M.R.O. 14—18,000—27-8-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	293	Press / ~~Mis.~~
27-28 Dated	1 — 2 —	1868.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
1st February 1868.

No. 27. Read the following Proceedings of the Board of Revenue, dated 24th January 1868, No. 592.

Read the following letter from the Collector of Bellary, to the Secretary to the Board of Revenue, dated 29th October 1867, No. 201 :—

1. With reference to the remarks of the Board of Revenue, dated 22nd October 1867, No. 6,887, paragraph 3, that my arguments regarding the Appanum lands held by Potails are "somewhat contradictory," I have the honor to observe that, while a large farm or a large estate may be profitable in the hands of a man of sufficient capital, it may not be so in the hands of a man of insufficient capital; with the one it may be well cultivated, and return a sufficient interest on the outlay; with the other it may be badly cultivated, and be a source of loss. It was to free the latter class of Potails from their obligation that I proposed the change.

2. With reference to paragraph 4, I shall duly bring before the Board any improvements on village administration, which experience of their working may suggest.

Submitted to Government, in continuation of the Board's Proceedings, dated 22nd October 1867, No. 6,887.

No. 28. ORDER THEREON, 1st February 1868, No. 293.

Miscellaneous.

Recorded, with reference to G. O., dated 7th January 1868, No. 39.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 8,227A.

PROCEEDINGS OF THE COURT OF WARDS, dated 20th November 1868.

Read the following letter from G. L. MORRIS, Esq., Collector of Tanjore, to the Acting Secretary to the Court of Wards, dated 13th October 1868, No. 205:—

I HAVE the honour to report, for the consideration and orders of the Court of Wards, the circumstances connected with a Ryotwary Estate belonging to a Minor Proprietor under private guardianship, in view to its being taken under the management of the Court, should the Court concur with me as to the expediency of the measure.

2. In the village of Nonakad Tenpadi, in the Tritrapundi talook, there was a landed proprietor named Ramakrishna Naik possessed of a Ryotwary estate, consisting of Velies* 227, Mas 16, and Gulies 26 of land in twenty-six different villages, paying a revenue of nearly Rupees 5,000 to Government, and yielding to the owner a net annual income roughly estimated at about Rs. 8,000.

*One Veli is equal to 6⅛th Acres.

3. This individual died on the 13th December 1860, leaving a minor son by name Govindasawmy (now fourteen years of age) and a widow† besides a married daughter‡.

† Sitaiammal.
‡ Sellammal.

4. Within about a year and a half of Ramakrishna Naik's death, his estate was reduced to the comparatively insignificant extent of V. 32, M. 15, G. 64, by the unfavourable termination of a litigation which was pending at the date of his death, as also by the self interested management of his daughter's husband, one Ramanuja Naik, and who very probably had a hand in bringing about the adverse termination of the said litigation.

5. The estate now consists, therefore, of the small extent of land last mentioned, which pays to Government an assessment of Rupees 717, and yields to the owner a probable net annual income of about Rupees 1,000 after deducting all charges. The particulars of the lands which at present comprise this Minor's estate are shown in the enclosed Statement.

6. The estate is stated to be now furthermore burdened with debts amounting to Rs. 9,716, while those due to it are only Rupees 2,267.

7. Through the culpable neglect of the late Tahsildar (since dead) the existence of this Minor's estate was not brought to the notice of the Collector till the middle of June 1866, when the deceased proprietor's maternal uncle, one Varadappa Naik, represented to the Acting Collector Mr. Banbury that Ramanuja Naik had largely appropriated to himself the property left by the deceased, as also its income, and urged that an inquiry should be instituted into his conduct in view to such property as he had usurped being re-attached to the estate, and that the estate should be placed under charge of the Court of Wards.

8. A lengthened investigation was accordingly held into the matter which leaves no moral doubt as to Ramanuja Naik having grossly abused the trust reposed in him by his deceased father-in-law, though, unfortunately, the requisite judicial proof on which a charge of Criminal Breach of Trust can be sustained, is not forthcoming.

9. It appears to me, however, that it would be for the undoubted future benefit of the minor proprietor to take what has been still left out of this estate under my management as Agent to the Court of Wards, and beg to solicit their sanction for so doing.

10. I will here notice one prominent fact elicited during the inquiry instituted into this case, which sustains the presumption that Ramanuja Naik had abused his trust.

11. The subject of the litigation to which I have alluded in paragraph 4 was a claim to a division of the property set up by two kinsmen of the deceased proprietor, and this was settled by a Razinamah entered into before the Civil Court of Tranquebar by all the parties concerned, in the month of May 1862, after the death of Ramakrishna Naik. By the terms of this document, to which the widow of the deceased and this Ramanuja Naik were parties, the landed property of deceased Ramakrishna Naik was thus divided:—

	V.	M.	G.
To Damodara Naik and Gopalasami Naik, plaintiffs	55	9	54
To Chinnammal, widow of Ramakrishna Naik's first son, deceased, who had been given in adoption to a Dayadi or Kinsman	40	10	71
To Ramanuja Naik, Ramakrishna Naik's son-in-law, being his own land	73	2	90
To a Chuttrum	5	12	2
To Ramakrishna Naik's minor son Govindasami Naik, and his brother's son Lakshmana Naik	55	15	64
	230	10	81

N.B.—This is V. 2, M. 14, G. 55, about the entire area of Ramakrishna Naik's holding, which, according to the revenue records, was V. 227, M. 16, G. 26, as shown in paragraph 2, and how this difference arises is not ascertainable.

12. Of the V. 55, M. 15, G. 64, which, as shown above, constituted the joint share of the minor heir Govindasami Naik and another member of the family, 23 Velies have since been made over to the latter as his individual share, and thus what is now left to the Minor is only V. 32, M. 15, G. 64.

13. It is curious to observe that while the share of the direct male heir of the deceased proprietor is only 32 and odd Velies, that assigned to the widow of a deceased cousin is more than 40 Velies.

14. With regard to Ramanuja Naik's share, which is by far the largest of all, the only thing mentioned in the Razinamah as to his right thereto, is, that it was his own land. The circumstances under which it became his property are these:—This land was acquired by Ramakrishna Naik by purchase, but to guard against the supposed risk of his undivided kinsmen coming in for a share, he had the Bill of Sale made out in the name of his son-in-law, and also got its Mirassi registered in the latter's name. The actual enjoyment of the land of course rested with Ramakrishna Naik until his death, which afforded Ramanuja Naik, who was by no means over-scrupulous in dealing with the property which his father-in-law committed to his care, an opportunity of eventually making the said land his own. Altogether it is difficult not to believe that the Razinamah abovementioned was a collusion between Ramanuja Naik and the other parties, who shared in the spoils of the estate.

15. This individual, as admitted by himself in his deposition before the Tahsildar, had only 17 Velies of land before he was married to Ramakrishna Naik's daughter. Now he has 116 Velies, the greater part of it having, in point of fact, been acquired by him subsequent to his father-in-law's death. He has latterly built a house at a cost of about Rupees 10,000, and has performed a marriage ceremony at an expense of Rupees 5,000. These facts, it is true, in themselves constitute no proof of embezzlement of his father-in-law's property on his part, but taken together with all the circumstances of the case, lead to the inevitable conclusion that Ramanuja Naik has attained his present affluence chiefly by the ruin of his father-in-law's estate.

16. The mother of the minor heir (Ramakrishna Naik's relict) naturally enough denies that Ramanuja Naik has misappropriated any property or income of her son, and objects to the estate being taken under the management of the Court of Wards. She even denies that her son-in-law has had anything to do with the management of the estate, and states that she has been managing it herself. Ramanuja Naik likewise makes a similar assertion, but admits that he was constituted guardian of the minor heir by the Will left by his deceased father-in-law, and that he was for a time in some way conducting the management of the estate; adding, however, that as the Court declined to recognize him as a lawfully constituted guardian, he latterly tore up the Will and ceased to have anything to do with the estate.

17. I have had inquiries made as to whether the motive which induced Ramakrishna Naik to purchase the land referred to in paragraph 14, in his son-in-law's name, as also the fact of the actual enjoyment of it having rested with himself, could be judicially proved, so as to admit of the land being recovered by a Civil Suit, but notorious as the affair is, it is not capable of being proved by such evidence as would be accepted by a Court of Justice, and as Ramanuja Naik's false title to the land has been substantiated by a Razinamah filed in Court, and which document has the legal force of a decree, there is evidently now no way of recovering it for the Minor.

18. If my recommendation, that the estate be taken under my management, is sanctioned, I will submit, for the approval of the Court of Wards, a plan for its future management, and for the liquidation of such of the alleged debts of the Minor Proprietor as may be proved to be really due by him, as also the recovery of those due to him.

Enclosure No. 1.—Statement.

The Court of Wards are of opinion that the estate of the Minor Proprietor Govindasami, in the village of Nonakad Tenpadi, in the Tirapundi talook, should be taken under their management; they resolve, therefore, to request the Government to authorize them to take charge of the estate under Regulation V. of 1804, and, in anticipation of the sanction of Government, they desire the Collector to submit, for their approval, a plan for the management of the estate and for the liquidation of such debts as may be proved to be due, and for the recovery of the sums due to the proprietor.

(A true Copy and Extract.)

F Brandt

Acting Sub-Secretary.

To the Acting Secretary to Government, R. D.,
with an enclosure.

Copy to the Collector of Tanjore.

Exd. T. Cartledge.

Rev. 7 Jany 68 No 27

Department.

Rev: 1868. Gen: Jan: Feby

No. 318.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 24th January 1868.

Read 30 do

Rec'd 31 do

No. 592.

Submitting for information of Government letter from Collector of Bellary stating reasons for proposing change in regard to Appanam lands held by Potails, and promising to bring before Board any improvements on village administration which experience of their working may suggest.

Rec'd 27/1/68.

Rec'd 29-3 Jany 68 Gen.

Rec'd 7 Feby 68 Gen.

Revenue Dept.

No. 3723.

Pros. of the Court of Wards.

~~BOARD OF REVENUE, MADRAS.~~

1868.

PROCEEDINGS, 20TH NOVEMBER 1868, No 8,227A.

Read 27 Nov 68

Received 28th

Encl. 1 Ord

NOVEMBER.

No. 8,227A.

Recd 29-3 Feby

Estate—of Minor Proprietor Govindasami in Nonakad Tenpadi village in Titrapundi Taluk, Tanjore District.—Government requested to authorize Court of Wards to take charge of,—Collector to submit a plan for management of estate and for liquidation of debts due by, and recovery of those due to proprietor.

Rec'd 27 Nov 68 Gen.

Rec'd 30 Nov 68 Gen.

Govt approve and sanction the proposal to take the estate of the minor Govindasami Naik under the management of the Court of Wards, under Reg. V. of 1804.

F.B.