitting a proposition atement -

thinks, be upheld.

The Plaintiff however alleges in para 6 of the plaint that he was obstructed when clearing the site of prickly pear. It does not appear that the land is required for communal purposes, or that Government has any use for it if plaintiff is prohibited from occupying it. It is not stated whether Plaintiff was contemplating building on the land or whether he avowedly contemplated diverting it from the purposes for which it was assigned as grama nattam.

2. On the meagre information afforded it is difficult to form an opinion as to whether the suit should be compromised or defended.

The Collector should ascertain whether

there

there is evidence that Plaintiff intended to use the land otherwise than for house site, or was rendering it unfit for building purposes.

If so, the suit should be defended and the written answer, as modified by the Board, should be filed. If on the other hand, Plaintiff intended to build and dwell on the site, his right to occupy it need not be contested, and he may be informed that his possession will not be disturbed and that the penal assessment will be refunded if he withdraws the suit making no claim for costs. If he perseveres with the suit, the plea of want of notice should be urged.

(True extract)

(Signed) R. C. C. Carr
Secretary

2. The Collector of Kistna, with a copy of the written statement as revised.

(True copy)

L. D. Swamikannu

Ex'd
[illegible] 23/2

23 FEB 1899

Asst. Secretary

submitting a proposition /atement -

1,000
17-1-99.

Proceedings of the Board of Revenue

(Land Revenue).

No. 57 Routine, dated 10th January 98

Read letter from R. Morris Esq. acting Collector of Kistna, R.C. No $\frac{780}{Pet}$ of 97, dated 4th January 1898.

Resolution.

Recorded with reference to Board's Proceedings No 27 dated 5th January 98 in which the Collector has been instructed by telegram to compromise the suit in question.

(True Extract)

(Signed) R. C. C. Carr.
Secretary.

To the Collector of Kistna.

(True Copy)

L. D. Swamikannu

23 FEB 1899

Asst. Secretary

Exd
22/2

submitting a proposition /atement -

57 R
10.1.98

Proceedings of the Board of Revenue

(Settlement Department)
~~(Land Revenue)~~

No. 1238 Mis. dated 19th February '98.

Read Proceedings of the Board of Revenue, Land Revenue, No 370 Routine, dated 9th February '98.

Resolution.

In the circumstances explained the Board approves the Collector's proposal that the rules in regard to the subdivisions of fields need not be enforced in the case of water applications and relinquishments in the Delta.

(True extract)

(Signed) R.V. Srinivasier
Secretary

Exd
22/2

To The Collector of Kistna

(True copy)

L.D. Swamikannu
23 FEB 1899
Asst. Secretary

submitting a proposition atement -

123 D Dis. dated
19.2.98

1,000
17-1-90.

Proceedings of the Board of Revenue

(Land Revenue),

no. 1113 mis. dated 25th April 98

Read letter from R. Morris Esq. Acting Collector of Kistna, R c no. 1770/98 of 1898, dated 20th April 1898.

Resolution

The Board does not consider it expedient to prefer an appeal against the District Munsiff's decision.

2. The local pleader engaged in connection with the present suit is apparently gravely to blame for not producing the settlement register and the village plan in evidence at the proper time.

3 The plan referred to in the list of enclosures to the above letter

has

submitting a proposition atement -

has not been received.

(True Extract)

(Signed) Lionel Davidson
Ag Secretary

To
The Collector of Kistna, ~~with~~
the judgment returned.

(True copy)

L.D.Swamikannu

23 FEB 1899

Asst: Secretary

Ex'd
MMB 22/2

1113 mis
25-4-28

Proceedings of the Board of Revenue

(Land Revenue).

No. 1846 Mis. dated 13th July 1898

Read letter from R. Morris Esq. Acting Collector of Kistna, R.O.C. no. 3166/G.L. of 1898, dated 6th July 1898.

Resolution.

The Board agrees with the Collector in thinking that no appeals need be preferred against the decrees of the District Munsiff of Guntur in Original Suit nos. 552 and 554 of 1897.

2 The presumption expressed by the Collector in para 4 of his letter is correct.

(True Extract)

(Signed) Lionel Davidson
Ag Secretary

To
The Collector of Kistna,
with copies of the judgments and
Decrees returned

(True copy) L.D.Swamikannu

23 FEB 1899

Asst: Secretary

Ex'd
MMB 22/2.

submitting a proposition atement -

B.P. 1846 mis
13.7.98

List of papers submitted to Govt
With B.P. No 599 Mis. d/17-2-99.

submitting a proposition / atement -

List of papers submitted to Government with B.P. 599 mis., dated 17 February 1899.

Para of the Kistna Collr's. letter, Dis. No. 6817/3L d/12-12-98. 1	Suit or appeal to which the papers relate 2	Papers submitted to Government 3	Remarks. 4
Para 2	O.S. Nos. 204 to 208 + 228 to 231, on the file of the Dt. Munsif, Masulipatam	B.P. No. 4388 Mis. dated 24-9-96 L.R. " " 2136 Routine " 5-8-96 L.R " " 3814 " " 12-10-97 " " " 4245 " " 11-11-97 "	
3 (a)	O.S. No. 49 of 1897 Dt. Munsif's Court, Gudivada	B.P. No. 3636 Mis. dated 22-5-97 Settt. " " 5969 " " 30-7-97 "	
3 (b)	O.S. No. 262 of 1897 Dt. Munsif's Court, Gudivada	B.P. No. 8667 Mis dated 23-10-97 Settt. " " 1238 " " 19-2-98 "	
3 (c)	O.S. No. 23 of 1897 Dt. Munsif's Court, Gudivada	B.P. No. 1282 Mis. dated 6-4-97 L.R. " " 2169 " " 12-5-96 " " " 109 Press " 1-4-97 "	
3(d)	O.S. No. 219 of 1897 Dt. Munsif's Court, ~~Bapatla~~ Gudivada	B.P. No. 3976 Mis. dated 21-10-97 L.R " " 27 " " 5-1-98 " " " 57 Routine " 10-1-98 "	
3(e)	O.S. No. 174 of 1897 Dt. Munsif's Court, Bapatla	B.P. No. ~~[illegible]~~ 2311 Mis. dated 25-6-97 L.R	
	O.S. No. 248 of 1897 Dt. Munsif's Court, Bapatla	B.P. No. 7279 Mis dated 7-9-97 Settt.	
	~~O.S.~~ No. 219 of 1897 Dt. Munsif's Court, Bapatla	B.P. No. 6364 Mis. dated 13-8-97 Settt.	
3(f)	O.S. No. 171 of 1897 Dt. Munsif's Court, Bapatla	B.P. No. 2604 Mis. dated 14-7-97 L.R.	
3(g)	O.S. No. 442 of 1897 Dt. Munsif's Court, Bapatla	B.P. No. 28 Mis. dated 5-1-98 L.R.	
3(h)	O.S. No. 496 of 1896 Dt. Munsif's Court, Narasaraopet	B.P. No. 4112 Mis dated 8-9-96 L.R " " 4654 " " 7-12-97 "	
3 (i)	O.S. No. 2469 of 1896 Dt. Munsif's Court, Guntur	B.P. No. 4482 Mis. dated 1-10-96 L.R. " " 1113 " " 25-4-98 "	
3 (j)	O.S. Nos. 552 + 554 of 1896 Dt. Munsif's Court, Guntur	B.P. No. 5679 Mis. dated 14-11-95 L.R. " " 1044 " " 19-3-97 L.R " " 1846 " " 13-7-98 "	

L.D. Swamikannu
Asst. Secretary
23 FEB 1899

Exd
[illegible] 23/2

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I

D
2 1,000—7-9-93.

REVENUE DEPARTMENT.

Current Nos 284, 1386, 1601 & 4395.

From the Board of Revenue

Dated 11th Jany, 17th Feby, 3rd March & 8th July 1899:

FOR ORDERS.

To
The under Secretary.

G.O. 2874 / 8-7-98 P

In para 2 of its order No 873 of 6th June '98 the Govt observed that out of 61 original suits disposed of in Kistna in which Govt was the defendant no less than 52 were decided against it and called upon the Collector to explain the nature of these suits & the reason why the decision was adverse to Govt in so many cases. The Collector's explanation is contained in his letter No 6827 dated 12th December 1898. The records connected with these cases have been obtained & their details are given below.

Current No. 284. Flag B1

Para 1 of the Collector's letter of 12 December '98.

2. Twenty nine suits were instituted by certain ryots of Gudivada & Nuzvid taluks contesting the right of Govt to charge double water rate on dry lands irrigated without permission in fasli 1305 (1895-96). Of these 25 were compromised under the orders of the Board of Revenue & 4 were withdrawn by the plaintiffs to whom the penal water

C.2/7

submitting a proposition statement -

tax was refunded. It is stated that the plaintiffs in all these cases were considered to have taken part in the agitation against the enhancement of water rate, that penal charge was at first levied by the [illegible] Collector under a misapprehension of G.O. No. 2683 d/ 26th July 1895 and that the Govt. having held subsequently that even from agitators only single water rate should have been levied if re-application for water had been made by 20th July '95 the Collector was authorized by the Board to refund the penal portion of the water rate in all such cases. Copies of the Board's orders relating to part of the 25 suits compromised were already submitted to Govt. The papers relating to the remaining suits have now been furnished and are tied with a red tape. All these cases are governed by G.O. No. 1482 d/ 18-3-97.

3. Nine suits related to the charge of double water rate in fasli 1304 (1894-95) for irrigating certain lands in the Bandar taluk through an unauthorized source i.e. a breach caused by means of crowbars in the bund of the channel. The defence of the suits was sanctioned by the Board provided the plaintiffs were unable to show that the loss of the duct was

vide para 2 of B.P. 3304 (settlement) / 6-7-99. I

FOR ORDERS.

× (in a closed cover).

G.O. 1482 / 18-3-97 (in a closed cover).

G.O. 1981 / 13-4-97. E

Para 2 of the Collector's letter d/ 12 December '98 B1

B.P. 4388 / 24-9-96. F

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brought to the notice of the officers in charge of the canal. The P. W. Deptt having reported that the loss of the duct was not brought to notice the suits were defended by the Collr. The District Munsif appears to have held that none of the plaintiffs was liable to be taxed with double water rate because it was not proved who made the breach or connived at it. Appeals were preferred to the District Court with the sanction of the Board. It would appear that these appeals have also been decided against Govt.

4. The remaining 14 suits were as follows:—

(a). O. S. No. 49 of 1897 on the file of the District Munsif's court, Gudivada. This related to the charge of double water tax on acres 1.06 in Vadali Agraharam the excess over the registered extent of manual wet allowed for the village. As it did not appear that the ryots had proper notice that applications for water should be made for all excess over the manual wet, the Collector proposed that the suit should be compromised by the repayment of the penal portion of the water tax. The Board accepted the Collector's proposal & the

Q *vide* Collector's letter in B.P. 3814 / 12-10-97

If so, the decision was reasonable H.

B1 Para 2 of the Collector's letter d/ 12 Decr 1898.

B1 Para 3(a) of the Collector's letter d/ 12 December '98

V & letter in B.P. 5969 / 30-7-97

submitting a proposition statement -

case was accordingly compromised.

(b). O.S. No 262 of 1897 on the file of the District Munsif's court, Gudivada. This related to the charge of water rate for fasli 1306 (1896-97) on acres 3·92 for which the ryot presented an application for relinquishment of water and which he did not cultivate in that fasli. The relinquishment application appears to have been rejected by the Tahr. on the ground that it was for only a portion of the field. The Karnam fixed the demand of water rate & land cess on the total extent held by the ryot viz 12 acres. A heap of paddy belonging to the ryot was attached for nonpayment of the tax on demand. A portion of the paddy heap was stolen when the watcher had gone home for meals. The relinquishment application was not forthcoming & the grounds on which it was rejected were not accurately known. The Collector thought that the relinquishment should not have been rejected. He recommended that the suit be compromised by refunding the water rate & land cess levied on the portion relinquished & by paying a sum of Rs 40 on account of the value of the paddy lost. The Board authorized the Collector to compromise the suit.

Para 3(b) of the Collector's letter d/ 12 December '98 under B1
& letter in B.P. 8667/23-10-97 H

Rejection of it was improper A

under B1 Para 3 (c) of the Collector's letter d/ 12 December '98
U & letter in B.P. 1282/6-4-97.

(c) O.S. No 23 of 1897 on the file of the District Munsif's court, Gudivada. This related to the charge of single water rate for fasli 1305 (1895-96) on certain land which the plaintiffs claimed as part of their manne wet inam. A suit for a similar charge on the same land in fasli 1304 (1894-95) having been decided against Govt. the suit was compromised by the Collector with the permission of the Board.

under B1 Para 3(d) of the Collector's letter d/ 12 December '98
L & letter in B.P. 27/5-1-98

Apparently grama nattam M

~~This reason is highly unsatisfactory a reason.~~

This is incorrectly put. The real reason was that there was nothing to prove the communal character of the land. Vide Flag I M 18/7

& there was evce of private ownership. H.

(d). O.S. No 219 of 1897. on the file of the District Munsif's court, Gudivada. A penal assessment was levied on certain land said to have been reserved as a Govt. camping ground. The suit was compromised as there was not sufficient evidence to show that the land had ever been acquired by Govt. under the Land Acquisition Act.

B1 Para 3(e) of the Collector's letter d/ 12 December '98
& B.P. 2311/25-6-97 W.1, 6364/13-8-97 21
& 7279/7-9-97. K1

(e) O.S. Nos 607 of 1896 & 174, 248 & 249 of 1897, on the file of the District Munsif's court, Bapatla. These suits related to the charge of water rate for an involuntary flow of flood water. The High Court of Madras having decided in one case ~~that~~ the charge made for involuntary flow of water was improper irrespective of the benefit derived three of the suits (Nos 174, 248 & 249 of 1897) were compromised and one was ~~dis~~ withdrawn by the plaintiff on receipt of

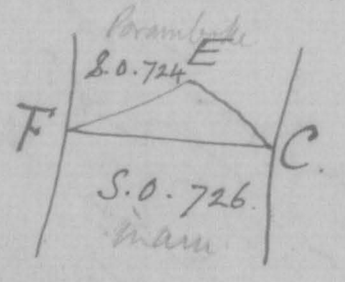
submitting a proposition statement -

refund of water tax.

(f). O.S. No 171 of 1897 on the file of the Dt Munsif's court, Bapatla. The plaintiff was the owner of an inam ⊕ (S. No 726) To the north of the inam land was a donka poramboke (passage for cattle) (S. No 724) - On the representation of the Chairman of the Vetapalem union that the triangular plot FEC. was part of the poramboke land the Survey Dy Collector held an investigation × & decided that the northern boundary of the inam was the straight line FC. The inamdar sued the Govt. for the recovery of the plot FEC. The Collector recommended the defence of the suit as there was ample evidence to prove that the disputed portion was an encroachment. He also recommended as an alternative that the land which was not absolutely necessary for communal purposes might be given to the plaintiff on patta if he would withdraw the suit. The Board sanctioned the grant of the land on patta & the suit was withdrawn by the party.

(g) O.S. No 442 of 1897 on the file of the Dt Munsif's court, Bapatla. This related to a right claimed in respect of a vacant village site & the refund of the prohibitory assessment charged on its occupation in

Para 3(f) of the Collector's letter B1
Dt 12 December 98
& letter in B.P. 2604/14-7-97 I



⊕ From the plaint it appears to be an enfranchised personal inam.

× (not a formal enquiry under act XXVIII of 18

Para 3(g) of the Collector's letter B1
Dt 12 December '98.
& letter in B.P. 28/5-1-98 A

Though they would not bind Govt., they might have evidential value.

Secy It does not appear that the Govt was any party to these decrees. The ~~house site~~ site was vacant & not built upon. It wd therefore seem clearly to have been at the disposal of Govt & it is not at all clear why the suit shd have been compromised.
18/7/99

Para 3(h) of the Collector's letter
Dt 12 December '98 B1.
& letter in B.P. 4112/8-9-96 B

fasli 1306 (1896-97). The only evidence forthcoming in favour of Govt was that the site had been vacant for 40 or 50 years. The Collector recommended a compromise which the Board authorized him to enter into provided there was no evidence that the plaintiff intended to use the land otherwise than for building site. It would appear that the plaintiff had in his possession some court decrees pertaining to the site in his favour which the Rev. Inspector ~~[illegible]~~ thought had been obtained by collusion.

(h). O.S. No 496 of 1896 on the file of the District Munsif's court, Narsaraopet. - The ~~Plain~~ plaintiff sued for a declaration of his right to a piece of vacant village site & a margosa tree thereon ~~on the said site~~, alleging that the land formed part of a property purchased by him in 1894. As there was evidence to show that the land was communal land & that the tree standing thereon was an object of worship by the inhabitants the suit was defended with the sanction of the Board. The District Munsif discredited the evidence on behalf of Govt & decided the suit against it but on appeal the Dt Judge decided in its favour.

||

(i) O.S. No 246 of 1896 on the file of the

submitting a proposition statement -

District Munsif's Court, Guntur - This suit was brought for the recovery of two sites in Mandapad village, Guntur taluk which it was alleged belonged to certain temple. The suit was decided against Govt, the only documentary evidence on the plaintiff's side being a judgment of the Dt. Munsif of Guntur in O.S. No 467 of 1863 to which the Govt. was not a party. In reporting the result to the Board the Collector stated that the settlement register & the village ~~plan~~ map, both of which showed the sites as Govt. village site were not produced in the Court by the Govt. Pleader & that if this had been done the result of the suit might have been different. The Collector recommended an appeal but the Board did not consider it expedient to prefer an appeal in the case.

Para 3(i) of the Collector's letter B. 1
d/ 12 December '98
& B.P. $\frac{4482}{1-10-96}$ D & $\frac{1113}{25-4-98.}$ C

W.S. Please let me know whether Govt. took any notice of Pleader's very culpable omission VT

Information not available; but will be called for on return of the file from circulation RK

on [illegible] RW

|| No good reason for this opinion appears
M
18/7/98

(j) O.S. Nos 552 & 554 of 1896 on the file of the District Munsif's Court, Guntur - These two suits related to certain religious service inams attached to two temples in the Sattenapalle taluk. The Collector reported in 1895 that the temples were in ruins & that the service therein had long been discontinued and recommended that the inams be resumed. The Collector's recommendation was approved by the Board

Para 3(j) of the Collector's letter B. 1.
d/ 12 December '98
& letter in B.P. $\frac{5679}{14-11-95}$ R

B.P. $\frac{5679}{14-11-95}$ R.

and the lands reassigned to the descendants of the Dharmakartas of the temples on service. The Archakas of the temples then sued the Govt. as 1st Defendant & the pattadars as Defendants 2-7 for the cancellation of the order of resumption & restoration of the inams to the temples. They contended that the inam lands were granted for the divine service & not for repairs of the temples & that the divine service was regularly conducted. In the draft written statement submitted by the Collector for the defence of the suits, it was pointed out that the Civil Court had no jurisdiction but the Board omitted this para presumably on the ground that Civil Courts are competent to decide whether any lands are liable to be assessed to revenue.

B.P. $\frac{1044}{19-3-97}$ Z

Vide B.P. $\frac{2169}{12-5-96}$ X

According to the ruling of the Madras High Court in 2. M. H. C. 167 the Civil Courts have jurisdiction to entertain suits brought to try questions of liability to the public revenue assessed upon lands. The jurisdiction of the Civil Courts was excluded by section 58 of the Revenue Recovery Act II of 1864 only in cases where the question involved is as to the rate of land revenue or amount of assessment on portions of a divided estate.

As regards the applicability or otherwise

submitting a proposition statement -

of the Pensions Act XXIII of 1871 to religious service inams, attention is invited to the ruling in I.L.R. 2 Madras. 294. According to this ruling, the Pensions Act is not applicable to religious endowments but only to personal grants. In the opinion of the Board the view taken by the ~~H.C.~~ High Court in I.L.R. 2 Madras 294 is not sound & would be revised if another case had gone up to the High Court. This decision has not been revised as yet.

The suits were decided against Govt. the plaintiffs having proved that the idols were kept in some other temples & worshipped continuously. The Munsif decided further that the temples should be rebuilt within two years failing which the inams should lapse. As it could not be proved on behalf of Govt. that the service had discontinued no appeals were preferred against the decrees of the District Munsif.

C.R.
14/7/99.

Secy

Please see notes on pp 7, 8, & 10. The other cases call for no comment.

18/7/99

paras 2 & 3 of B.P. $\frac{223}{8-4-91}$ under G.O. $\frac{602}{3-7-91}$ M

Collector's letter R on c. $\frac{3166}{6-7-98}$ under B.P. $\frac{1846}{13-7-98}$ J

The judgments are not on the file, or I can't find them – But so far as I can see there is no room for any useful remarks – The suits are not of any importance – B.P. may be recorded & enclosures returned I think.
23-7-99

The opportunity might have been taken to test the Ruling in I.L.R. 2 Mad 294.

H.M. for perusal.

There seems to have been some mismanagement, & it is also notorious that the Subord. judiciary regard Govt. claims with extreme & sometimes unfair, jealousy.
H.T. 19 7 99.

To
Under Secretary.

It is submitted that the endorsement put up on the docket of c.no. 284 of 99 may now issue, the files subsequently received from the Board being also transferred to the Judl. Dept. orders are solicited as to whether the above notes in original or only an extract of the remarks of the Hon'ble member should be sent to that ~~[illegible]~~ Dept. The information referred to in the margin of page 8 of the note can only be called for on return of the files from the Judl. Dept.

26.vii.99

Yes

No. Send only notes in original for perusal & return. Send the files back to the Bd.

No. Ask for it now at same time as returning the file which should be done now.
28/vii

To
Under Secretary.

Please see draft now submitted below.

28.7.99

Initd.
31/vii/99

submitting a proposition statement -

Revenue Dept

O.M. No. 252 d/31st July 1899.

With reference to the remarks in para 2 of B.P. 1113 Mis dated 25th April 1898, the Board of Revenue is requested to report whether any and, if so, what notice was taken by the Collector of the [illegible] culpable omission on the part of the local pleader.

31-VII.99

C

To
The Board of Rev (L.R.)
with file of papers received with B.P. 599 Mis d/17. 2. 99 returned

28.7.99

x Despr. Please see that all the papers mentioned in the list flagged y excepting copies of B.Ps are returned to the Board.

Despd
4.8.99

submitting a proposition statement -

hen given for copying ____ }
hen copied ____ } 189
hen examined ____ }
hen signed ____ }

READ AGAIN G.O., No. , DATED 189 .							
CURRENT No.							
ENCLOSURES TO C. No.							
ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT							
STATEMENT WITH DITTO.							
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.