

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2274

DATED 26th May

[Despatch Abstract.]

Declining to interfere on behalf of P. M. Saminath
Pillai of Madras, praying for orders to issue
permanent pattahs for the lands assigned to him
without demanding any price for the same.

BACK PAPERS.

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

FURTHER PAPERS.

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

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18 4,000-19-7-97.

Revenue (1898) Department.

CURRENT No. 3057

26/5

No: 2274 of 26 May 1898.

Read petition from
P. M. Laminatha Pillay
(Cm No 3851 of 58)

From

P. M. Laminatha Pillay
Madura Town & Dist.

Order misc.

AM

The Government declines

to interfere.

No.

20558

to Pet.

with 13 encs.

Depd. 12 Gms only

1-6-98

Dated 18 Apr

Received 22

Registered 23

Enclosures 13.

Spare copies.

SUBJECT.

Praying for orders to issue
permanent pattas for the lands
assigned to him without de-
manding any price for the
same.

BACK PAPERS.

G.O.	No.	Department.	Date.
	362 Rev.		18-1-86

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

1873



To

His Excellency, the Right Honorable
The Governor in Council,

FORT SAINT GEORGE,

MADRAS.

The humble petition of P. M. SAMINATHA PILLAY,
residing in Mela Perumal Maistry Street,
Madura Town, Madura District.

MOST HUMBLY SHEWETH,

That on 7th December 1889, petitioner applied to the Tahsildar of Madura Taluk for the assignment to him on Dharkast of about 15 acres of waste land in each of the villages of Anyur and Silianeri, petitioner undertaking to give up the same without compensation, if they should be required for the excavation of channels in connection with the Periyar Project.

2. That on the 20th of May 1890, the Tahsildar granted petitioner's Dharkast applications by assigning to him 16 acres and 74 cents in Anyur and 14 acres in Silianeri, on condition that petitioner should surrender the same if they were required for the excavation of Periyar channels.

3. That the Periyar Project having been completed and none of the above lands having been required for the excavation of channels, petitioner applied to the Special Deputy Collector, Madura, in April 1896 for the issue of permanent puttahs in place of the Dharkast Angami puttahs that had been till then issued.

4. That no order having been passed on that petition, petitioner repeated his request by a fresh petition dated 9th October 1897. The Special Deputy Collector endorsed on this petition that the petitioner "must pay the average value for the lands."

5. That thereupon, petitioner by his petition dated 18th November 1897 represented to the Collector of Madura, that the demand of any price from him for the lands in his possession was not justified by the terms under which they were originally assigned to him, and that as the lands were not required for the excavation of channels, petitioner was entitled to have permanent puttahs issued to him in respect thereof.

6. That in reply, the Collector has sent to petitioner an endorsement dated 29th November 1897 in which he says that "As the question of temporary puttah has been finally decided by the Board and Government, the undersigned cannot interfere in the matter. The petitioner may apply to Government, if he wants to have the order set aside."

7. That the puttahs were issued Dharkast Angami merely because the Government intended to reserve to itself the right of taking up so much of the lands as might be required for the excavation of channels. But in all other respects the puttahs are practically identical with the permanent puttahs. Under those circumstances, it is submitted that petitioner cannot be called upon to pay any price for his lands.

8. That it was in that sense that the G. O. of January 1886 on the subject of disposal of waste lands was understood and given effect to by the Revenue authorities, will become manifest from a perusal of the records herewith submitted.

9. That fully believing that he would not be disturbed or in any way interfered with, in his enjoyment of the lands assigned to him, so long as the said lands or any portion thereof are not required for the excavation of channels, petitioner spent a large sum of money in reclaiming the land, in forming a tank, in sinking a well, in transporting Madura Town sweepings for manure every year, and otherwise rendering fit for cultivation about 7 acres in Anyur, and has been all along regularly paying the kist due, on the aforesaid 7 acres as well as the remaining extent of 23 acres and 74 cents which are still lying waste, in the same manner as permanent puttadars.

10. That in Fusli 1302, he was granted a remission of the kist due and in the current Fusli the relinquishment by petitioner of 4 acres of land in Silianeri village was approved by the local authorities—concessions which are only allowed in the case of lands held on permanent tenure, and which afford conclusive proof of the footing upon which the Revenue Authorities conceived themselves justified in treating petitioner's holding.

11. That petitioner begs leave to submit, that if any hint had been given to him, that his assignment would be cancelled at the pleasure of Government even though the specific contingency contemplated should never happen, he would not have first of all applied for any land on Dharkast, nor would have laid out any money in their improvement, nor would he have been paying for the last 7 years the revenue due in respect of the immemorial waste lands assigned to him.

12. That in the circumstances which petitioner has ventured to set forth in the preceding paras, he submits that it would be a very great hardship to him, and entail a heavy pecuniary loss if he should be now called upon to pay any price before he entitles himself to the issue of permanent puttahs in his favour.

13. That petitioner's appeal to the Honorable the Board of Revenue against the order of the Collector referred to in para 6 herein met with no better success, the Honorable Board having disposed of petitioner's appeal with the remark that "The terms offered to petitioner are the same as those offered to a number of others to whom temporary puttahs were granted under similar circumstances, and the Board is not prepared to recommend any modification of the said terms in petitioner's case."

Petitioner therefore most humbly solicits Your Excellency in Council will be graciously pleased to take the petitioner's extremely hard case into Your Excellency's benign consideration, to reconsider the G. O. of January 1886 and referred to in the Collector's endorsement on petitioner's petition dated 18th November 1897, and to set aside the order of the Board of Revenue appealed against, and to direct the issue of permanent puttahs for the lands assigned to him without demanding any price for the same. Petitioner further begs to state that in the event of Government concurring with the Collector and the Board of Revenue in the view they have taken of Petitioner's case, petitioner will be driven to the necessity of seeking redress by instituting a suit in a Court of law.

For this act of Justice, petitioner shall as in duty bound, ever pray,

Your Excellency's most obedient Servant.

Madura,

18th April 1898.

M. Srinatha Pillay

File all minutes.

Read Petition of P. M. Saminathadellai
residing in Melakurumal Street Madurai,
Town. Madurai Dist. 18th April 98.
(C. No. 3051 of 98).

Note.

From the records submitted
by the petitioner, P. M. Saminatha
Pillay, it would appear, that on his
application to the Tahsildar, about
20 acres of waste land in the
villages of Anjpur and Silianeri
were assigned to him on Sharkast
Angami Patta on the 20th of May
1890, on the condition of ^{his} giving up
the same without compensation if
they should be required for the
excavation of channels in connection
with the Periyar Project.

The Periyar Project having been
completed and none of his lands
having been required for the
excavation of channels, the petitioner
applied to the ^{Special} Deputy Collector for the
issue of permanent patta in place
of the Sharkast Angami Patta,
and his endorsement on which was
"that he must pay the average
value for the lands"

* A

C 21/5/98.

3. Then, he applied to the Collector of Madama, who, declined to interfere in the matter and asked him to appeal to the Board Government if he thought fit. Accordingly, he appealed to the Board of Revenue & it made the following remark.

"The terms offered to the petitioner are the same as those offered to a number of others to whom temporary paltas were granted under similar circumstances and the Board is not prepared to recommend any modification of the said terms in petitioner's case."

4. Thereupon the petitioner appealed to the Govt. to reconsider the G.O. of 362 of 18-1-86; to set aside the order of the Board of Revenue appealed against; and to direct the issue of permanent paltas, for the lands assigned to him, without demanding any price. He further adds, that in the event of the Government concurring with the collector and the Board of Revenue in the view they have taken of petitioner's case

* B

* C

* See para 7 of the petition.

Case he will seek redress by instituting a suit in a court of law.

5. The reasons which he adduces for claiming permanent paltas are:

(i) He understands the G.O. 362 of 18-1-86 in the sense that paltas issued were Angami (temporary) paltas merely because the Govt. intended to reserve to itself the right of taking up so much of the lands as might be required for the excavation of channels. But in all other respects the paltas are practically permanent paltas.

(ii) He spent a large sum of money in rendering fit for cultivation about 7 acres of land in Angur and has been regularly paying the kist due on these 7 acres as well as the remaining extent of 23 acres and 74 cents which are still lying waste.

(iii) He was granted a remission of the kist due in Fuso 1302 and his relinquishment of 4 acres of land in Silianeri village, was approved. "Concessions which are only allowed" says the petitioner

A permission is ex concessio not a right which can be claimed, & it is not true that there is no reason why it should not give it to a yearly or temporary tenant

petitioners "in the case of lands held
 "on permanent tenure and which
 afford conclusive proof of the
 footing upon which the Revenue
 Authorities concerned themselves
 justified in treating petitioners holding"

It is submitted that the
 decision of the Board of Revenue (.
 referred to in para 3 supra.) may
 be accepted. The points involved
 in this case are fully discussed
 in the notes under the 4522
30-8-97 7/11/97

PS 14-5-98 Secy
 The question arising
 is whether Govt was bound
 to give a ~~per~~ regular patta
 in case the lands were
 found not to be wanted
 a. for Beniyas channels.
 b. It has been decided
 G.O. 4522 that the
 30.8.97 patta being a temporary
 regular patta, it could
 be ~~revised~~ cancelled at
 the end of any year.
 As patti says he is going
 to bring a civil suit, he
 ought to be asked to produce
 as a copy of the original patta
 5/98. I wanted him so that we may

* Please see para 10 of the petition.

Secy please see
 draft from
 docket
 20.8.98

324/5/98
 I don't think this is necessary
 All these patters are no longer
 as the same terms. The patti may
 be repeated that the patti is not

When given for copying _____
 When copied _____
 When examined _____
 When signed _____ } 189

Read AGAIN G.O., No. _____
 189

CURRENT NO.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.-
 A = Copy in full.
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