1-7-10 ✓
25-6-14 ✓

O/9 · 8,000—17-13-98.

Revenue (1894) Department.

MISCELLANEOUS SERIES.

G.O., No. 1961

DATED 2nd June 94

[Despatch Abstract.]

Declining to interfere in the matter of a petition from A. Thimasima Rau of Bellary absent the resumption by Govt. of certain lands fraudulently included in his patta.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1899) Department.

CURRENT No. 2574

Dr 2.VI.99

[stamp] 17 [illegible] 99

From

The Board of Revenue, Land Revenue, Madras

No. 981 Routine.

Dated 14th April 1899

Received 17th do —

Registered 19th do –

Enclosures 19.

Spare copies

Order [illegible] No 1961 dated 2nd June 99

The Government declines to interfere. ~~The petitioner may seek redress in the Civil Courts if so advised~~ ?

[initials] (from orders)

T.D.[illegible]

[initials]

To the petitioner with one copy to the Board of Rev: L.R. } [illegible] 7-6-99

[initials] 30.[illegible]

SUBJECT.

Forwarding to Government petition from A. Bhimasena Rau of Bellary about the resumption by Government of certain lands fraudulently included in his patta.

[illegible] 24/9/4

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	3704	3	16-956.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
22-2-99.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue).

No.981 Routine, dated 14th April 1899.

Read petition from A.Bhimasena Rau of ~~Amalapur~~ Antapur, Hospet Taluk, Bellary District, dated 6th April 1899.

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

Resolution

The petition which appears to have been sent to this office by mistake, will be forwarded to Government as it is addressed to that authority.

(True Extract)

Lovell Dawkson

Acting Secretary.

To

The Secretary to Government, Revenue Department, with Petition and Enclosures.

Md.R.H.

189 .

Board of Revenue

(Land Revenue),

MADRAS.

To

Subject.

To

THE HONOURABLE MEMBERS OF

THE BOARD OF REVENUE,

LAND REVENUE,

MADRAS.

The humble Supplemental Petition of the undersigned Ryots of Antapuram, Hospet Taluk, Bellary District.

Most Respectfully sheweth,

That this is the Supplemental Petition promised to be submitted in continuation of the Appeal Petition dated 7th December 96 lodged by them against the most unjust Orders of the Collector dated 21st July 96 and 11th August 96 (Exhibits A & B) in which he has ordered the resumption of many lands which are in their long possession and enjoyment and Patta, as shown below.

2. The present reopening of an once closed question is the result of an unquenchable malice brought up in the thirsty hearts of three Revenue officers Messers. (1) V. Custuri Setty (2) R. Kristna Singh and (3) M. Sambasiva Row Naidu, under the circumstances narrated in brief in Appendix A.

(3) A copy of the Board's Proceedings on which Collector's action to resume your Petitioner's lands was based, was asked to be granted to them. Neither the Board nor the Government was pleased to grant them one. Thereon a prayer was made to the Board how an appeal should be preferred to the higher tribunals. It replied that a copy of the Collector's Order might be got and appealed. Such a copy was granted to them in September 96. It is a bald one. It does not help your appellants in any way yet, as for as they, the undersigned four Petitioners but not others, may glean from this bald copy and from their own knowledge of their lands, they beg to represent their hard case as shown in Appendix B with documentary evidences in support thereof, such as Pattas and Muchilikas. Your Petitioners pray the Honorable Board will kindly see that they are *very carefully* returned to them when no longer required. They therefore pray that the

Board will kindly take special care to see that they are not mislaid in your office or by the Collector to whom this may be referred. They again request that a full copy of the B. P. No. 215 of 96 may be granted to them so that they may similarly defend as regards their other fields. All Standing Orders G. Os. and General Board's Proceedings clearly recommend the grant of copy of Orders affecting any body of Her Majesty's subjects, especially of the agricultural class whose lands are unlawfully usurped by Government on the misrepresentation of subordinate officers.

(4.) That your petitioners have, in the above said Appendix B tried to show :—

(1) that the Collector has in almost all cases ordered to resume the lands which are held on Pattas which cannot be cancelled unless for fraud;

(2) that the previous Collectors such as Messers, Master, Goodrich and Sewell, the covenanted Head Assistant Collector and the Survey Department have all certified that there was no fraud in these cases nor was any such thing established;

(3) that the Board's, Standing Orders and the High Court Rulings, all declare that such Pattas cannot be cancelled.

(4) that the above findings of the previous Collectors were not based upon any slip-shod enquiry but upon a very careful and elaborate one as elicited in Exhibits I and II.

(5) that the lands have been in your Petitioners enjoyment from time immemorial and that they were retained by them at an enormous cost and the trees on them were actually in many cases planted by them and that it is an injustice and great hard-ship that they should now be deprived of them for supposed fraud brought out at the instigation of the zealous, envious, enemical and corrupt subordinate officers whose malice towards them is explained in Appendix A. And lastly.

(6) that the Collector-Mr Trmenheere and others have not at all understood the true nature of the case but simply

echoed each others' hubbub that the lands were obtained by fraud. The orders of the previous Collectors clearly show that no fraud was committed and that Puttas were obtained legally.

5. That your petitioners further beg to state that it is usual to find every where excesses in Survey area and that Mr. Sewell and the Settlement Commissioner also addressed the Board in the Settlement Department in 1893 on this subject, that the Board ordered that on all such excesses or the contrary Patta should be granted and that Pattas were accordingly granted in F 1302.

6. That in these circumstances your humble petitioners respectfully pray that the Honorable Board will kindly peruse the Appendix B-rather carefully examining at the same time each item with the authenticated records quoted against it as per List-Appendix C, herewith submitted, and render them Justice by cancelling Collector's Order as well as the Board Proceedings quoted in it and by directing the Collector not to resume their lands which are in their long enjoyment on Putta.

7. For this act of justice and kindness they shall ever pray.

The Petitioners beg to remain,
Your Most Obedient
and
Humble Servants.

(Sd.) BHEEMASAIN ROW.

(Sd.) NARASINGA ROW.

(Sd.) HANUMANTHA ROW.

(Sd.) THATHACHARRY,
of Antapuram, Hospet Taluk,
Bellary District.

Dated 1st. April, 1897.

GUARDIAN PRESS MOUNT ROAD MADRAS.

APPENDIX. A.

While Kusturi Setty was the Tahsildar of Hospet he wanted to take water to his fields in shrotriem musanayakanahally through appellant's putta lands in Yerrabanahally and whose flat refusul to let water flow through their lands he forcibly took it through their lands and on which a suit was filed against him in the Civil Court which passed a decree against him This decree wrinkled in his minds so much that he at last showed a dislike and ill feeling towardst hem. He took up from the Taluk record all papers relating to appellants, concealed that which helped them and took a culwar chitta of an uninhabited village and showed it to the Collector having informed that Bheemasain Row has committed forgery in the account. When the case was committed to the Sessions Court Mr. Tremenhere, who was then the District Judge convicted him not under forgery but under section 218 of the I. P. C. Gross injustice was done to him then. The Tahsildar stands thus as an agressor or first mover towards the present confusion which unnecessarily and illegally ended in the resumption of certain lands from their puttas held from time immemorial. As regards Revenue Inspector Kristna singh. The Board is well aware that when a partial draught visited a great portion of this District in Fasli 1301, it granted remission of assessment on dry lands which yield little or nothing. This man who is still the Revenue Inspector of the very same range for more than 6 years, was not in terms with us the ryots of the village vide Ex. 48, on whose lands dry remissions were freely granted or postponement of kist collections sanctioned. The Revenue Inspector having misrepresented the Jamabandi officer, got the assessment charged. In an appeal petition presented, the Collector granted remission of assessment after a lapse of 3 years as already represented. All this unnecessary trouble is the result of false representation of the condition of appellant's lands by the Revenue Inspector then for which he rightly deserves censure. On the mahazar petition presented by appellants and the ryots of Antapur against the Revenue Inspector as regards remission of assessment in 93 his animosity towards them assumed a fearful appearance and he showed his uncontrollable spirit in the shape of frequent reports against them. The Collector and the Tahsildar added fuel to the ever kindling cinders by lending their easy ears which prompted him to submit his well colored reports in floods.

The present Tahsildar M. Sambasiva Row Naidu's action. In 1893 he Bheemasaina Row, sent for one of the appellants, and asked him to give up a portion of putta land (Rumnahland) required by the Commissariat Department which he refused on the score that it is the property of minors who may after attaining majority file a civil suit for an illegal alienation of their lands. But the Tahsildar promised to give other lands in exchange.

Bheemasana Row desired a fresh grant of land, or ready money compensation. The whole record may be sent for and perused. Neither fresh grant of land nor ready money compensation was allowed after the forcible relinquishment of lands required by the Commissariat Department.

Mr. Tremenheere in his official capacity as the sessions judge of Bellary convicted one of the appellants in 1889 as regards lands with regard to which he in his official capacity as the Collector wrote an alertly drawn up report to the Board for the resumption of their patta lands instead of moving the Board to depute a quite disinterested and independant officer to institute necessary enquiries into the land disputes which has occupied the serious attention of many officers Mr. Tremenheer's interference in this intricate case is quite against the fundamental Principles of administering justice to parties affected under notice published in the Fort saint George Gazette. If he in his report has reported that the former Collector based their orders not on proper enquiries, your appellant begs to say that Mr. Master has based his orders on two statements drawn up so minutely that they evince any one who looks into these that they must be the result of enquiries held for 2 or 3 years at least. It is Mr. Tremenheer's great weakness and want of patience to say that the former officers held no proper enquiry when such statements exist whose translations are enclosed for Board's benign and deep consideration. If his present reports are based upon enquiries he may produce any statements of many cols furnishing an amount of information by azmaish &c. When his reports are not so founded, they may be rightly called, biased and most imperfect reports prepared on those of his subordinates, who are at logger heads with the appellants. The former Collectors had on petitions presented at different times by Abkari renters, conducted thorough and complete enquiries, dicided matters in favor of your Appellants. The Antapur valley which has attracted the attention of many Collectors many of whom decided in favor of your appellants, having upheld their cause of continued long possession of lands on patta,—has scanty, scattered stunted trees or grass of a few feet height the only vegetation that grows on it and on which the appellants are unavoidably led to eke out their livelihood. The appellants were dazzling in the eyes of public officers by their affluential condition to all appearance. They were on their alert to find out the best opportunity to bring the helpless appellants under their iron clutch. Revenue Inspector's minor report at the outset assumed the shape of long ones subsequently. It is a strange thing to observe that the orders of former Collectors (say Mr. Master's) based upon long enquiries were set at naught and defiance by Mr. Tremenheere in his most imperfect and perfunctory and one sided reports based upon his subordinate's weak representations. It is surely a weakness on the part of the Board to give a high regard to such closed reports. Bheemasaina Row was charged in 1889 on the allegation that he altered the accounts as regards fields Nos. 25, 26. 28 a thing which exists throughout India because there were no boundaries marked during Paimaish times. Now no such change can possibly appear in the plan (survey.) Such changes appear in the accounts of Faslies 96-97 in the village of Dhanapuram which are enclosed Vide Exs. 46, 47, duly marked and in which no change appears in extent and assessment except in nos of fields.

Custuri Chetty further reported to the Collector Mr. Goodrich that the appellants enjoy more than the registered revenue area. This report of the Tahsildar came out of his ill feeling towards Bheemasain Row on his having obtained a decree against him in the Civil Court. He never reported any thing against him for 3 or 4 years after he came to this Taluk. He reported only when

the Court decree was obtained against him which is sufficient to prove his grudge. Necessary enquiries were held and the Collector at last ordered to pay 5 years back assessment on such excesses and then to include the same uuder patta. On appellant's representation in person, he remitted the charge improperly made, at first. His proceedings No. $\frac{890}{20\text{-}6\text{-}89.}$ and No. $\frac{1845}{12\text{-}12.89.}$ are enclosed for kind perusal vide Ex. 43.

The conduct of R. Kristna singh is also open to blame. because he wrote a false diary on 21st and 22nd September 1894 when he left his range without permission to Bellary. The matter went to the notice of the Divisional officer who let him off with a fine of One Rupee, vide Exs 49 & 50, a punishment to lenient for such a serious offence of writing a wilfully false diary by a responsible public servant on which the Board attach so much regard in its Proceedings (about Revenue Inspector's and their responsibility). He deserves a more severe punishment. He is an untrustworthy public servant not fit to hold a responsible post he now holds. The record may be kindly sent for. For more than one or two years after he came to this range he never reported against the appellants. He began to pour reports against them when they did not comply with his request of loan which was beyond their power to comply with. He got Bheemasena Row assessed with an income tax of Rs. 42 He deposed in 1896 in the District Munsiff's Court at Narayanadevarakerri in a suit between him and the appellant that he got no incometax though he possesses 30 or 40 Thousand Rupees besides two houses at Bellary and Raidrug. This man in consequence of his being on the Gadiganur range which is a Railway Station and by which he can without the knowledge of the Tahsildar or the Divisional officer leave his range for Bellary where there is his father now a pensioner. He deserves to be transferred to other Taluks where he cannot easily afford to visit Bellary except with permission. He intends to build a house at Hospet close to that now built by the Tahsildar and to possess lands. According to public servants manual, he is strictly prohibited to do so. He has friends and relatives in this District to help him. The Tahsildar has his own house newly built at Hospet and intends to have lands too. He has friends and relatives too. As Hospet is a Taluk having wet lands and as such the Tahsildars who come here will make up houses and lands for instance. (1) V. Custury Setty (2) Akilandam Modliar (3) Mayandi Pillay &c. They have done so in consequence of their long stay in the Taluk and siding parties.

Guardian Press, Mount Road, Madras.

APPENDIX B.

Statement of grounds supported by **Puttas, Muchilckas**, Orders y the **Previous Collectors**, on elaborate enquiry, and other explanations to show that the **resumption** of the undermentioned ields in the respective Villages is unjust and **illegal** as they have been in the Petitoner's possession and njoyment from time immemorial.

Name of the Village.	Name of the Puttadar.	Paimaish. Number.	Paimaish. Extent (in Acres)	Survey. Number.	Survey. Extent in Acres.	Nature of the Lands now resumed, as described. By the Collector in the Order now under appeal.	Nature of the Lands now resumed, as described. By the Petitioners with evidences in support of the irdescription.	Nature of the Order now under appeal.	Nature of the Petitioners' prayer and protest.	Grounds in support of Col. 10 by means of: Puttas, Muchilikas or such other documentary evidences.	Grounds in support of Col. 10 by means of: Previous Collectors' orders approving the statements of the Divisional Officers to the effect that there was no fraud, that the resumption is illegal &c.	Grounds in support of Col. 10 by means of: Other miscellanous explanations.
1	2	3	4	5	6	7	8	9	10	11	12	13
Tumati.	Bheemasain Row.	27 28 28	8-75 5-55 1-0	48 59 44	15-65 5-41 1-82	This Column is left blank, because no copy of the Board's Proceedings is granted to us nor does the copy of the Collector's Order granted to us explain the nature of the necessity for the resumption of the lands.	These Paimaish Numbers (27 and 28) are *Vanka Anadi Stalam* measuring on an average 3½ old chains in breadth and 100 in length as given in columns 11 and 12 of Ex. I. (Statement prepared by Mr. Master in 1873). This fact, that it is a *Vanka Anadi*, Stalam is approved of by Mr. Master in 1874. Vide columns 6, and 11 of Ex. II. Ex. III. and Exs. III A. III B. III C. by the Survey Department in 1885 (Vide Ex. V.) and by Mr. Goodrich (Ex. IV.) on the report of a covenanted officer Mr. Vaughan in 1890. That now Mr. Tremenheere should disbelieve his predecessors including the Survey Department and say that the lands inspected by them are not the same as those in question or that the Paimaish numbers are different from Survey numbers is strange. 2 These lands contain a few date trees; and no other trees. This is not a stream containing water nor is it one flowing into any big tank, but into a small Vanka of some other village. These lands are partly cultivable and partly uncultivable. So it has been entered in the accounts up to F. 1282 as having been cultivated with cumbu and jonna &c. (ಸಜ್ಜ ಜೋ). The accounts will also show that the same lands contain date trees and that parts of the lands are banjar. Vide Ex. II. columns 12, 13, 14, 32, 33, 34, and 36 3. That the land in question is the same as that which is said to have been cultivated with cumbu and jonna &c. Before 1884 when it was compulsary it was not usual to enter panta sthithi, therefore in the accounts the entry of	To be resumed wholly andregistered as poramboke (Para 5 of Collector's Order now underappeal Ex. A.)	These lands are not to. be resumed.	For these numbers 27, & 28, there are Pattas granted in Faslies 1272—(1861-62) 1276-(1865-66) and 1287-(1876-77). Vide Exs. VI, VII, VIII. These Pattas will show that numbers 27 & 28 are *Vanka Anadi* and contain date trees. Knowing that these lands were Vanka and that they contained date trees, the then Officers granted us a Putta for such Vanka Anadi containing date trees and it cannot be cancelled Vide Standing Order No. 30 and also many High Court Rulings. 2. Muchilikas, Exs. IX. and X. executed by a toddy renter to the Pattadar of Nos. 27 & 28 (Bheemasain Row) for the toddy contract of the date trees in 1875 show that the trees were in our enjoyment. 3. The Civil Court's Decree passed on an abkari contractor in favor of your petitioner in 1890 for loss sustained by him in consequence of the contractor's interference in the date trees in the lands in question (Ex. XI).	Vide Exhibits entered in Column 8 Para 1. viz :— Exhibit I (Cols 11 & 12) do II (Cols 6 & 11) do III do IV do V	These are in my enjoyment on Putta, ever since the time of my father; since 1855. He obtained them on darkhast and transfer. The darkhast application or the transfer Register of this case being more than 10 years old were according to the rules of the Government, destroyed. The absence of these records in there cases cannot be a cause for doubting the genuineness of the darkhast or transfer.

APPENDIX B.

Statement of grounds supported by **Puttas, Muchilikas**, Orders by the **Previous Collectors**, on elaborate enquiry, and other explanations to show that the **resumption** of the undermentioned fields in the respective Villages is unjust and **illegal** as they have been in the Petitoners' possession and enjoyment from time immemorial.

Name of the Village.	Name of the Puttadar.	Paimaish. Number.	Paimaish. Extent (in Acres)	Survey. Number.	Survey. Extent in Acres.	Nature of the Lands now resumed, as described. By the Collector in the Order now under appeal.	Nature of the Lands now resumed, as described. By the Petitioners with evidence in support of their description.	Nature of the Order now under appeal.	Nature of the Petitioners' prayer and protest.	Grounds in support of Col. 10 by means of: Puttas, Muchilikas or such other documentary evidences.	Grounds in support of Col. 10 by means of: Previous Collectors' orders approving the statements of the Divisional Officers to the effect that there was no fraud, that the resumption is illegal &c.	Grounds in support of Col. 10 by means of: Other miscellanous explanations.
1	2	3	4	5	6	7	8	9	10	11	12	13
		27	8-75	48	15-65	This Column is left blank, because no copy of the Board's Proceedings is granted to us nor does the copy of the Collector's Order granted to us explain the nature of each item or the necessity for the resumption of the lands.	trees in the land was not made but the word (&c.) ಸೇರಿ intended such a meaning. 4. In survey time these two Nos. 27 and 28 being big ones were divided into several numbers distinguishing those which are cultivable and those which are uncultivable containing date trees, Vide Land Register, or Diglot Register.					
		28	5-55	59	5-41							
		28	1-0	44	1-82							
Tumati.	Bheemasain Row.	0	0-15	68	0-95		Patta granted to us for these numbers also shows that they are Porambokes and that they contain date trees. Vide Exhibits VI VII and VIII. Knowing them as Porambokes &c. Patta was granted to us. These do not contain many trees. The Vanka is the same as described above.	To be wholly resumed. (Para 5 of the Collector's Order 2668 dated 21-7-96).	Not to be resumed.	Pattas Exhibits (VI, VII, VIII.) Pattas once granted cannot be cancelled. Under S. O. and the several High Court Rulings.	Mr. Sewell's Proceedings in 1893, page 3 which says that in these cases Patta may stand. Mr. Hannay, the Head Assistant Collector and Mr. Stuart the then Collector were also of opinion that there *was no fraud.*	The boundaries given in the Paimaish cannot be accurate as to correspond with what is given in the Survey. The lands in question are zig zag like serpant's crawling. There is no plan in the Paimaish. So the Collector's finding fault in the description of the boundaries and inferring therefrom fraud, is unjust. This remark is applicable to the above case as well as to all wherever the Collector touches the boundaries
		0	1-0	70	2-95							
		12	2-73	76	8-38							
		0	4-0	27	5-46							
		27	1-5 4-1 5-6	49	1-22 2-34 3-56		It is not a Vanka, but a cultivable land. There were no trees. We got the land on darkhast in 1886. The present trees were planted by us. These occupy in extent 1-5 acres noted in the Patta but do not stand in the sevoy-jama part which is a cultivable part. Vide Land Register and also Cultivation Account No. I and	To keep 1-05 on putta and to resume the remainder at once though the	Neither the Act tobe applied nor the land be resumed; but a putta to be granted	Patta, Ex. XII.		Whenthe land was darkhasted there were no trees. The present trees were planted by me. Please call for the Land Register and see. The copies were denied to us. They will convince you that

APPENDIX B.

Statement of grounds supported by **Puttas, Muchilikas,** Orders by the **Previous Collectors,** on elaborate enquiry, and other explanations to show that the **resumption** of the undermentioned fields in the respective Villages is unjust and **illegal** as they have been in the Petitioners' possession and enjoyment from time immemorial.

Name of the Village.	Name of the Puttadar.	Paimaish. Number.	Paimaish. Extent (in Acres)	Survey. Number.	Survey. Extent in Acres.	Nature of the Lands now resumed, as described. By the Collector in the Order now under appeal.	Nature of the Lands now resumed, as described. By the Petitioners with evidence in support of their description.	Nature of the Order now under appeal.	Nature of the Petitioners' prayer and protest.	Grounds in support of Col. 10 by means of: Puttas, Muchilikas or such other documentary evidences.	Grounds in support of Col. 10 by means of: Previous Collectors' orders approving the statements of the Divisional Officers to the effect that there was no fraud, that the resumption is illegal &c.	Other miscellaneous explanations.
1	2	3	4	5	6	7	8	9	10	11	12	13
Tumati.	Thathacharry son of Josa Vencanna.					This Column is left blank, because no copy of the Board's Proceedings is granted to us nor does the copy of the Collector's Order granted to us explain the nature of each item or the necessity for the resumption of the lands.	Adangal accounts No. II of Fuslies 98, 99, 1300, 1301, and 1302.	Board directed the application of the Boundary Marks Act, Vide Ex. B.	to the whole land.			there were no trees. Therefore the whole should be left to me on putta. **Note** :—Vide also Explanation against Mallapuram below which is applicable to all cypher numbers that may be found in this statement.
Nagalabanda clubbed with Malapur.		5	7-20	12	12-40		Inam. There is Titledeed. Quit rent is being paid. There are a few (10 or 12) Lambadi huts. They vacate for some days and their stay is temporary; they pay *annually Rs.* 2 if they remain; when they go away we cultivate the land. No date trees.	To be settled under the Boundary Marks Act.	Not to be done so.	As Inam bearing quit-rent and for reasons stated in column 8, this should not be interfered with.		
	Bheemasain Row.	25	2-0	107	7-39		*Anadi Poramboke.* Vide Ex. XV Patta granted to us in 1873. It is a Vanka Vide Ex XVI. No. trees of any value. If any, they were planted by us. Vide para 11 of the Session Court's judgment Ex XIII. The same Exhibit says nothing of other Numbers. There is no fraud or shifting position, but as there was no plan in the Pymaish time, the cypher numbers were not uncommon then. Vide remarks against Mallapuram cases and also Exs. 46, and 47 for an example of the kind in Dhanapuram village which does not belong to us.	Tobe wholly resumed. Para5 of the Collector's Order 2668, dated 21-7-96.	Not to be resumed.	There are Pattas (Ex XV). Pattas once granted cannot be cancelled under S. O. and the several High Court Rulings.	Mr. Sewell's Proceedings No. 1295 of 26 6-91. (Exhibit XIV) which clearly says there is no fraud in this case and that the Pattadar cannot be ousted.	
		26	8-33	112	16-44							
		28	3-4	98	6-20							

APPENDIX B.

Statement of grounds supported by **Puttas, Muchilikas**, Orders by the **Previous Collectors**, on elaborate enquiry, and other explanations to show that the **resumption** of the undermentioned fields in the respective Villages is unjust and **illegal** as they have been in the Petitioners' possession and enjoyment from time immemorial.

Name of the Village.	Name of the Puttadar.	Paimaish. Number.	Paimaish. Extent (in Acres)	Survey. Number.	Survey. Extent in Acres.	Nature of the Lands now resumed, as described. By the Collector's Board's Proceedings is granted to us nor does the copy of the Collector in the Order now under appeal.	Nature of the Lands now resumed, as described. By the Petitioners with evidence in support of their description.	Nature of the Order now under appeal.	Nature of the Petitioners' prayer and protest.	Grounds in support of Col. 10 by means of: Puttas, Muchilikas or such other documentary evidences.	Grounds in support of Col. 10 by means of: Previous Collectors' orders approving the statements of the Divisional Officers to the effect that there was no fraud, that the resumption is illegal &c.	Other miscellaneous explanations.
1	2	3	4	5	6	7	8	9	10	11	12	13
Vitlapuram. Nagalabanda clubbed with Malapur.	Bheemasain Row.	0	2-10	109	6-16	This Column is left blank, because no copy of the Board's Proceedings is granted to us nor does the copy of the Collector in the Order granted to us explain the nature of each item or the necessity for the resumption of the lands.	Poramboke Vide Patta of 1873. Ex. XV. It is described by Mr. Sewell as *Vanka* Vide Ex XIV and XVI; a few trees. The nala is a small one flowing into a small pond, but not in to a big tank.	Te be resumed.	Not to be resumed.	Patta of 73 (Ex XV.) There was no fraud. Vide Mr. Sewell's order Ex XIV which says that his long enjoyment (Vide Ex XVII XVIII, XIX and XX) should be considered and the Patta respected; on the face of this, the Patta cannot be cancelled under S. O. No. 30.		
		~~15~~ 9	1-40 3-75	86 88	3-31 5-95		Poramboke. Vanka with date trees. Vide Exhibits I and II and for Putta Ex. XV. Please see also Ex XVI which says that this is Nagalbanda Vanka. The Head Assistant Collector says that trees in these 3 lands should be enjoyed by the Petitioners. And also Ex. V for correctness of demarcation.	To be settled under the Boundary Marks. Act Ex. B.	Not to be done so but the Putta now in existence should be left undisturbed.	Pattas (Ex XV) No fraud. (Ex XIV,) so Putta cannot be cancelled under Board's Standing Order and the High Court Rulings. For long enjoyment see also Exhibits XVII, XVIII, XIX and XX.	Mr. Master's Order No. 60 of 1874 (Ex XXI) which confirms the Putta. See also Exhibits I and II. Mr. Sewell's order clearly says "no fraud." He cannot be ousted "He has always had possession of them;" "to settle this once for all &c" Ex XIV.	
	Bheemasina Row.	0	2-33	67	5-20		Vanka Poramboke — Pattas Exs. XXII, & XXIII. Date trees But now there are at present only 5 date trees on it; some parts of it are cultivable.	To be resumed wholly.	Not to be done so.	Do Do Vide Pattas (Exhibits XXII and XXIII.)		
		46	5-16	103	3-38		The land is cultivable but full of prickly pear and not a Vanka. There are some Babul and kanuga trees planted by us for our own agricultural purposes; also a few young tamarind trees planted by us. But no date trees.	Do	Do	Do and also Exs. XXIV.		The land was for a long time in our enjoyment. As it contained many prickly pear in Fasli 89, we retained one acre and relinquished the remaining 5 acres. In Fasli 96 we again darkhasted for the said 5 acres and got a Putta for the whole number

APPENDIX B.

Statement of grounds supported by **Puttas, Muchilikas**, Orders by the **Previous Collectors**, on elaborate enquiry, and other explanations to show that the **resumption** of the undermentioned fields in the respective Villages is unjust and **illegal** as they have been in the Petitioners' possession and enjoyment from time immemorial.

Name of the Village.	Name of the Puttadar.	Paimaish. Number.	Paimaish. Extent (in Acres)	Survey. Number.	Survey. Extent in Acres.	Nature of the Lands now resumed, as described. By the Collector in the Order now under appeal.	Nature of the Lands now resumed, as described. By the Petitioners with evidence in support of their description.	Nature of the Order now under appeal.	Nature of the Petitioners' prayer and protest.	Grounds in support of Col. 10 by means of. Puttas, Muchilikas or such other documentary evidences.	Grounds in support of Col. 10 by means of. Previous Collectors' orders approving the statements of the Divisional Officers to the effect that there was no fraud, that the resumption is illegal &c.	Grounds in support of Col. 10 by means of. Other miscellaneous explanations.
1	2	3	4	5	6	7	8	9	10	11	12	13
Vitlapuram.	Bheemasain Row.	0	2-48	130	12-40	This Column is left blank, because no copy of the Board's Proceedings is granted to us nor does the copy of the Collector's Order granted to us explain the nature of each item or the necessity for the resumption of the lands.	Poramboke. Date trees. Vide Puttas Exs. XXIII and XXIV) called also Vitlapuram Mola Vanka (Vide Ex XVI.) The Head Assistant Collector says that the trees in this land should be given to Petitioner on Putta.	To be resumed wholly.	Not to be done so.	Pattas and Head Assistant Collector's Orders Exs; quoted in col. 8 viz XXIII, XXIV, and XVI.		of 6 acres and odd. At that time there was only prickly-pear but not any tree. We tried to remove the prickly pear for cultivation of the land. But it was impossible and we planted Babul and kanuga trees so that they might serve the agricultural purposes. Vide Puttas of Faslies 1277 and 1289 Exhibits XXII, XXIII and XXIV.
		0	2-50	136	4-46							
	Bheemasaina Row.	38	8-54	125	13-53		Cultivable land. No trees, Puttas (Exs XXIII and XXIV.)	To be confirmed on Putta subject to conditions in para 2 Exh B. (a)	Not to be interfered with in any way by the Government.	These land were got by us on transfer in a Court sale. Collector's Order is *very unjust.*		
		51	28-18	90	33-70		Inam. There is title deed; quit-rent is being paid.	To be sub-divided Vanka and Vanka bank to be excluded from Patt	Do	Being an Inam long in our enjoyment, it should not be interfered with. The vanka takes its rise from our own Inam and not from any Government land.		

APPENDIX B.

Statement of grounds supported by **Puttas, Muchilikas**, Orders by the **Previous Collectors**, on elaborate enquiry, and other explanations to show that the **resumption** of the undermentioned fields in the respective Villages is unjust and **illegal** as they have been in the Petitioners' possession and enjoyment from time immemorial.

Name of the Village.	Name of the Puttadar.	Paimaish. Number.	Paimaish. Extent (in Acres)	Survey. Number.	Survey. Extent in Acres.	Nature of the Lands now resumed, as described, By the Collector in the Order now under appeal.	Nature of the Lands now resumed, as described, By the Petitioners with evidence in support of their description.	Nature of the Order now under appeal.	Nature of the Petitioners' prayer and protest.	Grounds in support of Col. 10 by means of Puttas, Muchilikas or such other documentary evidences.	Grounds in support of Col. 10 by means of Previous Collectors' orders approving the statements of the Divisional Officers to the effect that there was no fraud, that the resumption is illegal &c.	Grounds in support of Col. 10 by means of Other miscellaneous explanations.
1	2	3	4	5	6	7	8	9	10	11	12	13
Aiyanahalli.	Narasinga Row and Streenivasa Row	0	12-0	8	19-37	This Column is left blank, because no copy of the Board's Proceedings is granted to us nor does the copy of the Collector's Order granted to us explain the nature of each item or the necessity for the resumption of the lands.	Poramboke Vanka with date trees Vide Putta Ex XXV Vide also Survey Superintendent's Order in Ex V which confirms the exactness of the demarcatim Vide also Ex XVI. (Head Assistant Order above referred to). It is not a big Vanka flowing into a tank directly but a small one flowing into a pond. There is no water.	To be resumed wholly.	Not to be done so	Patta of 1885 (Exh XXV). The lands have been in our long enjoyment Vide Ex XXVI On the face of such Pattas and agreements it is not just that a Patta should be cancelled. In Exh XVI the Head Assistant Collector says that the trees in the land should be enjoyed by the Pattadar.	Mr Sewell has said in his Order of 1893 that putta for No. 21 will not be cancelled and that No. 8 had already been disposed off. While so it is unjust that these cases should be reopened and illegally disposed of.	
		0	4-0	21	7-46							
Marutla.	Narasinga Row and Streenivasa Row	47	0-78	69	1-55		Mr. Sewell's order says that the Putta may stand. All the other remarks and Exhibits quoted in the above case, apply to these as well. The vanka in No. 80 is a small nala flowing into our own tank in Antapuram; not many date trees; but some Kanuga trees planted by us for our agricultural purposes.	To be resumed wholly	Not to be done so	Patta cannot be cancelled as there is no fraud in this. There are also agreements of 1875 and 1880 to show that the date trees are in our enjoyment. (Vide Exs. XXVII. and XXVIII.)	Mr. Sewell's order says clearly that Putta should stand in the three cases. Also see Ex. XVI (the Head Assistant Collector's Order.)	
		46	6- 0	70	4-87							
		50	4- 0	80	2-54							
Hosahally clubbed with Chikkantapuram.	Narasinga Row and Streenivasa Row	32	2-75	45	4-31		This is a nala flowing into our own tank. This nala is one of the 32 Putta Nos: in the water spread of the said our own tank constructed with permission in F. 63. Vide Mr. Pelly's Order No. 33 of 1858. There may be 7 date trees scattered here and there. There is a Putta. Vide Mr. Sewell's order.	The vanka alone should be resumed and the rest of the land should be granted on PuttaEx A.	Do	Patta cannot be cancelled. The seven trees are in our enjoyment Vide Exhibits above quoted.	Mr. "Sewell's order which says Putta will stand."	
		0	2-0	33	9-56		Vanka. Date and Kanuga trees, for agricultural purposes, were planted by us. Vide. Putta which was sent to the Collector who has not returned it though we repeatedly asked him.	To be settled under the Boundary Marks Act (Ex B.)	Not to be done so. Putta should be respected.	These five fields have been in our enjoyment for a long time. The Patta, referred to in colm 8, was granted to us in 1883 when the Shrotriem came into the hands of the Government. But long before this, we were enjoying	Head Assistant Collector's Order (Ex. XVI) says that the trees shoud be left to us and that this vanka belongs to the Shrotriem Hosahally, the trees being in the Shro-	
		0	2-0	71	5-81							
		0	10-50	126	12-22							
		0	10-0	68	15-96							
		0	0-50	44	10-90							
		70	9-72									
			10-22									

APPENDIX B.

Statement of grounds supported by **Puttas, Muchilikas**, Orders by the **Previous Collectors**, on elaborate enquiry, and other explanations to show that the **resumption** of the undermentioned fields in the respective Villages is unjust and **illegal** as they have been in the Petitioners' possession and enjoyment from time immemorial.

Antapuram

Name of the Village.	Name of the Puttadar.	Paimaish. Number.	Paimaish. Extent (in Acres)	Survey. Number.	Survey. Extent in Acres.	Nature of the Lands now resumed, as described, By the Collector in the Order now under appeal.	Nature of the Lands now resumed, as described, By the Petitioners with evidence in support of their description.	Nature of the Order now under appeal.	Nature of the Petitioners' prayer and protest.	Grounds in support of Col. 10 by means of: Puttas, Muchilikas or such other documentary evidences.	Grounds in support of Col. 10 by means of: Previous Collectors' orders approving the statements of the Divisional Officers to the effect that there was no fraud, that the resumption is illegal &c.	Grounds in support of Col. 10 by means of: Other miscellaneous explanations.
1	2	3	4	5	6	7	8	9	10	11	12	13
						This Column is left blank, because no copy of the Board's Proceedings is granted to us nor does the copy of the Collector's Order granted to us explain the nature of each item or the necessity for the resumption of the lands.				them from the Shrotriemdar. There is no fraud. The trees are in our enjoyment Vide, agreement of 1872 (Ex XXIX.)	triem ruined tank of Darojamma. As there is no fraud, as the Survey Superintendent certifies in Ex V. The Patta cannot be cancelled.	
* Bheemasain-Row	Narasinga Row and Streenivasa Row	0	0-39	18	4-6	* Raghunatha Row. But enjoyed by Bheemasain Row	Not a Vanka, but a cultivable land. Some 10 or 12 trees are here and there scattered but not thickly clad. It is a Poramboke. Vide Puttas of 1866 and 93. Exs. XXX and XXXI which nowhere say "conditional."	To be wholly resumed.	Not to be done so. Putta should be respected	The Pattas, shown in column 8, are neither conditional nor fraudulent. Therefore Pattas should not be cancelled. See also Ex V & XVI.	Regarding this. Vide judgment of 1869 of the District Munsiff (Ex XXXII) confirmed by the District Court in 1870 (Vide Ex XXXIII the other sheets of which were not returned to us by the Collector) These judgments say that Hanumappa mentioned in column 2 of this statement as Pattadar of the Number is not a fictitious name but a god's name.	
	Hanumappa, Narasinga Row and Streenivasa Row	126	5-70	233	9-61		Poramboke. Vide Pattas of 1868 and 1871 Exs. XXXIV, XXXV. These are in our enjoyment for a long time, ever since our grandfather's ancestor's time. These lands became unfit for cultivation when the Avinamadugu tank breached in May Fasli 1260. Some of them were repaired for cultivation. Some were not, but have been lying waste with trees on them; on some of the Kanuga trees were planted by us for agricultural purposes. There are lands on both the sides of the Vanka which are ours; See Puttas also.	To be wholly resumed by Government.	Not to be done so Putta should be respected.	Pattas, quoted in column 8, cannot be cancelled. Ex XVI shows that there is no fraud. Ex XXXVI is a Tahsildar's Takid to Village officers in 1860 that none should be allowed to interfere and tap the trees on these lands without the Pattadar's permission. See also Muchilica by Siddappa for enjoyment of trees. Ex XXXVII also Ex V.		
		0	2-0	31	2-71							
		0	0-20	36	0-68							
		0	0-56	137	2-62							
		139										
		126	5-69	232	5-87							
		0	0-18	244	1-41							
		34										
		11	0-2									
			0-20									
	Bheemasain-Row	0	0-37	78	4-9							
		0	0-28	84	3-28							
		0	0-5	231	4-48							
		98	0-45	240	0-74							
*		0	0-28	230	2-85							
*		0	0-8									
			0-36									

APPENDIX B.

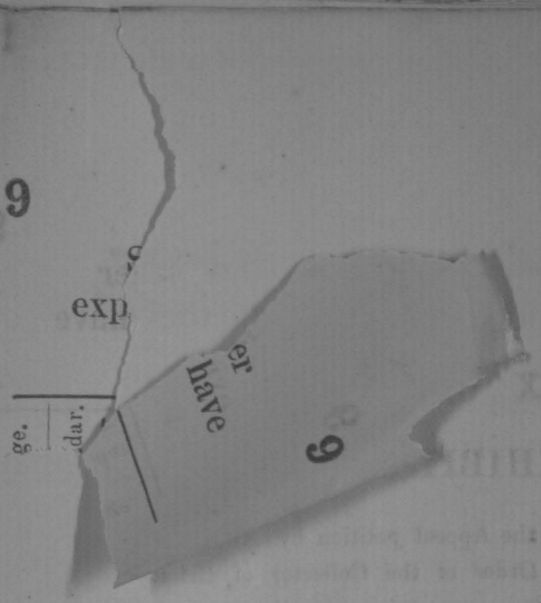
Statement of grounds supported by **Puttas, Muchilikas**, Orders by the **Previous Collectors**, on elaborate enquiry, and other explanations to show that the **resumption** of the undermentioned fields in the respective Villages is unjust and **illegal** as they have been in the Petitioners' possession and enjoyment from time immemorial.

Name of the Village.	Name of the Puttadar.	Paimaish. Number.	Paimaish. Extent (in Acres)	Survey. Number.	Survey. Extent in Acres.	Nature of the Lands now resumed, as described, By the Collector in the Order now under appeal.	Nature of the Lands now resumed, as described, By the Petitioners with evidence in support of their description.	Nature of the Order now under appeal.	Nature of the Petitioners' prayer and protest.	Grounds in support of Col. 10 by means of: Puttas, Muchilikas or such other documentary evidences.	Grounds in support of Col. 10 by means of: Previous Collectors' orders approving the statements of the Divisional Officers to the effect that there was no fraud, that the resumption is illegal &c.	Grounds in support of Col. 10 by means of: Other miscellaneous explanations.
1	2	3	4	5	6	7	8	9	10	11	12	13
Antapuram	Narasinga Row and Sreenivasa Row	61	1-31	34	1-15	This Column is left blank, because no copy of the Board's Proceedings is granted to us nor does the copy of the Collector's Order granted to us explain the nature of each item or the necessity for the resumption of the lands	Service Inam obtained long ago.	To be confirmed on putta subject to conditions. Ex B.	Not to be interfered at all by Government.	Being an enfranchised Inam, the quit-rent is being paid. As such it is unjust that Government should resume or interfere with, it.		
		0	2- 0	39	4-49		Vanka bank and not a Vanka. When the tank breached in F. 1260 it became useless for cultivation and we planted Kanuga trees on it for agricultural purposes. There is Putta (Ex. XXXV).	To be subdivided after allowance of 10 percent.	Not to be done so.	There is Putta; no fraud. Trees were planted by us. So excess also is to be included in our Patta.		
	God Mallikarjuna.	34	7-21	139	10-31		Inam in the name of a God. Roadcess &c are being paid. There is Titledeed. There is a Government Vanka which breached wider and took its way in a small degree into this Inam land. So this Vanka and Vanka bank, which the Collector orders to be excluded from Patta, are not the same Government Vanka. Vide plan.	Vanka and Vanka banks to be excluded from the Patta. Vide Ex B.	Not to be done so.	Titledeed; and for reasons and explanation given in column 8 it is unjust that Government should interfere now.		
Mallapuram.	Hanumappa.	0	2- 0	4	7-63		Vanka. It is not uncommon in the whole Presidency to find out certain numbers not included and numbered in the Paimaish. Munro's Book of Instructions, which will be found in your records, will show that Vankas and hillocks were ordered not to be surveyed There was no plan then. It was usual then to give cypher numbers to many such lands. (Now as there is a plan we see all the lands of a village in one view.) As Bheemasain Row was not the Kurnam of this village he does not know any thing of the action of the Kurnam's Gumastah.	To be resumed wholly.	Not to be done so.	There is no fraud. There is Putta There are Muchilicas. (Ex XXXVIII, XXXIX of 1885 and 1889). There is a Civil Court decree to show that Hanumappa is a God's name and not a fictitious person. (Exs XXXII and XXXIII). This Pattadar, God Hanumappa has lands in this village & also in Antapuram for the celebration of car festival of Antapuram.	Collector is biased. He erroneously says that Bheemasana Row is the Karnam of this village but he is not. Vide order dismissing him which shows that that village is not one of which he was Karnam ExXL.	
		0	3-60	28	7-63							
		0	10- 0	74	3-77							
		0		75A	6-46							

APPENDIX B.

Statement of grounds supported by **Puttas, Muchilikas**, Orders by the **Previous Collectors**, on elaborate enquiry, and other explanations to show that the **resumption** of the undermentioned fields in the respective Villages is unjust and **illegal** as they have been in the Petitioners' possession and enjoyment from time immemorial.

Name of the Village.	Name of the Puttadar.	Paimaish. Number.	Paimaish. Extent (in Acres)	Survey. Number.	Survey. Extent in Acres.	Nature of the Lands now resumed, as described, By the Collector in the Order now under appeal.	Nature of the Lands now resumed, as described, By the Petitioners with evidence in support of their description.	Nature of the Order now under appeal.	Nature of the Petitioners' prayer and protest.	Grounds in support of Col. 10 by means of: Puttas, Muchilikas or such other documentary evidences.	Grounds in support of Col. 10 by means of: Previous Collectors' orders approving the statements of the Divisional Officers to the effect that there was no fraud, that the resumption is illegal &c.	Other miscellaneous explanations.
1	2	3	4	5	6	7	8	9	10	11	12	13
Ubbalagundi.	Hanumappa.	0	1-50	221	4-53	This Column is left blank, because no copy of the Board's Proceedings is granted to us nor does the copy of the Collector's Order granted to us explain the nature of each item or the necessity for the resumption of the lands.	Vanka. It is not uncommon in the whole Presidency to find out certain numbers not included and numbered in the Paimaish. Munro's Book of Instructions, which will be found in your records, will show that Vankas and hillocks were ordered not to be surveyed. There was no plan then. It was usual then to give cypher numbers to many such lands. (Now as there is a plan we see all the lands of a village in one view.) As Bheemasain Row was not the Kurnam of this village he does not know any thing of the action of the Kurnam's Gumastah.	To be resumed wholly.	Not to be done so.	There is no fraud. There is Putta There is a Civil Court decree to show that Hanumappa is a God's name and nota fictitious person. (Exs XXXII and XXXIII). This Pattadar, God Hanumappa has lands in this village and also in Antapuram for the celebration of car festival of Antapuram.	Collector is biased. He erroneously says that Bheemasana Row is the Karnam of this village but he is not. Vide order dismissing him which shows that that village is not one of which he was Karnam ExXL.	
		0	2- 0	224	6-54							
	Narasinga Row and Streenivasa Row.	0	1- 7	73	4-86		Vanka Poramboke. Vide Putta of 1886 (Ex XLI.) The Head Assistant Collector confirms this vanka in the name of the petitioner. (Ex XVI). Vide also Ex V for the exactness of the demarcation. So there is no fraud here. This was got by Petitioner on transfer.	To be resumed wholly.	Not to be done so.	Patta cannot be cancelled as there is no fraud. The trees are in our enjoyment. This also was got on transfer.	As regards No. 73, Mr. Goodrich in 1889 ordered that the well and the road should be subdivided and the rest to be given to the Petitioners (Vide Ex XLII). In Ex XVI the Head Assistant Collector says that the three Ubbalagundi Vankas and the trees thereon should be given to your Petitioner. Vide Ex V for exactness of Survey.	
		125	3- 0	197A	13-57							
		107	1-50	232	3-10							
		0	0-38	151	1-23							
				135	3-41							
Thimmalapuram.	Hanumantha Row, and others.	0	4-30	18	7-72		Vanka Poramboke. Kanuga and date trees have been in our enjoyment. Some of them were planted by us. Vide Patta (Ex XLIII). Also Ex XLIV in which Mr. Master decided in 74 that trees are to be left to us.	To be resumed wholly.	Not to be done so.	Patta cannot be cancelled. No fraud. The trees have been in our enjoyment for a long time. Vide Exh XLV. (Muchilika of 1872 to show that trees are ours.)	Mr. Master's Order Ex XLIV.	
		0	5- 0	21	17- 1							
		0	10-77	51	23-11							
		0	4- 0	75	4-13							
		0	5- 0	88	4-33							
		0	6- 0	92	6-33							



APPENDIX C.

LIST OF EXHIBITS.

Submitted to the Board along with the Appeal petition by Antapuram Bheemasaina Row and 3 others against the Order of the Collector of Bellary directing the resumption of their certain lands.

Appendix A. A short account of the origin and growth of illfeeling existing between the petitioners and the three Subordinate Revenue officers.

Appendix B. The statement of grounds showing the illegality of the Collector's Order to resume certain fields belonging to the Petitioners on the face of long-standing Pattas Muchilikas and Orders of several Collectors which prove no fraud in the acquisition of lands,

Exhibit A. Collector's Order No. 2668—21-7-96 directing the resumption of certain lands.

Do B. Collector's Proceedings dated 11-8-96. with reference to para 6 of the above order.

Do I. Mr. Master's Statement dated 17th January' 73 showing the extent of the fields, the length and breadth of the Vankas, cultivable and uncultivable lands and the duration of the Petitioners enjoyment.

Do II Mr. Master's Statement dated 8th November' 73 showing the Vanka Anady Poramboke and the number of date trees and the time during which they have been in the Petitioners' enjoyment.

Do II. *A.* Mr. Master's order No. 60—2-12-74 confirming the Patta of the lands and the date trees thereon in the Petitioner's names.

Do III. The Tahsildar's Takid to the Village Officers of Tumati No. 1075—18-12-74 on the order by Mr. Master No. 60—2-12-74.

Do III. *A.* Endorsement by the Deputy Collector on the petition of Ediga Thimmappa toddy sub-renter at Tumati refusing to interfere in the matter on his behalf as the matter had already been disposed of by the Collector.

Exhibits III. B. Order by the Deputy Collector No. 236—14-6-75 informing the Tahsildar that toddy Contractors should not encroach upon the fields of Bheemasaina Row.

Do III. C. Azmaish Report by the Revenue Inspector 20th September 1875 on the petition of Ediga Thimmappa being referred to him by the Deputy Collector.

Do IV. Proceedings, Index No 11 ab—3-2-90 of Mr. Goodrich directing the abkari Contractors not to interfere with the Petitioners' trees but to respect the Putta.

Do V. Order by the Superintendent of Survey to the toddy renter D. Seshagiri Row informing him that the demarcation of the Petitioners' lands has been properly conducted. 237—3-8-85

Do VI. Patta of Tumati lands for fasli 1272 corresponding to 1862-63.

Do VII Patta of Tumati lands for the year 1866.

Do VIII. Do 1877.

Do IX. Lease deed (Muchilikas) for the year 1875 for date trees on Tumati lands.

Do X. Do 1872

Do XI. Decree and Judgment by the District Munsiff's Court Narayana devarakeri against the Abkari Contractors for damages caused to the Petitioners in consequence of their trespass on the Petitioners' date trees.

Do XII Putta for Tumati lands for 1887.

Do XIII. Judgment by the Session's Court No. 3 of 12th January 1889.

Do XIV. Proceedings of the Collector Mr. Sewell :—General Branch No. 1295—26-6-91. Stating that Pattas for Paimaish Nos. 25. 26, 28 and 0 were properly obtained, that the Tahsildar should show the petitioner the lands in question and that the Paimaish No. 0 should be treated as Survey No. 109 and included in the Putta.

Do XV. Patta for the lands at Nagalabanda for the year 1873.

Do XVI. Head Assistant Collector's Order No. 460—6-9-85 wherein Mr. M. D. Bell the then Head Assistant Collector states that the eight "sections" of Vankas containing date trees belong to Bheemasain Row and his elder brother's sons; and that Abkary contractors should not trespass on these lands. He followed the order by Mr. Master No. 60—2-12-74. (Ex. II A.)

Exhibits XVII. Lease deed for Nagalabanda date trees for the year 1875.

Do XVIII. Lease deed for the date trees on the fields at Nagalabanda executed in 1872.

Do XIX. Do executed in 1876.

Do XX. Do executed in 1885.

Do XXI. Tahsildar's, Takid to the village officers of Nagalabanda on Mr. Masters Order No. 60—2-12-74. (Ex. II A.)

Do XXII. Patta for the lands in Vitlapuram for the year 1877.

Do XXIII. Do for the year 1885

Do XXIV. Do 1877

Do XXV. Patta for the lands in Aiyanahally 1885

Do XXVI. Lease deed for the date trees in Aiyanahally executed in 1875

Do XXVII. Lease deed for the date trees in Marutla executed in 1875

Do XXVIII. Do 1880

Do XXIX. Lease deed for the date trees in Hosahaily (now clubbed with Chikkantapur) executed in 1872

Do XXX. Patta for the lands in Antapur granted to Hanumappa and Hanumantha Row for the year 1866.

Do XXXI. Do granted to Hanumappa, Narasinga Row and Sreenivasa Row for the year 1893.

Do XXXII. Judgment of District Munsiff stating that Hanumappa is not a fictitious person but a God in the year 1869 O. S. No. 334.

Do XXXIII. Judgment by the District Court on the same subject. One of the pages was not returned by the Collector.

Do XXXIV. Patta for the lands at Antapur for the year 1868

Do XXXV. Do 1871.

Do XXXVI. Tahsildar's Letter No. 6—14-5-1860. To the late Narasinga Row, (Grandfather of Narasinga Row and Sreenivasa Row) informing him that certain date trees belong to him.

Do XXXVII. Lease deed of date trees in Antapur executed in the year about 35 years ago (The Hindu year Durmuty).

Do XXXVIII. Lease deed of Date trees on the lands belong to the God Hanumappa in Mallapur executed in the year 1885.

656/99
BOARD OF REVENUE, 8 APR 1899, LAND REVENUE DEPT, MADRAS.
17 APR 99

Rh 874

To

The Secretary
to the Government Land
Revenue, Madras.

From

Antapuram Bheemasaina Row,
Antapuram, Hospet Taluk

Most honoured Sir,

The humble petition of Bheemasaina Row, Antapuram: Hospet Taluk, Bellary Dt most respectfully Showeth:—

According to the Boundary Mark's act XXVIII of 1860, the Head Assistant Collector of Bellary passed order concerning the petitioner's lands bearing putta in his name in the villages of Chickantapoor and Nagulbunda; the enquiry into the matter was not in conformity with the principles of Law. The petitioner was not given even the copy of the order. The Collector did not ask for the petitioner's arguments and objections when confirming the Head Assistant Collector's decision. A notice had been issued to the petitioner that he should be present before the Collector on the 1st of November 1898, according to

1899
REVENUE DEPT.
Vol. No. 19
" " 2574

the petitioner was present at the office at 11 o' clock (A.M.), but the Collector had not come. The petitioner returned home to take meals, but by the time he returned after meals at 12 hours, he strange to say, learnt that the Collector had come and gone. The petitioner then went to the Collectors Bangalow to explain the matter in person, but the Collector was not pleased to see him and a written petition setting forth the grounds of defence was presented the same day and another the following day. Without taking any notice of the two petitions, Vice Collectors endorsements no 1342 & 1444 dated 4-11-98 & 5-11-98 respectively the Collector confirmed the orders of the Headassistant Collector on the simple pretext of the absence of the petitioner when called out by him. In his endorsement no 1342 dated 4-11-98 the Collector says, "the petitioners are informed that orders confirming the Head Assistant Collectors decision were passed previous to the receipt of the petition". But as a matter of fact the petitions referred to in the endorsement were presented on the day of enquiry when the Collector declined to grant an interview to the petitioner and another on the next day. The procedure adopted by the Collector is one that cannot be upheld under any circumstances. The petitioners absence for a short time is not a sufficient reason for the Collector to hear the petitioners arguements and objections, when he had gone to the collectors Bangalow. His flat refusal to see him is the grossest injustice. Then the petitioner had to appeal to the Board of Revenue, and unfortunately the Board ordered that they would not interfere in the matter. Now the petitioner has no other alternative than to fall at your mercy. It is widely known throughout the length and breadth of India, that our present government untiringly inquires into the complaints of each and every poor petitioner and proper redress is done to them. Accordingly the humble petitioner begs that his case may also be considered according to the principles of Law & Equity the records being sent herewith. But if the Government is also unwilling to do justice to the poor petitioner, the only course left to him would be to file a suit in a civil court, which should be done on or before the 2nd of May 1899, which being the last day of limitation.

The petitioner further begs to have the term of limitation extended

at least to a further period of 6 months from 2nd May, as he wishes the matter settled in the Revenue department unless he is forced to seek redress in a civil Court.

6-4-99

1896
REVENUE DEPT.
No. 1
2574

Revenue Department

B.P. 981 Routine 2 14-4-99
(Cuo 25·74)

To the Under Secretary

In passing orders in 1896 on the numerous cases of encroachments made on Govt-land in the Ootapuram valley of the Bellary Dt, the Board of Rev observed that in certain cases fraud was not established and accordingly directed that in those cases the excess found over the patmash area should be resumed, by applying the Boundary marks act. In obedience to these orders the Head Asst Collector conducted the necessary inquiry (under act XXVIII of 1860 (M)) and decided the boundary marks of the lands in question, thus excluding the excess areas from the ryots' holdings. The Progs of the Head Asst Collector were confirmed by the Collr on the 2-11-98 after giving due notice of the

vide Statement III appended to B.P. 215 13-6-96 flag. M

vide H.A. Collr's Progs flagged. E

the date of hearing to the parties concerned, but in the absence of the parties who failed to put in an appearance.

With regard to the marginally noted fields which are said to be very valuable, the petitioner Bhimasena Row on behalf of himself and of Narasinga Row and Srinivasa Row petitioned the Board of Rev on the 10-1-98, alleging that the H.A. Collector (Mr E.S. Lloyd) who was a young and inexperienced officer did not examine either the Tahsildar or the Revenue Inspector of the firka in which the lands are situated, but examined some other Rev. Inspector, and that without giving the petitioners an opportunity for cross examination, that the petrs signature was not ~~obtained~~ affixed to the incomplete deposition taken from him, that he had many records to prove his title

vide Collrs Proc § 2-11-98 flag X

Survey no.		Name of village	Extent acres	Name of pattadar
M	88	Nagalabanda	2.20	Bhima sena Row
	86		1.91	
S	33	Chikka Antapu ram	7.56	Narasinga Row and Srinivasa Row
	71		3.81	
	126		1.72	
	68		5.96	
T	44		0.68	

vide statement flag M.

inauthenticated copy sent by the petr. H

flag J.

that he had spent a large sum of money in planting date and Kannga trees, that he had never practised fraud in respect of those lands, and that though the petitioner had attended the Court in obedience to the notice, the Collector confirmed the decision of the H.A. Collector during the absence of the petitioner for a very short interval from the Court. In these circumstances the petitioner requested that orders might issue for the lands being retained on patta without subdivision. The Board of Rev, however, declined to interfere in the matter — vide B.P. 275 Routine 1-2-98

The petitioner now comes up to Govt. with the request that in the circumstances stated above, the confirmation by the Collector of the H.A. Collectors decision

decision may not be upheld.

Failing to obtain redress from Govt the petitioner proposes to file a suit in the Civil Court, and thinking that under Sec. 25 of Act XXVIII of 1860 (M), the time allowed for appeal is 6 months which would expire on the 2-5-99, the petitioner requests that the period may be extended by 6 months so as to enable him to do his best to get ~~the~~ redress from Govt before filing a suit. Under the section ~~quoted~~ referred to above the Govt is competent to sanction the extension on just and reasonable cause being shown. The H.A. Collector's judgment which is dated 30-7-98 purports to have been delivered under Act XXVIII of 1860 (M). This Act was repealed by Act IV of 1897 (M) which received the assent of the Viceroy on the 7-6-97 and was published

6 months from the date of the Coll's Procs 2-11-98.

The limitation is under the new Act

I think so. W.S.

This is a q^n for petr's lawyer. [initials]

published in the Fort St George Gazette on the 29-6-97. Possibly the H.A. Collector's enquiry began when the old Act was in operation, but the judgment having been delivered after the new Act came into force, it is ~~presumed that~~ a question whether the period of limitation should be calculated according to Act XXVIII of 60 ~~be governed by the latter~~ or IV of 1897. If the latter, the period ~~and~~ should be taken as one year. (vide Secs. 13 & 25 of Act IV of 1897). ~~If so~~ and, no concession by Govt is called for.

In regard to the merits of the case, the petitioner's contention is that the H.A. Collector's decision was not a proper one, and that the Collector should not have con~~formed it without conducting a further enquiry under Sec 2(?) of the Act~~ firmed it without hearing him. The petitioner alleges that on the day on which he came to the Court in obedience to the notice (1-11-98) he

he put in a written petition setting forth his grounds of defence, and another on the following day, but that the Collector informed him that the H.A. Collector's decision was confirmed before the receipt of the petition. The Collector's Procs confirming the H.A. Collector's decision is dated 2-11-98. In these Procs the Collector states that "notice was served on the "parties to appear on 1-11-98 "and state their objections "to the decision, if they wished, "but they failed to put in "an appearance when called "and no petition explaining "the failure has been received". When the petitioner subsequently filed an objection petition in regard to the judgment of the H.A.C. the Collector declined to reopen the matter, on the ground that due notice was given to him.

X

Z

It

A

Vide Statement III appended to B.P. 215/13-6-96 flag M.

It is submitted that there appears to be no case for Govt's interference.

The subdivision of the lands in question on the ground for the purpose of resuming the excess areas is now going on, and an establishment for the purpose was sanctioned in G.O. 1532/25-4-98. The question of title to the land was decided by the Board itself and all that the Collector had to do was to decide the boundary marks of the fields, so as to exclude portions in excess of the pattah area.

Orders are requested.

RS
6-5-99

Secy

The petition may I submit be rejected & the petitioner left to go to the Civil Courts if so advised. H.M.

Ullm
15/v/99

JCS

SH 15/5/99

I concur
[illegible]
29-5-99

C. 16/5
Ed. 29/5

To the Undersecretary

Please see draft order on docket.

[illegible]
30.V.99

[illegible]
16.VI

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Letter of Government

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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.