

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2004

Dated 26th Sept. 1895

INDEXED.

[Despatch Abstract.]

MEMORIAL WITHHELD.

Endorsing paragraph 3 (8 and 12), section III of the Memorial
to the Government of India
rules B on petition from Agapa Nateswara Pandara Sanadhi, Tiruvalur
Negapatam taluk (through his Counsel Mr. Grant), praying for the issue
of orders directing his exemption from attendance as a witness before
the Courts of Law.

BACK PAPERS.

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

FURTHER PAPERS.

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

[G
9]
2,003-2-4-95.

Current No. 4425

Judicial DEPARTMENT.

1375 D 28.6.95 +
papers

From

W. Grant Esq.,
Barrister-at-Law,
Madras.

No.

Dated 13
Received 16 } sept 4/95
Regd 17
Enclosures - 3-

SUBJECT.

Requesting to forward the
enclosed petition to the Govt of
India as early as possible.

40 1375 D 28.6.95. Min
1156 D 29.5.95
+ papers

vide 8 26th September 1895, No 2004
Min

Para 3

Para 3 (8+12), Sec III, of
the Memorial rules B.

25/9/95

+ Please see Sec 641 of the
Code

23/9/95
To Mr. Grant Esq. Barrister-at-Law,
Madras with 2 copies
date 2/10/95

Cooper
28/9

met.

6353
993 8/8

TO HIS EXCELLENCY

THE RIGHT HONORABLE THE EARL OF ELGIN, G. C. I. E.,

&c., &c., &c.,

VICEROY AND GOVERNOR GENERAL OF INDIA.

The Humble Memorial of AGAPA NATESWARA PANDARA SANADHI,
Tiruvalur, Negapatam Taluq, Tanjore District,
in the Presidency of Madras.

MOST RESPECTFULLY SHOWETH,

That your Memorialist is generally styled and known as the Pandara Sanadhi, of the Teruvaroor and four other Devasthanams in the Tanjore District, and, by virtue of his rank and position of Pandara Sanadhi aforesaid, is a personage of considerable ecclesiastical and social importance in Southern India, but more especially in the Tanjore District, in which he exercises the functions of a Guru over more or less Five Thousand followers.

II. That the Pandara Sanadhipship is a hereditary office, which Memorialist's ancestors for generations past have held before him, and which, by virtue of its being now vested in him, gives him spiritual and temporal dominion over the following important Devasthanams in the Tanjore District, viz:—

- (1) Tiruvaroor Devasthanam Abishaka Katlai,
- (2) Do. do. Annadhana Katlai,
- (3) Tirupoochaloor Devasthanam,
- (4) Tiruchankatancoody Devasthanam,
- (5) Tirumacheeoor Devasthanam,

as well as the Kalladacoorchy Muttam, and lands pertaining to it, in the Ambasamoodrum Taluq of the Tinnevely District.

III. That of these, the Tiruvaroor Devasthanam, consisting of (1) the Abishaka Katlai, and (2) the Anadana Katlai, is endowed with 500 velies of Nunjah and Poonjah lands distributed over 20 villages in the Negapatam and Tirutara-poondy Taluqs.

The Tirupoochaloor Devasthanam with 200 velies extending over 19 villages in the Nannilam Taluq.

The Tiruchankatancoody Devasthanam with 150 velies extending over five villages in Nannilam Taluq, and

The Tirumacheeoor Devasthanam with 30 velies in one and the same village; while, so far as the Tinnevely District goes, the Kalladacoorchy Muttam

Agapa Nateswara Pandara Sanadhi

owns 30 velies, thus making a grand total of 910 velies, yielding a net income of Rupees 60,000.

IV. That the lands aforesaid are, for the most part, leased out to somewhere about 2,000 lessees, against a fair proportion of whom Memorialist eventually has often to enforce his remedies in the Civil Courts of the District having jurisdiction over the Devasthanam lands, and the subject matter of dispute.

V. That it is in connection with the litigation so forced upon Memorialist that he respectfully approaches Your Excellency, in view to obtaining exemption from personal attendance as a witness in such courts.

VI. That as Your Excellency will doubtless realize Memorialist's high position, as well as the many urgent and pressing demands upon his time in connection with the discharge of his varied and numerous spiritual and temporal duties as Pandara Sanadhi, are too often taken advantage of by unscrupulous lessees to harass Memorialist by vexatious applications to examine him as a witness in suits, for the most part, of trifling pecuniary value based on, or connected with such leases, the Courts being naturally reluctant to reject such applications, although they know them to be vexatious, inasmuch as, *Prima facie*, a party to a suit has an inherent right to examine his adversary as and when he chooses.

VII. That Memorialist has never yet attended and given evidence in any Court of law, preferring rather, when subpoenaed, to compromise the particular suit, on terms more or less unfavourable to the interests of the Devasthanams, than lose the time, and incur all the inconvenience of more or less lengthy and tedious journeys to and from such Courts.

VIII. That on an average 100 to 150 suits have to be filed in the course of a year in connection with Devasthanam lands in the Negapatam Sub-Court, and the Munsiff's Courts of Negapatam, Tirutaraipoondy and Tiruvaroor, in addition to 50 or 60 Summary suits under the Rent Recovery Act, so that opportunities for such vexatious applications are numerous.

IX. That, in order to show this is no mere matter of sentiment, Memorialist would specify his ordinary and daily routine duties. In the first place he has to begin the day by the usual ablutions and poojah, followed by meditation and prayers, extending altogether from about 6 A.M. to 10 A.M. Allowing a short interval for meals, Memorialist has next to attend to the temporal affairs of the Devasthanams which take up a more or less indefinite period of time during each day, involving as they do such extensive interests, and the supervision of some five hundred temple servants, whose work and doings have to be constantly kept under close and unremitting observation.

That Memorialist trusts he has made it plain that, though his office is one of dignity and importance, it has also its corresponding duties and drawbacks.

That Memorialist would also venture to hope he has made it plain that his request is but a reasonable one, not only when judged by the light of the facts above set out, but also in consideration of the circumstance that others holding

corresponding positions, such as (1) Mahamud Vanauar Khan Bahadoor, Prince of Arcot, (2) Rai Bahadoor Thirugnana Sambandha Pandara Sanadhi Avl. Madura Siava Guru, (3) Sir Vidhiya Narasimma Bharathasami Avl. Pushpaghiri Madam, Cadappa Taluq, Cadappah District, have obtained exemption which Memorialist respectfully craves at the hands of Government.

Memorialist therefore most respectfully prays that the Order of the Madras Government dated 28th June 1895 No. 1375 declining to accede to the Petitioner's request contained in his Memorial to that Government bearing date the 20th May 1895 may be set aside: that the prayer of this Memorial may be complied with, and that early orders may issue, under Section 641, Civil Procedure Code, directing his exemption from attendance as a witness before the Courts of law.

And Memorialist will, as in duty bound, ever pray.

TANJORE,
28th July. 1895.

only enclosed & 2 more copies.

M. S. G. R. S. R. S.

Council for Devasthanams

App. Court.

Madras

30 July 1895



S

Willie Grant Esquire.
Barrister at Law.
Madras

The Chief Secretary
To the Government of Madras
Fort St George.
Madras

Sir.

I have the honor to enclose a
Memorial which was forwarded by
Mr. Gaulty, Barrister at Law on behalf
of the Petitioner named therein to His
Excellency the Viceroy along with a copy
of the Proceedings of the Madras Govern-
ment Judicial Department dated 28th
June 1895, No 1375 whereby this Govern-
ment intimated that it was not
prepared to accede to the Petitioner's
then request.

2 Attached is office memorandum
from the Home Department Judicial

N^o 1238 dated Simla 21st ultimo return-
ing the Papers for non compliance with
Rule N^o A, prescribed in Government
of India Notification of 11th October
1889. N^o 1812.

3 I have therefore, in compliance
with the Rule pointed out, the honor
to submit on behalf of the Memorialist
the Papers above referred to and to request
that the same may be submitted
through the Local Government to the
Government of India as early as possible.

I have the honor to be,

Sir,
your most obed^t servant,
H. G. Grant.

Counsel for Petitioner

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

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.