



Judicial (1895) Department.

ORDINARY MS.

G.O., No. 340

Dated 15th Feb. 1895

INDEXED.

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[Despatch Abstract.]

Succession to Anigeru Mutta

Stating that it does not appear to Government that there are grounds to justify the resumption of the ---, Rumpa hill tracts, directing that the names of the mother and the grandmother be registered as holders of the mutta, but that the former should be given distinctly to understand that no adoption by her will be recognized, and that on the death of the mother and the grandmother the question of resuming the mutta will be considered.

FURTHER PAPERS.

| G.O. | No.        | Department. | Date. |
|------|------------|-------------|-------|
|      | CT 3836/05 |             |       |
|      | Go 1914    |             |       |
|      | 6-9-05     |             |       |

Just  
Tobacco {1894} Department.

From  
The Collector,  
Godavari District.

Ref: No. 658 of 94  
agency

Dated 11  
Despatched 12 18 1/2  
Received 15

17  
CHIEF SECRETARY  
GOVERNMENT OF MADRAS  
SUBJECT

Submitting for orders,  
copy of letter no 707 of 24/1/94  
from the Special Assistant  
Godavari, reporting on the  
death of Boggula China  
Yenkireddi Dora, minor  
mukhasadar of Anigem  
+ submitting proposals for the  
nomination of a successor.

as 9/1  
RO 12/1/94  
(over)

2/12/92 No 2831  
8/3/39: 19.12.94

For orders.

are there any papers to be  
sent since mukhas  
tenure is (6) years in  
the law & hence below  
the widow of the late  
to adopt

14 Jan

20707.

Godavari District

Special Assistant Quarter  
Office, Camp Muchkapeta

24 November 1894.

From

C. G. Spencer Esq.

Special Assistant Quarter

Godavari

To

The Government Agent,

Godavari.

Sir,

I have the honor to report that

Boggala Chinna Yerrikireddi dora, minor

Mokhasadar of Anigera, died on 31.8.94

leaving only the following heirs to survive.

(1) Venkayamma (deceased's widowed mother)

(2) Peddamma (deceased's Grand mother  
i.e. father's mother).

(3) A sister about 14 years old.

(4) Sister's husband K. Chinnaappa  
about 22 years old.

2. During the minor's life the

the Mookhase used to be managed by nos 1 and 2 assisted by no 4 who has been living in the family as a member.

3. All the above except no 3 were examined by the Dy: Tahsildar, Yellavaram.

The 1<sup>st</sup> requests that the mookhase be registered in her name and states that she would get the same managed by no 4 as before. She further states that she would adopt her sister's son to succeed to her estate - after her death. No 2 requests that the mookhase be registered jointly in the names of herself and her daughter-in-law, no 1, and the latter has no objection to this. No 4 states that ~~no~~ he would continue to manage the estate as before.

4. The question of nos 1, 2 & 4 being

4  
being acceptable to the people need not be considered afresh now as they have already been managing the estate for a long time on behalf of the late minor. No 2 is said to have more influence than no 1. None of them is educated.

5. Of the 4 members, the first is the legal successor and also acceptable to the people. I therefore recommend that she be registered as mookhavad arnee with her son-in-law, no 4, as deputy to manage the affairs.

6. As regards her desire to adopt a son, I leave the question for Government to decide. At the same time, I think that her adopting a boy would be against the Hindu law in as much as it is not represented that she has any authority from the deceased to adopt one. She has a married daughter and may have grand sons by her to perpetuate her line.

7. No 2 has, in my opinion, no right

to joint registry, but if the Government  
see fit she may be registered owing to  
her greater influence in the mutta.

I have to  
(Signed) C. G. Spencer  
Special Agent.

Ref: no 658  
agency 4/10/94

6690

Submitted to Government for  
order.

The next legal heir to the deceased is his  
mother Venkayamma. She has no power  
to adopt. Even if her daughter get  
issue, they cannot be recognized as heirs  
to Venkayamma as it will be an alienation  
into another family. Thus Anisera  
mutta should report to Government at  
the death of Venkayamma.  
As the grant in question was  
intended to yield to the grantee an  
income of Rs 240 per annum (vide

(Para 5 of G.O. no. 2161 Judicial, 10.8.86)

leave it to Government to decide whether  
the mutta may at once be resumed -  
substituting for it a money allowance  
of Rs 240 per annum during the life  
time of the deceased's mother Venkayamma  
instead of appointing Venkayamma as  
muttadar and her son-in-law K. Chinnayya  
to manage the affairs in her behalf.

(Signed) G. H. Le Tana  
Government Agent

Godavari District  
Government Agent's  
office  
Bapat: Bapatnagar  
11-December-1894

For Government Agent  
h/s  
11/12

No. 6690

From

The Govt. Agent Godavari

Dated 11 Dec

1894,

FOR ORDERS.

As regards the Anigere  
Muttu I was rep. <sup>both the mutter</sup>  
of the fraud mutter, but I would  
give the mutter clearly to under-  
stand that no adoption would  
be recognized.

As to Galantia, I should  
let him alone. It does not  
seem desirable to take any  
action which might cause  
him & others in his position  
to feel any doubt as to the  
powers of Govt.

W  
8/2/95

Some delay occurred in the  
referencing of this paper,  
which has also lain with  
me for a few days.

1. A copy of the Anigere  
Muttadar's Saavad will be  
found at page 383 of the  
Special Commissioner's Pro-  
ceedings File.

The Anigere Muttu formed a  
portion of the old Outarti  
Muttu in the extreme ~~western~~  
east of the Godavari Agency  
tracts. It was created in  
1881 by the Special Commissioner  
as a reward for services ren-  
dered during the Rampa out-  
break by the son of the  
old Mansubdar of Laddang,  
whose estate had been for-  
feited in 1845 or thereabouts.

The assets of the Anigere  
Muttu were reckoned at  
Rs 320 per annum & the proskash  
was fixed at Rs 80 p.a. As  
a fact, the assets seem to  
have been much less than  
Rs 320 & on this being repre-  
sented, the Anigere Muttadar  
was allowed a certain  
money grant terminable in

his life.

In 1887 the original *Amir* *Muttadar* died & he was succeeded by his minor son, the management of the estate being undertaken by the boy's paternal grandmother.

Last year the minor also died & the question to be decided is the future management of the *Mutta*.

The minor leaves a mother, a grandmother, a little sister & a brother-in-law. They all live together & have apparently (with the exception of the girl) joined in managing the estate.

The mother expresses her willingness to adopt her nephew to succeed to the estate. Legally, no doubt, such an adoption would be invalid; but there is nothing to prevent its recognition by Govt. with which rests the power to regulate succession to Hill Chiefships (*vide* Agency Rule II. Clause 3).

The mother is also ready to have the estate registered in the joint names of herself & the grandmother with the brother-in-law to manage, & the rest seem to agree to this arrangement.

Apparently the mother would prefer to have the estate registered in her own name only, but the rest seem to object.

\* So reported in Agent's letter in P.O. of 19.12.94 No. 3139. But the arrangement in 1887 was that the boy's mother should manage through an agent.

The Special Asst. recommends that the claims of the mother should be recognized to the exclusion of those of all others; but the Agent (without making any recommendation) suggests that the *Mutta* might be resumed by Govt. an allowance of Rs. 240 per annum being made to the mother during her life-time. The estate is a service mukhass & the conditions on which it is held are those set out in the *Sauad*; these conditions are

- (1) regular payment of *Rattubadi*,
- (2) loyal & peaceable behaviour,
- (3) apprehension & delivery of all bad characters,
- (4) timely information of offences & disturbances.

It is distinctly stated that, in the event of a failure in any of these conditions, the *Mutta* is liable to resumption & alienation is prohibited. There has been no breach of these conditions & there are only two grounds on which Govt. could resume, viz:—

- (1) that the *Muttadar* left no heirs;
- (2) that, if heirs do exist they are incapable reason of sex to perform the duties attached to the service grant.

From the terms of the *Sauad*

is pretty clear that on failure of heirs, the estate would revert to Govt.; in fact, this is a generally accepted principle in the case of these hill-chieftships.

But it is by no means certain that none of the three females concerned is entitled to succeed the deceased. Succession by a mother, a grandmother or even a sister has been recognised as appears from the places marked in Chap. XVII of Mayne.

Nor are the terms of the Sanad such as to render the services to be rendered such as must be performed by males. It is true that the Muttadar is required to apprehend & deliver up offenders; but the apprehension & delivery need not be performed by the Muttadar in person. Besides, in similar

cases, the Govt. has, at times, appointed women to succeed. In this connection attention is invited to the notes in G.O. 3, 13 May 1891, No. 919, 2<sup>d</sup>, & in G.O. 3, 2 May 1893, No. 910, 2<sup>d</sup>.

On the whole, then, there does not seem to be a case for resumption & it is submitted that one of the persons left should be appointed. The mother's claims, as a mere matter of law, override those of the grandmother & sister; but the grandmother is said to have most influence & is opposed to the registration of the

8  
mother's name alone.

There seems no objection to the registration of both a Muttadar.

The brother-in-law has of course no claim; but the women can get him to act as their agent if they like. It does not appear advisable to allow the mother to adopt. The gradual abolition of these hill-chieftships is an object to be desired & when the mother & grandmother die, it will be possible to resume the estate, if it is found them to be expedient to do so.

3. I take this opportunity to bring to H. M.'s notice the case of the hill-tracts attached to the Salautra Zamindari.

~~Between~~ Between 1868 & 1875 Govt. granted Malial Sanads to the Zamindars of Kattungya, Piddakine di, Bodogodo, Budarasinge, Kaudasa, Salautra, Jariada & Surangi in Ganjam. A copy of the form of Sanad will be found under cover of G.O. 3, 19 Mar. 1890, No. 515, 2<sup>d</sup>.

The conditions on which Salautra holds the Malials are

- (1) attendance with parties when called on & customary service;
- (2) payment of a wazir of Rs 30 annually;
- (3) inalienability;
- (4) regulation of the success

by God.

In 1884, & again in 1886, Govt.  
raised the question of resuming  
navigation of the Grand Rapids, above  
the rapids. The Government has  
(the St. Lawrence & Ottawa)  
improving the route without raising  
the water level of the rapids.  
The St. Lawrence & Ottawa has  
been improved.

Mr. O'Sullivan merely remarked  
"I do not think that God has  
the power to cancel the Sanad.  
There is no such power reserved  
in it."

Letter best of my recollection  
W. Shepherd said "I agree with  
W. O'Sullivan", or something  
to that effect.

When the misbehaviour of the  
Salandra Zamindar came  
before Govt., the Advocate-  
General was again asked  
his Opinion as to the power  
of Govt. to resume the rights.  
Mr. Spring. Branson's Opinion  
will be found under cover  
of G.O. of 19 March 1890, No 515.  
It came to this

- (1) A condition against alienation in the initial award is void;
- (2) even if this condition

\* Opinion in G.O. 7 ap 1880  
No 901.

N<sup>o</sup> 901.  
 \*\* Reading G.O. of 16 July 1856,  
 1865 of which the original  
 is not forthcoming just yet

were valid, a breach of it or any other of the conditions could not be punished by forfeiture, because the Law does not explicitly declare that forfeiture shall follow a breach of the conditions of the grant.

Gov<sup>t</sup>: accepted this Opinion  
with great reluctance &  
in Go. O. of 15 Sept 1890, No.  
1538, Ludl., ordered the  
attachment of the Salautie  
Indians under Reg: II of  
1819.

1819.  
It is quite clear from the  
Preamble to that enactment  
& from clause (1) of sec. 10  
thereof that no permanent  
attachment of property  
can be made thereunder.  
The estate has been under  
attachment for more than  
four years & it seems ad-  
visable to enquire of the  
Agent whether the attach-  
ment should not now be  
terminated.

At the same time, it is un-  
desirable that these hill-  
tracts should be restored  
to the Zamindar. It appears  
that ~~these lands are the property~~  
the ~~of the~~ Zamindar proper,  
i.e., the portion on the plain  
has been sold under Court  
decrees & that the Zamindar  
is penniless. From the  
materials he is only entitled

to receive a Kattubadi of  
R100 or R150 per annum  
& it is manifestly undesirable  
that such a person should  
have any rights in the Agency  
tracts.

Probably he would consent  
to surrender his sanad  
in consideration of a  
lump sum. It is true that  
Mr. Johnson (see his letter  
in G.O. of 15/9/94, No. 1538)  
strongly deprecated the  
offer of compensation in  
return for a surrender of  
the sanad, on the ground  
that it would be construed  
into an admission by  
Govt. of its want of power  
to cancel a Mahal Sanad.

~~There is no~~ It will be so  
construed no doubt; but  
what can Govt. do in the  
face of the three recorded  
opinion of its legal advisers  
that it has no power to  
resume? We have asked  
(Ind. letter of 12/7/93 No. 1416)  
the G. of I. to take steps to  
legalize the condition prohi-  
bitve of alienation, but  
there is no way of getting  
over the want in the Sanad  
of a distinct declaration  
that breach of the conditions  
of the grant may be followed  
by resumption.

It seems at all events, worth  
while to ask the present  
Agent to sound the Zamindar  
as to the terms on which he  
will dispose of his Sanad.

10/12/95 29 Jan'y

Succession to  
Anjapuri Mutta

Mr. Johnson

(For Order)

We need do nothing & I think we  
will be best to wait on count

11/2

C 6/2

R 12/2

Ind. DEPARTMENT.

[ 5 ]  
48-21-12-95.

be read in Proceedings:—

18

Again G.O., dated

18 , No.

Again G.O., dated

18 , No.

Current No. 6690

of 1894, dated

11 Dec

from

the Govt. Agent,  
Pudavari.

Current No.

of 18 , dated

Order  
misc.

from

15 Feb'y/95 No 340

It does not appear to Govt.  
that there are ~~affirmative~~  
grounds to justify the  
resumption of the Anjapuri  
mutta. The names of  
both the mother & the grand-  
mother may be registered  
as holders of the mutta,  
but the former should be  
given distinctly to under-  
stand that no adoption  
by her will be recognized  
On the death of the mother  
& grandmother, the question  
of resuming the mutta  
will be considered.

(For Order)

14/2/95

18 Feb

Letter Govt. Agent, Pudavari. (Q 40)

1 Dec 1894/95  
16/2

on mulla

8

C/

mine

Tom O'Brien

25/3/4

29-4-09

2/10/06

12/5/19

23.3.27

9.2.31

13.9.47

17.10.47