

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	377	Press ~~Mis.~~
Dated	19-6.	1860.

Not to be folded or roughly handled

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Proceedings of the Madras Government, Political Department,
19th June 1860.

Read the following papers:—

No. 57. Petition from C. Cunniah Chetty and P. Vencatarunga Chetty, residing at Saint Thomé, Madras.

State that Mumtazul Umrá Amir-ool-Mulk and his brother sold them the Muta of Polaveram in 1844 but subsequently forcibly regained possession of it; that they instituted a suit in the Principal Sudr Ameen's Court, for recovery, but were non-suited on the ground that the Defendants were exempted by Acts 1 of 1844, 18 of 1857 and 24 of 1858, from the jurisdiction of the Courts and that the decision has been confirmed, in appeal by the Civil Judge. Pray that they may be furnished with authority to bring an action against the Defendants aforesaid.

(Here enter 28th October 1859.)

No. 4,179 of 1859.

Referred for the report of the Acting Agent.

By order.

(Signed) L. FORBES,
Dy. Secy. to Government.

FORT SAINT GEORGE,
1st February 1860.

No. 58. From Surgeon E. G. BALFOUR, Government Agent at Chepauk, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 22nd May 1860, No. 598.

I have the honor in reply to Order on petition* No. 4179 of 1859, to submit to the Honorable the Governor in Council that Carnatic Stipendiary No. 1326, Munsur ud Dowlah Bahadoor, has replied to this petition in the enclosed letter† denying all claim of Petitioners to the Palaveram Muttah.

* *Herewith returned.*
† *Requested to be returned.*

From MONSOOR-OD-DOWLAH AMEER-OL-MOOLK HALL MOMTAZ-OL-OOMRAH BAHADOOR, *alias* MOTIMUD-OD-DOWLAH, MEER SÁMAN KHAN BAHADOOR MOORTOZIM JUNG, to E. G. BALFOUR, Esq., Government Agent at Chepauk.

In acknowledging the receipt of your letter dated 25th August 1858, with its enclosures,‡ I beg to offer my remarks thereon as requested by you.

‡ *Herein enclosed.*

1. The Petitioners Thatha Ramasawmy Chetty and three others, through the bad counsel of our late Naib named Mirza Mahdy Saheb in order to appropriate the Moottah of Palavarum to themselves, produced their fictitious documents as made by us some twelve years ago. The first paper, *i. e.* the Deed of Sale declaring that on the 1st August 1846, I and my brother as having disposed the said Palavarum Moottah and received the value in ready money of Company's Rupees (10,000) ten thousand. The second paper, *i. e.* Ishtaharnamah or notice was issued stating that on the 21st June 1847, we as having transferred the above said Moottah in order to clear the debts contracted by our late father. The third paper, *i. e.* another Ishtaharnamah, or notice was issued stating that on the 16th March 1847, we as having transferred the Moottah to the said four individuals for the sum of ten thousand 10,000 Rupees, but is not particularized whether it was sold for ready money or given in lieu of debt. Here I beg to observe that each of these copies differs from one another in its contents, and possess neither my signature nor of my brother, nor that of witnesses or the writer, and still the petitioners state the documents in question are true copies of the originals, which copies with the signature of the Collector of Chingle-

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put are in my possession. The Petitioners on the 21st December 1857 presented a petition enclosing three copies of original documents to the said Collector soliciting him to register the said Moottah in their names, consequently the Collector communicated this case to us by means of a letter, upon which we after having received the true copies of the said documents, and their petition with seal and signature of the Collector, replied stating our true claims to the said Moottah. Then the Collector investigating the case fully made an endorsement upon their petition on the 24th February 1858, stating that unless the consent of the Zamindars (or Registerdars) is given he will not comply with their request for registry, the copy of which endorsement is herein enclosed with my seal marked *A*. From the above statement it would be evident to you that the three documents produced by the Petitioners were fictitious ones, and that the Moottah was not sold to them and the money was not received and the Moottah was not left in their possession, and the Collector's refusal to register the said Moottah in their names and our promise to get it registered on their names as stated by them is also false, and all these facts were not mentioned in their petition addressed to the Right Honorable the Governor in Council.

2. In consistent with the Order of Government as communicated by the Collector of Chingleput, we appointed our Gumashta in order to measure and give 40 cawnies and several grounds of land from our Villages of Allendoor, Adyar and Parthevaukum connected with our Moottah for the purpose of annexing with the cantonment. In the meantime the Petitioners by the bad counsel of Mirza Mohdy Sahab presented a Petition to the Collector under date 21st June 1858, stating that we have no connection whatever with the said Moottah; upon which the said Collector endorsed on the 12th July 1858, as follows: "The names of the Petitioners are not registered, consequently the Sircar has to do only with the Registerdars, therefore the Collector cannot comply with the requests of the Petitioners," the copy of which endorsement with my seal marked *B* is herein enclosed for your perusal. If you be pleased to take this into your consideration, it will appear that the Petitioners had no connections with the said Moottah and also the Petitioners made no mention of the facts alluded to in their Petition to Government.

3. On the 27th July 1858, they presented a Petition to the Collector of Chingleput stating that our case is filed in the Principal Sudder Ameen's Court, and that we are willing to appropriate the said Moottah to ourselves, upon this the Collector endorsed on the 2nd August 1858 as follows: "The Petitioners cannot be considered to be the Zamindars of the Moottah of Palavarum, upon examining the records it was found that the above said Moottah is registered on the names of Monsoor Ood Dowlah Bahadoor and his brother, and it is in their possession, consequently the Petitioners' claim cannot be complied with," the copy of which endorsement with my seal is herein enclosed marked *C*. Upon examining the records of the Sircar and that of our Moottah it will be evident that we are the lawful possessors of the Moottah in question, and the Petitioners vainly and frequently trouble the Sircar and us with their false Petitions.

4. Besides these I beg to prove amply that the Moottah of Palavarum was registered 19 years ago on our names and the bills to the payment of *Kist* up to the present time made in on our names from the Sircar. For the portion of land transferred to the Government for the purpose of Cantonment, we deduct the sum of Company's Rupees 531-6-9 from the *Kist* and make over the rest to the Collector of Chingleput, and submit the bills to the Government through the said Collector with my signature, and the Collector in return gives a bill for the whole amount as paid. And also beg to state, that in order to consolidate the claims, that the grants of the Gardens belonged to E. Maltby Esq., and that of the late Nabob's teacher and that of the late Judge Gambier's Coachman, &c., connected with our Moottah were made in their respective names with my signature. The correspondences regarding the affairs of our said Moottah is carried on between ourselves and the Collector directly in my name. If you will be pleased to take the foregoing statements into your consideration you will find the claim of the Petitioners to be invalid and based upon falsehood. I further beg to state, that the Petitioners made no mention of our retaining the said Moottah in our possession for the last 19 years, and in consistent with the Act 1st proclaimed in the year 1844, of my being exempted from the law suits, and state that in consequence of the Act 21th, proclaimed in 1858, they sustained great loss and thereby astonish the Government by their falsehood.

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5. In compliance with the orders of the Collector to measure out the lands alluded to in the 2nd para. a second time, I ordered the late Naib Mirzu Mohdy Sahab to effect the same, and as he delayed to execute the above order and as he caused the Petitioners alluded to in the 1st para. to present a false application on fictitious documents to register the said Moottah on their names and as he caused a great loss by not attending to the *Marummuth* or repairs to the tanks, &c., in pursuance to my orders and as he refused to give in the accounts showing the receipts and disbursements for the ready money due, and for some other reasons I dismissed him from my service, and appointed another efficient and trustworthy person to discharge the duties of his post. In contrariety to the Act proclaimed in the year 1844, and the 18th Act of 57, and the 24th Act of 58, and similar Acts published in the Gazette, he induced the petitioners to sue me in the Court, and to say that we forcibly seized upon the Moottah, when the case was in course of trial and subjected us to a great damage is utterly falsehood. If you be pleased to see the date on which I appointed a person to be a Gomashtha in the place of a former one, and the date on which the case was filed in the Court it will be clearly known.

6. With reference to the latter part of the 2nd paragraph of their petition addressed to His Lordship, I beg to observe, that it is a well known fact, that my late father Moonita-zool-Oomrah Bahadoor was the real elder brother of the late Nabob Begum, wife of the late Nabob Azeem Ood Dowlah Bahadoor, Nabob of the Carnatic, and he was the maternal uncle of the late Auzum Jah Bahadoor, so also Prince Azeem Jah Bahadoor and grand-father to the deceased Nabob Goolam Mahomed Gouse Khan Bahadoor, and it is also evident that my father was holding the highest and most responsible post of the Dewan of the Carnatic Durbar. I beg of you to consider mine and that of my late father's closest connection with the family of the Carnatic Nabobs and at the same time my father's high dignity in the State together with the statements of the petitioners representing me only as a Chief Officer of the Carnatic Sircar, but not a lineal descendant of the Nabob's family which is enough to shew that their statements are false.

7. In contrariety to the Act alluded to in the 5th paragraph and of similar Acts in the Gazette, also in opposition to the Act 24th published in the year 1858, the petitioners prosecuted against me without the consent of the Government in the Zillah Court producing the fictitious documents alluded to in the 1st paragraph, and when there sufficient efforts were made for the dismissal of the case, they in order to be authorized by the Government presented a petition, and that is contrary to the first paragraph, in the Act above alluded to. In consistent with the 2nd paragraph of the first Act above alluded to, the case of the petitioners in any Court of justice will be rejected. Now I hope you will be pleased to take all the foregoing statements into your kind and serious consideration and administer justice in deciding the case.

ORDER, THEREON, 19th June 1860, No. 377.

No. 59.

The Government observe that although Munsur-ud-Daulah denies the truth of the Petitioners' statements, and pronounces their documents fictitious, there appears to be no objection to these latter individuals obtaining an authoritative decision upon their claim. The Collector has no jurisdiction in such matters. He appears merely to have ascertained who were the registered holders of the Muthá, and to have declined to recognize any other title to the property, but he gave no decision either for or against the legal rights of either party.

2. Resolved, therefore, that the following Certificate be granted.

"Under the provisions of Act XXIV of 1858, and at the instance of C. Cuniah Chetti and P. Venkataranga Chetti, the Honorable the Governor in Council is pleased to grant authority or process issuing against Munsur-ud-Daulah in respect to the right and title to the Polavaram Muthá in the Chingleput District."

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Political Dept.
No. of the Madras Govt.

Read the following papers.
from G. Gummiah Chetty and P.
Kueataramma Chetty residing at
St. Thome, Madras. (See Entry 28 Oct/57)

From the Chepāk Agent
dated 22nd May 1860.

Order thereon 19 June 1860. No 377.

1. The Govt observe
that although Mander
Daulah denies
the truth of the P^{ts}
statements, and pro-
nounces them docu-
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-duals obtaining
an authoritative
decision upon their
claim. The Coll^r
has no jurisdiction
in such matters -
~~He merely~~

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