

16TH MAY 1887, No. 481, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 15th April 1887, Mis. No. 113 :—

Read—

- (1) Petition from Rai Rajah Eswara Doss Diawanth Bahadur, Zemindar of Pallávaram, residing at Nos. 1 and 2 Roy Hanamunth Roy Lallah street, Triplicane, Madras, dated 26th March 1885.
- (2) The following reference thereon, dated 24th June 1885 :—

Forwarded to the Collector for report on paragraphs 2 and 3 of the petition to the Collector, dated 6th March 1885.

2. The rule for the subdivision of peishcush is contained in section 45 of Act II of 1864. Under this section “the amount of revenue to be assessed for each division shall bear the same proportion to the actual value of such division as the total amount of revenue of the whole estate may bear to the total actual value of the entire estate previous to such division.” The Board have no doubt that the term actual value must be held to include income from stone quarries and other items of like character. But as this source of revenue is fluctuating, the Collector will report whether the amount given under this head in his letter disposed of in Board’s Proceedings, dated 21st November 1883, No. 3550, represents a fair *average* which petitioner may be expected to realize in all seasons taking one year with another, or whether it should be reduced.

Read—also

- (3) Petition from G. M. Kazim Alli Nakvy Sahib, Zemindar of Adyar and Alundúr, Pallávaram Muttá, Chingleput district, through his Agent C. Gopalachari, dated 31st October 1885.
- (4) The following reference thereon, dated 5th January 1886 :—

Forwarded to the Collector of Chingleput for report, in continuation of Board’s reference, dated 24th June 1885, on Petition Register No. 1177 of 1885.

Read—also

- (5) Letter from the Collector of Chingleput, dated 18th January 1886, No. 31.
- (6) The following reference thereon, dated 6th May 1886 :—

The Board observe that Eswara Doss has, from the outset, objected to the subdivision proposed by the Collector. On receipt of the report called for in Board’s reference, 24th June 1885, they will consider whether any material injustice has been done to the petitioner and submit the matter for the orders of Government, if necessary, under section 8 of Act I of 1876.

2. The Collector is therefore requested to expedite the report called for in the above reference.

Read—also the following letter from E. C. JOHNSON, Esq., Collector of Chingleput, to the Secretary to the Board of Revenue, dated Gummidipundi, 18th January 1887, Reference on No. 4259-691 :—

I have the honor to reply to Board’s reference * on petition register No. 1177 of 1885, calling for report on the petition

* Six enclosures returned.

of Rai Rajah Eswara Doss Diawanth

Bahadur complaining against the subdivision of Pallávaram muttá, sanctioned in Board’s Proceedings, No. 3550, dated 21st November 1883. The petitioner impeaches the accuracy of the accounts on which the subdivision was sanctioned. His objections are—(1) that several items of revenue derived from Adyar subdivision have been omitted; (2) that a fluctuating item, viz., revenue derived by him from the sale of

stones for Madras harbour has been made to swell his (Pallavaram) income unduly; and (3) that consequently his share of peishcush was fixed for ever at a rate both disproportionate and excessive.

2. The income derived from the quarries is undoubtedly of a very fluctuating nature. Unfortunately for the petitioner, in the three years for which the average was struck, it was abnormally high, giving a yearly average of Rs. 2,656. It is of course impossible to strike anything but an arbitrary average, when dealing with such a matter as the Harbour works; but there can be little doubt that the average struck with reference to the faslis 1289, 1290 and 1291 is excessive. Looking at the income derived during a series of years, and considering the fact that the quarry works are not likely to last for more than a couple of years longer, but still allowing for the demand for stones in a large town like Madras, I think that the income from this source might fairly be fixed at from 600 to 700 rupees per annum.

3. As for the omission of some items of revenue in the subdivision of Adyar complained of, the present inquiry shows that the following items have not been taken into account for the reasons given opposite to each, which appear to me to be valid:

(1) The rent-value on the lands known as Mahaboob Bangh and those held by Mahomed Abdus Samad Khan and Mahomed Unnisa Begum Saiba was calculated on only two years instead of three years.

(2) The rent-value on Mr. Barclay's land.

The zemindar failed to establish his

(3) The rent-value on house sites at Alundur.

This has been decided by the court to

(4) The rent-value on Mr. Crampton's garden.

(5) The rent-value on race ground and water works at Guindy.

4. A petition from the muttadar of Adyar protesting against the reopening of the case is herewith submitted for the consideration and orders of the Board.

Resolution—dated 15th April 1887, Mis. No. 113.

The papers will be submitted for the orders of Government.

2. The subdivision was sanctioned in November 1883. The petitioner did not appeal in time; but in September 1884, he sent a petition to Government and afterwards to the Board and filed a suit in the District Court which was dismissed for want of jurisdiction. The appeal to the High Court was also unsuccessful. The Collector now reports that the income from stone quarries was taken at a high figure (Rs. 2,600) whilst the average cannot amount to more than Rs. 600 or 700 over a series of years. The Board therefore think that the peishcush on the subdivided portion, which was fixed with reference to the former figure, ought to be revised. This can be done under section 8 of Act I of 1876, if the Government think fit.

(True Copies and Extract.)

(Signed)

M. HAMMICK,

Acting Secretary.

To the Secretary to Government, Revenue Department,
with petition No. 1177 of 1885 and its four enclosures;
petition No. 3848 of 1885; petition No. 289 of 1886, and
petition No. 341 of 1887 and its enclosure,
in original to be returned.

Copy to the Collector of Chingleput.

ORDER—dated 16th May 1887, No. 481, Revenue.

Land Revenue, No. 48.

The Government are of opinion that there are sufficient grounds for reconsidering, under section 8, Madras Act I

of 1876, the apportionment of peishcush made in this case. The Board of Revenue will revise it accordingly.

2. The estimate of the annual value of the stone quarries, given by the Collector, appears to be too low and a re-valuation of them should therefore be made in consultation with the Public Works Department. In doing this, the close proximity of the quarries to the South Indian Railway, the growing demand for stone within the city of Madras, and the fact that the quarries are the only good ones within a reasonable distance of a large town, should be taken into consideration. The most practicable method of fixing the annual income derivable from the quarries will probably be to assume it to be equivalent to the interest at current rates on the capital sum which the Public Works Department, taking the circumstances, above referred to, into consideration, may fix.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Commissioners of Land Revenue, with nine enclosures returned.
„ the Public Works Department.

Exd. W. H. French.

60 Copies.

P.W.D.
Govt. of (1887) Madras.

REVENUE.

No 1631 wa/16th June/87

communicated to the
Supg Engineer & Circle
and the Chairman
Madras H. Inst Board

sd/ J. E. V. Circle

Issued

Recd.

Encl.

G.O., 16th May 1887, No. 481.

No 1631 wa/16th June/87

MAY.

Peishcush of Pallavaram Mutta.

The Board of Revenue directed to revise the apportionment of the — and to have the stone quarries valued in consultation with the Public Works Department.

with order

16TH MAY 1887, No. 481, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 15th April 1887, Mis. No. 113:—

Read—

- (1) Petition from Rai Rajah Eswara Doss Diawanth Bahadur, Zemindar of Pallavaram, residing at Nos. 1 and 2 Roy Hanamunth Roy Lallah street, Triplicane, Madras, dated 26th March 1885.
- (2) The following reference thereon, dated 24th June 1885:—

Forwarded to the Collector for report on paragraphs 2 and 3 of the petition to the Collector, dated 6th March 1885.

2. The rule for the subdivision of peishcush is contained in section 45 of Act II of 1864. Under this section “the amount of revenue to be assessed for each division shall bear the same proportion to the actual value of such division as the total amount of revenue of the whole estate may bear to the total actual value of the entire estate previous to such division.” The Board have no doubt that the term actual value must be held to include income from stone quarries and other items of like character. But as this source of revenue is fluctuating, the Collector will report whether the amount given under this head in his letter disposed of in Board’s Proceedings, dated 21st November 1883, No. 3550, represents a fair average which petitioner may be expected to realize in all seasons taking one year with another, or whether it should be reduced.

Read—also

- (3) Petition from G. M. Kazim Alli Nakvy Sahib, Zemindar of Adyar and Alundur, Pallavaram Mutta, Chingleput district, through his Agent C. Gopalachari, dated 31st October 1885.
- (4) The following reference thereon, dated 5th January 1886:—

Forwarded to the Collector of Chingleput for report, in continuation of Board’s reference, dated 24th June 1885, on Petition Register No. 1177 of 1885.

Read—also

- (5) Letter from the Collector of Chingleput, dated 18th January 1886, No. 31.
- (6) The following reference thereon, dated 6th May 1886:—

The Board observe that Eswara Doss has, from the outset, objected to the subdivision proposed by the Collector. On receipt of the report called for in Board’s reference, 24th June 1885, they will consider whether any material injustice has been done to the petitioner and submit the matter for the orders of Government, if necessary, under section 8 of Act I of 1876.

2. The Collector is therefore requested to expedite the report called for in the above reference.

Read—also the following letter from E. C. JOHNSON, Esq., Collector of Chingleput, to the Secretary to the Board of Revenue, dated Gummidipundi, 18th January 1887, Reference on No. 4259-691:—

I have the honor to reply to Board’s reference * on petition register No. 1177 of

* Six enclosures returned.

1885, calling for report on the petition of Rai Rajah Eswara Doss Diawanth Bahadur complaining against the subdivision of Pallavaram mutta, sanctioned in Board’s Proceedings, No. 3550, dated 21st November 1883. The petitioner impeaches the accuracy of the accounts on which the subdivision was sanctioned. His objections are—(1) that several items of revenue derived from Adyar subdivision have been omitted; (2) that a fluctuating item, viz., revenue derived by him from the sale of

stones for Madras harbour has been made to swell his (Pallavaram) income unduly; and (3) that consequently his share of peishcush was fixed for ever at a rate both disproportionate and excessive.

2. The income derived from the quarries is undoubtedly of a very fluctuating nature. Unfortunately for the petitioner, in the three years for which the average was struck, it was abnormally high, giving a yearly average of Rs. 2,656. It is of course impossible to strike anything but an arbitrary average, when dealing with such a matter as the Harbour works; but there can be little doubt that the average struck with reference to the faslis 1289, 1290 and 1291 is excessive. Looking at the income derived during a series of years, and considering the fact that the quarry works are not likely to last for more than a couple of years longer, but still allowing for the demand for stones in a large town like Madras, I think that the income from this source might fairly be fixed at from 600 to 700 rupees per annum.

3. As for the omission of some items of revenue in the subdivision of Adyar complained of, the present inquiry shows that the following items have not been taken into account for the reasons given opposite to each, which appear to me to be valid:

- (1) The rent-value on the lands known as Mahaboob Bangh and those held by Mahomed Abdus Samad Khan and Mahomed Unnisa Begum Saiba was calculated on only two years instead of three years.

The zemindar of Adyar did not derive any income for fasli 1291, because the lands were left waste in that year owing to a dispute, and it seems very questionable whether he will be able to realize anything on this land in future.

- (2) The rent-value on Mr. Barclay's land.

This has been taken up by Government for the Buckingham canal and no revenue is now derived from it.

- (3) The rent-value on house sites at Alundur.

The zemindar failed to establish his right to the collection of rent thereon in summary suits brought by the zemindar against the occupants; this source therefore yields him no income.

- (4) The rent-value on Mr. Crampton's garden.

This has been decided by the court to be rent-free land as Mr. Crampton has been enjoying the same for over thirty years without payment of rent.

- (5) The rent-value on race ground and water works at Guindy.

No rent was collected, as in this case also claim to assessment is barred by prescription.

4. A petition from the muttadar of Adyar protesting against the reopening of the case is herewith submitted for the consideration and orders of the Board.

Resolution—dated 15th April 1887, Mis. No. 113.

The papers will be submitted for the orders of Government.

2. The subdivision was sanctioned in November 1883. The petitioner did not appeal in time; but in September 1884, he sent a petition to Government and afterwards to the Board and filed a suit in the District Court which was dismissed for want of jurisdiction. The appeal to the High Court was also unsuccessful. The Collector now reports that the income from stone quarries was taken at a high figure (Rs. 2,600) whilst the average cannot amount to more than Rs. 600 or 700 over a series of years. The Board therefore think that the peishcush on the subdivided portion, which was fixed with reference to the former figure, ought to be revised. This can be done under section 8 of Act I of 1876, if the Government think fit.

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with petition No. 1177 of 1885 and its four enclosures;
petition No. 3848 of 1885; petition No. 289 of 1886, and
petition No. 341 of 1887 and its enclosure,
in original to be returned.
Copy to the Collector of Chingleput.

ORDER—dated 16th May 1887, No. 481, Revenue.

Land Revenue, No. 48.

The Government are of opinion that there are sufficient grounds for reconsidering, under section 8, Madras Act I of 1876, the apportionment of peishcush made in this case. The Board of Revenue will revise it accordingly.

2. The estimate of the annual value of the stone quarries, given by the Collector, appears to be too low and a re-valuation of them should therefore be made in consultation with the Public Works Department. In doing this, the close proximity of the quarries to the South Indian Railway, the growing demand for stone within the city of Madras, and the fact that the quarries are the only good ones within a reasonable distance of a large town, should be taken into consideration. The most practicable method of fixing the annual income derivable from the quarries will probably be to assume it to be equivalent to the interest at current rates on the capital sum which the Public Works Department, taking the circumstances, above referred to, into consideration, may fix.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Commissioners of Land Revenue, with nine enclosures returned.
„ the Public Works Department.

Exd. W. H. French.

60 Copies.

P. W. D.
Govt. of (1887) Madras.
REVENUE.

No 1631 w a 16th June 87
communicated
to the Engrs Engineer &
Circle and the Chairman
M. H. Trust Board

Issued

Recd.

Encl.

G.O., 16th May 1887, No. 481.

No 1631 w a 16th June 87
MAY.

S. E. V. Circle
Chairman M. H. Board
Peishcush of Pallavaram Mutta.

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Wittwinder

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Resolution—dated 15th April 1887, Mis. No. 113.

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2. The subdivision was sanctioned in November 1883. The petitioner did not appeal in time; but in September 1884, he sent a petition to Government and afterwards to the Board and filed a suit in the District Court which was dismissed for want of jurisdiction. The appeal to the High Court was also unsuccessful. The Collector now reports that the income from stone quarries was taken at a high figure (Rs. 2,600) whilst the average cannot amount to more than Rs. 600 or 700 over a series of years. The Board therefore think that the peishcush on the subdivided portion, which was fixed with reference to the former figure, ought to be revised. This can be done under section 8 of Act I of 1876, if the Government think fit.

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

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with petition No. 1177 of 1885 and its four enclosures;
petition No. 3843 of 1885; petition No. 289 of 1886, and
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in original to be returned.

Copy to the Collector of Chingleput.

ORDER—dated 16th May 1887, No. 481, Revenue.

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(True Extract.)

Admission
Ag. Secretary to Government.

To the Commissioners of Land Revenue, with nine enclosures returned.
„ the Public Works Department.

Exd. W. H. French.

60 Copies.

No 1631 wa/16th June/87

PWC No 4424
Govt. of 1887 Madras.

REVENUE.

Comd to the
Comd to the
Supz Engr & Circle
Supd Engr & Circle
and the Chairman
and the
Madras H. Trust Board.
Dept. Madras H. Trust Bd

24 SC

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Wm

11.6.87

Issued

Recd.

11.6.87

Encl.

G.O., 16th May 1887, No. 481.

Jan
13/4/87

1631 wa/16th June/87

MAY.

S. E. & Circle.
S. E. & Circle.
Chairman H. Trust Board.
Chairman of the
H. Trust Board

Despd

17/6/87

11.6.87

Peishcush of Pallavaram Mutta.

The Board of Revenue directed to revise the
apportionment of the — and to have the stone
quarries valued in consultation with the Public
Works Department.

SW