

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1532	Press ~~Mis.~~
8-9.	
Dated	1. 8. 186.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
1st August 1861.*

No. 8. Read the following letter from G. N. TAYLOR, Esq., Inám Commissioner, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Palmanér, 24th July 1861, No. 46:—

SIR,

* Valued at Rupees 712, according to the revised rates of assessment.

1. I have the honor to submit, for the consideration and orders of Government, a claim for the continuance of an Inám of 50 Cawnies* of Nanja land in the village of Shīrambakam, Tāluq of Vellore, District of North Arcot, which was placed under attachment in consequence of the death of its last holder, Vajir-ud-din, the eldest son and successor of the grantee, in March 1859.

2. This Inám is held under a Parwāna of Collector Mr. Ravenshaw, dated 26th October 1805, issued under the authority conveyed to him in the order of Government, and the Board's Proceedings dated respectively the 8th June and 22nd June of that year. This Title Deed was issued to Amin-ud-din Ali, "his ancestors having formerly been of great service to the Honorable Company, and from their attachment to the British cause, having undergone great misfortunes." The grant was further stated to be "in consideration of their attachment and services," and its terms were "to him and to his heirs in perpetuity," the land thus granted being the same "which his family formerly enjoyed in the village."

3. Upon the death of the grantee, his eldest son the last incumbent succeeded to the possession of the Inám, without sanction sought or obtained from any authority, and he held it to the date of his demise.

4. In the interim, domestic quarrels arising as to the shares to be enjoyed by the different branches of the family, the subject came before Government, who, in paragraph 5 of Extracts Minutes of Consultation, 3rd October 1849, remarked that they could not discover what authority Mr. Ravenshaw, the Principal Collector, had for issuing a Sanad declaring the Inám to have been granted to the party and his heirs in perpetuity, while no such intention appears to have been conveyed either in the recommendation of the Board, or in the communication made to them by the Government on the 8th June 1805. It was further remarked by Government that "the Inám was twice resumed by the Nawáb, and the Government in re-granting it, simply direct its relinquishment to Amin-ud-din Ali and with it conferred on him a pension for his life. The presumption therefore is rather in favor of its being a life-grant, or one the continuance of which was left to the pleasure of Government."

5. With reference to these views of Government, the Collector issued an order in the same year declaring the Inám "liable to resumption, or dimunition, on lapse."

18th February 1854.

6. From this order the then holder and the last incumbent appealed to the Board, asserting that the Inám was given in perpetuity by Government. The petition having been referred in the usual course to the Collector, was disposed of by an endorsement† to the effect

† 16th February 1854.

"that the Inám in question formed the subject of the correspondence noted in the margin. The Government then pronounced that the grant was only for life, and the order of Mr. Ravenshaw, relied on by the petitioners to prove it hereditary, was declared to have been issued without due authority."

7. Since then no steps appear to have been taken on the part of the petitioners to have the hereditary tenure of their Inám recognized.

8. Among the documents now brought forward by the present claimant Abjue-ud-din Homed, brother of the deceased, and now head of the family, is an extract of an alleged letter from the Board of Revenue to the Collector, dated 1st December 1806, by which the latter was "informed in reply to his letter of the 9th October, that His Lordship in Council consents that "the 50 Cawnies of Inám land granted to Amin-ud-din Ali shall be confirmed to him and his heirs in perpetuity, and desires that a certificate be issued by you conformable to his Lordship's

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"intentions." The claimant states that he filed before the Deputy Collector of this Commission, an authenticated copy of this communication, which however is not now to be found on the records of that Officer. The Collector of North Arcot, who was requested to identify this letter with the original in his records, reports that the village having formerly belonged to the Southern Division, the correspondence of that period is not in his Office.

9. Though not authenticated, for the present, I am not disposed to discredit the document produced, and as it can be readily taken out and referred to, if it does exist in the records of Government or the Board of Revenue, I have thought it unnecessary to make a reference to the Collector of South Arcot. If such an order was passed, modifying the one on which alone the Parwāna was supposed to have been issued, I presume there will be no hesitation in recalling the opinion formed by Government in their order of 1849.

10. Even should the order in question not be forthcoming, the final instructions of Government appear to be required before the case can be disposed of by this Department; as the opinion already pronounced is by no means decisive, and would rather seem to contemplate a re-consideration of the case on the occurrence of a lapse. Arguing from the fact that the pecuniary pension bestowed on the grantee, at the same time with the renewal of the Inām, was declared to be for life, the Government in their last order simply affirmed that the *presumption* was rather in favor of the Inām also being a life-grant, or one the continuance of which was left to the pleasure of Government. At the present time it will be extremely hard, on the ground of mere presumption, to deprive these Ināmdārs of a right which the family has always looked upon as hereditary according to the express terms of the Parwāna granted to them; and from the circumstance of the Inām not being a new grant, but simply the restoration of an ancient estate enjoyed by the family, there would seem reason to presume that in the absence of any express restriction by Government, there was no intention to limit the grant to the life of the grantee. Fifty years uninterrupted possession of any Inām, being held by the present rules to confer a claim on the holders to its hereditary enjoyment, I beg to submit that in the present case, which concerns the members of a family which was formerly among the first in the Carnatic, and which sustained great losses by its adherence to the British interests, there is every reason to give the holders the benefit of the doubt, and to extend to them the same consideration which is ordinarily shown to Ināms of even more questionable validity. I have only to add that though the head member of the family, whose name was brought forward on the occasion of the last correspondence, has since demised, the present claimant, his brother, had always an undivided interest in the Inām, and is now looked up to as the head of the family by all the subordinate branches who have derived support from the Inām.

No. 9. ORDER THEREON, 1st August 1861, No. 1,532.

1. Communicated to the Board of Revenue for report as to whether any such letter referred to in paragraph 8 of the Inām Commissioner's letter was issued by them to the Collector.

2. A copy of the Government letter to the Board of Revenue, dated 8th June 1805, will be furnished to the Board.

(Signed) J. D. SIM,
Secretary to Government.

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Letter to the Board of Revenue

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