

(1) Number of pages 6  
(2) Date of repair 6.5.46  
(3) Initials of the Referencer CP

# MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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| G.O. No. | 559   | <u>Recd</u><br><u>Mrs.</u> |
| Dated    | 19.3. | 1881.                      |

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GOVERNMENT OF MADRAS.  
JUDICIAL DEPARTMENT.

19th March 1881, No. 559.

Totapalle Estate.

Read the following papers:—

No. 58. *Telegram from Collector, Cocanada, dated 16th February 1880 [Current No. 517].*

Totapalle Estate advertised in District Gazette 7th by Court for sale on 20th instant for private debt. Full account of estate given in my letter, No. 79, of 13th November 1879. It being held on service tenure though commuted into annual payment, am I to apply to Court to stop sale. See paragraph 3, G.O., 5th May 1879, No. 1036.

No. 59. *Telegram to the Collector of Godavari, dated 21st February 1880.*

Your telegram dated sixteenth instant. Move Court not to sell, quoting Pensions Act, reporting result.

No. 60. *From W. S. FOSTER, Esq., Collector of the Godavari District, to the Chief Secretary to Government, dated Cocanada, 9th April 1880, No. 29 [Current No. 1339].*

Referring to my telegram of the 16th and your reply of the 21st February last, I have the honor to report that the sale of the Totapalle Estate did not take place on the 20th idem as advertised in the Gazette. The Zemindar of Kottham held five decrees against the Mansabdar of Totapalle for Rs. 1,25,000 secured by mortgage of the Totapalle Estate. The estate was attached and sale was advertised, but the Raja of Pittapur intervened and offered to pay the money due by the Mansabdar, as he has lately bought many of the villages of the Totapalle Estate and as he did not wish them to be sold to others. After some objection and hesitation the Subordinate Court of Cocanada allowed him to pay the money with a declaration that he would never claim back the money from the Tuni Raja under any circumstances. This appears to have been stipulated because there was then a suit for the estate between the present Mansabdar and a relation of his.

2. The past history of the Totapalle Estate has been so fully reported\* on already to Government that I have now only to particularize the alienations made by the last two or three Mansabdars without authority.

Ramandora, the brother of the present Mansabdar Latchandora, sold five villages to Inuganti Saraprakasayanamgar and two others, executing the deeds of sale on their behalf to Kandikonda Venkatarayudu in 1867-68.

In a Court sale the village of Lingavaram was bought by Sri Raja Row Suria Row Bahadur Garu for Rs. 1,39,000 about the same time.

The villages of Gomdi and Atchampeta were alienated by sale or gift to Mantri-pragada Narsimha Row Puntulu of Cocanada.

Latchandora sold three villages to Inugantiwar besides the five already sold by his brother subsequent to 1873.

In 1879 he again sold some other villages, twenty-five to the Raja of Pittapur for Rs. 1,63,525, and one village to Sri Raja Nallapparaz Mirza Venkata Niladhiraz Garu for Rs. 5,000, which has since been sold to Vadravu Chellamayya Garu.

The village of Jagannadhapuram was sold to Pyda Ramakistnayyagar some six or seven years ago.

3. These are the alienations so far as they are known to this office as applications were made in many cases for sub-division and registration, which however has been done in no case as yet, either owing to the person holding the estate at the time of such application not consenting to it or the correct data on which sub-division of assessment was to be made not being available.

4. In the telegram from you, referred to at the head of this letter, it was stated that I should move the Court not to sell the estate, quoting Pensions Act, and report result. As the sale did not take place on the 20th, and as your telegram was sent to me on the following day, I did not put in any motion; but, as the estate is always the subject of litigation in the Civil Courts, I beg to inquire as to whether I should in future object to such litigation between private parties, treating the estate as one held on service tenure. The Government are aware that the estate formed the basis of numerous suits even before the High Court during the last twenty years, but, adopting the view now suggested, it seems to me that all future litigation should be stopped to secure the interests of Government.

5. Whether the sub-division and separate registration of the purchasers' names can be carried out if applied for is a question that entirely depends on the tenure of the estate.

No. 61. *From H. H. SHEPHARD, Esq., Acting Government Pleader, to the Chief Secretary to Government, dated Ootacamund, 3rd June 1880 [Current No. 1860].*

No. 62. *From J. W. HANDLEY, Esq., Government Pleader, to the Chief Secretary to Government, dated Madras, 9th February 1881, No. 34 [Current No. 454].*

With reference to your demi-official to me of 15th December last on the subject of the Tótapalle Estate and to my subsequent interview with the Hon. Messrs. Hudleston and Carmichael, I have the honor to state that I have conferred with the Advocate-General on the matter, and he is of opinion, in which I concur, that the papers before us support the view entertained by Government of the tenure of the estate, and that, assuming that view to be correct, there is nothing to prevent Government from assessing the whole estate or the alienated portions of it as they think fit. Upon that assumption, the estate having been excluded from the permanent settlement, Government had a right to assess it at any time, and we do not think the arrangement in 1859 affected that right. We also think that the history of the estate, as it appears from these papers, seems to point to the original grant having been made, not by the Zemindar of Peddapore, but by the Nizam or some person exercising sovereign power, although the tribute was paid and the service rendered to the Zemindar for some time. If this is the case, the Pensions Act would seem to apply.

2. If Government are desirous of fully assessing this estate or any portion of it, we think the course to be pursued is to give notice to the persons in possession of the lands intended to be assessed of the intention of Government, and then to proceed to assess in the usual way. The whole Inam need not be resumed, and no formal declaration of resumption is necessary as a preliminary to assessment.

3. I return all the papers

No. 63. ORDER THEREON, 19th March 1881, No. 559.

In a telegram, dated 16th February 1880, the Collector of Godáviri reported that the Tótapalle Estate was advertised for sale in the District Gazette in satisfaction of a Civil Court decree, and he inquired whether, looking to the fact that the estate was held on service tenure, he was to apply to the Court to stop the sale. He was informed in reply by wire to move the Court not to sell, quoting the Pensions Act, and to report the result.

2. Mr. Foster reported that the sale did not take place as advertised, the Raja of Pittapur, who claimed to have acquired interests in many of the villages of the estate, having intervened and offered to pay the judgment-debt.

3. This estate has been the subject of numerous suits during the last twenty years, and in view of future litigation the Collector requests instructions as to the course he is to adopt to secure the rights of Government.

4. The history of Tótapalle has been often adverted to in former correspondence, but may be usefully recapitulated on the present occasion.

Ext. Mins. of Cons., dated 17th June 1856, No. 618.

G.O., 3rd May 1861, No. 988.

„ 31st Oct. 1866, „ 2,942.

5. The original holder of the Tótapalle villages was a Mokhasadar, or as he was styled Mansabdar, under the Zemindar of Peddapore, to whom he was bound to pay a quit-rent of 1,000 pagodas a year, besides, as an essential incident of his tenure, attending him when required with a body of 700 peons.

6. As the quit-rent was not punctually paid, the Zemindar resumed certain of the Tótapalle villages calculated to yield an equivalent amount, continuing to exact the military or police service as usual, and this sum of 1,000 pagodas was one of the assets of the Peddapore Zemindari on which the peshkash payable to the Company was assessed at the Permanent Settlement.

7. In 1847 Peddapore was attached for arrears of revenue, sold, and the estate purchased by the Collector for Government. The Tótapalle service was occasionally required by the officers of Government; but in 1859 it was decided to substitute for it a payment of Rs. 6,500 per annum, being one-fourth of the assumed rental of the villages and adopted as representing the force to be provided. It was of course open to Government, under the reservation stated in Sections 4 and 5, Regulation XXV of 1802, to have resumed the Inam villages absolutely; but out of consideration for an ancient family another course was adopted, and, instead of providing men for service, the Mansabdar was allowed to make a money-payment at a very low estimate of the cost of partially supplying their place.

8. The change made in 1859 did not, however, take Tótapalle out of the category of Inam, nor alter the nature of the tenure, which has never been enfranchised so as to render its descent unimpeachable to the lineal heirs of each incumbent. Much less has the Inamdar by a payment once for all obtained a transferable right to the estate as if it were ordinary landed property. The Mansabdar, however, is still left practically in the enjoyment of a considerable grant of land revenue, which the Government cannot permit him to alienate, as the Collector's report shows him to have done.

9. Now 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 Right Honorable the Governor in Council resolves to assess the whole estate fully—as the alienated lands cannot be replaced in the Inamdar's possession—and remitting all demand in substitution for the Police service to pay to him out of the proceeds the difference between the amount at which the Inam was valued, viz., Rs. 26,000 and the payment of Rs. 6,500 made in substitution for the Police service, or Rs. 19,500, being the real profit which Government intended the Inamdar should enjoy.

10. The necessary steps for carrying out the assessment of the estate in the manner indicated by the Government Pleader will be taken in the Revenue Department. It will probably be found practicable to enfranchise entirely all the lands remaining in the Inamdar's possession (if any) in part or whole adjustment of the payment to be made to him, and if he consents the arrangement would probably be desirable.

(True Extract.)

R. DAVIDSON,  
*Chief Secretary.*

To the Revenue Department.  
" Collector of Godávári.  
" Government Pleader.  
" Accountant-General.

Gobt. of (1881) Madras.

JUDICIAL.

To  
THE REVENUE DEPARTMENT,  
&c, &c, &c.

Dated March, 19th.

Issued

Recd.

Encl.

G.O., 19th March 1881, No. 559.

MARCH.  
Nos. 58-63.

*Totapalle Estate.*—The necessary steps to be taken in the Revenue Department for carrying out the assessment of the Totapalle Estate in the manner indicated by the Government Pleader.