

# MADRAS RECORD OFFICE.

Government of Madras.

*Revenue* DEPARTMENT.

|              |                                 |
|--------------|---------------------------------|
| G.O. No. 410 | <u>Press</u><br><del>Mis.</del> |
| 306.307      |                                 |
| Dated        | 21-2-1867.                      |

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,  
21st February 1861.*

No. 306. Read the following Proceedings of the Board of Revenue, dated 14th January 1861,  
No. 254:—

Read again the following paper—

From the Collector of Madras, dated 27th October 1860, No. 434.

(In Cons. 29th October 1860, No. 5,516.)

Board's Proceedings thereon, dated 12th November 1860.

Read also the following letter from the Collector of Madras, dated 7th, December 1860,  
No. 485.

1. Adverting to the further information required in the 5th paragraph of the Board's Proceedings, 12th ultimo, No. 5,250, relative to the two tracts of Inám land therein mentioned,

*\*Memorandum.*

*Obtained, it is supposed, from the heirs  
of the original Inámlárs and forwarded  
by the then Tahsildár, and counter-  
signed by him.*

I have the honor to submit herewith copies of two rent agreements\* forthcoming from the records of the case, executed by the late Colonel Win and Mr. Edward Lee in 1801 and 1805, respectively, to Edal Khan, and Syed Khan, the Inámdárs then existing, in reference to the quit-rent grant, No. 226; from which it will be observed, that the land was

merely rented, and that no transfer of the Inámdár's proprietary right was concluded.

2. In regard to the other piece of Inám land, bearing quit-rent, No. 200, it would appear from Mr. Shubrick's letters marginally quoted, that the Inámdárs derived rent, both while the land was occupied by an Arrack shop attached to the Cantonment at Poona-mallee, and subsequently when the building thereon was

7th May 1857, paragraph 3, and 19th January 1859, paragraph 2. purchased by Miss Burns at public auction. The fact of this lady having paid rent to the Inámdár is supported by the statement of the village Curnum, as reported by the late Tahsildár, on the 2nd August 1856. As to the date up to which rent was paid to the Inámdár in both cases, the Tahsildár, who was enquired of the Curnum and village authorities, as also of the Petitioner's Gumáshta, has reported under date the 12th December 1858, that up to 1817, the rent was duly paid to the Inámdár, who died in that year, and his widows, Zerifa Bi and Zora Bi, were not able to enforce their rights.

3. The remark of the Board that Syed Khan died in 1817, is established by the records of the case; but the rent appears to have been paid for the two lands in question, up to 1817 only, and not up to 1818, as erroneously stated by Mr. Shubrick, in the concluding paragraph of his report of the 19th January 1859. The original lease to Colonel Win was granted in 1801, and would run until the year 1821, as observed by the Board; but Colonel Win having, as may be seen from his rent agreement of the 17th April 1801, had full authority to transfer the buildings upon it, he did so to Mr. Edward Lee, who likewise executed, on the 1st September 1805, a similar document for a period of 17 years to the Inámdár, which expired in 1822.

4. The case being one of long standing, it is very difficult to procure more authentic information than has been already afforded.

1. Ordered that the above papers be submitted to Government, with reference to the Board's Proceedings, dated 17th February 1859, No. 603, and to In Cons. 12th March 1859, No. 1,028. paragraph 2 of the Government Order, dated 10th March 1859, on Petition No. 1,141 of 1856, from Zora Bi.

2. There seems to be no doubt from the further information now supplied that the two pieces of land, regarding which Petitioner sought information, form part of the Inám entered in Bernard's Tarapadi accounts, as being the Endowment of the tomb of Paupa Bi at Poonamallee.

3. Her nephew seems to have been the first recorded holder of the Inám, and he resigned it to his two nephews Syed Khan and Adil or Yedul Khan, the former of whom was the husband of the Government Petitioner, and by the will of his brother, Yedul Khan, he succeeded to the sole enjoyment of the grant.

*10-15-61 as per order of the Government*

*Proceedings of the Madras Government, Revenue Department,  
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*10-15-61 as per order of the Government*

*Proceedings of the Madras Government, Revenue Department,  
21st February 1861.*

4. He leased the two portions of the Inám in question, one to Colonel Win, and the other to a Miss Burns, who seems to have come into possession by purchase of an Arrack shop erected on the land which she removed to make room for a Bungalow:

5. Rent seems to have been paid to the Inámdár by both leaseholders, or their assignees, up to his death in 1817.

6. The possession of the land with the buildings erected on them by the leaseholders has passed in the former case to a Mr. Bernard on the demise of Mr. Coombe, Trustee under the marriage settlement of Captain Bernard, and in the latter to a Mr. Trutwein, in both cases through several intermediate hands.

7. On the death of Syed Khan, the Inám passed into the possession of his two widows, Zerifa Bi and Zora Bi, whose affairs were managed by one Mahomed Ali Beg, the husband of their niece, the daughter of Yedul Khan abovenamed.

8. On Mahomed Ali Beg's death his son Appaji Miah Sahib claimed the Inám on the strength of an alleged adoption by his grandfather Yedul Khan, which claim was rejected as adoption gives no legal status under Mahomedan law, and also because Yedul Khan had willed away his right in the Inám to his brother and co-sharer Syed Khan, as the Gumáshta of whose widows, the father of Appaji Miah Sahib had acted.

9. During the period subsequent to the death of Syed Khan in 1817, the rights of the Inámdár over the two pieces of land now in question appear to have passed out of sight, and in 1852, Government grants were issued for the lands in the names of the leaseholders and proprietors of the buildings now standing on them, and an annual quit-rent of Rupees 5 was charged in each case.

10. As these grants are inconsistent with the rights of the Inámdars, and as any rents leviable, properly appertain to them, the Board recommend that the Collector be instructed to cancel the grants and to pay over to the present Inámdárs, Mahomed Bi and Fileman Khan, the great grand-children of Syed Khan, the aggregate amount of quit-rent that has been collected under them since 1852, at Rupees 10 per annum, informing the occupants at the same time that the ground rents belong to the Inámdárs. Both the widows of Syed Khan are now dead.

11. The rents conditioned for under the original leases appear to have been Pagodas 8 per annum in the case of Colonel Win, which land is now numbered No. 226 and held by Mr. Bernard, and Pagodas 2 in the case of Miss Burns' holding now numbered No. 200, and held by Mr. Trutwein.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 307.

ORDER THEREON, 21st February 1861, No. 410.

1. The two pieces of Nanja Inám land to which these Proceedings refer, formed the subject of a petition presented to Government in 1856 by Zora Bi, widow of Syed Khan, late Commandant of Poonamallee. Their extent, from the Survey of Fasli 1248, appears to have been grounds 20, square feet 155 $\frac{5}{8}$ , and grounds 22, square feet 343 respectively. These two spots were portions of an Inám granted, according to Bernard's Tarapadi accounts, as endowments to the tomb of Paupa Bi. At the beginning of the present century they were leased out to two European residents, and rent was paid on them up to the year 1817. But Syed Khan, grand-nephew of Paupa Bi, who received the rent up to 1817, having then died, these portions of the Ináms appear to have been lost sight of by his family; and no rent appears to have been paid since.

2. For these tracts Government grants were, it appears, applied for in 1819 by the Staff Officer at Poonamallee, and granted in 1851, the Collector knowing, it is believed, that they were Inám. They were numbered respectively 200 and 226, and were each assessed with an annual quit-rent to Government of Rupees 5. In 1856 the Petitioner called upon the Government to re-instate her in possession of the land, and to assist her in recovering the back rents.

*Proceedings of the Madras Government, Revenue Department,  
21st February 1861.*

3. From the inquiries which have been made it appears that the right to the lands was never absolutely alienated by the Inámdár. Such being the case, the issue of Government grants was manifestly improper, and the Board's recommendation that those grants should be cancelled and the collections already made on this account refunded to the heirs of Syed Khan, is approved and sanctioned.

4. The original Petitioner Zora Bi, and also Zerifa Bi, the other wife of her husband Syed Khan, are dead. Their great grand-children Mahomed Bi and Fileman Khan have been admitted by the Collector as the heirs of the remainder of the Inám, the total extent of which is K. 8, A. 12, C. 8. The Board will therefore, as recommended by them in paragraph 10 of the Proceedings under review, instruct the Collector to refund to the heirs named the amount of quit-rent referred to above. Their opponent Appaji Miah Sahib, may prosecute his claim under Section 2, Regulation IV of 1831, if he feels inclined.

5. The Government cannot but regret the great delay which has taken place in the inquiry into this case. Nearly five years have elapsed since the complaint was first instituted.

(Signed) C. G. MASTER,  
*Deputy Secretary to Government.*

*1861-2-21*

No. 5,250.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th November 1860.

Read the following letter from B. CUNLIFFE, Esq., Collector of Madras, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Saidapet, 27th October 1860, No. 434:—

1. Adverting to the 2nd paragraph of the Board's Proceedings, dated 13th April 1859, No. 1,303, requiring, with reference to the orders of Government therein quoted, to report the result of the further inquiry in view to the cancelment of the Government grants issued for the two tracts of Inam land therein mentioned, I have the honor to report that the grants in question appear to have been applied for, in the first instance, by the Staff Officer at Punamalli under dates the 30th January and 4th April 1849, and that the late Collector, Mr. Freese, on the report of the Tahsildar, recommended under date the 18th May 1849 that the grants should be issued, knowing, there is reason to think, that the two tracts of land under discussion formed a portion of Inam land.

2. On the receipt of the Board's Proceedings, Mr. Shubrick seems to have inquired of F. Bernard, and George Trutwein (the former being reported to be in the occupation of the quit-rent garden No. 226, subsequent to the demise of Mr. A. M. Combe) as to the particulars of their right to the gardens in question. Their replies with enclosures are herewith forwarded for the Board's information.

3. The whole of the facts connected with this case having been, as far as information could be obtained, already brought to the notice of the Board, by the late Collector Mr. Shubrick, in his letters of the 7th May 1857 and 19th January 1859, Nos. 117 and 11, respectively, it only remains for me to request the Board to accord sanction for the cancelment of the grants in question, as proposed by the Board in the 6th paragraph of their Proceedings to Government, dated 17th February 1859, No. 603, it being clearly established that the two lots of land in question are Inam.

4. Adverting to the remarks of the Board contained in the 7th paragraph of the Proceedings quoted above, and apparently founded on the 4th paragraph of Mr. Shubrick's letter of the 7th May, that no final decision has been passed on the claims advanced by another individual to the lands in question, besides the Petitioner Zoram Bi, I have the honor to report that the whole of the Inam K. 8, A. 11, C. 8, as reported in the 1st paragraph of that letter, are entered in Bernard's Tarapdi accounts, as Inam granted for the performance of ceremonies at the tomb of Papa Bi in Punamalli. These lands appear to have been subsequently enjoyed by Khasim Khan (son of Bahadur Khan, who was the brother of Papa Bi), which he afterwards relinquished to his nephews Edal Khan and Syud Khan. Prior to his death, Edal Khan appears to have left it by will, &c. exclusively to his brother Syud Khan; after whose decease his two wives, Serifa Bi and Zoram Bi, enjoyed the Inam, while its affairs were managed by one Mahomed Ally Beg, who was the son-in-law of Edal Khan. Subsequent to his demise, his son Appaji Miah Saib having claimed the Maniam land on the strength of his alleged adoption by Edal Khan, Mr. Shubrick, on the complaint of the aforesaid Serifa Bi and Zoram Bi, set aside his claims under date the 7th September 1857, on the ground of adoption not being recognised by Mahomedan law: and moreover as his father had managed the affairs of the Inam as the mere Gumastah of the aforesaid Serifa Bi and Zoram Bi, and directed that the Inam should be enjoyed by the two women in question, both of whom, however, had demised just before this decision had been passed. This circumstance having been brought to the notice of Mr. Shubrick, he decided that their heirs or great grand children, Mahomed Bi and Fileman Khan, should inherit the Inam, and to these parties I would recommend that the quit rent already collected from the Inam should be paid.

5. One of the contending parties, Appaji Miah, petitioned the Board of Revenue under date the 9th August\* last, praying to be furnished with an endorsement to enable him to prosecute the Collector in the Civil Courts for the recovery of his Maniam. This Petition referred for my report is herewith returned. The case is a complicated

\* No. 2,118 of 1860.

one; but the parties in whose favor Mr. Shubrick's decision was passed, appear to have as fair a claim as any other, and the Government may, I think, rest satisfied with the present settlement of the question, leaving Appaji Miah to prosecute his right in the Civil Court under Regulation IV of 1831, if he is so inclined.

ENCLOSURE No. 1.—Memorandum.

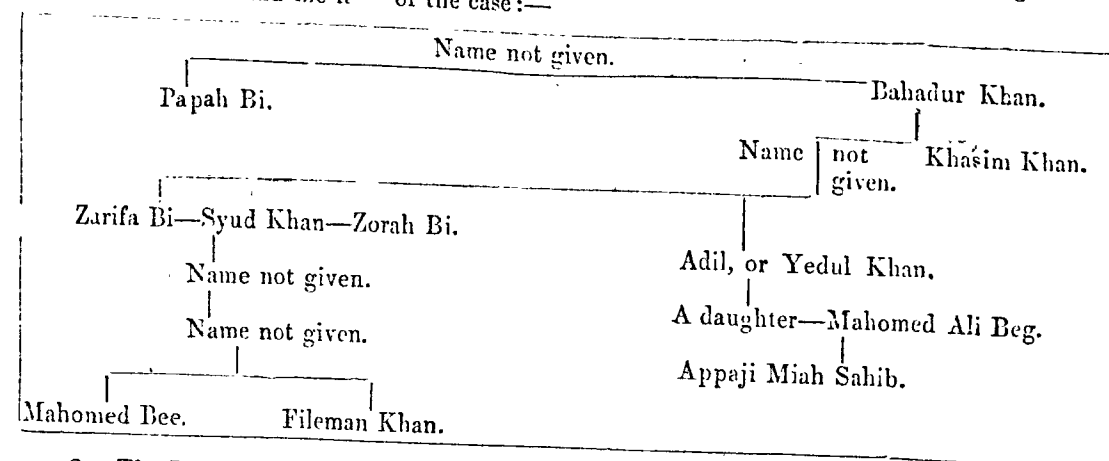
ENCLOSURE No. 2.—Certificates, &c.

ENCLOSURE No. 3.—List of queries.

ENCLOSURE No. 4.—Petition.

1. In his letter of 7th May 1857 submitted to Government with the Board's Proceedings dated 17th February 1859, No. 603, Mr. Shubrick proposed that the quit rent of Rupees 10 per annum levied by Government since 1852 on those portions of the Inam for which Government grants were issued in 1849 should be made over to Petitioner. Even if the two claimants to the Inam should on inquiry be admitted as the rightful owner, and that the Government grants should be cancelled, and it was observed in the Board's Proceedings, paragraph 7, that he had failed to pass his decision or at least to state what decision he had arrived at on the rival claims.

2. Mr. Cunliffe's present letter supplies this omission, and the following genealogical table will assist to understand the facts of the case:—



3. The Inam was granted in endowment of the Durgah of Papah Bi, and the first recorded holder of it seems to have been her nephew Kassim Khan, son of her brother Bahadur Khan. He resigned it to his nephews Syud Khan and Adil Khan. The latter bequeathed all his right in it to his brother Syud Khan, whose widow Zorah Bi petitioned Government in No. 1,144 of 1856. Zorah Bi and Zarifa Bi enjoyed the Inam after the death of their husband Syud Khan, and its affairs were conducted by Mahomed Ali Beg, the son-in-law of Adil Khan, as their Gomasta. On Mahomed Ali's death, his son Appaji Miah Sahib claimed the Inam on the strength of an alleged adoption by his grandfather Adil Khan, which claim was rejected by Mr. Shubrick in favor of Syud Khan's widow, on the ground that Mahomed Ali Beg was only the Gomasta of the widow of the last holder, and that adoption conferred no legal rights under Mahomedan law.

4. The widows, however, having deceased about the time of the passing of the decision, Mr. Shubrick admitted their grand-children Mahomed Bi and Fileman Khan as the heirs to the Inam, and to them Mr. Cunliffe recommends that the quit rent in question should be made over, leaving Appaji Miah Sahib, or Abbas Ali Sahib Beg as he styles himself in his Petition to the Board, (No. 2,118 of 1860) to prosecute his claim to the Inam and its proceeds by Civil Suit, as he seeks permission to do.

5. Before recommending to Government that the grants be cancelled and the quit rent paid to the Inamdar as proposed, the Board desire to have some further explanation of the statement made in Mr. Shubrick's letter of 19th January 1859 that in 1805 one of the pieces of land in question "became the property of Mr. Edward Lee." If this was merely a transfer by sale of Colonel Win's right under the lease of 1801 and carried with it the liability for the rent originally conditioned to be paid to the Inamdar, it is incorrect to state that the land changed owners by that transaction. But if it was a *bonâ fide* sale by the Inamdar his heirs cannot now claim a property in the land so transferred, and the Government grant which was issued at the request of the occupant, may be allowed to stand. Similarly in regard to the other plot of land mentioned in paragraph 2 of the same letter the nature of the transfer by sale at auction should be explained, and whether rent was paid only up to or after the date of sale. If this sale legally transferred the Inamdar's right and title to the purchaser, the claim of his heirs to set aside the Government grant subsequently issued at the request of the occupant cannot be admitted. In both cases the latest date to which rent was paid to the Inamdar, and the cause of its discontinuance should if possible be ascertained. The Board observe that Syud Khan died in 1817 and that rent appears to have been paid in one case up to 1818, while the original lease to Colonel Win granted in 1801 for 20 years on a rent of Pagodas 8 per year would not have expired till 1821.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,  
Acting Secretary.

To B. Cunliffe, Esq., Collector of Madras.

Edw. J. Wright.

year 1817. 1818

1818-19 Syud Khan the grand

No 410.

Proceedings of the Madras Government  
Under date, the 21<sup>st</sup> February, 1861.

Read the following Proceed-  
ings of the Board of Revenue.

Submitting with the Boards obser-  
vations concerning the collection of  
Madras on the subject of certain Inam (Here enter the January 1861 No 254)  
entered in Barnard's Saracholi accounts  
as being the endowment of the tomb of  
Pahar Di at Poornamallee.

21 The two pieces of Mun-  
gial Inam land to which in  
these Proceedings refer, formed  
the subject of a petition presented  
to Government in 1856 by Zora  
Di, widow of Syed Khair, late  
Commandant of Poornamallee.  
Their extent, from the survey  
of East 1248, appears to have been  
grounds 20 square ft 155 <sup>5</sup>/<sub>10</sub>  
and grounds 22 sq ft 31 <sup>3</sup>/<sub>10</sub> respec-  
tively. These two spots were  
originally portions of an  
inam granted, according to  
Barnard's Saracholi accounts, as  
endowments to the tomb of  
Pahar Di. They were, on the death  
in 1814 of Syed Khair, the grand  
nephew

At the beginning of the present  
century they were leased out to  
two European residents, and rent  
was paid on them up to the  
year 1847. But

W  
L  
A

agencies

Enclosure 1 in Proceedings  
of the Board of Revenue  
to the Secretary to Government  
dated 14<sup>th</sup> January 1861 No 254.

Enc 24. of 4-0-4 308 Enc 2

Enc 21st July 1861.

Letter from the Com-  
missioner to the Board of  
Revenue dated 29<sup>th</sup> October 1860  
No 434, regarding Inam  
land and Board's Board  
- in the case -

11/11/1861

Papa Bi, who received the cut up to 1817, having then  
the few of his persons, and who was up to that time  
in the enjoyment of the land, died, these portions of the  
land appear to have been

lost sight of by his family, and no  
consequence, partly of this an  
having been leased out at the  
commencement of the century  
to certain European residents of  
Ponamale, by whom they  
were transferred to other parties.  
No rent appears to have been  
paid since by these persons after  
Synd Khan's death.

2 For these tracts Govt  
grants were, it appears, applied  
for in 1849 by the Staff Officer  
at Ponamale, and granted  
in 1851, the Collector knowing,  
it is believed, that they were  
Indian. They were numbered  
respectively 200 and 226, and  
were each assessed with an  
annual quit rent to Government  
of Rupees 5. In 1850

3 The Government now  
in this assumed possession  
of the lands in question the  
Petitioner called upon the Govt to  
reinstates

reinstates her in possession of  
the land, ~~her property~~, and to assist her  
in recovering the back rents.

3 From the enquiries  
which have been made it  
appears that the right to the  
lands was never absolutely  
alienated  
~~transferred~~ away by the Subordinate.  
Such being the case, the issue of  
Government grants was mani-  
festly improper, and the Board's  
recommendation that <sup>those</sup> ~~such~~  
grants  
should be cancelled and the  
collections already made on this  
account refunded to the heirs  
of Synd Khan, is approved and  
sanctioned.

5 The original Petitioner  
Zora Bi, and also Zerija Bi,  
the other wife of her husband  
Synd Khan, are dead. Their  
great grand children Mahomed  
Bi and Eilemon Khan have  
been admitted by the Collector  
as the heirs of the remainder  
of the land, the total extent  
of which is 16. 8. 4. 11. C 8.  
The Board will therefore, as

recommended

recommended by them in  
 para 10 of the Proceedings under  
 review, instruct the collector  
 to refund to the heirs named  
 the amount of quit rents so  
 referred to above. Their opposi-  
 tionant Appaji Miah Sahib  
 may prosecute his claim so  
 under Sec. 2 Reg. IV of 1831, if he  
 feels inclined.

6 The Government so  
 cannot but regret the great  
 delay which has taken place  
 in the enquiry into this case.  
 Nearly five years have elapsed  
 since the complaint was first  
 instituted.

CJW

JAW

13 Copies. Board of Directors with 8 Notes. C. 1/2 22<sup>3</sup>  
 3 " Secy. of the Board  
 3 " Civil Auditor  
 1 in Dep. Secy. of the  
 22<sup>3</sup> July

22-6-10

26-12-10

Revenue 1861 Dept  
No. of Govt for February

No. 10.

Dep. of the Madras Govt.  
22<sup>nd</sup> February 1861.

Relating to certain  
Bills entered in the  
Madras accounts as  
being the endorsement of  
the funds of the Public  
at Government.

10306 + 304