[L. & M.
3.000—19-11-96.]

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1160 L

DATED 24th June 1896

[Despatch Abstract.]

Choultry.

Approving the action of the Narasapur Taluk Board in making over the management of the ----- at Razole to M.R.Rys. Alluri Ramaraju and Alluri Narasimharaju.

BACK PAPERS.

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

FURTHER PAPERS.

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

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[7]

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 24-6-96
No. 1160 L.

INDEXED.

When given for copying. 12-40

[Despatch Abstract.]

Choultry

Approving the action of the Narsapur Tk Bd in making over the management of the — at Razole to M.R. Ry's Alluri Ramaraju and Alluri Narasimharaju

Compared to R. for Orig 27/6

BACK PAPER, No. of 189

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

FURTHER PAPER, No. of 189

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL (not paged).

N.B.—

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Examined by

GODAVERY DIST. GENERAL DUTY [illegible] NARSAPUR

In the Court of the Subordinate Judge at Cocanada.

Tuesday, the 4th day of December, 1894.

Present: M. R. R. K. Krishna Rao Avergal.

ORIGINAL SUIT No. 19 of 1892.

Dhárwáda Venkaṭráo, a minor, by his mother and Next-Friend Krishnavénamma, represented by her Muktyar Patri Venkata Ramanaiya . . . . } *Plaintiff*

Versus

1. The Secretary of State for India in Council, by the Collector of Godavari . . . . } *Defendants.*
2. The President of the Taluq Board, Narsapur *(Supplemental)* }

This suit coming on for hearing, the Court delivered the following—

Judgment: This is a suit for the recovery of certain lands measuring 93 acres and 79 cents, situated at Pedapatnam, Appanapalli, Paserlapudi, and Paserlapudi-lanka, together with a building at Rajolu, fruit-trees &c., the whole being valued at Rs. 1,918. Plaintiff also seeks to recover Rs. 782 on account of mesne profits for the lands at Pasarlapudi and Pasarlapudi-lanka for the years 1890 and 1891.

2. It is set forth in the plaint that the plaint property belongs to, and was in the enjoyment of, the Plaintiff's family from the time of his grandfather Venkanna Pantulu, and that the 1st Defendant wrongfully took possession of it in February 1891 under the pretext that the property had been acquired by Venkanna for the establishment of a choultry at Rajolu. It is contended for the Plaintiff that the property was not acquired with that object, that the building is to be used as a choultry only if the Plaintiff so wishes it, and that the 1st Defendant had no right to take charge of any of the plaint properties.

3. The 1st Defendant in his answer stated that the plaint lands having been transferred to the Taluq Board of Narsapur, he is to be excluded from the suit.

4. The President of the Taluk Board who was accordingly added as 2nd Defendant, asserts that the Plaintiff ought to have brought the suit against him after giving him the notice prescribed by law, and that as this has not been done, the present suit is not sustainable; that the suit is barred by limitation; that the house and the lands sued for are not the family property of the Plaintiff, nor have they been enjoyed as such by the Plaintiff's family; that the plaint building was erected for the purpose of a choultry for public use and has always been maintained as such; that the plaint lands are an endowment to the choultry and the income thereof has been spent for feeding travellers and for other purposes of the choultry; that the Plaintiff is estopped from claiming the choultry and the lands as his private property, and that the mesne profits claimed are incorrect and not recoverable.

5. The issues settled by my predecessor are:—

I. Whether the house and the lands sued for are the private property of the Plaintiff's grandfather or whether they form the choultry at Rajolu and its endowments.

II. How were the properties dealt with and enjoyed during the life-time of the Plaintiff's grandfather and after his death?

III. Is there any cause of action against the 1st Defendant?
IV. Is the suit bad for want of notice to the 2nd Defendant?
V. Is the suit barred by limitation?
VI. Is the Plaintiff estopped from claiming the suit properties as his private properties?

6. The facts of this case are simple. One Dharwada Venkanna Pantulu, a Mádhva Brahmin, was Tahsildar of Narsapur Taluq in the Godavari District until about 20 years ago. Rajolu is a Deputy Tahsildar's station in the same Taluq. Venkanna acquired a building-site at Rajolu, as well as the lands at Paserlapudi and Paserlapudi-lanka, in the name of his mother's cousin Krishna Dvaipáyana Rau, and certain other lands at Appanapalli and Peddapatnam in the name of one Bhuvanagiri Narasimhacharya. He also erected a building at Rajolu on the site above referred to, and, so long as he was Tahsildar, was feeding any number of Brahmins, chiefly Mádhvas, who might resort thither. During the year (1875-76) between his retirement from the public service and his death, the number of persons fed was restricted to five. He was, it seems, keeping there a Brahmin named Námávaḷi Narasimháchári on a salary of Rs. 5 a month, and this man, together with his family, provided food for the Brahmin travellers who halted in the building. It is not disputed that Venkanna was providing for all the expenses in the establishment, and it is clear that the bulk at least of the profits of the lands at Paserlapudi and Paserlapudi-lanka, was used for the purpose of feeding the guests as well as N. Narasimháchári and his family, and of paying the salary of the servant Narasimháchári and a maid servant. Any deficiency was of course made good by Venkanna from other sources.

7. After Venkanna's death about 18 years ago, his son Sheshagiri Rau does not seem to have kept up the feeding of Brahmins. He merely provided vessels for cooking to travellers who might resort to the building. Even this limited assistance and accommodation was stopped a few years later. About 6 or 7 years ago he rented the building to Officers in the Public Works Department, and eventually shut up the building.

8. It is said that Mr. Syed Ali, a Deputy Collector, was prevented 5 or 6 years ago from using the building and holding his Jamabandi there. This appears to have led to the institution of an enquiry as to the past history of the properties in question. The Revenue Department obtained depositions and Mahazars from certain of the villagers &c. and the Collector, acting under the orders of the Board of Revenue and the Government, took charge of the building and lands in or about 1891, by which time Sheshagiri Rau had died, leaving his minor son, the Plaintiff, sole heir. The Collector (1st Defendant) afterwards transferred the charge of the properties to the President of the Taluq Board, Narsapur (2nd Defendant). This suit is brought on behalf of the minor for recovery of possession of the said properties, with mesne profits.

9. Now the first question for consideration is that involved in *Issue I*, whether the building and the lands in question are the private property of the Plaintiff's grandfather Venkanna or whether they form a public choultry and its endowment.

10. On Plaintiff's behalf, a few documents have been filed. Of these Exhibits B_1, B_2, and B_3, are Puttahs for the Paserlapudi lands; Exhibits B, B_6 and B_9 are Puttahs for the Paserlapudi-lanka lands; Exhibit A is the sale-deed executed by Bhuvanagiri Narasimhachárya for the Pedapatnam and Appanapalli lands; Exhibits B_4, B_8 and B_{10} are Puttahs for Pedapatnam lands; and Exhibits B_5 and B_7 are for the Appanapalli lands. All these which range from 1869 to 1885 stand in the

name of Venkanna or his son or of Venkanna's transferrors Krishna Dvaipáyana Ráu and Bhuvanagiri Narasimhachárya, and do not make any mention of the choultry, nor do they speak of Venkanna as the Dharmakarta.

11. Turning now to the Plaintiff's oral evidence, his 1st witness K. Venkata Narasanna Pantulu is a retired Tahsildar of Narsapur. He says that the building in question is not a choultry dedicated to the public; that when he was Head Clerk of the Taluq, the then Tahsildar Sheshayya Pantulu made the witness write to Venkanna whether the choultry could be included in the Revenue accounts as a public charitable institution, and that Venkanna did not give his consent, and only said he would consider the point. The witness is a Mádhva Brahmin, and says that in 1878, when he himself was Tahsildar, he would have interfered for taking charge of the building, if it were a public choultry, for even then people were not fed. This witness does not, however, know anything of the lands in question, and asserts that in saying the choultry was not dedicated to the public, he only meant that it was not handed over to the Local Fund Board, and that during Venkanna's time travellers used to lodge in the choultry freely.

12. The Plaintiff's 5th witness is A. Rámanna Pantulu, the retired Tahsildar of Narisipatam in the Vizagapatam District. He says that the choultry was not dedicated to the public, but was under Venkanna's own control; and that when he (the witness) asked Venkanna to set apart some land permanently for the feeding of Brahmins in the choultry, he said he would do the feeding as long as he could afford to do it, and that after his death, the question whether the charity should be kept up or not would be decided according to the circumstances of the time and the wish of his offspring. This witness is the uncle of the Plaintiff's mother, and brother-in-law of the Plaintiff's next-friend's Muktyar, and says he does not know when and by what means Venkanna acquired the lands.

13. The Plaintiff's 2nd witness N. Subbaráyudu states that the rents of the plaint lands were used for Venkanna's own purposes. He is a distant relation of the Plaintiff, and that his evidence cannot be wholly true will be clear when the defence evidence comes to be considered.

14. The Plaintiff's 6th witness Y. Gangaiya states that Venkanna obtained the plaint lands at Paserlapudi by asking of the villagers to grant them to him because he was a man with children. I do not think that Venkanna, a Tahsildar, would beg in that way. This witness is contradicted by his own Mahazar VI which he signed on the 6th September 1888.

15. I may now refer to the 2nd Defendant's evidence. First of all, I will consider the case about the plaint building. That it is popularly known as a "*Chuttrum*" is not denied. The site of it was acquired in the name of the Plaintiff's 15th witness Krishna Dvaipáyana Ráu who was a dependent of Venkanna, and who says it was meant for the erection of a choultry for the benefit of Madhva Brahmins &c.

16. For erecting the building, several people of the Taluq seem to have [illegible] contributions in coin or in kind. The construction was under the superintendenc of the defence witnesses Ponnáda Subbaráyudu (see his evidence and the Exhibits I*bb*, II*a*, II*b* and II*d*). This witness himself supplied five or six thousand tiles. The defence 4th witness carted bricks and timber for the choultry gratis. The 5th witness carted bricks gratis. The 6th lent a pair of bullocks. The 7th witness gave 25,000 tiles. The 10th witness supplied 2 palmyra trees. The 28th witness gave 30,000 or 40,000 tiles. The 31st witness says the village Munsif gave a donation of Rs. 25 towards the building. The 32nd witness gave 6 palmyra trees.

17. As to the Paserlapudi and Paserlapudi-lanka lands, it is shown that the villagers consented to the grant of them to Venkanna because Venkanna said he wanted them for the maintenance of the choultry. Krishna Dvaipayana Rau in whose name the lands were first obtained also says the lands were acquired for the Chuttrum. The villagers of Paserlapudi and Paserlapudi-lanka represented so long ago as 1873 that the lands in those villages were granted to Venkanna for the choultry with their consent, and that Venkanna's Darkhast for more lands should not be complied with (see Exhibits IV and V). This assertion was noted by the Deputy Collector of the time, in his order XIII. The same fact is proved by the defence witnesses 1, 2, 3, 15 and 27. The 1st of these witnesses E. Venkaiya is now more favorable to the Plaintiff than to the defence, but he is contradicted by his own statement VII in which he distinctly said in 1888 that he was managing the two lands under Venkanna's orders for the maintenance of the choultry. That statement was consistent with the villagers' Mahazars VI and VIII of the same year.

18. Many letters admittedly written by Venkanna to the Defendant's 1st witness Erramilli Venkaiya above referred to have been put in. This Venkaiya was placed by Venkanna in charge of the Paserlapudi and Paserlapudi-lanka lands. By Exhibits I to Ig, I*l* to I*z*, and II, Venkanna asked E. Venkaiya from time to time to send him the rents of the Paserlapudi and Paserlapudi-lanka lands, because the people to be fed in the choultry *(satram)* were increasing, or because Namavali Narasimhácharlu, the manager of the choultry, wanted money for expenses there, or because the demands of the choultry were of a pressing character.

19. Exhibit III is the Chittah or account submitted by E. Venkaiya to Venkanna, and bearing the latter's signatures, though for some unexplained reason the years in which the signatures were made are incorrectly given. The account shows that the rents of the Paserlapudi and Paserlapudi-lanka lands were almost invariably spent for the choultry. It is true there are a very few items [*.e g.* Rs. 22, Rs. 48—6—1, Rs. 15 showing expenditure for "your (Venkanna's) own purposes"]. Probably these items were more than repaid by Venkanna to the choultry, as even the whole produce of the two lands would be insufficient for the purposes of the charity. As the accounts stand, the special words "for your own purposes" only accentuate the fact that the rents of the lands were meant to be appropriated for the choultry, and that the expenses in the choultry could alone be legitimately met from the lands.

20. It is thus clear to my mind that the choultry was erected partly by means of subscriptions and materials obtained with the avowed purpose of building it, that during the life of Venkanna and for some years afterwards, it was appropriated for the benefit of the public who used it according to their respective castes, Mádhva and other Brahmins being fed inside the choultry, other caste Hindus being allowed to cook their food there, and low-caste people being given the use of the outer pial &c.; that the Paserlapudi and Paserlapudi-lanka lands were also acquired with the consent of the people of those villages, who agreed to the grant simply because the lands were promised to be used for the choultry, and that practically the produce of the said lands was employed for the maintenance of the choultry until Venkanna's death, though Venkanna no doubt supplemented the subscriptions towards the building, and was supplementing the income from the said lands, by monies belonging to himself.

21. The above remarks do not however apply to the Pedapatnam and Appanapalli lands. It is not shown that the acquisition of these lands was made with the avowed object of using the produce for the choultry. Some of the villagers, stated that they had planted cocoanut plants on the properties (see Exhibit IX). But they said so after the dispute arose. Of the defence witnesses on this point, the 12th, 13th and 19th give only hearsay evidence and know nothing about the application of the produce. The 14th witness says the villagers assisted in planting cocoanut plants on the lands, but does not know why the land was wanted by Venkanna. The 17th, 18th, 20th and 25th witnesses are village officials, and give very vague evidence to the effect that some villagers gave the lands to Venkanna on the understanding that they were to be used for the choultry. In the absence of documentary evidence to prove the grant or the appropriation of the income of the lands for the choultry, I cannot establish any connection between the choultry and the Appanapalli and Pedapatnam lands.

22. Even as to the choultry-building and the Paserlapudi and Paserlapudi-lanka lands, the Plaintiff's Vakil says that there has been no dedication to the public, and he quotes Mayne's Hindu Law, 5th edition, para 397: "The last case "arises where the founder applies his own property to the creation of a pagoda, or "any other religious or charitable foundation, keeping the property itself, and the "control over it, absolutely in his own hands. A community may be greatly "benefited by this arrangement, so long as it lasts, but its continuance is entirely "at his own pleasure. It is like a private chapel in a gentleman's park, and the "fact that the public have been permitted to resort to it, will not prevent its being "closed or pulled down, provided there has been no dedication of it to the public." Now this passage can have no application to the present case because here the site of the choultry and the Paserlapudi and Paserlapudi-lanka lands were not Venkanna's own, and the choultry was not wholly erected with his own money. The villagers assisted, by contributions or otherwise, in creating the institution and forming the endowment, and Venkanna who obtained the grants and donations by the representation that they would be used for the choultry kept his word during his life. The mere fact that he was exercising control over the affairs of the choultry and supplementing any deficiency in the income, and that he did not leave any document indicating transfer of the control would not authorize his heirs to misappropriate the building or the lands expressly meant for the choultry and to put the same to uses which are not legitimate. Even Venkanna, if he were alive, would, I think, be estopped by his own representations from converting the properties to his own use. His heirs cannot be in a better position.

22. I therefore find, with reference to *Issues I, II and VI,* that the plaint building and the lands at Paserlapudi and Paserlapudi-lanka form the choultry at Rajolu and its endowment, that they were used as such by Venkanna, and that the Plaintiff is estopped from claiming them as his own. As to the rest of the plaint properties, I hold that they are the Plaintiff's own properties.

23. As to *Issue III,* I cannot say the 1st Defendant's inclusion in the suit was unjustifiable. He is the authority who first dispossessed the Plaintiff's family, and the Plaintiff's next-friend was probably not aware of the exact arrangements between the 1st and 2nd Defendants in relation to the plaint property.

24. *Issue IV.* The want of notice pleaded by the 2nd Defendant is, I think, not fatal to this suit. The claim is not for compensation or damages within the meaning of Section 156 of the Local Board's Act, and no notice was therefore necessary (see I. L. R. 6 Calc. 8, 6 Bom. 580, 16 Mad. 296, 317 and 474). As moreover the 2nd Defendant was made a party after suit, the objection as to want of notice seems to be unsustainable (I. L. R. 9 Calc. 271).

25. *Issue V.* The Plaintiff's suit as to the Pedapatnam and Appanapalli lands is not barred by Limitation, his dispossession by the Defendants not having taken place more than 12 years before suit.

26. The result is that Plaintiff will recover possession of those two lands, with mesne profits at the rate to be determined in execution, from the date of suit for the usual period. The rest of the claim is dismissed. As the Plaintiff is a minor, as the choultry would never have come into existence but for the exertions and donations of the Plaintiff's family, as owing to the absence of a trust-deed and the inaction of the Taluq and Village Officials for a long time, the Plaintiff's next friend had some reason for believing that the Plaintiff had a good cause of action, and as neither party has fully succeeded in his pleas, I make no order as to costs.

27. PLAINTIFF'S EXHIBITS.

A. Sale-deed executed by Bhuvanagiri Narisimhácharya to Plaintiff's grand father Dharwada Venkanna Pantulu on 18th December 1868.

B. Puttah granted by the Revenue Department to Plaintiff's father Sheshagiri Rau in 1870.

B1. Puttahgranted by the Revenue Department to Plaintiff's father in 1870.

B2. Puttah granted by the Revenue Department to Venkanna Pantulu in 1869.

B3. Puttah granted by the Revenue Department to Sheshagiri Rau in 1885.

B4. Puttah granted by the Revenue Department to Bhuvanagiri Narasimhacharya, in 1869.

B5. Puttah granted by the Revenue Department to Sheshagiri Rau in 1870.

B6. Puttah granted by the Revenue Department to Sheshagiri Rau in 1877.

B7. Puttah granted by the Revenue Department to Sheshagiri Rau in 1885.

B8. Puttah granted by the Revenue Department to Bhuvanagiri Narisimhacharya, in 1869.

B9. Puttah granted by the Revenue Department to Krishna Dvaipayana Rau, Defendants' 15th witness in 1869.

B10. Puttah granted by the Revenue Department to Dharwada Venkanna Pantulu in 1871.

C. Letter from Erramilli Venkaiya, defence 1st witness, to Venkanna Pantulu, dated 23rd August 1872.

C1. Kadapa executed by Erramilli Venkaiya and another to Dharwada Venkanna Pantulu on 15th July 1872.

C2. Kadapa executed by Erramilli Venkaiya to Sheshagiri Rau, Plaintiff's father, on 8th November 1875.

C3. Kadapa executed by Erramilli Venkaiya to Sheshagiri Rau on 4th Vaisakha Bahula, Iswara year.

C4. Kadapa executed by Erramilli Venkaiya and another to Sheshagiri Rau on 3rd Vaisakha Bahula, Iswara year.

C5. Kadapa executed by Erramilli Venkaiya to Venkanna Pantulu on 3rd July 1874.

C6. Letter from Erramilli Venkaiya and another to Venkanna Pantulu, dated 19th July 1872.

C7. Kadapa executed by Erramilli Venkaiya and another to Venkanna Pantulu on 12th August 1873.

C8. Kadapa executed by Erramilli Venkaiya to Venkanna Pantulu on 10th July 1873.

28. DEFENDANTS' EXHIBITS.

I. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 22nd December.

I*a*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 7th February 1874.

I*b*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 4th November 1874.

I*c*. Letter from Venkanna Pantulu to Erramilli Venkaiya.

I*d*. Letter from Venkanna Pantulu to Erramilli Venkaiya.

I*e*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 10th July 1874.

I*f*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 27th January 1874.

I*g*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 7th March 1874.

I*h*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 25th February 1874.

I*j*. Letter from Venkanna Pantulu to Pochiraju Brahmanna.

I*k*. Letter from Venkanna Pantulu to Namavali Narisimhacharya, dated 21st June 1873.

I*l*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 5th November 1873.

I*m*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 23rd April 1873.

I*n*. Letter from Venkanna Pantulu to Namavali Narisimhacharya, dated 2nd February 1873.

I*o*. Letter from Venkanna Pantulu to Erramilli Venkaiya.

I*p*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 19th November 1874.

I*q*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 20th February 1875.

I*r*. Letter from Venkanna Pantulu to Erramilli Venkaiya.

I*s*. Letter from Venkanna Pantulu to Erramilli Venkaiya and another, dated 5th April 1873.

I*t*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 22nd March 1873.

I*u*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 28th March 1875.

I*v*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 21st July 1873.

I*w*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 20th June 1874.

I*x*. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 20th March 1874.

Iz. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 20th February 1874.

Iaa. Letter from Venkanna Pantulu to Pochiraju Brahmanna, dated 25th February 1873.

Ibb. Letter from Venkanna Pantulu to Ponnada Subbarayudu, dated 18th January 1866.

Icc. Letter from Venkanna Pantulu to Erramilli Venkaiya, dated 12th May 1874.

II. Letter from Venkanna Pantulu to Erramilli Venkaiya.

IIa. Letter from Venkanna Pantulu to Ponnada Subbarayudu, dated 19th December 1865.

IIb. Letter from Venkanna Pantulu to Ponnada Subbarayudu, dated 25th February 1866.

IIc. Letter from Venkanna Pantulu to Ponnada Subbarayudu, dated 21st August.

IId. Letter from Venkanna Pantulu to Ponnada Subbarayudu, dated 30th May 1866.

III. Chitta showing the receipts of cists in respect of the lands at Paserlapudi and Paserlapudi-lanka belonging to Venkanna Pantulu from 13th November 1873 to 5th May 1874.

IV. Arzi from the ryots and villagers of Paserlapudi-lanka to the Deputy Collector of Narsapur, dated 20th December 1873.

V. Arzi from the ryots of Paserlapudi to the Deputy Collector, Narsapur, dated 29th October 1873.

VI. Mahazar from the ryots of Paserlapudi to the Deputy Tahsildar, Sivakodu Division, dated 6th September 1888.

VII. Kaifeyat (statement) given by Erramilli Venkaiya before the Revenue Inspector, dated 31st August 1888.

VIII. Statement showing the lands given at Paserlapudi for the choultry at Rajolu to Venkanna Pantulu, dated 12th December 1888.

IX. Statement showing the lands of Sheshagiri Rau Pantulu at Peddapatnam, dated 11th December 1888.

X. Letter from the Collector, Godavari, to the Deputy Collector, Narsapur, dated 26th October 1888.

XI. Copy of Proceedings of the Board of Revenue ordering the Collector to take possession of the suit property, dated 22nd January 1891.

XII. Letter from the Collector, Godavari, to the Deputy Collector, Narsapur, dated 28th January 1889.

XIII. Takid (order) from the Deputy Collector, Narsapur to the Tahsildar, Narsapur Taluk, dated 5th February 1874.

29.

PLAINTIFF'S WITNESSES.

1. K. Venkata Narasanna Pantulu.
2. K. Srinivasa Rau.
3. Nookala Subbarayudu.
4. Nadunuri Subbarayudu.
5. A. Ramanna Pantulu.
6. E. Gangaiya.

30.

2ND DEFENDANT'S WITNESSES.

1. Erramilli Venkaiya.
2. E. Sambanna.
3. B. Tataiya.
4. A. Venkanna.
5. A. Subbanna.
6. G. Paparayudu.

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7. K. Adinárayudu.
8. V. Ammanna.
9. P. Bhanumurty.
10. G. Tirapati Razu.
11. P. Sundara Ramaiya.
12. A. Peda Venkata Reddi.
13. T. Venkata Swami.
14. K. Narayana Swami.
15. S. Krishna Dvaipayana Rau.
16. J. Sheshagiri Rau.
17. D. Venkatrayudu.
18. A. Goparazu.
19. R. Naganna.
20. V. Venkaiya.
21. K. Sasoo Rau.
22. A. Ramarazu
23. D. Mrutyanjayudu.
24. A. Krishnam Razu.
25. Y. Ganganna.
26. K. Lachchanna.
27. D. Bapirazu.
28. P. Subbarayudu.
29. P. Narasarazu.
30. P. Peda Subbarayudu.
31. K. Lingarazu.
32. Ch. China Subbarazu.

Pronounced in open Court, this 4th day of December 1894.

(Signed) K. Krishna Ra

Exd.

Subordinate Judge.

/True copy/

4/1437/96

Extract from the Proceedings of the Narsapur Taluq Board passed at its meeting held at Narsapur on 14-11-95.

Present

Mr. Ry. Y. Venkataratnam Garu.
Vice President

Members.

Mr. Ry. Y. Venkatarow Naidulu Garu
Ag. Tahsildar of Narsapur Taluq

" D. Venkataratnam Garu.

" M. V. L. Narsimhacharlu Garu.

Ch. Beer Esquire
C. B. N. Pelly Esquire

3. Read memo dated 13.11.95 from the Vice President Taluq Board proposing certain reductions in the Establishment of Razole Choultry and also discontinuance of feeding travellers

Resolution

The pay of the Jumadar is reduced to Rs 6.

The services of the Brahmin Cooks and the peon are dispensed with.

The pay of the sweeper is reduced to Rs 1½

The Expenditure under Contingencies is reduced to Rs 1½.

The feeding of the travellers is discontinued.

× × × ×

(Sd) Y. Venkataratnam
Vice President

(True Extract)

Venkataratnam
Vice President

Narsapur
1/5/96 }

31/1437 L/96.

Extract from the Proceedings of the Narsapur Taluq Board passed at its meeting held at Narsapur on 11-3-96.

× × × × ×

Present

M.R.Ry. Y. Venkataratnam garu
Vice President

Members

" Alluri Ramarazu garu.
" Penumetcha Venkatrazu garu.
" Atmuri Ramayya garu.
" D. Venkataratnam garu.
C. H. Bees Esquire

31/ Read petition dated 11.3.96 from Alluri Ramarazu garu and Narasimharazu garu of Chintalapalli offering to undertake the management of the Razole Choultry and to feed the travellers and requesting to make over to them the choultry building, utensils &c and the lands appertaining to the choultry.

Resolution

The choultry formerly had 93 acres and ~~79~~ 17 90 cents of jirayati lands. But a considerable portion of these lands was decreed to one Tharvai Somanatarow who brought a suit against the Taluq Board in O.S. No 19 of 1892 on the file of subordinate judge Cocanada. The decree further directed to pay to the said Venkatarow a sum of Rs 1465-4-5 being mesne profits of three years. To curtail the expenditure the Board ordered the discontinuance of the feeding of the travellers.

At this critical time Messrs A. Ramaraju garu and Narasimharaju garu have come forward with their liberal hands and promised to bear the whole expenditure and to continue the feeding of the travellers as before.

The Choultry building and its endowed lands together with utensils and other moveable property will be placed in possession of the Applicants subject to the following Conditions

(1) They shall keep the buildings and lands in thorough and good repair.

(2) They shall submit to the Board monthly returns? and other returns called for by the Board

(3) They shall have no right on or over the Choultry property.

(4) The general supervision shall be vested in the Taluq Board.

(5) They shall give up the choultry and its endowments to the Board whenever called for by the Board to do so without preferring

as before irrespective

of Rs 1465

any claim for past expenditure, money paid, or anything else

(6) The Establishment required for the Choultry may be appointed by the applicants at their own will but they must intimate their names to the Board for approval.

(7) They shall feed travellers coming to the Choultry irrespective of creed or caste.

(8) They shall pay the amount of Rs 1465-4-5 into the Narsapur sub Treasury within a month hence.

The Board heartily thanks the said Messrs Alluri Ramaraju garu and Narasimharaju garu for their liberality.

(Sd) Y. Venkataratnam
Vice President

(True Extract)

Venkataratnam
Vice President

Narsapur
1-5-96

To,

The President
Taluq Board
Narsapur.

Petition from Alluri Ramaraju a member of the Taluq Board Narsapur and Alluri Narasimharaju inhabitants of the Chintalapalli, Narsapur Taluq.

The Choultry of Ragole was under our management for some time before it was taken possession of by the Board and ever since its management has been taken into the hands of the Board we have been contributing up to this date 6 Candies of grain every year towards its upkeep. On a suit filed by Bhagavada Venkataraju in the Subordinate Court at Cocanada it was decided that Rs 1465-4-5 be paid by the Board to him as mesne profits.

The Board decided that feeding travellers should be discontinued and that the amount of Rs 1465-4-5 be made good from the income derived from the lands at the rate of Rs 200 a year. We undertake to pay the amount of the decree and to feed the people that come there both nights and days ~~there~~.

If the choultry, its endowments and the utensils be entrusted to us immediately, we plant gardens in the lands within three years and endow to the choultry lands the income on which would suffice for the average annual Expenditure. We as trustees of the Choultry maintain ~~Comments~~ accounts and engage ~~our~~ our own servants.

We therefore request that the choultry its endowment and the utensils be put in our possession.

(Sd) Alluri Ramaraju.

(Sd) Alluri Narasimharazu

Venkataratnam

Vice President

1437/96

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as before in respecting

l of Rs 1465

Refer Pet Dt. ~~Narsapur~~ Narsapur Taluq

T.B.

Board of Office 4 April 1896

5-5-96

From

The Vice President

Taluq Board Narsapur

To

The Chief Secretary to Government

Local and Municipal Department

Madras

Sir, Thro: the President District Board

Godavari.

I have the honor to submit the following case for the approval of Government.

One Dharvada Venkataroo brought a Suit against the Taluq Board in the Sub Court Cocanada in O.S. No 19 of 1892 for the recovery of the Choultry building at Rayole and an endowment of acres 93-17 of land appertaining thereto under the management of this Board. The lands are situated in the villages of Appanapalli Pedapatnam Paseelapurri and Paseelapudilanka.

2 The Court holding that the lands of Appanapalli and Pedapatnam measuring acres 20.66 were the private property of the Plaintiff decreed that they should be put in his possession together with mesne profits from the date of Plaint to the date of delivery of the possession of the lands which amounted to Rs 1465-4-5. The sum was paid from

we plant gardens in the lands within three years from general balance as therein is the income endowment fund balance (vide the average 9-1-96)

3. The rental of the acres 93-17 endowed on Rs 850 a year but the rental of the lands of Paserlapudi & Paserlapudi Lanka now remaining in the possession of the Taluq Board is only about Rs 350 a year. The general balance has to be recouped by at least Rs 200 a year. After deducting Rs 200 from Rs 350 the income from the lands, there remains only Rs 150 which is insufficient even for the ~~balance~~ salaries of the Establishment ~~of~~ or Contingencies. Even Rs 350 the whole income derived from the lands falls far short of the expenditure.

4. The average annual expenditure of the Choultry has been Rs 1069 besides 9 candies of grain contributed by private gentlemen. The Board accordingly resolved in its resolution No 3 of 14-11-95 (a copy of which is enclosed) that the feeding of travellers should discontinue.

5. At this moment Alluri Ramaraju Garu a member of this Board and Alluri Narasimha Raju Garu his nephew presented a petition (an abstract of which is enclosed.) requesting that they may be entrusted with the management of the Choultry and its endowment on condition of their feeding travellers both days and nights as before irrespective of caste or creed and paying the account of Rs 1465-4-5 the costs above referred to. They further promised to plant gardens in the lands of the choultry, to endow to the choultry so much land as would yield a rental sufficient for the average annual expenditure of the Choultry which may be incurred in excess of the income from the lands now belonging to it, the average being based on the expenditure of three years, to maintain accounts, to keep the choultry under the entire control of the Board & to hand it over to the Board whenever so desired.

6. The management was accordingly entrusted to them by the Board ~~and~~ in its resolution No 31 dated 11-3-96 (vide copy enclosed.). These two gentlemen are respectable and wealthy Kshatriyas of this Taluq. Ramaraju Garu ~~is~~ moreover a proprietor and the other is his nephew. A copy of the judgment of the court is enclosed for perusal with the request that the action of the Board may be approved.

I have the honor to be
Sir
Your most obedient Servant
Venkataratnam
Vice President.

we plant gardens in the lands within three years from general balance as thereinde the income endowment fund balance (vide the average p 1-96)

3. The rental of the acres 93-17 was then Rs 850 a year but the rental of the lands of Paserlapudi & Paserlapudi Lanka now remaining in the possession of the Taluq Board is only about Rs 350 a year. The general balance has to be recouped by at least Rs 200 a year. After deducting Rs 200 from Rs 350 the income from the lands, there remains only Rs 150 which is insufficient even for the ~~balance~~ salaries of the Establishment ~~of~~ or contingencies. Even Rs 350 the whole income derived from the lands falls far short of the expenditure.

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I have the honor to be
Sir
Your most obedient Servant
Venkataratnam
Vice President.

we plant gardens in the lands within three years

and [illegible] the lands th[illegible]

C 896/DB of 96

18

LOCAL FUND DEPARTMENT.

From

The President

Taluq Board,

Narsapur

DISTRICT BOARD'S OFFICE
7 MAY 1896
GODAVARI

1437 L

Ref. on Pet. No. 158/TB of 95

Dated 4 }
Despatched 5 } 5 1896
Received }

Subject.

Requesting the sanction of Government for making over the management of the Choultry at Ragole to M.R.R. Alluri Ramarazu garu

Ref. on Cir. N. 896/DB of 96.

Submitted.

for President District Board

B. 8/5

Godavari Distt Board's Office, of 13.5.96.
p/15

1896

Local Fund Department
Local & Municipal Dept.
From
CURRENT No. 1437 L

The President

District Board. Godavari

Ref on Cur No. 896/DB of 96

En. 4.

Dated 13th
Despatched 15th } May 1896.
Received

19 MAY. 96

Subject.

Submitting Narsapur Taluk Board President's letter Ref. on Pet. No. 158/TB of 95, d/ 4. 5. 96 requesting sanction for making over the management of the Choultry at Razole to M.R.R. Alluri Ramaraju Garu and Alluri Narasimharaju Garu

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22/5

920, 19/5

LOCAL AND MUNICIPAL DEPARTMENT.

Current No.1437 L.

From the President Dt Board. Godavari

FOR ORDERS.

The choultry at Razole was constructed by a former Tahsildar named D.Venkanna Pantulu and endowed with 93.17 acres of land. As the institution was grossly mismanaged and attempts were made by the heirs of the deceased founder to convert the building and its endowment to their own private use, the Collector of Godavari was ordered by the Board of Revenue to take possession of them and to provide for their management pending their transfer to the Taluk Board of Narsapur. The Taluk Board having consented to take up the management, the Board of Revenue recommended its transfer to the Board under Section 51(2) of the Local Board's Act, and this was accordingly sanctioned in G.O.No.1631 L. dated 6th July 1891.

2. In a suit brought in 1892 by one D.Venkata Rao, the grandson of the original founder, the subordinate court at

Cocanada

Cocanada held that the lands situated at Peddapatnam and Appanapalle (20.66 acres in extent according to the President's present letter and 13.77 acres according to his letter in G.O.No.2151 L.dated 11" November 1895.) yielding an annual income of about Rs.490 were his family property and passed a decree in his favour for their possession together with mesne profits from 11th April 1892, the date of the plaint. The lands were accordingly made over to him in May 1895 and mesne profits amounting to Rs.1465-4-5 were paid to him under the sanction conveyed in G.O.No.203 L.dated 31st January 1896. As the average annual expenditure of the choultry amounted to Rs. 1069 and as it could not be met from the limited income then realized from the other lands, the Taluk Board resolved to discontinue the feeding of travellers in it and reduced the cost of the establishment. At this juncture however one Alluri Ramaraju, a member of the Taluk Board, Alluri Narasimharaju, his nephew, presented a petition to the Board requesting that they might be entrusted with the management of the choultry and its endowment on condition of their feeding travellers day and night as before, irrespective of caste or creed, and paying the amount of Rs.1,465-4-5, above referred to. They also promised to endow the choultry with as much land as would fetch a rental sufficient for its maintenance, to maintain accounts, to keep the choultry under the general supervision of the Taluk Board and to hand it over to the Board whenever so desired without claiming any right over the property or compensation for past expenditure &c. The Taluk Board having consented to the transfer on these conditions, the management of the choultry was entrusted to them. It is submitted that the action of the Taluk Board may be approved, as requested by the President, with the remark that a properly stamped agreement should be taken from these persons.

V.R.
11/6/96

W.W.D.
13-6-96

18/6/96

19/6/96

N.

Order No 1160 L.mis d/ 24-6-96

As requested by the President the Taluk Board's action is approved, with the remark that a properly stamped agreement should be taken from M.R.Ry. Alluri Ramaraju & Alluri Narasimharaju

W.W.D. (from orders)
22.6.96

1st Asst
[illegible]

To the President District Board
Godavari
Dispd 29/6/96

Transfer of the endowed choultry at Razole in the Godavari district to private management.

~~FOR~~ ORDERS.

1437 L

~~H.m~~

N

1160 L

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Read again G.O., No. 189 Dated

Current No.

Enclosures to C. 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