

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
40	1393	Rev	13-4-99				

Revenue (1899) Department.

CURRENT No. 1792

Read for 873 Mis (C.No 1792)
10.3.99

- for memo of 17.3.99 (C.No 1740)

Order for 10.3.99 4203 bunch 99.
Hus to rel sum 17-3-99

Recorded.

From

The Board of Revenue,
Land Revenue, Madras.

No. 873 Misc.

Dated 10th March 1899

Received

Registered

Enclosures 3

Spare copies -

SUBJECT.

Sanctioning the defence of ---
O.S.No.27 of '99 on the file of the
District Munsif of Tirumangalam re-
garding the sale of the Periyar ---
Angami patta lands.

To The Board of Revenue (L.R.)
a Civil Pleader, Madras
14/3/99

10/3/99

1792

10.3.99

17/3/99

13/3

BACK PAPERS.

G.O.	No.	Department.	Date.
40	694	Rev	15-2-99

FURTHER PAPERS.

G.O.	No.	Department.	Date.
Cno	2326	189	

1,000
10-12-98.



Proceedings of the Board of Revenue

(Land Revenue).

No. 875 Misc. Dated 10th March 1899.

Read letter from J.G.D. Partridge Esq., I.C.S., Ag. --
Collector of Madura to the Secretary to the Commissioners of Land
Revenue, Madras, Ref. on Cur. No. 259-G1. of 99, dated 6th March 1899.

Resolution. The defence of the suit is sanctioned as also the
Collector's proposal to file a written statement similar to the --
one approved with modifications in Board's Proceedings No. 585 Mis.
dated 14th ^{February} ~~December~~ 1899.

2. As suggested in para 5 of the Collector's letter --
read above, the Government Pleader, Madras, is requested to conduct --
the defence of this suit also on the 25th instant on the lines --
adopted in, and along with, O.S. No. 475 of 1898 referred to in G.O. No.
694 Misc. dated 15th February 1899.

/True Extract/

Ld Swamikanni

11 MAR 1899

Asst. Secretary

For Ag. Secretary.

To the Collector of Madura
-- the Government Pleader, Madras, with copies of the Collr's.
letter & plaint & revised written statement.
-- the Secretary to Government, Revenue Department, with copies of
Collr's. letter & plaint & revised written statement as --
modified in B.P. No. 585, d. 14.2.99.

G.B.

Isa

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

To

Subject.

Ref. on Cur. No. 259/61. of '99.

Madura Collector's Office

6th March 1899

From,

J. G. D. Partridge Esquire, I. C. S.,

Ag. Collector of Madura.

To,

The Secretary to the Commissioners of Land
Revenue, Madras.

Sir,

In forwarding herewith a translation of the plaint
filed in O. S. No. 27 of 1899 on the file of the District Munsif of
Tirumangalam in which the Secretary of State for India in Council
has been made the defendant, I have the honor to report that the
plaintiff's case is similar to the original suit No. 475 of 98 on
the file of the same Court the defence of which was sanctioned by
the Board of Revenue in its Proceedings No. 585 Mis. dated the 14th
February 1899. The marginally-noted lands in the Anaiyur village,--

Survey--Extent--Assessment.

No.	a.	c.	Rs.	a.	p.
52	1.70	1.	4.	0	
53	9.94	7.	7.	0	
54	3.56	2.11	0		
	15.20	11.	6.	0	

Madura Taluq, were assigned to
the Plaintiff on the 10th Ap--
ril 1890 on the same conditions
as those on which land was --
assigned to the plaintiff in --

the said O. S. No. 475 of 98. The land in this case appears to have --
been assigned on "Angami" patta in Fusly 1299, but the original dar-
khast Memorandum and the order of assignment &c. connected with the
plaintiff's case are reported to have been destroyed. The adangal --
accounts (village account No. 2) of fuslies 1299 and 1300, however, --
show that the plaint lands were assigned to the plaintiff only on
a temporary patta. The plaintiff raised dry crops on the plaint ---
lands till Fusly 1307 and only in Fusly 1308 he reclaimed the ----
lands and brought 13 acres under wet cultivation. As in the
case of the plaintiff in the other suit, the plaintiff in this case
was also ordered to pay the value of the lands at the average rate
realized for waste lands sold by auction in the village, before a -
permanent patta could be issued to ^{him} and he has filed this suit
to obtain a decree declaring that Government has no right to ----

demand

demand the value of the lands from the plaintiff. I request the favor -- of the Board's sanction to defend the suit at the cost of the State -- and to file a written statement similar to that filed in the said O.S. No. 475 of 98 with such verbal alterations as may be required.

2. The plaintiff alleges in para 8 of the plaint that he has effected improvements on the lands to the value of Rs. 2500. But the value of these improvements is estimated by the village officers at Rs 650 and I shall before defending the suit, have it estimated by a professional officer of the Public Works Department.

3. The value of the suit is estimated at Rs. 77-8-0 and it has been posted for the first hearing on the 20th instant on which date issues will be settled. The other suit (O.S. No. 475 of 98) has been posted for trial on the 25th instant and the Government Pleader, Madras, may be instructed to conduct the defence of this suit also on the same date, as the line of defence is the same in both cases and the same witnesses will have to be examined on behalf of Government in both the cases.

4. The usual statement is appended.

Date of plaint.	Date of ser-vice of the summons on the Collr.	Date of Col-lector's letter	Date of Hearing	Explanation for delay in case. a clear fortnight has not been allowed to the Board for the consideration of the case.
17.12.98.	26.1.99	6.5.99	20.5.99	-----

I have &ca.

/sd/ J.G.D. Partridge

Ag. Collector.

/True Copy/

L. Swamikanathan

11 MAR 1899

Asst. Secretary

For Ag. Secretary.

G.B.

899

1792

In the Court of the District Munsiff of Tirumangalam, Madura.

O.S. No. 27 of 1899.

Krishna Aiyangar son of Desika Aiyangar

aged about 49 residing in new street, Madura Town-----Plaintiff

The Secretary of State for India in Council-----Defendant.

Plaint put in by plaintiff under sections 48 & 50 of the Civil Procedure Code.

1. The undermentioned lands as also certain other lands which lie within the local jurisdiction of this Court, were prior to 1889 Government waste lands and though then unfit for cultivation were expected to be brought under cultivation at an enormous outlay on the completion of the Pariyar Project and advent of Pariyar water.

2. The Plaintiff applied to the Revenue authorities in 1889 for assignment of the said lands to him for cultivation for the time being, and the undermentioned lands were accordingly assigned to him on darkhast.

3. But in case Pariyar channels had perhaps to be excavated on the said lands, as the Government might require so much of the said lands as would be required for the said channels and as an unconditional grant of the lands to the Plaintiff would create right to the Plaintiff for claiming compensation for the lands required by Government for the above said purpose, the lands are assigned to the Plaintiff on darkhast in conformity with the instructions issued --

not traceable in Government Order dated 26th January 1886 subject to the only condition that the Plaintiff should give up to Government without claiming any compensation, so much of the said lands as might be required for the excavation of Pariyar channels, if any, on the said lands and a muchilka that effect was taken from him accordingly.

4. In view to an easy ^{to} ~~excavation~~ ^{exemption} of the said condition, if any necessity should arise therefor, a temporary patta for the said lands was being issued in the name of the Plaintiff.

5. All the channels sufficient for Pariyar Irrigation have been already excavated and the works completed in 1896. There remains no channel yet to be excavated on the said lands nor is any portion --

of

of the said lands required by Government for the excavation of channels.

6. After the completion of the said channel works, the waste lands in the possession of Government are being sold in auction by the Periyar Deputy Collector and the Government in view to obtain greater profits unjustly and illegally demand from the Plaintiff, the average price of the lands that have been assigned to him on darkhast and --- *that are not in the possession of Government and State* --- that in default of payment the said lands will be sold in auction.

7. As the lands have been assigned to the Plaintiff on darkhast subject to the only condition referred to in para 5 hereof and as the necessity for the execution of the said condition has ceased, the Government, besides being bound to issue a permanent patta for the said lands in the name of the Plaintiff, has no other right in the said lands than that of collecting the assessment thereon. The Government has no right to frame fresh conditions or to enter upon or sell in auction, the said lands. The said lands are not in the possession of Government at present.

8. Besides believing the Government Order referred to in para 5 above and the temporary assignment made in conformity therewith, as also the action taken by Government in respect of the said lands in the matter of remission &c. as if they were lands under a permanent tenure, the Plaintiff has spent about Rs. 2500 in the reclamation and improvement of the said lands in the conversion thereof into wet and in the payment of kist due to Government on the said lands including waste also --- these facts are well known to the officers employed under the Defendant. The Government is barred from demanding the average price for the said lands from declining to issue a permanent patta therefor and from assuming any other right therein except the right for the prescribed assessment thereon.

9. Applications were duly made to the Collector and the Periyar Deputy Collector representing the circumstances mentioned in para 7 hereof and praying for the issue of a permanent patta, but they ordered on 1st April 1898 that the Plaintiff should pay the average price for the said lands else permanent patta would not be issued in his name.

10. Under the above circumstances as the Plaintiff is the absolute owner of the undermentioned lands, the Government has no right either to decline the issue of a permanent patta in his name or to demand a fresh average price for the said lands.

11. In case the court has perhaps found that the Defendant has right to sell the lands in the possession of the Plaintiff, to other

ryots or to demand from the Plaintiff the value thereof, that right is exercisable only after paying to the Plaintiff the abovementioned sum of Rs. 2500 spent by him. This plaint is preferred to establish that the Plaintiff is the owner of the undermentioned lands and that he is not bound to pay to Government any price therefor and to enforce the issue by the Defendant of a permanent patta for the said lands in his (Plaintiff's) name.

12. A notice under section 424 Civil Procedure Code was duly given to the Collector on 25th July 1898 about the Plaintiff's intention to file this suit.

13. The cause of action arose from the Periyar Deputy Collector's demand of the average price and his non-issue of a permanent patta therefor, i.e., on 1st April 1898, the date of the said Deputy Collector's order at Madura and at Kosakulam (attached to Anaiyur village) where the plaint lands lie.

It is therefore prayed that the Court will be pleased to --- pass a decree declaring (1) that the Plaintiff only is the absolute owner of the undermentioned lands and that the Defendant shall have no rights to demand any price therefor. (2) in case the Court perhaps finds that the Defendant has a right to demand price, that right shall be exercisable only on payment to the Plaintiff of the amount spent by him. (3) and that the plaintiff is legally entitled to a permanent patta for the said lands. (4) and directing that the Defendant shall bear the costs of the Plaintiff in the suit together with such other reliefs as the Court may in the circumstances of the case deem fit to adjudge.

Valuation of stamp duty.

Amount for establishing that the Plaintiff is the absolute owner of the undermentioned lands and that the Defendant has no right to demand any price therefor and for causing the issue of a permanent patta.

Rs. 20

Particulars for fixing jurisdiction

5 times the assessment Rs. 15-8-0 on the undermentioned lands ---
at 15-20 at 1 Rupee per acre per year --- Rs. 77-8-0

Particulars

Particulars of lands

S.No.---Extent

52	1-70
53	9-94
54	5-56

15.20	

situated in Kosakulam attached to Anaiyur village
in Madura Taluq.

/sd/ G. Gopalaiyengar

Pleader
16-12-98.

/True Translation/

/sd/ J. G. D. Partridge

Ag. Collector

/True Copy/

L. Swaminathan

11 MAR 1899

Asst. Secretary

For Ag. Secretary.

C.B.

W. L.

Revised Draft Written Statement.

1. That the Plaintiff is not entitled to any of the -
reliefs claimed in the Plaint.
2. That the Defendant denies that the lands in suit -
were assigned to the Plaintiff subject only to the condition men-
tioned in paragraph 3 of the Plaint.
3. That as the Board of Revenue ordered that the per-
manent patta alienations of lands then at the disposal of Govern-
ment, must be carefully guarded against, but that they might be ---
granted on annual leases, the lands in suit were assigned to the -
Plaintiff as "Migami", that is under a temporary patta which is --
liable to be cancelled at the discretion of Government.
4. The initial object of the Board of Revenue in pre-
venting any permanent alienation of the lands was no doubt to ---
have the land at their disposal without payment of compensation -
if required for the distribution of the Periyar water as well as -
other ~~papers~~ purposes connected with the Periyar project and the
insertion in ^{the} darkhast order of their motive for granting a mere -
temporary puttah cannot alter the nature of that puttah.
5. That it is impossible to say with any degree of --
certainty whether any further alteration in the distribution of -
the Periyar water will or will not take place.
6. That possession of a temporary puttah cannot give
Plaintiff any right whatever to claim a permanent puttah.
7. That the defendant does not admit the allegations
made in para 8 of the plaint, and that as the Plaintiff held the
plaint lands only under temporary patta and as they had not been
included in his holding the alleged improvements ~~it~~ if executed -
were effected at his risk and he is not entitled to claim the ---
value thereof from the defendant.
8. That the value of the alleged improvements is in
any case exaggerated as is clearly indicated by the valuation of
the suit.
9. That the average auction rates on which the price

of the occupancy right to the Plaintiff land demanded for from the Plaintiff is based have been calculated with reference to the prices - actually realized by the sale of unimproved waste lands of a similar - character, and thus represent the approximate value of the plaintiff land in its unimproved state. This being so, the plaintiff has no claim to -- any refund or reduction in price on the ground that he has improved -- the land by his outlay thereon.

It is therefore prayed that the Plaintiff's suit be dismissed with costs.

(True copy)

L. S. Swamikanathan

11 MAR 1899

Asst. Secretary

For Ag. Secretary.

Q.B.

Jala

Revenue (189⁹) Department.

CURRENT No. 1946

From

The Board of Revenue, Land Revenue, Madras.

Order

No.

Dated 17th March 1899

Received

Registered

Enclosures 2

Spare copies

SUBJECT.

Forwarding to Government, Revenue Department, with reference to its memo: dated 15th March 1899 copies of Board's Proceedings No. 518 Misc., dated 9th February 1899 and of the draft written statement appended to B.P. No. 585 Misc., dated 14th February 1899

Asm
20-3-99

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

N.B.—The reply to this communication should be addressed to the Secretary to the Commissioners of Land Revenue.

Memorandum.

REVENUE BOARD OFFICE
(LAND REVENUE).
Dated 17th March 1899.

Read Memorandum from the Acting Under Secretary to Government, Revenue Department, ~~For~~ C.No.1792 of '99 dated 15th March 1899.

With reference to the Memorandum read above, the undersigned has the honour to forward copies of Board's Proceedings No.518 Mis., dated 9th February 1899 and of the draft written statement appended to Board's Proceedings No.585 Mis. dated 14th February 1899.

These are checked with 10694 15-2-99
Lionel Davidson

Acting Secretary

To

The Secretary to Government, Revenue Department, with copies of Board's Proceedings 518 Mis. dated 9th February 1899 and the draft written statement in Board's Proceedings No.585 dated 14th February 1899.

Md.R.U.

Josa

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

189

READ AGAIN G.O., No. _____, DATED
 189 .

CURRENT No.

ENCLOSURES TO G. 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.

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1154

DATED 20th March 99

[Despatch Abstract.]

Recording B.P. sanctioning the
defence of O.S. no 27 of 99 on the file of
the Dist Munsif of Tirumangalam,
Madura St. regarding the sale of
the Periyar Angam Patta lands.