Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1357

Dated 25th June 1895

[Despatch Abstract.]

TOTAPALLI ESTATE.

Accepting the recommendation of the Collector of Godavari that Malla Doragaru be recognized as the heir to the late Munsabdar of the----; and directing that the allowance of Rs.12,217-8-0 be continued to him.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Pres	329	Rev	21.3.1882				
Pres	1228	Rev	8.5.1885				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ms	835	Rev	28.5.1923				
Ms	1881	Rev	14.8.1928				
Ms	1340	Rev	4.6.1947				
Ms	2014	Rev	23.8.1948				
Ms	2341	Rev	30.1.1951				

PETITION
68
REVENUE DEPT.

To
The Secretary to Government
Revenue Department
Fort St. George
Madras.

The humble representation of Sri Rajah Yenumula Venkatareddi Doragaru of Srungavaram, Totapalli estate, Peddapore Taluq. Godavery District —

Most respectfully sheweth,

That your petitioner is the only surviving undivided brother of the late Sri Rajah Yenumula Latsandora Garu of Totapalli Estate, who died at Cocanada, on the morning of the 21st October last.

2. The Estate of Totapalli was resumed by Government from the said Latsandora Garu in 1881, and an allowance of Rs. 19,500, equivalent to the income of the said Estate was granted to him for the maintenance of himself and his family.

3. That in the year 1885, your petitioner and some other members of the family who have got right of maintenance from the income of the said Estate, put in petitions to authorities stating that the said ex-Mansabdar was not properly maintaining the different members of the family according to their rank and dignity and that thereupon the Government was pleased to order that a moiety of the said sum of Rs. 19,500, was to be set apart and be divided among the members of the family both male and female according to their rank and position in the family, and that the same be paid directly from Government treasury without reference to the ex-Mansabdar; and your petitioner has since been in receipt of an annual allowance of Rs. 1,690, by monthly instalments of Rs. 140-13-4, a month.

4. The said late ex-Mansabdar was up to his death in receipt of the remaining moiety plus the amount of Rs. 4,267, which was the allowance of the members who died subsequently and was under orders of Government merged into the said allowance. Out of the said sum which was being paid to the late ex-Mansabadar the Government was pleased to order the sum of Rs. 1,800, a year to be paid separately to the wife of the said Mansabadar upon the representation of his wife that his adopted son was not treating her suitable to her rank. The sum that was being actually paid to the said ex-Mansabadar at the time of his death was Rs. 12,218.

5. That since the last 250 years when the Mansabdar's family was first founded, the custom of the family has been such as stated in an arzi submitted in 1822 by Yenumula China Bapandora Garu, the then Mansabadar of the said estate on an official requisition from the Collector, *viz.*, that the Mansabdar of the Estate should never bring any one of any other family into the Mansabdar's family by adoption, that if the Mansabdar is destitute of legitimate sons he should select one of the Mansabdar's family and bestow the Mansabdary upon him.

6. The said custom was upheld both by the Civil Court of Rajahmundry in O. S. No. 3 of 1860, in which the said arzi was filed as exhibit A. and by the High Court of Judicature at Madras in Regular Appeal No. 15, of 1862, and it was finally upheld by the Privy Council in their Judgment, dated the 2nd February 1870. *vide* Moore's Indian Appeals, Volume XIII, page 333.

7. In that Judgment their Lordships observed that "The most material document is the exhibit A. in the "record which as the statement of the then Zamindar made on an official requisition at a time when he had no "interest nor any apparent motive for giving any but a true account of the history of the Estate and of the "custom of this family seems to be in every way worthy of credit."

8. That subsequently your petitioner's elder brother the late Ramandora Garu brought a suit No. 4 of 1866 for the recovery of the Estate from the widow of Sri Rajah Butchi Venkandora Garu, who was the predecessor in possession of the Estate to your petitioner's eldest brother the late Latsandora Garu, that in the Judgment passed in said suit, the Civil Judge of Rajahmundry held that the Plaintiff was the legal heir to the Estate as the fittest undivided male representative of the family, that the late Mansabdar did not authorize the defendant to adopt a son and if he had, that the son thus adopted would not be legal heir to the Estate according to the prevailing custom and usage of the family referred to in the said document which was filed as Exhibit B. in the suit.

9. Thus your honor will clearly see that after the death of the ex-Mansabdar the late Latsandora Garu, your petitioner, who is his only surviving uterine and undivided brother is the person entitled to succeed him as regards the allowance granted in lieu of the said Estate in preferrence to all other members of the family, as well as to Malludora Garu who is alleged to be the adopted son of the late ex-Mansabdar, and who is not a member of the Mansabdar's family, and taken from an entirely different family unconnected in any way with this Mansabdar's family; that is to say that Malludora's natural father's family and your petitioner's Mansabdar family do not observe birth and death ceremonies.

10. Further your petitioner begs to observe that the late ex-Mansabdar, Latsandora Garu, left moveable property including cash and jewels to the extent of a lakh of rupees, and lands fetching an annual income of about Rs. 3,000, which property is now in the possession and enjoyment of the said alleged adopted son, Malludora Garu. All this property was acquired by the late ex-Mansabdar from the savings of his pension allowance granted by Government, whereas your petitioner has no other income except the allowance which the Government has graciously been pleased to bestow upon him and which is hardly sufficient for the maintenance of his family, and moreover your petitioner begs to state that enquiries may be made with regard to the conduct and capabilities of both the petitioner and the said Malludora, and which of the said two individuals is liked best by the people of the Totapalli Taluq as well as by the relations of the family in general.

11. Your petitioner therefore humbly submits that from what has been above stated, this petitioner's claims will stand uppermost in considering the different claims which may be advanced by the other members of the family, and that the claim of the alleged adopted son Malludora Garu can in no way be taken into consideration in connection with the allowance which was being granted to the late ex-Mansabdar in consideration of the resumption of the Estate, and that you will be pleased to recommend to Government to bestow upon him the same allowance, *viz.*, Rs. 12,218, which was being paid to the deceased Latsandora Garu, from the date of his death, taking into consideration your petitioner's position as the surviving head of the family, and his close relationship with the deceased ex-Mansabdar as his *only* undivided and uterine younger brother.

For which act of justice and mercy, your petitioner, as in duty bound, shall ever pray.

Cocanada
4-1-95

(signed) Sri Rajah Yenumula
Venkatareddi Doragaru

P1135/95

O/18 —5,000—7-9-93.

(1895.)

REVENUE DEPARTMENT.

Current Number. 251

COLLECTOR
2-MAR.95
GODAVARI.

From

Sri Rajah Yenumula
Venkatareddi Doragaru
Irungavaram
Tolapalli Estate
Peddapur Taluk
Godavari Dist.

6 FEB. 1895

Dist. 4/2

Dated 4 Jany
Received 12 [illegible] Judl 6/2
Enclosures Reg 7/2

P1135/95

No.

SUBJECT.

Praying for the allowance of Rs 12,218 which was paid to the deceased [illegible] Garu from the date of his death.

P. T. O.

C. No 856

ABSTRACT.

G.O. 1397: 8.6.94 [illegible]
G.O. 2024: 22. 8. 94

Endt. R 265.

544

Judl.

Transferred to the Judicial Department.

Fort St George }
4. Feby 95 }

R. C. [illegible]
under secretary

M 7/2

Endorsement. dy 27. 2. 95 No. 408

Referred to the Collector of Godavari for remarks.

(By order)

Lionel Davidson
for Under Secretary

Fort St George }
27 Feby 95 }

To
The Collector of Godavari

M 19/2/95

TO BE RETURNED
WITH REPLY.

Reg
R. C. 17/2

2732 : 12.11.94 Mis
2024 : 22.8.94 "
1897 : 8.6.94 "
1215 : 21.5.94 "
958 : 20.5.91 "
619 : 4.4.91 "
709 : 14.4.91 "
194 : 6.2.90 "
1743 : 11.10.89 "
596 : 1.4.89 "
2338/9 : 13.11.88 ogl.
953 : 20.4.88 Mis
1741 : 6.8.87 "
1719 : 3.8.87 "
1718 : 3.8.87 "
1662 : 28.7.87 "
1165/6 : 3.6.87 "
886 : 25.4.87 ogl.
1228 : 8.5.85 "
128 : 16.1.85 "
Totapalli File.

pw35/95

CURRENT NO 952

CHIEF SECRETARY
26 FEB 1895
GOVERNMENT OF MADRAS

To

The Right Honorable
The Governor in Council
Fort St George
Madras.

The humble representation of Sri Rajah Yenumula Rajamdora garu son of Sri Rajah Yenumula Ramamdora garu of Singavaram in Totapalli estate, Peddapore Taluq Godavery district.

Most Respectfully Sheweth:-

That your petitioner is the only son of the late Sri Rajah Yenumula Ramamdora garu, undivided brother of the late Sri Rajah Yenumula Latsandora garu of Totapalli estate, who died at Cocanada on the morning of the 21st October 1894.

The estate of Totapalli was resumed by Government from the said Latsandora garu in 1881, and an allowance of Rs 1950-0 - equivalent to the income of the said estate was granted to him for the maintenance of himself and his family

That in the year 1885, your petitioner and some other members of the family who have got right of maintenance from the income of the said estate, sent in petitions to authorities stating that the said ex Munsabdar was not properly maintaining the different members of the family according to their rank and dignity, and the Government was pleased to order that a moiety of the said sum of Rs 19500- was to be set apart and be divided among the members of the family both male and female according to their rank and position in the family, and that the same be paid directly from Government treasury without referrence to the ex Munsabdar-

The said late ex Munsabdar was up to his death in receipt of the remaining moiety + the amount of Rs 4267- which was the allowance of the members who died subsequently- and was under orders of Government merged into the said allowance - Out of the said sum which was being paid to the late ex Munsabdar the Government was p[illegible] to order the sum of Rs 1800- a year [illegible] be paid seperately to the wife of the said Munsabdar upon the representation of his wife that his adopted son was not treating her suitable to her rank. and the sum that was being actually paid to the said ex Munsabdar at the time of his death was Rs 12218-

That upon the representation of your petitioner's father Ramamdora garu in the year 1885, the Government was pleased to order a seperate allowance of Rs 2535- a year to be paid to him but he died before he received any allowance and on the representation of this petitioner the Government was pleased to grant him half of the allowance that was ordered to be paid to his father, which he has been receiving since that time -

That since the [illegible] 250 years when the Munsabdari family was first founded the custom of the family has been such as stated in an arzi submitted in 1822 by Yenumula

Ro. papers?

venna Bapamdora garu the then Munsabdar of the said estate on an official requisition — that the Munsabdar of the estate should never bring any one of any other family into the Munsabdar's family by adoption; that if the Munsabdar is destitute of legitimate sons he should select one of the Munsabdar's family and to bestow the Munsabdary upon him —

The said custom was held both by the Civil Court Rajahmundry in O S No 3 of 1860 which the said arzi was filed exhibit A. and by the High Court of Judicature at Madras in Regular Appeal No 15 of 1862 and it was finally upheld by the Privy Council in their judgment dated the 2nd February 1870 - vide Moore's Indian Appeals, volume XIII page 333.

In that Judgment their lordships observed that "the most material document

"is the exhibit A. on the record which "is the statement of the then Zamindar "made on an official requisition at "a time when he had no interest "nor any apparent motive for giving "any but a true account of the "history of the estate and of the custom "of this family seems to be in every "way worthy of credit" —

That subsequently your petitioner's father the late Ramamdora garu brought suit No 4 of 1866 of the recovery of the estate from the widow of Sri Rajah Butchi Venkandora garu who was the predecessor in possession of the estate to the lat ex Munsabdar Latsandora garu that in the judgment passed in the said suit in his favor the Civil Judge of Rajahmundry hel that the plaintiff was the legal heir to the estate as the fittest undivided male representati of the family, that the late Munsabdar did not authorize the defendant to adopt a son and if he had that the son th adopted would not be legal heir to the estate according to the prevailing custom and usage of the family referred to in the said document which was filed as Exhibit B. in the suit-

Subsequently the late ex Munsabdar Latsandora garu recovered the said estate from your petitioner's father on the technical ground that he was the senior member of this branch of the family-

Thus your lordship will see that it was the petitioner's father who got the said estate into this family and not the late ex Munsabdar-

Your petitioner therefore submits that the pension which is now being given to him viz. Rs 105-10-- a month being half of that which was ordered to be paid to his late father and which was never enjoyed by him is not sufficient to support your petitioner and his family suitable to his rank and position in the family and that as the late ex-Munsabdar is now dead- Your petitioner humbly submits that your lordship may be pleased to recommend to Government that such portion from his allowance as your lordship may think proper under the circumstances may be granted to him in addition to that which he has now been recieving

For which act of justice, your lordship's petitioner shall, as in duty bound, ever pray-

Cocanada
23-2-95

(Signed) Sri Rajah Yenumul
Rajamdora garu-

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Cur. 544/95

CURRENT NO 952

Cur No 963

Dec/95

COLLECTOR
10 MAR. 95
GODAVARI.

Shr

for Collr
10/3.

From

Sri Rajah Yemmula
Rajamdora Garu

Dated. 23. 2. 95
Recd. 26. 2. 95
Regd. 27. 2. 95

Subject.

Reqg. that something in addition to what he is now paid, may be granted him

WR 5/3
U.S. 5/3/95

Petn 1225/95

Endorsement. d/ 6-3-95 No 487.

Referred to the Collector of Gódávari for remarks in continuation of endorsement of 27th ultimo, No 408, Judl.

(By order)

Lionel Davidson
b.s
Ag. Under Secretary.

To
The Collector of Gódávari.

WR
5/3/95

TO BE RETURNED
WITH REPLY.

Over

13

List of papers in the matter of the petition presented for the allowance due to the Ex Mansabdar of Totapalli

1 Petition presented by Sri Raja Yemmula Mallu Dora garu on 22.11.94

1 List of documents submitted by him in support of his claim

1 Petition dated 11.11.94 presented to the Head Quarters Dy Collector by Sri Rajah Y. Mallu Dhora garu

1 List of documents presented by him in support of the allegations contained in his petition.

1 His petition dated 23.10.94 to the Dy Collector in charge of Treasury ($\frac{587}{acc/94}$)

1 Vakalat dated 23-10.94 executed by Mallu Dora garu in favor of M.R.R. Duriseti Seshagiri Row B.A. B.L.

1 petition (on Copy Stamp) dated 22nd May 1874 presented to W. S. Foster Esquire by Y. Lachan Dora garu and the Collector's order thereon

1 Copy of Judgment in O.S. 3 of 1880 on the file of the Sub Court Cocanada

1 Copy of Judgment ~~and~~ in appeal suit No 94 of 1880 on the file of the High court of Judicature at Madras.

1 Copy of Judgment in O.S. 16 of 1889 on the file of the Sub Judge Cocanada

1 Copy of will executed by Y. Lachan dora garu on 1st May 18

1 Copy of deposition given by Yemmula Venkatareddi dora garu before the Head Quarters Deputy Magistrate in his Pt $\frac{1}{1893}$ on 12. 5. 93.

1 Copy of petition dated 30 June 1893 addressed to the Collector presented by Yemmula Venkata Ramachendrayamma garu

1 Copy of petition dated 15.11.93 presented by Sri Raja Yemmula Venkatareddi dora garu to the Head Quarters Dy Collector.

1 Copy of the deposition taken down by the Peddapur District Munsiff from Yemmula Venkatareddi dora in O.S. no $\frac{333}{1893}$.

1 Copy of arzi of 27.7.77 written by Lachanna to Sri Raja Y. Lachan Dora garu

1 Copy of deposition of 12 August 1883 of Yelugula Latchanna son of Dasi Ramalakshmi in C.C. No $\frac{5}{1883}$ on the file of the Assistant Magistrate.

1 Copy of Judgment in Ex. pet nos $\frac{33 \text{ and } 34}{1888}$ on the Cocanada Sub Court's file.

1 relinquishment of Jeroyati land on 2nd March 1891 executed by Yelugula Lachanna son of Ramalakshi in favor of Sri Raja Yemmula Lachan Dora garu.

1 Copy of petition presented on 22.11.93 by Yemmula Lachan Dora to the Sub Judge Cocanada

1. Copy of deposition taken from Yelugula Latchanna in O.S. $\frac{38}{1893}$ on the file of the Sub Court Cocanada

1 Copy of deposition taken from 2nd Defendants' 1st witness (recalled) Yelugula Latchanna in O.S. $\frac{38}{1893}$

1 Copy of deposition taken from Defendants' 4th witness Yemmula Venkatareddi Dora garu in O.S. $\frac{38}{1893}$.

1 Copy of deposition taken from Yemmula Venkata Ramachendrayamma garu in connection with O.S. $\frac{38}{1893}$

1 Copy of deposition taken by the Sub Judge Cocanada from Bhimireddi Venkan Dora garu in O.S. $\frac{38}{1893}$

1 Copy of deposition taken from Yemmula Rajan Dora garu in O.S. $\frac{38}{1893}$ on the file of the Sub Court, Cocanada

1 Copy of Judgment in O.S. $\frac{38}{1893}$ on the file of the said Court

1 Some papers containing notes taken down by Deshagiri row Pleader.

1 Explanatory memo: dated 11. 2.95 filed by Sri Raja Yemmula Mallu Dora garu before the Head Quarters Dy Collector

1 printed Copy of petition of Yemmula Lachan Dora garu

1 Hukum (by Collector) no $\frac{23}{7\ \text{June}\ 1881}$ to Latchan Dora garu

1 Collector's Hukum no $\frac{72}{8\text{-}12\text{-}81}$ to Do.

1 Collector's Hukum no $\frac{39}{4\text{-}6\text{-}85}$ to Do. Do

1 printed Copy of proceedings of Madras Government $\frac{1379}{10\text{-}10\text{-}1859}$

1 Copy of Proceedings of Madras Government no $\frac{1620}{20.9.1889}$

1 Do. Do. $\frac{1915}{11.11.89}$

1 Collector's Hukum no $\frac{1228}{23.9.91}$

1 Copy of ~~Standing~~ Govt order no $\frac{384 \text{ Judicial}}{11.\ 2.\ 86}$

1 Collector's order of 7. 12. 83 on the petition of Yemmula Ramon Dora and Y. Venkatareddi Dora claiming the Stipend of Rs 19,500

1 Certified Copy of Judgment in O.S. no $\frac{7}{1877}$ on the file of the Sub Court Cocanada

1 certified Copy of list of documents presented in O.S. $\frac{7}{1877}$

1 Petition d/ 12.11.94 presented by Y. Venkata Ramachendrayama garu to the Head Quarters Dy Collector.

1 Vakalat d/ 12-11.94 in favor of D.K. Ramaswamy garu Pleader executed by her.

1 petition d/ 12.11.94 presented by Raja Y. Venkatareddi Dora garu to the Collector.

1 Vakalat d/ 12.11.94 executed by him in favor of the above Pleader.

1 petition d/ 12.11.94 presented by Venkatareddi Dora garu to the Head Quarters Dy Collector.

1 Vakalat d/ 12.11.94.

1 memo dated 10-12.94 filed by the above Pleader in the Court of the Head Quarters Dy Collector

1 Copies of Judgment with depositions &c in O.S. no $\frac{3}{1860}$ on the file of the Rajahmundri Civil Court (20 stamps)

1 Copy of Judgment appeal no $\frac{15}{1862}$ on the High Court's file

1 Copy of appeal from the High Court at Madras d/ 2.2.1870

1 petition d/ 12.11.94 presented by Yemmula Rajan Doragaru to the Collector Godavari

1 Vakalat d/ 12.11.94 in favor of D.K. Ramaswami garu

1 petition dated 12.11.94 presented by Sri Raja Yemmula Rajan Dora garu to the Head Quarters Dy Collector

1 Vakalat dated 12.11.94 presented by him in favor of D.K. Ramaswami garu. Pleader

1 Petition dated 12.11.94 presented by Yemmula Venkan Dora garu to the Collector Godavari

1 Petition dated 12.11.94 presented by Y. Venkan Doragaru to the Head Quarters Dy Collector.

1 Vakalat d/ 12.11.94 in favor of Mr. D.K. Ramaswami Pleader Cocanada

1 Petition dated 12.11.94 presented by Yelugula Latchamma to the Collector of Godavari.

1 Petition dated 12.11.94 presented by Do to the Head Quarters Dy Collector.

1 memo (Pet no $\frac{107}{HDC}$) filed on 5-2.95 by Yelugula Lachamma before the Head Quarters Deputy Collector

1 Printed Copy of Judgment in O.S. $\frac{38}{1898}$ on the file of the Sub Court Cocanada

1 letter dated 17.1.95 to Mr. D.K. Ramaswami garu from the Head Quarters Dy Collector requesting to produce Copy of the Sub court's Judgment

1 letter d/ 18.1.95 from the above pleader to the Head Quarters Deputy Collector

1 letter from Mr. Seshagiri Row garu to the Head Quarters Dy Collector ($\frac{53 \text{ Pet}}{1895}$)

Dy for Collector

12/3

3 P1135/85

Cur no 567.

Head Quarters Dy Collector's office,
Cocanada 14th February 1895.

From.

Dewan Bahadur A Venkata Rama Das Naidu
Garu B A & B L, Head Quarters
Deputy Collector.

To.

W. J. H Le Fanu Esquire
Collector, Godavari.

Sir,

In forwarding herewith the petitions (as per list) received from Yemmula Mallu Dora Garu and others, I have the honor to report that Yemmula Latchan Dora garu Ex-Mansubdar of the old Totapally Estate, died on 21st October last

2. History of the Estate and mode of Settlement ..... } The following is briefly the past history of the Estate. The original Mansubdar of Totapalli held his estate under the Zamindar of Peddapur, to whom he was bound to pay a Kattubady 1000 pagodas a year " besides, as an essential incident of his tenure, attending him, when required, with a body of 7000 peons." The Kattubady not having been punctually paid, the Zamindar resume

700 BW

certain of the Totapaly villages calculated to yield an equivalent amount and continued to enforce the condition of service. In 1847 Peddapur was sold for arrears of revenue and purchased by Government and with it Totapali came under the control of the British Government. In 1859 the British Government commuted the military service due by the Mansubdar for an annual payment of Rs 6500 being the estimated cost of the military force to be supplied by the Mansubdar which, by the way, is also $\frac{1}{4}$ of the assumed rental of the Estate. In 1881, it was brought to the notice of the Government, that the Mansubdar had alienated several portions of the Estate and that the Estate generally had become a subject of continued litigation. It was then held that the transaction of 1859 did not alter the tenure (Service) of the estate nor take it out of the category of Inam, that it was open to Government to resume it. Accordingly the Government resumed it* and ordered it to be fully assessed. At the same time, they resolved to continue to the Mansubdar the real profit, which, in the arrangement of 1859, they intended him to enjoy viz 3/4 of 26,000 rupees or 19,500 rupees, that is to pay, they resolved to remit

1379
10 Oct 1859
in file

* G.O. No $\frac{559}{19.3.81}$
J.D.

the demand of Rs 6,500 theretofore made in substitution for Police Service, assess the Estate fully, and pay into the hands of the Man Subdar, the sum of Rs 19,500. In July 1881, the Collector having made a reference, enquiring with whom he should make the Settlement — (1) the Mansubdar.

(2, the Mokhasadars or purchasers of villages in court sales &c

or (3) individual ryots of each village, the Government modified their views in regard to the full assessment of the whole estate, and ordered (1, that as the Ex-Mansubdar was no longer the assignee of the public revenue, he should have nothing to do with the estate except any Seri or Jeryati land in his possession, in respect of which alone he should be dealt with as proprietor, (2) that the old hereditary Mokhasadars who joined the Mansubdar with their retainers to discharge the Police services lying upon them and for this reason held their villages at a favorable quit rent, should have their tenures confirmed to them, charged with quit rent equal to 1/4 rental, and that as they reserved to themselves the right of adjudicating upon claims to hereditary grants of land Revenue throughout the hill tracts, they (the tenures) should be maintained "free from the cognizance and process of the Civil Courts" and that this fact should be notified to them at Settlement, and 3rdly that the purchasers of villages in court sale &c should have their villages confirmed to them on a quit rent equal to three-fourths rental for the reasons that (1) full assessment would place them in the same position as a Mirasidar in Tanjore, and that they would be free to demand what rent they pleased, converting the old hereditary ryots into tenants at will and (2) that charge of quit rent equal to three-fourths' assessment would give to government a right to withdraw the tenure and make a direct settlement with the villagers in case of oppression and mismanagement on their part and, 4thly that the tenures should on no account be enfranchised by the Inam Commissioner.

G O 1491 / 27. July 81 ✓

3. The mode of settlement was further explained in G.O No $\frac{2425}{23.11.81}$ ✓ in which it was ordered among other things, that the unalienated villages in the possession of the Ex-Mansubdar alone should be fully

22

assessed.

4. In G.O no $\frac{2}{2.1.82}$ file Government said that in passing G.O $\frac{1491}{27.7.81}$ J.D, they intended that the very favorably assessed Mokhasadars should be liable to come out and help the Police in case of need, and that it is very necessary that this liability should be notified and inserted in the pattahs.

Allowance to Ex-Mansabdar.

5. In G.O no $\frac{1228}{8.5.85}$ Government allowed

Allowance to the Ex. Mansubdar } the following sums to maintenance holders out of the allowance of Rs 19,500 originally granted to the Ex. Mansubdar.

1	Raman Dora Garu	Rs 2,535 ✓
2	Venkatanodi Dora Garu	1,690 ✓
3	Mulappa Dora garu's sons	845 ✓
4.	Gauri Devamma Garu	1,680 ✓
5	Venkayyamma Garu	1,800
6	Venkata Sitaramayamma garu	1,200

6. On the death of 1 Raman Dora garu, his son Rajan Dora garu was allowed a moiety of the allowance granted to his father, the other moiety lapsing to the Ex. Mansubdar (G.O $\frac{384}{11.2.86}$ JL.

7. On the death of (5) Venkayamma garu, the amount allowed to her lapsed to the Ex Mansubdar

(G.O 1620
20.9.89.)

8. On the death of Venkata Sitaramayyammagaru, her portion likewise lapsed to the Ex Mansubdar. (G.O 1915
11.11.89)

9. The Ex Mansubdar was thus in actual receipt of Rs 14017-8-0 a year up to May 1894. Since May 1894, the Ex Mansubdar's wife Venkata Ramachandrayamma having been allowed Rs 150 a month, (G.O 1215
21.5.94) the Ex Mansubdar was at the time of his death in actual receipt of a sum of Rs 12217-8-0.

14017-8-0
1800-0-0
12217-8-0

10. The first petitioner — Mallu Dora garu is the adopted son of of the Ex-Mansubdar; he gives the history of the Estate and prays;

Claims now put forward.

I

(1) that the estate be restored to him.

or (2) that a sufficient number of villages out of the Estate which would give an income of Rs 19,500 per annum, be assigned to him permanently for himself and his heirs, or (3) if either of the above two prayers cannot be granted, the orders existing on the subject of apportionment of the allowance of Rs 19,500, be reviewed and cancelled, as the present apportionment of the allowance to the several

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members of the family has, besides causing pecuniary loss to the petitioner's father, encouraged them to adopt an attitude of defiance and hostility towards the petitioner and his father and harass them in several ways.

11 I shall now proceed to discuss the validity of the contentions of the petitioners.

12 1stly as to the 1st prayer — The reason for resumption of the estate as given by Government (G.O no 559 dated 19.3.81 para 9) is that the lands have mainly, if not entirely, passed out of the possession of the Inamdar to others who are not entitled to the enjoyment of the favorable tenure. The G.O was evidently passed under a misapprehension that most of the land passed out of the possession of the Mansubdar, but it will be seen from B.O no 2850 dated 20.9.83, that the Mansubdar had, at the time of the resumption of the estate, still left in his possession as many as 40 villages out of 109 and that he was getting some sort of Kattubadi on 37 out of the remaining villages.

G.O 1328 [illegible]
23 10 83
pages 456 + 457

~~He had about~~

~~Some 40~~

8
45

36

But

13. The alienations made by the Mansubdars were not valid from the stand point of the Estat

being held on service tenure and could easily have been set aside by the alienor's successors. The fact seems to be that the alienations were made under the misapprehension that by the substitution in 1859 of cash payments for the Police services to be rendered, the estate passed out of the category of Inam. Even the High Court seemed to have held this view; but the Government thought otherwise and, holding that the Pensions Act was applicable to the case, considered itself competent to resume the Estate and made the arrangements referred to in para 9 of G.O 559 dated 19.3.81.

That did not alter the favourable tenure or operate to determine it – instead of [illegible] money was taken, but that was all. It was still a service inam. The Gov't was quite right G.F. [illegible]

×

14. If the Government is not prepared to reconsider the order, the petitioner's claim for the restoration of the Estate must be rejected; but I feel bound to record here what has been stated in the arguments in support of the petitioner's contentions (1) Sections 4 & 5 of Regulation 25 of 1802 do not seem to apply to this case, as the sum of 1000 pagodas payable by the Mansubdar as quit-rent on his estate was included in the assets of the Peddapur Zamindari on which peishcush was calculated.

Mokhasadars

That do not affect the Mansubdar's tenure [illegible]

(2) In 1859 the Government commuted into a cash payment the military or Police service which the Mansubdar was liable to render and thus put an end to the only liability under which the Estate labored at the time ×

Both the favourable tenure rent & condition [illegible] depended whenever the service was no longer required Commentary law of [illegible] tenures

× [illegible] file [illegible]

(3.) In G.Os nos $\frac{2}{2.1.82}$ and $\frac{1491}{27.7.81}$, Government said that the more favourably assessed Mansubdars are still liable to come out and help the Police in case of need. It shows that there was no necessity for the Government deducting the full sum of Rs 6,500 for the Police Service due on the whole Totapali Estate.

p 241

But the old Mokhasadars were maintained [illegible]

4. The old Mokhasadars and the new alienees were left in possession of their villages and were only assessed to quit rent. It seems but fair that the Mansubdar should expect to be treated at least in the same manner as the old Mokhasadars or the new estate alienees. If he had been placed on the same footing, he would have retained possession of the villages that were in his hands. Again, the old quit rent of Rs 6,500 was payable on all the villages comprising the Estate, but from the calculations made for determining the Mansubdar's allowance, it would appear that no credit was taken by Government as stated above for the services still expected of the Mokhasadars

But the very essence of the service tenure is that it is resumable at pleasure, & quite [illegible] so. It is the remains of Common law of India otherwise as Munro shows the whole of the country might in the course of generations be irrevocably alienated at favourable rates. Service can be discharged when services are not required. G.F.

to whom certain villages were given on a quit rent of $\frac{1}{4}$ the rental; for, if it had been, the whole sum of Rs 6,500 need not have been deducted. Moreover the actual income of the Estate which is Rs 31,265-10-11 (B. 6 2850) was far in excess of Rs 26,000 the assumed rental of the Estate. Thus it would seem that the Mansubdar really suffered by the resumption of the Estate and grant of pension in lieu thereof. But there is no doubt that even now Government dealt with the Mansubdar very liberally, in that they still allowed to him though several villages had been alienated, the real profit which they intended him to enjoy, probably while he was in possession of most of the villages. The action, however liberal, is now contended by the petitioner to be not legal.

Sol. was $\frac{1}{4}$ assumed as rent given in pension. It was an act of grace

15. 2nd prayer.— The 2nd prayer of the petitioner viz, that a sufficient number of villages which yield a clear income of Rs 19,500 or such part thereof as is possible, may be assigned to him permanently in lieu of the present money allowance seems to deserve the favorable consideration of Government. In this connection I may mention that all but the marginally noted five of the villages resumed by Government and taken from the actual possession of the Ex-Mansubdar are still being rented out, and that the occupancy right of the lands therein, is still at the disposal of Government. The revenue now being derived from these villages is noted hereunder in detail.

1 Singavaram hamlet of Bapandhara	65.0.0	5 Sandavulapalem	55-0-0
		6 Thotapalli	250-0-0
2. Buradakota	79.0.0	7 Vuligogula	48.0.0
3 Ketanagiri Nurtivada	47.0.0	8 Anantaram	65.0.0
4. Kondapalle	111.0.0	9. Ankampalem	38-0-0.

10	Anumarti	15.0.0
11	Chikirevula palem	41-0-0
12	Chhallum	50.0.0
13	Chinamaka puram	49.0.0
14	Dabbadi	176-0-0
15	Dabbavaram Paidipala	51-0-0
16	Gunelavam	21-0-0
17	Jaladam	143-0-0
18	Ceddum	32-0-0
19	Podavaram	96.0.0
20	Raghavapatnam	270-0-0
21	Sarlanka	28-0-0
22	Satyavaram	12.0-0
23	Anelti	48-0-0
24	Daramahapuram	110-0-0
25	Vondregula	65-0-0
26	Pedamahapuram	300-0-0
27	Siddavaripalem	95-0-0
28	Srungadhara	110-0-0
29.	Yerakapuram	122-0-0
30	Aminekhala	40-0-0
31	Donivada	Transferred to forest reserve.
32	Dharapali hamlet of Tahapudi	
33.	Bikkavaka	500-0-0
×34	Bapabhupalapatnam	1202-13-0
×35	Velangi	767-5-0
×36	Doulagapudi	2927-0-0
×37	Pakapudi Manavaram	668-10-0
38	Mirtivada clubbed with Ketanagiri	…
×39	Munimagunta cl. with Velangi	…
		8,697-12-0

(16) 3rd prayer:— In case Government is not prepared to grant either of the 1st two prayers, the petitioner requests that the existing orders on the subject of apportionment of allowance be reviewed and cancelled. As regard this prayer I beg to suggest the advisability of moving the Government to be pleased (1) to issue a severe warning to the maintenance holders not to trouble the petitioner on pain of withdrawing the allowances now paid to them direct, for their maintenance and (2) to continue to the petitioner the whole allowance his father was in receipt of, at the date of his

death — viz Rs 12,217-8-2. There seems to be no doubt that the Ex-Man Subdar's heir is entitled to the continuance of the allowance, as it is the real profit which the Government intended that the Man Subdar's family should enjoy in perpetuity. That he is the adopted son, is evident from the Exhibits A to A9 put up with his petition. He is also referred to in the Collector's letter no $\frac{60}{12.11.81}$. The fact of adoption is also admitted by the deceased Ex-Man Subdar's × A7× wife, though she is now hostile to the petitioner, and must be considered to have been established.

× now Rearranged.

in G.O $\frac{21\text{-}3\text{-}82}{329\ R.D.}$

× Enclosure to 2nd Petn. p. 340
339

17. The other petitioners either (1) dispute the adoption of Mallidora garu or (2) claim a larger share than they are now getting in the pensionary money allowance or (3) claim a share now for the first time.

18. No 2 is Venkataramachendrayamma garu widow of the Ex Mansabdar. She was only recently granted an allowance of Rs 1800 per annum while her husband was alive as already stated. G.O no $\frac{1215}{21.5.94}$. She now wants that her allowance be increased to 4800 Rs per annum, her claim seems unreasonable as widows of other Man Subdars never had more than Rs 1800 per annum. Very probably

II ✓

this petition was put in out of fear that the allowance might be reduced to Rs 1200 as in the case of Venkata Sitaramayamma garu (vide G.O no $\frac{128}{16.1.85}$) having regard to the fact that the life of a widow is ordinarily less costly than that of a married woman.

III

19 No 3 Venkatareddi Dora garu :— This is the youngest brother of the deceased Munsubdar and is now getting Rs 1690. He states that according to the practice of succession observed in the family, no person belonging to any family other than the Mansabdar's family, should be brought into it by adoption and that Malludora being a member of a different family, his adoption is against the custom of the family, and should not therefore be recognized. He says that this custom was upheld by the civil court of Rajahmundry in O.S. no — of 1860, by the High court in Regular appeal no $\frac{15}{1862}$, and by the Privy council in their Judgment dated 2.2.70 vide Moore's Indian Appeals Vol 13 Page 333. He files copies of the three Judgments which are put up with his petition marked as B, to B_3. The Judgment in the three courts referred to above, went upon the interpretation of Exhibit

× (not here)

in the record of the Suit, which is the statement of the then Munsabdar made in reply to an official requisition. The words relied upon are " If the owner of the land has no issue a competent person out of his nearest Cousins is selected." These words do not seem to prohibit the adoption of Makudora garu, who is the deceased Munsabdar's wife's sister's son. The Munsabdar who wrote the above word was himself adopted into the family, and his word cannot therefore be interpreted as prohibiting adoption. Further this man has on many occasions in criminal and civil courts deposed to the adoption having taken place through against his wishes; if the adoption was illegal, and if he was prejudiced thereby, his manifest duty was to have brought a suit in a criminal court, to set aside the adoption, and not to have disputed it at this enquiry. I recommend that his petition be rejected.

!!!

IV

20. No 4 is Rajan Dora garu. This is the son of another brother of the deceased Munsabdar. After his fathers' death, he has been getting - only an allowance of Rs 1267 per annum, i.e. half of what his father got as already stated, G. O no 384 dated

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32

11. 2. 86. Like no 3 and for the same reasons as those put forward by no 3, he disputes the adoption of Mallu dora garu. I need not go over the ground a second time. He also claims an increased allowance, I cannot recommend it as his family consists of himself, his wife and a married daughter under the protection of her husband, and as the allowance he is already getting is quite enough. Further, this man's father and no 3 had the village of Srungavruksham given to them for their maintenance, but they sold it away for liquidating debt. In the Judgment in O.S. no 7 of 77 on its file, the Sub Court also decided that he was not entitled to further maintenance (vide Copy of the Judgment filed marked as E11)

× vide Encl 2 (12)

to the petition from no (1) Mallu dhora.

V

21. No 5 is Venkanna Dora:- This man is a distant Cousin of the deceased Munsabdar and is now getting Rs 845 a year. He wants his allowance to be increased to Rs 2,400 a year. There is no ground for any increase being recommended.

? Brother's son -

VI

22 No 6 is Yelugula Latchanna:- He calls himself an illegitimate son of the late Ex Munsab

He is not now getting anything out of the Mansubdar's allowance, nor was he referred to in the Collector's letter no $\frac{60}{12.11.81}$ x which would have been the case if he had really been an illegitimate son of the late Latchanna Dora garu. Mallu Dora garu files documents nos D to D_{13} and states (1) that in a letter written by him to Latchanna Dora garu on 27.7.77 exhibit D, Latchanna described himself as a keeper of the wardrobe (2) That in his deposition before the Assistant Magistrate on 12.8.83 in C.C $\frac{5}{1883}$ exhibit D_2 Latchanna said he was a gumasta of the Ex Mansubdar. (3) That in his deposition before the Sub Court on the 15th March 1889 exhibit D_3 Venkatareddi Dora said that Yelugula Latchanna was a servant of the Ex Mansubdar (4) That in the release executed by him in favor of L. Dora garu on 2.3.91, exhibit D_4 Latchanna described himself as the son of one Ramalakshmi and an unknown father. (5) That in the statement filed by him in O.S. $\frac{38}{1893}$ on the file of the Sub court exhibit D_5, Latchanna only said that he had been brought up by Latchanna Dora garu like a son and did not

x printed in G.O. $\frac{21.3.82}{329 \text{ Rev}}$ on page 337 of the bound G.O.

say that he is a son. (6) That in his deposition before the Sub Court on 16-11.94, in O.S. $\frac{38}{1893}$, exhibit D_6 Latchanna admits that his house name is Yelugula and that the Ex-Mansubdar's house-name is Yemmula (7) That in his deposition before the Sub Court, Cocanada in O.S. $\frac{38}{1893}$ on 14-11.94, Venkatareddi Dora admitted that he had previously deposed that Latchanna was only a servant of Latchanna Dora garu and that it would not be proper to say that an illegitimate son of a man is a servant of that man. Latchanna says however that he is an illegitimate son of the late Latchanna Dora garu and that he must get one third share of the allowance which Mallu Dora Garu is now claiming. He relies upon the Judgment in O.S. no $\frac{38}{1893}$ on the file of the Sub Court in which the Sub Judge, while upholding the gift of certain land made to Latchanna by Latchanna Dora garu through his adopted son Mallu Dora garu on the ground that the land was the Self acquisition of Latchanna Dora garu, incidentally x remarked that there is some

Vide para 12 of the judgt - on page 2 of the 6th Petn:

evidence to support the allegation that Latchanna is an illegitimate son of Latchanna Doragaru, that the plea is not unlikely; and that but for something of the kind he cannot easily explain the substantial favours of which Latchanna was the recipient at the hands of Latchanna Dora garu. He added that it is not unlikely that a bastard should, not improbably, under his father's bidding, ignore his fathers name, especially if the father be a man of some position, and is kind to him; that this was probably the reason for Latchanna's stating in his deposition that he did not know who his father was, that he was a servant of Latchanna Dora garu, that it also happens that in a family like the one in question, where some attention is paid to the number of retinue and to 'State', an illegitimate son should be appointed as an officer of the ward robe or keeper of the cash room, that if Latchanna be a pretender, he (the Sub Judge) cannot conceive why Latchanna Dora garu's relations should as his witnesses speak to his illegitimacy, and why

Latchanna Dora Garu's wife should also be on his side, that their enmity to Mallu Dora garu cannot account for their attitude entirely, and that even the deed of gift, begins with "as my father had brought you up from your infancy and as you have proved yourself loyal to us" thus showing that Latchanna must have been more than a servant to Latchanna Doragaru

23 As regards these remarks, made by the Sub Judge, I solicit attention generally to the documents filed by Mallu Dora garu marked as D to D/3 and particularly to the memorandum dated× 11.1.95 and the petition dated 11.2.95 filed by Mallu Dora garu in which it is contended (1) that the question of the illegitimacy was not the subject matter for decision, not being one of the issues framed in the suit, that if it were, the evidence would have been discussed, and evidence to rebut it would have been adduced, that those who are conversant with the ways of Zamindars know very well what substantial favours, faithful servants who are in the good graces of their Zamindari masters,

× Enclo: (1) b
Malludora's petn.
Ext. No (1).

obtain from time to time, and how well they fare under them.

(2) That it is only middle class men that feel ashamed to admit that they have kept concubines; that Zamindars who habitually keep concubines and even pride themselves upon it, do not feel any such shame, nor hesitate to own that they have kept concubines.

(3) That it is not true that Zamindars would reduce their illegitimate sons to the position of servants; that at any rate it is contrary to the experience of these parts (4) that the relatives of Mallu Dora garu have proved to be his bitter enemies so much so, that Mallu Dora garu has been obliged to leave his Mokhasa village Chintalum and live elsewhere; that they have all united to harass and ruin him in all possible ways.

(5) That Latchanna who was the son of a maid servant on the establishment of the Mansabdar, a prostitute not in the keeping of any particular man, having lost his mother in his infancy, he and his two ~~sons~~

brothers were brought up in the Mansabdar's family and when they grew up, they became servants of the three brothers —

1 Latchanna Dora garu, Venkatareddi Dora garu and Ramanna Dora garu one of each

(6) That Latchanna has befriended his adoptive mother Venkata Ramachendrayyamma garu and became his implacable enemy.

24. It is further contended on behalf of Mallu Dora garu that the Sub Judge's Judgment is not final, that if the Sub Judge's remark as to Latchanna's birth carry any weight, it should be taken along with his other statemen that the land in the suit was given for maintenance and that Latchanna if he be an illegitimate son, is only entitled to maintenance; and as it is provided for, no further provision need be made, that if Latchanna were really an illegitimate son of Latchanna Dora garu, he would have established his status in a civil court before the death of Latchanna Dora garu; that Latchanna is not mentioned by Venkata Ramachendrayamma in her petition in which she mentions all persons entitled to maintenance, nor was he mentioned in the will in deposit in th

Sub Registrar's office. I have no doubt that what Latchama says about his being an illegitimate son of Latchama Dora garu is altogether false and that his claim should be rejected.

25. From all this it is evident that the enemies of Mallu Dora garu of whom Latchama is one, have only advanced the above claims and especially that of Latchama with a view to cause some anxiety and trouble to Mallu Dora garu.

26. I regret the delay that occured in submitting this report which is due to the parties having taken a long time to file their documents, Latchama and Mallu Dora garu having filed their last papers on the 9th and 11th instant respectively.

27. The vakils of all the petitioners were given many opportunities to advance their arguments and were completely heard.

I have the honor to be,
Sir,
Your most obedient servant
(Sd) S Venkata Rama Das
Head Quarters Dy Collector
1135

(True Copy)

LAND REVENUE

Ref 856/Ver 25. 3. 95.

Submitted to the Board of Revenue (Land Revenue)

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2. The resumption of the Estate having been made under orders of Government, the matter cannot be reopened or discussed, nor do I see any necessity for revising the existing orders about the apportionment of the allowance among the members of the Mansubdar's family. I have no doubt in holding that Mallu Dora is the heir of the deceased, and I recommend that the allowance of Rs 12,217-8-0 which his adoptive father, the late Latchama Dora, was actually receiving at the time of his death, may be continued to Mallu Dora. I agree with the Deputy Collector in his opinion about the other matters dealt with in the report.

[illegible] para. 9 of the Dy. Collr's report (Supra)

3. A petition presented by Yemmala Venkatareddi Dora to Government has been referred to me with endorsement no 408 dated 27.2.95. It is for the most part a copy of the petition presented to me and dealt with in the above report of the Deputy Collector. This petition, with other papers as per list enclosed, is herewith submitted for reference and return.

(Sd) H. Le Fanu
Collector.

Hom asuru
Dy for Collector

To,
The Secretary to the Commissioners of Land Rev.
with enclosures as per list
No 11/3
x sent in a separate packet

Refone No. $\frac{\text{856 ~~826~~}}{\text{~~Eng.~~ Ver}}$ of 1895

47/

GODAVARI DISTRICT,
COLLECTOR'S OFFICE,
Cocanada, 16th March 1895.
Dg 19

1225
LAND REVENUE

FROM

W. J. H. Le Fanu Esquire,
Collector,
Godavari District.

To

The Secretary to the
Commissioners of Land Revenue

SIR,

In Continuation of this office letter Reference on Cur No $\frac{856}{ver}$ dated 5th March 1895, I have the honor to submit petition No 487 presented ~~by~~ to Government by Yenumula Rajandhora and referred to me for remarks with reference order dated 6th March 1895. This petition is almost a Copy of the petition presented to me by the same individual and dealt with in the above report.

I have the honor to be,
Sir,
Your most obedient Servant
(Signed) H. Le Fanu
Collector
A Mornan
Dy for Collr

43

~~Reference~~ 26/3

2 A 4/4

petn

Revenue {1895} Department.

1225 OF 1895
LAND REVENUE

From

The Collector,

Godavari District.

No. ~~826~~ 856 / ~~Eng.~~ Ver

Dated 16
Despatched 19 } — 3 — 1895.
Received

Encl.

SUBJECT.

Submitting the Petition presented by Y Sunnamula Rajan doragaru of Srungavaram re the allowance due to him.

Rd 13-4-95

3,000 copies.
24-12-94.

W

Proceedings of the Board of Revenue

(Land Revenue),

Dated 6th April 1895.

No. 864, ~~Mis.~~ Routine.

Read the following:—

READ Endorsement of W. J. H. Le Fanu Esqr. Collector of Godavari District dated 5th March 95 Ref. No. 856/Ver on letter from Dewan Bahadur S. Venkata Ramadas Naidu Garu B.A.&B.L., Head Quarters Deputy Collector dated 14th February 95 Cur No. 567/

2. also letter from the same officer dated 16. 3. 95 Ref. on C. No. 856/Ver.

Resolution

Transferred to the Chief Secretary to Government Judicial Department to whom the reports read above should have been addressed.

(True Extract)

Secretary.

To

The Chief Secretary to Government Judicial Depart. with 2 letters & their enclosures.

Cw.

CURRENT No. ~~1794~~ 45

1895.

Board of Revenue

(Land Revenue),

MADRAS.

Refer No 408/95 & papers

To

The Chief Secretary
to Govt. Jud. Depth

CHIEF SECRETARIAT
9 APR 1895
GOVERNMENT OF MADRAS

Recd 9/4
Regd 9/4

Encls 65
retd 544 + 952

Proceedings, dated 6. 4 1895, JRD
No. 864 ~~Mis.~~ Routine.

Subject.

Transferring to the Chief Secy: to Govt. Judicial Depth reports received from the Collr. of Godavari re the allowances due to certain members of the Totapalle Estate.

MR 20/4

U.S. 23/4

W.O.

No. 544, 952 + 1794/95

Order (pro forma order)

Mis

The Collector's recommendation is accepted & the allowance of Rs 12,217-8-0 drawn by the late Latchanna Doragaru will be continued to his son Mallu Doragaru. The allowances granted to other individuals need not be altered in any way and the Govt sees no reason to (pro forma orders)

D
18.6.95

To

The Bd. of Rev. L.R. for information G+O
The Govt. Agent, Godavari. G+O with Encls: retd.
copy to Sri Rajah Y. Venkata Kesoi garu } G+O
Y. Rajau Doragaru }
The Acct-Genl: P+O.

MR
23-4-95

Note.

The case is clearly set out in the Dy. Collr's report.

MR

CURRENT No. 2454

To

The Right Honorable
The Governor in council
Fort Saint George
Madras.

CHIEF SECRETARIAT
3 MAY 189
GOVERNMENT OF MADRAS

The humble representation of Yalugula Latchanna illegitimate son of the late Sri Rajah Yanumula Latchanna Dora garu Ex-munshabdar of Totapally Godavery District.

Most respectfully showeth:-

That your petitioner's father the late Latchandoragaru of Totapally died on the 21st day of October last. That the Estate of Totapally was resumed from him by Government in the year 1881, and in lieu there of an allowence of Rs 19500 a year was granted to him.

That a moiety of Rs 19500 in the year 1885 was set apart for the maintinance of other members of the famil

1095

That the late Ex-munshabdar maintaining your petitioner till a year befor his death, when the management of his family affairs fell into the hands of his adopted son Yanumula Malludora as the Ex-munshabdar had become embicile on account of old age and was completely a tool in the hands of his adopted son. Since that time your petitioner as not been receiving anything for the support of himself and his family.

That your petitioner and the said Malludora are the only persons entitled to succeed to the Estate of the said Ex-munshabdar Latchandoragaru and the pention granted to him by Government.

That your petitioner is given to understand that he had presented a petition to your lordship requesting that the allowence granted to his adoptive father may be continued to him suppressing the fact of the existence of your humble petitioner the illegitimate son of the late Ex-munshabdar. That by perusal of an authonticated copy of the judgment of the Subordinate judge's Court of Cocanada in O.S. No 38 of 1893 which is herewith produced your lordship in council will observe that your petitioner is the illegitimate son of the late Ex-munshabdar of Lotapally Estate.

That according to Hindu Law an illegitimate son of a Sudra is entitled to succeed to $\frac{1}{2}$ of his property if there be a son either natural or adoptive vide Mains Hindu Law from page 603 to 609 article from 503 to 506 your petitioner further begs to observe that the adopted son Malludora is a man that has a tendency to be unfriendly to almost all the members of the family and the people in general.

Your petitioner therefore begs to request your lordship will be pleased to order that a moiety of the allowence used to be paid to his late father be given to the petitioner irrespective of the adopted son Malludoragaru.

For which act of justice your petitioner as in duty bound shall ever pray.

10th May }
1895 }.

Judicial Department

CURRENT NO.

From, Yalugula Latchanna
illegitimate son of the late
Sri Rajah Yanumula Latchanna
Dora Garu ex-Mansabdar
of Totapally.

No. –

Dated 10th }
Recd 15th } May 1895.
Enc: 1

Subject

Requesting that a moiety of the allowance of Rs 19500 used to be paid to his late father may be given to him to maintain himself & his family.

Please return this
to me after entering in [illegible]

[G.
25]
200–8-2-95.

50

Judicial DEPARTMENT.

C. No. 544/95 Rev Dept. 27 4 Febry 1895. on
Petition from Sri Raja Yenumala
Venkatareddi Doragaru of the
Totapalle estate 27 4 Jany '95.

FOR ORDERS.

The petr. states that he is the only surviving undivided brother of the late Sri Raja Yenumala Latsandora Garu of Totapalle estate, who died in October last, and requests that the allowance of Rs 12,218 hitherto paid to the deceased Latsandora Garu may be given to him in consideration of his position as the surviving head of the family & his close relationship with the deceased Ex-Mansabdar.

The history of the estate† & the allowances attached to the several members ~~thereof~~ of the Mansabdari is briefly this:-

In G.O. of 19th March 1881 No. 559 X the Govt. resolved to resume the whole of the Totapalle estate, as the inam lands had been mainly alienated by the Mansabdar, and to allow the Mansabdar Rs 19,500 per annum "being the real profit which Govt. intended that he should enjoy". As regards the provision

† which was a military or police service inam under the Zamindar of Peddapur, whose zamindari was purchased by Govt. in 1847

X in which will be found a brief recapitulation of the previous history of the estate – paras 5 to 8.

to be made for the other members of the family, the Govt. determined that - the Mansubdar was to receive the whole Rs 19500 in cash, & to support those who had claims on him out of that sum:- vide G.O. of 21 Mar. 1882, No. 329 Rev.

Later on, in 1884, when the two brothers of the Ex-Mansabdar petitioned Govt. to be allowed to sue for maintenance, the Govt. thought it most undesirable to allow the matter to go into a civil court & directed the Ex Mansabdar to provide suitable maintenance & the Collr. to arrange the amounts. - G.O. 22 Septr. 84 No. 2423. - Accordingly the Collector - Mr. Foster - submitted certain proposals which he wished Govt. to sanction, but the Govt. told him, in G.O. of 16 Jany. 1885 No. 128, Judl, that he should settle with the Ex-mansubdar. A settlement was thereupon brought about & sanctioned by G.O. of 8 May '85 No. 1228, Judl, under which (1) the Ex-Mansubdar was given Rs 9750 p.a., being half the total sum; and the other half of the grant was divided among the members of the family thus:-

[(1) Latchan Dora - Ex-Mansubdar -	Rs 9750 p.a]
(2) Raman Dora (the eldest) his brothers.	" 2535 "
(3) Venkata Reddi Dora (the petr. apparently)	" 1690 "
(4) Three sons of another brother deceased.	" 845
(5) Three widows of former Mansubdars.	Rs 4680.
Total Rs:	19500

FOR ORDERS

on + Page 345 of the bound file.

Page 479 of the bound file.

-x- vide G.O. of 11.11.89 No. 1915 J.D.

-x- Rs 9750 + 1268 + 1800 + 1200 = Rs 14018.

On the death of Raman Dora in August 1 the Govt. while sanctioning the grant to his so of a moiety of Raman Dora's pension ruled that the other moiety of Rs. 1,267½ (half of Rs 2535) should lapse to the Ex-Mansubdar. vide G.O. of 11 Febry. 1886, No. 384, Judl.

In April 1889 when Y. Venkayammagaru a widow of one of the late Mansubdars died, the Govt. ordered that the allowance of Rs 1,800 p.a. drawn by her out of the total allowance of Rs 19,500, should lapse & be paid to the Ex-Mansubdar. G.O. of 20 Septr. 1889 No. 1620, Judl.

Again when the other widow of the same Mansubdar died in August 1889, the Govt. similarly* directed that her allowance of Rs 1200 p.a. should also lapse to the Ex-Mansubdar - Latsandora Garu. Thus it will be seen that the Ex-Mansubdar was, in consequence of these accretions to his original allowance, in receipt of Rs 14,018* till April 1894, when on the recommendation of the then Collector of Godavari, Mr. Le Fanu, the Govt. sanctioned the separate payment of Rs 1,800 p.a out of the Ex-Mansabdar's allowance of Rs 14,018, to Y. Venkata Ramachendrayamma Garu, his wife: vide G.O. of 21st May 1894 No. 1215 Judl.

So the Ex Mansubdar - Latsandora Garu - was till his death in October last getting Rs (14018 - Rs 1800 paid separately to his wife) 12,21

Now the petr., the second brother of the Ex

51

53

to
#
885

that, the ex-Mansabdar having died 1894, he is the person entitled to succeed him as regards the allowance in preference to all other members of the family as well as to the adopted son of the late ex-Mansabdar, & requests that the allowance of Rs 12,218 might be granted to him. As the Collector has not yet reported to Govt. what arrangements he intends making as regards the distribution of the deceased Mansabdar's allowances & as it is for him to settle whether the petr. is entitled to any moiety at all, it is submitted that this petn. be referred to the Collector of Godavari for remarks.

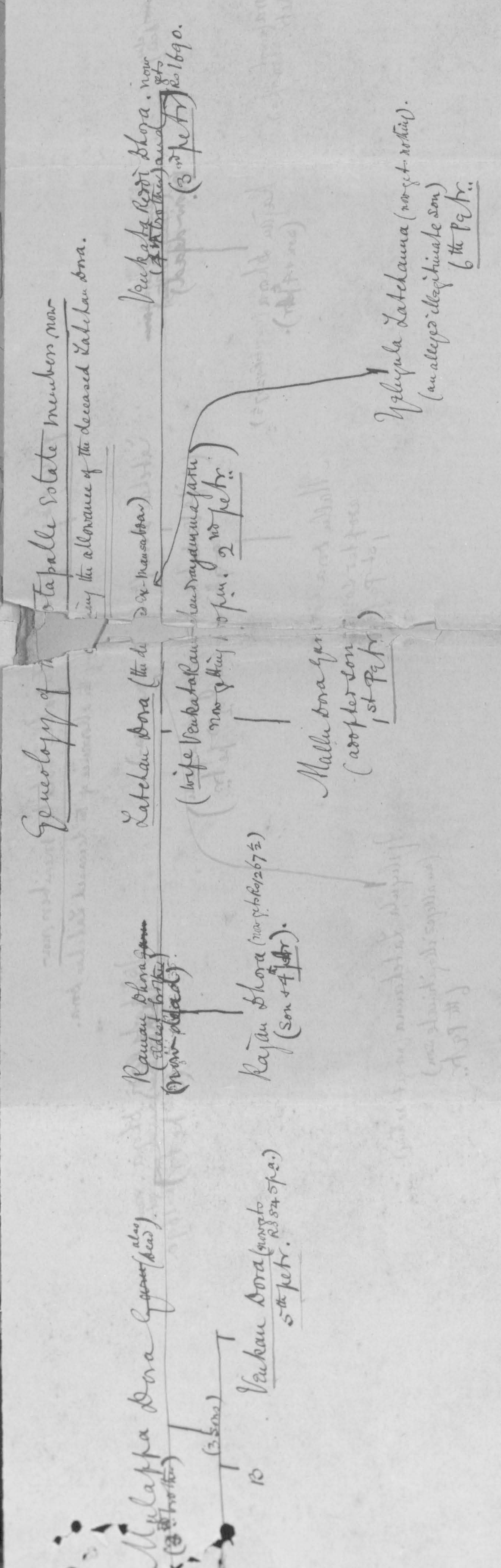
VS
D/ 26/1/95

Allowances of the ex-Mansabdar of Totapall

(For orders)

CS

Th. 952/95


Geneology of otapalle Estate members now
ying the allowance of the deceased Latchan Dora.
Mulappa Dora Garu (also dead).
(3rd brother)
(3 sons)
13
Venkan Dora (now gets Rs 845 p.a.)
5th petr.
Raman Dhora Garu
(Eldest brother)
(now dead).
Rajan Dhora (now gets Rs 1267½)
(son & 4th petr).
Latchan Dora (the deceased ex-Mansabdar)
(wife Venkata Ramachendrayamma garu now getting 100 p.m. 2nd petr.)
Mallu Dora Garu
(adopted son
1st Petr.)
Venkata Reddi Dhora. now gets Rs 1690.
(4th brother) and
(3rd petr)
Yeluguila Latchanna (now gets nothing).
(an alleged illegitimate son)
6th Petr.

[G./25.]
600—8-3-95.

Judicial DEPARTMENT.

C. Nos 544, 952 & 1794 & 2454/95

FOR ORDERS.

[illegible]

I dont know that I should myself have come to the decision to which the Govt. of 1881 came, but it does [illegible] necessary that the decision then come to should be reconsidered. If the ex-mansabdar, now deceased, had chosen, he [illegible] have sued Govt. to [illegible] aside its order; but as he didn't do so it must be assumed that he could not find ground on which to do so —

I think the adopted son must get the allowance the deceased was getting that the other allowances [illegible] — I would

These papers relate to the allowances attached to the several members of the Totapa Mansabdari.

Cu. 544. In the first current, Sri Raja Yenumala Venkata Reddi Dhora Garu, an undivided brother of the late Sri Raja Y. Latsandora Garu, Ex-Mansabdar of Totapalle, brought to notice the death of the Ex-Mansabdar in Octr last & requested that he might be given the allowance Rs 12,218 hitherto drawn by the deceased, in consideration of his position as the surviving head of the family & his close relationship with the deceased Ex-Mansabdar.

Cu. 952 is ~~another~~ a petn. from Sri Raja Rajan Dhora Garu, son of Sri Raja Y. Rama Dhora Garu, the eldest ~~son~~ brother of the deceased. His prayer is that he may be granted such portion as the Govt. may think fit from the Ex-Mansabdar's allowance, in addition to what he is already getting, viz Rs 1367.

~~On reference~~ Both these [illegible], are [illegible] were referred

davari for report, & that officer now submits
or the orders of Govt. the whole case & recom-
mends that the allowance of Rs 12,217-8-0 hitherto
drawn by the deceased Mansubdar should be
continued to his adopted son Mallu Dhora garu
~~in spite of petitions~~. As the Dy. Collr's letter
early sets out the history of the Totapalle estate
its allowances & the nature of their settle-
ment, a complete note for orders is considered
unnecessary. It will be seen that there are now
six petitioners contending for the lapsed allow.ce

(1) Mallu Dhora - the adopted son of the deceased

(2) Venkata Ramachandrayamma Garu: Ex-Mansubdar: ~~wife~~ the widow of the deceased;

(3) Venkatareddi Dhora: the youngest ~~a~~ brother of the deceased;

(4) Rajan Dhora: a son of Raman Dhora, the eldest brother of the deceased; (the second petr. to Govt.)

(5) Venkam Dhora: a distant cousin being the son of a cousin of the deceased; &

6) Yelugula Lachanna: an alleged illegitimate son of the deceased.

The relationship of these 6 claimants
shown in the enclosed genealogical tree.
The Dy. Collr. after considering the claims
each of them, comes to the conclusion that
Mallu Dhora, the adopted son, is the
per person to inherit his fathers allow.ce
that the ~~other~~ five petrs. deserve ~~have~~ no consi-
ation whatever. This view has the support
the Collector of Godavari. Orders are solicited

FOR ORDERS.

Who says he is an illegitimate of the decea
I may add that if any of the petitioners choose to bring a fresh suit to ~~set~~ set aside the adoption, I should not refuse him a certificate (if necessary) to enable him to do so, for the point of the family custom seems to me to have been missed in the H.C. judgment put in by the adoptive son, who is certainly not a cousin. But of course there is no reason to say this.

18/6/95

No. 2452 of 95 is a third pet.
Govt. on the subject since received from the 6
Petr. Y. Lachanna - praying for a moiety of
allow.ce. This petn. contains no new argumen
& is substantially the same as the one addressed by him to t
Dy. Collr. & the Collector of Godavari.

The first petr. wishes to reopen the wh
question of the resumption of the estate.
It is now 14 years since it was resumed a
it is submitted that there is no necessity
discuss the question; this is the Collector's re
mendation. A brief history of the estate,
~~the allowances~~, circumstances which led to
fixing of the present allowances will be
found in the attached note which wa
prepared before the reference was made
to the Collector.

D
3.6.95

I presume that it is not the intention to go into the question of the validity or justice of the past action of Govt. with regard to the Tottapalle Estate, or to interfere in any way with the apportionment made from its revenue to the various members of the fami. If this view is accepted the real question is who is the heir of the deceased?

In Suit No. 3 of 1880 the Subordinate
Judge of Cocanada went int

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, BEING MEANT FOR DESPATCH

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abstract only.

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