

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1194	Press
		~~File~~
273-274		
Dated	28.7.1862	~~10~~

9/9

Not to be folded or roughly handled

12

*Proceedings of the Madras Government, Judicial Department,
28th July 1862.*

No. 273. Read the following Proceedings of Government in the Revenue Department, dated
22nd July 1862, No. 1,568.

*Communicating the suggestion of the Board of
Revenue that Kosalaram Pillay, Sheristadar
of the Sub-Court of Madura, be called upon
to explain his conduct respecting his obtain-
ing possession of the village of Kanakangudy
part of the Pedmatur estate in the Madura
District (the Board deeming it reprehensible
inasmuch as he was at the time employed in the
Court which ordered the sale of the village in
satisfaction of certain of its decrees), and that
in case of the explanation proving unsatisfac-
tory, his pension be discontinued.*

(Vide Proceedings Revenue Department, dated
22nd July 1862, Nos. 284—289.)

No. 274. ORDER THEREON, 28th July 1862, No. 1,194.

Referred to the Sudder Court for report in reference to paragraph 10.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. T. O'Connor.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Board of Revenue, dated 21st September 1861, No. 5,119:—

Read again letter from the Collector of Madura dated 24th July 1861, submitting copy of a motion to be presented to the Sub-Court of Madura, protesting against the proposed sale of part of the village of Kanariruppu, as being a "Jevithan" or maintenance grant on reduced assessment, and thus falling under the Regulation IV of 1831 which bars the jurisdiction of the Courts.

Read also the following letter from the same Officer, dated 23rd August 1861, No. 223.

To Board under date the 24th July 1861,
No. 186.
From Board under date the 13th August
1861.

With reference to the correspondence marginally noted I have the honor to submit herewith, for the information of the Board, copy of the Diary Order passed by the Principal Sudder Amin of this station, dated the 15th instant, on the motion presented to that Court, protesting against the sale of a portion of the Jevithan Kanariruppu village.

ENCLOSURE No. 1.

Extract from the Proceedings of the Principal Sudder Amin's Court, under date the 15th August 1861.

Read again Miscellaneous Petition No. 271 of 1861, presented on the 30th July 1861, by the Government Vakil on behalf of the Collector in Original Suit No. 17 of 1854, and filed on the 1st August 1861.

1. It is stated in the above Petition that the village of Kanariruppu, a portion of which is attached for the satisfaction of the decree amount due by the Defendant Zamindar of Pudmatur, in Jevithan or grant for maintenance on a light quit-rent, that it falls within the scope of Regulation IV of 1831, and Act XXXI of 1836, and the sale by the Court is barred by the Act XXIII of 1838, and in case the above protest is disregarded, the parties should be informed that under the provisions of Section 6, Regulation XXXI of 1820, these lands are liable to be assessed the full revenue due on such lands, and will be dealt with as laid down in the above Section, and that parties now purchasing the lands do so at the risk of Government fully assessing them.

2. During the hearing, the Government Vakil producing an extract from the Istimirar account showing the number of villages including the one in question as entered "Jevithan," requested a reference to be made to the records of the Original Suit No. 4 of 1823, on the file of the late Principal Court of Southern Division, in which the Defendant's ancestors have admitted the village in question with others to be such.

3. The Defendant's Vakil represents that the village in question is saleable, and it does not fall under Regulation IV of 1831, and filed a Petition in Miscellaneous Petition No. 297 of 1861 to that effect.

4. The Plaintiff's Vakil contends that all that he wants is the satisfaction of the judgment debt either by the incarceration of the Defendant or by the sale of the village in question.

5. As the extract of the Istimirar account produced by the Government Vakil shows that the village in question is included as one of the Istimirar villages, the Principal Sudder Amin on mature consideration is of opinion that the village falls under Regulation XXV of 1802, and its sale is sanctioned by Section 9 of that Regulation in satisfaction of a decree but does not come within the scope of Regulation IV of 1831, and the reference applied for to other records is deemed unnecessary.

6. He, therefore, resolves to order the sale of the land subject to the reversionary right of Government over them.

7. Ordered that copy of these Proceedings be given to the parties on their application.

(Signed) T. RUNGASAWMY PILLAI,
Principal Sudder Amin.

1. In the assets of the Shivagunga Zamindari are included the Porooppoo or light quit-rent assessed on the "Jevithan" or maintenance villages granted by the former Government to the Pudmatir family, of which the Zamindar is a member.

2. The favorable tenure has been hereditary in the family, and thus the Zamindar himself has a reversionary interest in it; but the continuance of the reduced assessment or Inam tenure is ultimately dependant on the will of the Government, and the villages themselves clearly fall under Regulation IV of 1831, which removes all such lands and villages from the jurisdiction of the Courts.

3. The objection was raised by the Collector on a former occasion in connection with the "Jevithan" village of Oottamanoor in the same Zamindari, and was admitted by the Civil Court in their Proceedings of 18th August 1854.

4. The Principal Sudder Amin has, however, now thought fit to disallow the objection on the ground that the village is included in the list attached to the Istimir Sanad, and therefore being of opinion that the village falls under Regulation XXV of 1802, and is saleable in accordance with the provisions of Section 9 of that Regulation, he has resolved "to order the sale of the lands subject to the reversionary right of Government over them."

5. The Board consider that the Principal Sudder Amin has clearly exceeded his jurisdiction in this decision, and resolve to request the opinion of the Government Pleader as to the steps that should be taken to set matters right, and to assert the rights of Government in the matter.

6. The group of villages forming the so-called Poliaput of Pudmatir, are held on a tenure, essentially of the nature of an Inam, the quit-rent payable on them forms part of the assets of the Shivagunga Zamindari, but the difference between that quit-rent and the full assessment, which in fact constitutes the profits of the Inamdār, is the right of Government, assigned to a particular family for a particular purpose, inalienable by any member of the family who can at most have but a life interest in it, and its continuance dependant on the will of Government, to whom under Regulation IV of 1831, and Acts XXXI of 1830, and XXIII of 1838, the jurisdiction regarding them is expressly reserved.

7. The Principal Sudder Amin has indeed saved the rights of Government in the lands, that is their right to levy the full assessment on the lands, but this saving clause does not meet the requirements of the Law, and it is also to be observed that as the privilege of holding the lands on a reduced assessment constitutes the sole property of the Inamdār in the village, there is in point of fact nothing of value to be sold, when the sale does not convey this privilege to the purchaser.

8. Under Regulation XXV of 1802, Section 9, and Regulation XXVI of 1802, Sections 6, 7 and 8, and Regulation I of 1839, Sections 2 and 3, it is essential before any sale of a portion of a Zamindari under a decree of Court takes place that the assessment on the lands, and the proportion of Peshkash to be borne by them be settled by the Collector and confirmed by the Board. The Collector will thus have the opportunity of obtaining full information as to the resources of the villages, so that if means cannot now be found for preventing the sale, he will at least be in a position for determining the full assessment that will have to be charged to the purchaser. He will report fully on this matter to the Board, and will without delay state what steps the Principal Sudder Amin has taken to give effect to his order of sale.

(True Copies and Extract.)

(Signed) W. HUDLESTON, Secretary.

Proceedings of the Board of Revenue, dated 21st September 1861, No. 5,120.

Read again the following papers:—

From the Collector of Madura, dated 5th October 1860, reporting the Sub-Court have ordered the sale of the Jevithan village of Puvandi, and asking for instructions.

(In Cons. 13th October 1860, No. 5,202.)

Board's Proceedings No. 4,873, dated 23rd October 1860, on the above letter.

Proceedings of Government, dated 9th November 1860, No. 5,000, on the same subject.

(In Cons. 10th November 1861, No. 5,794.)

From the Collector, dated 23rd November and 22nd December 1860.

(In Cons. 23th November and 26th December 1860, Nos. 6,158 and 6,803.)

Board's Proceedings thereon, dated 9th January 1861, No. 115.

Read also the following letter from the Collector of Madura, dated 14th August 1861, No. 209.

1. With reference to the Board's Proceedings under date the 9th January last, No. 115, I have the honor to submit herewith an extract from the accounts of the Istimir assessment of the Shivagunga Zamindari (referred to in Mr. Parker's letter of the 19th May 1854) of so much as relates to the Pudmatir villages, together with copy and translation of the Razinamah filed in the Shivagunga suit regarding the Pudmatir family property, and of such other portion of the evidence recorded in that suit as goes to show the nature of the tenure of those villages.

2. I hope that the above extract will answer the purpose of the Board, and render it unnecessary to forward the whole accounts of the Estate which are exceedingly voluminous.

3. These accounts are considered to be the basis of the abstract statement forwarded by Mr. Lushington to the Special Commission with his letter of the 30th September 1860. They were received in the Collector's Office in Fasli 1226 from the Istimir Zamindar.

4. From the Enclosure No. 1 it would appear that the accounts referred to having been examined were found not to tally with the abstract alluded to above, and that the Zamindar was, therefore, called upon by Mr. Peter to furnish correct accounts. No such accounts have yet been received.

5. I beg permission to refer the Board to Mr. Parker's letter to the Court of Wards on the 15th March 1858, No. 85, in which he observes that the assertion of Mr. Peter in disparagement of these accounts was made without inquiry, and that though furnished in Fasli 1226, they were correctly prepared from the original accounts of Fasli 1211 in the Zamindar's Kacheri; and he further urges the necessity of supporting the validity of the accounts at all events, for he fears that if they are rejected, it would be difficult to protect the Zamindari from false claims, &c.

6. It is apparent from these accounts that Mr. Lushington instituted a regular inquiry at Kotapatanam as regards the tenures, assets, &c., of the Shivagunga Estate.

7. The accounts in question show the village of Puvandi under notice, and other villages forming the Pudmatir Palayam, as Jevithan or grant for maintenance on light quit-rent which is included in the assets of the Shivagunga Zamindari.

8. This grant the Board will perceive from the enclosed Paravana No. 11 filed by the Pudmatir Zamindar himself in the suit referred to above, was originally made by the Carnatic Government and continued by the British.

9. Thus being in possession of the information which I unfortunately could not come by, while drafting my letter of the 23rd November last, No. 243, on the subject, I now beg to express my concurrence in the Board's opinion that the Pudmatir villages come under Regulation IV of 1831, and Act XXXI of 1836, and are, therefore, inalienable and unsaleable property.

- ENCLOSURE No. 1.
ABSTRACT.—Extract from the Istimrar accounts of Shivagunga.
- ENCLOSURE No. 2.
ABSTRACT.—Tamil Extract from the Istimrar accounts of Shivagunga.
- ENCLOSURE No. 3.
ABSTRACT.—Copy of a Plaint in Original Suit No. 4 of 1823.
- ENCLOSURE No. 4.
ABSTRACT.—Answer in Original Suit No. 4 of 1823.
- ENCLOSURE No. 5.
ABSTRACT.—Reply in Original Suit No. 4 of 1823.
- ENCLOSURE No. 6.—Razinamah.
- ENCLOSURE No. 7.
ABSTRACT.—Statement showing the balance of the Pudmatūr villages filed by the Defendant.
- ENCLOSURES No. 8A.
ABSTRACT.—Copy of a Cadjan Takid.
- ENCLOSURE No. 9B.
ABSTRACT.—Copy of a Cadjan Sanad.
- ENCLOSURE No. 10C.
ABSTRACT.—Copy of a Cadjan Order.
- ENCLOSURE No. 11D.
ABSTRACT.—Copy of a Purwanah.
- ENCLOSURE No. 12E.
ABSTRACT.—Copy of a Pattayam.
- ENCLOSURE No. 13F.
ABSTRACT.—Copy of a Sanad.
- ENCLOSURE No. 14J.
ABSTRACT.—Copy of an order issued by Mr. R. Peter.
- ENCLOSURE No. 15K.
ABSTRACT.—Copy of an order issued by Mr. R. Peter.
- ENCLOSURE No. 16M.
ABSTRACT.—Copy of the Extract from the Istimrar account filed by Defendant.
- ENCLOSURE No. 17D.
ABSTRACT.—Copy of a Moochilika.
- ENCLOSURE No. 18.
ABSTRACT.—Copy of Moochilika.

1. Within the limits of the Shivagunga Zamindāri are certain villages granted by the former Government for "Jevithan" or maintenance on a light quit-rent, which quit-rent is included in the assets of the Zamindāri, the difference between the quit-rent and the full assessment forming the profit of the grantee. The villages are in fact essentially of the nature of Ināms, and as such come under the provisions of Regulation IV of 1831, and Acts XXXI of 1836 and XXIII of 1838. They form a valuable property, and have consequently been the object of divers surreptitious attempts to obtain their alienation from the families to which alone the privilege of holding them on the favorable tenure appertained.

2. In the papers above recorded one such attempt is brought to notice.

3. The Pudmatūr family of long standing and local eminence obtained from the Hindu Government the grant of eight or ten villages on this species of tenure which was subsequently confirmed by the Mussulman Government.

4. The Estate thus created was at times termed a Poliaput, at times a Zamindāri, but was in fact merely a large Inām grant.

5. From this same family was eventually selected the Zamindār of Shivagunga when that estate was created and in its limits as already mentioned these "Jevithan" villages with others on a like tenure were included, the quit rent forming part of the assets of the Zamindār, who has also a reversionary interest in the grant as a member of the Pudmatūr family, but the ultimate reversionary right to the difference between the full assessment and the favorable quit-rent being vested in the Government, with whom also rests the decision as to the continuance of the favorable tenure.

6. In his first letter above recorded, the Collector reported that in spite of the objections raised by the Collector on behalf of Government and by the Shivagunga Zamindār, the Sub-Court had ordered the sale of one of these "Jevithan" villages named Puvandi on account of certain Razinamah decrees in suits in which the so-called Zamindār of Pudmatūr was Defendant, and he asked instructions whether he should notify to intending purchasers that they must take the risk of the full assessment being levied by Government from them.

7. The Board directed him to move the Sub-Court to cancel its order for the sale, and in the event of its refusing to do so, then to appeal to the Civil Court. Should the Sub-Court also refuse to stay the sale pending the appeal, the Collector was instructed to issue the notice proposed by him, and the Board also record their opinion that on the death of the present holder of the "Jevithan" villages included in the grant to the Pudmatūr family, it will be open to Government to deal as they may think fit with the favorable tenure, as the Shivagunga Zamindār who is the next heir cannot be held to need a grant for maintenance.

8. The Board's Proceedings were submitted to Government who requested further information on the matter.

9. Meanwhile the Sub-Court on the Collector's application suspended the sale observing, however, at the same time that the right of Government to levy the full assessment had been reserved in its original order, and that as the Pudmatūr grant was independent of the Shivagunga Zamindār having existed before the Zamindāri was created, therefore Regulation IV of 1831, and Act XXXI of 1836 did not apply.

10. In his letter of 23rd November 1860, the Collector stated certain reasons why in his opinion the Government could not interfere with the villages so long as the Peshkash of the Shivagunga Zamindāri was paid, the principal reason being derived from the impression that that Peshkash had not been fixed on a calculation of assets, but on general considerations and in his later letter of 22nd December 1860, he reported that the attachment of the Sub-Court had been removed, and the village of Puvandi sold by private contract to Ponnusawmi Taver of Ramnad for a lac of Rupees, the deed of sale being registered in the Court.

11. The Board in their Proceedings of the 9th January 1861, drew the Collector's attention to certain papers on his records connected with the assessment of the Shivagunga Peshkash and the question of the "Jevithan" villages, and stated that they could not admit the right of the late holder to dispose of the village on its favorable tenure either by private sale or under a Decree of Court. They called for further information on certain points, and they remarked on the

Decree passed in the Suit, and as I read the Act VIII of 1859 no appeal will lie against such an Order.

4. As regards any steps for asserting the right of Government, I am of opinion that if Government have any rights, such rights may be asserted in a regular Suit.

5. But whether Government have or have not any rights, I am unable to form an opinion from the papers before me.

1. Ordered to be submitted to Government in continuation of the Board's Proceedings, quoted by the Government Pleader, and to be also communicated to the Collector.

2. The apparent effect of Mr. Dale's interpretation of the law is that although Regulation IV of 1831, and Acts XXXI of 1836, and XXIII of 1838 expressly reserve to Government the jurisdiction in all questions regarding Ináms, and declare such lands not liable to attachment or sequestration in satisfaction of any Decree of Court, and although the Circular Order Sudder Adalat, dated 12th July 1835, declares that all Ináms not included under Regulations VII of 1817, and VI of 1831 come under Regulation IV of 1831, and that in all cases of doubt it should be referred to the Revenue authorities to declare whether land is Inám or not, while the earlier Circular Order Sudder Adalat, dated 30th April 1833, requires that where it is notified to the Court by the Revenue authorities that land attached under Civil process is held as Inám, the Court shall stay proceeding and remove its attachment forthwith, still if any Judicial Officer who is required to execute a Decree in a suit for a bond debt in which land formed no part of the subject matter, shall, in despite of motions to the contrary made by the Collector through the Government Law Officers, take upon himself to affirm that lands granted for maintenance and in the possession of the party liable for the decreed amount, are not of the nature contemplated by Regulation IV of 1831, and shall thereupon proceed to direct the realization of the amount of the Decree by the sale of such land, his proceedings cannot be checked, and the rights and authority of Government can be vindicated only by the expensive and tedious method of a regular Suit.

3. If the Board have rightly understood Mr. Dale, and the above interpretation be correct, they cannot but think that the Law needs amendment, unless indeed it be no longer desired to maintain any authority whatever over Ináms.

4. But if Mr. Dale's interpretation be intended to apply only to cases in which the Inám land formed the subject of the suit in which the decree was passed, then the Board would request him to favor them with his opinion on the point as affecting orders for the execution of Decrees in cases where the Inám was not in litigation, but was ordered to be sequestered and sold in liquidation of the debts of the Inámdár, and to inform them whether he considers that the Principal Sudder Amin did or did not exceed his jurisdiction and powers.

5. It appears to the Board that the rights and reversionary interests of the Government and of the Shevagunga Zamindár have alike been invaded and injured.

6. The Collector will at once reply to paragraph 8 of the Board's Proceedings, dated 21st September 1861.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

Proceedings of the Board of Revenue, dated 7th July 1862, No. 4,369.

Read the following letter from C. DALE, Esq., Government Pleader, Sudder Adalat, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 30th June 1862, No. 99.

SIR,

1. I do myself the honor of acknowledging the receipt of the Official Memorandum, of the date and number noted in the margin; and with reference to paragraph 4 of the Proceedings of the Board of Revenue, under date the 5th November 1861, No. 6,049, of stating that it is, as a general rule, impossible to advise on suppositious cases, as each case must depend on the course pursued in that particular case, and that now under consideration does not

Official Memorandum from Acting Sub-Secretary, to Government Pleader, 21st June 1862, No. 438.

form an exception to that rule. It is, however, clear that if "in cases where the Inám was not in litigation, but was ordered to be sequestered and sold in liquidation of the debts of the Inámdár," the Government was *not a party* to the Suit in which the litigation was raised, the Government could not intervene in that Suit.

2. The information before me is not sufficient to enable me to form any opinion whether the land in question is or is not Inám; that point is not admitted; indeed it appears to be very far from clear under what tenure it is held. If, however, the land in question be held under Inám tenure, I am of opinion that the Principal Sudder Amin did exceed his jurisdiction and powers.

1. Ordered to be communicated to the Collector of Madura for his information. He will please to report whether any further action has been taken in the matter of the Principal Sudder Amin's order.

2. The Board observe that the case submitted by them to the Government Pleader for his opinion was no hypothetical one, but what had actually occurred; while the decision as to whether the land is or is not Inám is not as he supposes an open one, but has been decided by the Revenue authorities in the affirmative, and with them under the rulings of the Sudder Court, the decision on this point rests.

3. The effect of the Government Pleader's opinion therefore is that the Principal Sudder Amin in his order, directing the sale of the "Jevithan" or maintenance Inám land in question did exceed his jurisdiction and powers.

4. The Board request him to inform them distinctly whether in such case, the only method of asserting the rights of Government, and checking the operation of such illegal order, is by Civil Suit, as they are led to suppose from his former letter, dated 18th October 1861, No. 169.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

ORDER THEREON, 22nd July 1862, No. 1,368.

1. The Proceedings of the Board of Revenue above recorded relate to the villages of Puvandi, Kanakangudy and Kanariruppu, all forming parts of the Padmatúr estate in the Madura District, and which were at different periods ordered by the Subordinate Court to be sold in satisfaction of certain Decrees, passed against the holder of the said estate.

2. *Puvandy*.—This village was advertised for sale in 1860, when the Collector objected that the said village formed a portion of an Inám granted for Jevithan, or maintenance, and as such fell under the provisions of Regulation IV of 1831 and Act XXXI of 1836. The Board of Revenue upheld the Collector's objection, but the Government observed that they were unable from the scanty information then before them to form a decided opinion on the case, and called upon the Board to explain by whom the village was granted and on what terms.

3. In reply the Board explain that the Padmatúr family of long standing and local eminence, obtained from the Hindoo Government, the grant of eight or ten villages for maintenance on a light quit-rent, which was subsequently confirmed by the Mahomedan Government, that though the estate was at times termed a Polipat, at times a Zamindári, it was, in fact, merely a large grant, which had existed prior to the creation of the Shiragunga Zamindári within the limits of which the said Jevithan villages are situated; that though the quit-rent due on the villages is included in the assessments of the said Zamindári, the difference between it and the full assessment has formed the profit of the grantee, the ultimate reversionary right to this difference is vested in the Government, with whom also rests the decision as to the continuance of the favorable tenure.

4. With reference to the alleged attachment of the said village by the Subordinate Court, the Board report that it has since been removed; but the village itself has subsequently been transferred by private sale to Ponnuswamy Taver of Ramnad for the sum of one lac of Rupees.

5. The fact of the estate of Padmatúr being an Inám held on favorable terms is in the opinion of the Board fully established by the Istimirari accounts of the Shivagunga Zamíndári, by certain Takids, Sanads, Parwanas and Pattas, dated A. D. 1729, 1749, 1781, 1773 and 1807, as well as by the Pleadings and Razinama in O. S. No. 4 of 1823.

6. Under these circumstances, the Board recommend that "the papers be placed in the hands of the Inám Commissioner and that he be instructed to dispose of the matter under the rules laid down for his guidance." This seems to be the best arrangement and is accordingly approved.

7. *Kanakangudy*.—The village of Kanakangudy was sold in 1860 in satisfaction of certain Decrees of the Sub-Court of Madura. It was purchased by Mr. Fischer of Salem, and by him presented to Kosalaram Pillay, Sheristadar of the Court, under whose orders it was sold. This sale was likewise opposed by the Collector on behalf not of Government but of the Shivagunga Zamíndár then a minor in ward. The objections were however overruled by the Court, which observed "that only the right and title of the actual possessor were sold, and thus no injury was thereby inflicted on the reversionary right of the Zamíndár and others."

8. The Board question the correctness of this ruling, but as the Shivagunga Zamíndár will himself succeed to the enjoyment of the favorable tenure on the death of the present holder of the Padmatúr grant, they recommend that the full assessment be levied on the village of Kanakangudy so long as it remains out of the enjoyment of the family for whose benefit the grant was originally made.

9. The Government do not agree with the Board in this respect, and they see no reason why this alienation should be treated differently from the other. No fraud is alleged, and if the Court was wrong in selling the Inám, this should not be visited on the purchaser. Government would not have assessed it in full on account of the antiquity of the grant, but would have commuted their reversionary rights. This village will therefore be referred like that of Puvandy for the disposal of the Inám Commissioner under the usual rules.

10. Adverting to the acquisition of this village by the Sheristadar, the Board remark that his conduct in obtaining possession of it is very reprehensible, inasmuch as he was at the time employed in the Court which ordered the sale. He has since retired from the public service, and the Board suggest that he should be called upon to explain his conduct, and his pension discontinued in the event of the explanation proving unsatisfactory. This will accordingly be done through the Judicial Department.

11. *Kanariruppu*.—A portion of this village was placed under attachment in 1861. The Collector protested, but his objections were set aside by the Principal Sudder Amín, who remarked that the village in question being included in the Istimirar Sanad was saleable under Section 9, Regulation XXV of 1802, and accordingly "ordered its sale subject to the reversionary rights of Government."

12. The Board of Revenue considered that the Principal Sudder Board's Proceedings No. 5,119. Amín had clearly exceeded his jurisdiction in this decision and requested the opinion of the Government Pleader as to the steps to be taken to set matters right and to assert the claims of Government. They also instructed the Collector of Madura to report fully upon the resources of these Jevithan villages, with a view to determine the full assessment to be charged to the purchaser in the event of it being impossible to prevent the sale.

13. The Government Pleader in reply reports that from the papers furnished to him he is unable to form any opinion as to what rights are possessed by Government in the matter. If, as observed by the Board, the Principal Sudder Amín has exceeded his jurisdiction, he points out that the only course open for asserting the rights of Government is by instituting a regular Suit.

14. The Board of Revenue doubt the correctness of this interpretation of the Law, but being of opinion that it may be intended to apply to cases in which the Inám formed the subject matter of the Suit, they have again requested the Government Pleader to furnish them with his

views on the point as affecting orders for executing decrees in cases wherein the Inám was not in litigation, but was ordered to be attached and sold in liquidation of the debts of the Inám, and also to inform them whether he considers the Principal Sudder Amín did or did not exceed his jurisdiction.

15. Mr. Dale has since reported his opinion that, if the lands in question be held under Inám tenure the Principal Sudder Amín has exceeded his powers. The Board remark that it has already been decided that the tenure is Inám, and that therefore it is clear that the Principal Sudder Amín has gone beyond his jurisdiction, but they have found it necessary to ask Mr. Dale again whether in that event the rights and authority of Government can only be vindicated by the tedious and expensive process of a Regular Suit.

16. The Government consider that this case also should be treated under the Inám rules, and they resolve accordingly to forward the whole of the papers now reviewed to the Commissioner, with a view to the commutation of their reversionary rights as usual.

(True Extract.)

(Signed) P. P. HUTCHINS,

Acting Deputy Secretary to Government.

To the Board of Revenue.

„ Inám Commissioner.

Exd. S. T. Augustin.

N^o 11941-28 July 1862

Referred to the Sud-
der Court for report
in reference to paras 10.

W. H.

The Sudder Court. 29th July 1862.