

# Political (1898) Department.

ORDINARY MS.

G.O., No. 739

DATED 19-10-98

INDEXED.

[Despatch Abstract.]

Directing that Salni & certain other inhabitants of Agathi island, one of the Malabar Laccadives, be informed that the Govt declines to interfere with the decision of the Collector of Malabar regarding the succession to certain property in that island.

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O.                  | No.                    | Department. | Date. | G.O. | No. | Department. | Date. |
|-----------------------|------------------------|-------------|-------|------|-----|-------------|-------|
| <i>and</i><br>1265/98 | 775<br><del>1198</del> |             |       |      |     |             |       |
| 387/00                |                        |             |       |      |     |             |       |

[ G. ]  
192  
2,000-22-3-98.

CURRENT No. 1242  
*Political* DEPARTMENT.

From the Board of Revenue  
(Land Revenue)

No. 2614

Dated 21  
Received 24 } Sept 1898  
Registered 26  
Enclosures

## SUBJECT.

Resubmitting to Govt. with remarks  
petition from certain inhabitants  
of the Apathi Island of the Malabar  
Laccadives relating to Succession  
to <sup>certain</sup> property.

L. C. A. 27-9-98.

739  
19-10-98  
P. B.

Political  
Educational (1898) Department.

CURRENT No. 1242



From

The Board of Revenue, Land  
Revenue, Madras.

No. 2614 Misc.

Dated 21st September 1898

Received 24

Registered 26

Enclosures 6

Spare copies -

SUBJECT.

Resubmitting to Government, with  
remarks, petition from certain inhabi-  
tants of the Agathi Island of the --  
Malabar Laccadives relating to suc-  
cession to property.

In K

Please say if the  
enclos. referred to have been  
received.  
26/9/98

Note

GO. 402 P.M. 2/16-6-98

has not been put up  
with this file as S has  
not come to office today

27/9/98

P 28/10/98

# BACK PAPERS.

| G.O. | No.     | Department. | Date. |
|------|---------|-------------|-------|
| 597  | 23.8.98 | Mis         |       |
| 403  | 17.6.98 | "           |       |
| 402  | 16.6.98 | "           |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
|      |     |             |       |
|      |     |             |       |
|      |     |             |       |

*Enclos. A*  
*Enclos. B* *N<sup>o</sup> 124804*



*Enclosure to B. P.*

*Mis n<sup>o</sup> 2614*

*22.9.98*

*Pls of Rev*  
*Land Rev*  
*22.9.98*

3

Precis of the papers relating to the Pakkermoopanoda property:-

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On the 8<sup>th</sup> September 1893 the Amin of Agathi Island reported that one Pakkermoopanodajil Ahmed Koya had died without heirs and recommended that his properties might be held under attachment pending decision as to their ownership by the officer next visiting the Islands. The Amin added that he could not settle the matter as he was one of the claimants to the property. On the 31<sup>st</sup> March 1894 the property was in part made over to the persons in possession of the property on their furnishing security under the order of Mr. Bradley.

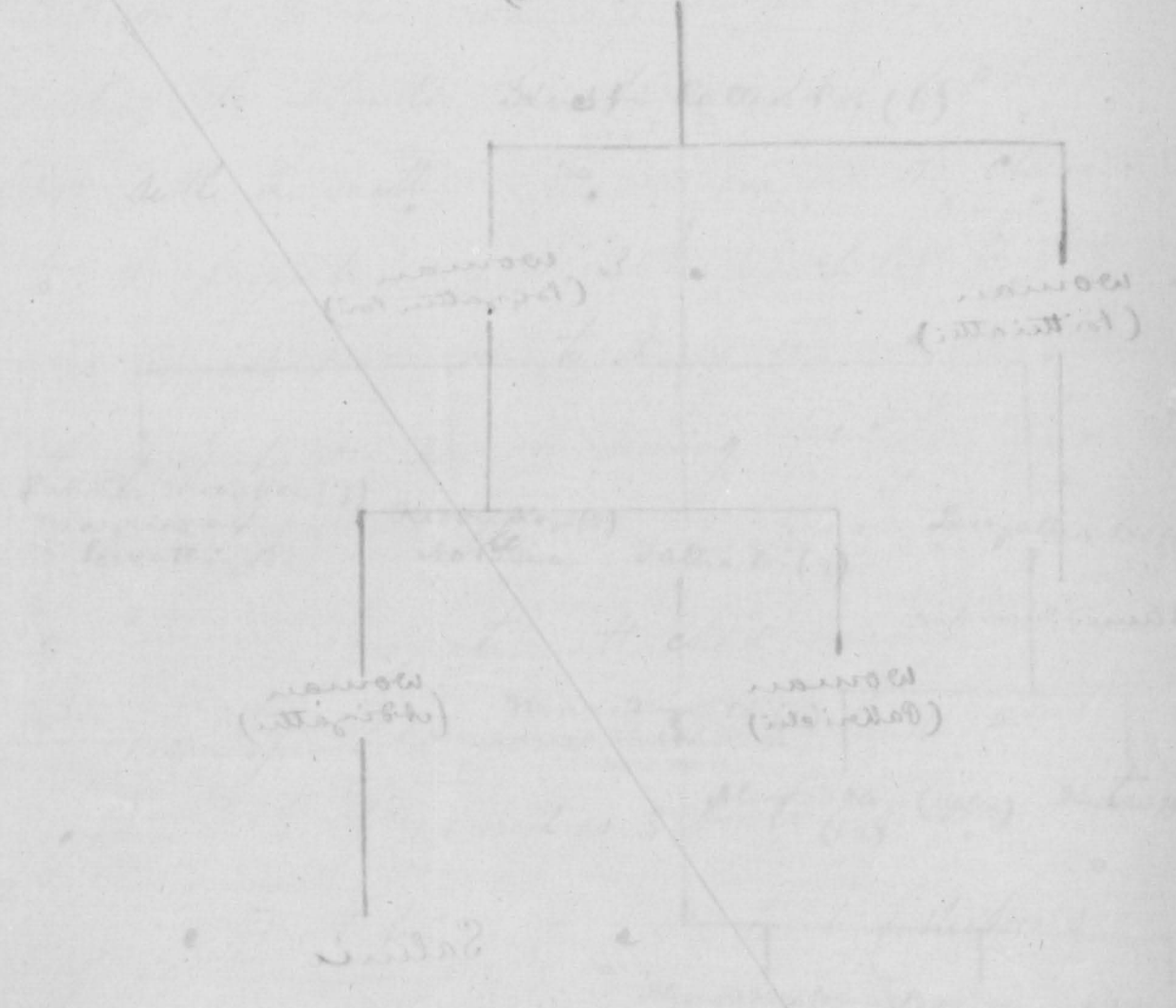
2. The properties attached consist of the Pakkermoopanoda house, with the land and trees pertaining to it, as well as 3 boats and some nets.

3. As stated in the Assistant Collector's order the origin of the Pakkermoopanoda estate is Vague. It was disputed as to whether it was Tingalaicha (Makkamthayam) or Velliyayicha (Marumakkathayam). It is said to have been originally enjoyed - but this is disputed - by Pakki Mooppun (marked 5 in the genealogical table) who got it from his mother. It then went to

to his sister's son Pakkermooppam (7) whose enjoyment is undisputed. From him it went to Pakkermooppam's brother Kadari Koya (8), then to his sister's son Ahammad Koya (12) and finally to Ahammad Koya (Choria) (13).

4. A genealogical table showing the names of the persons who were in possession of the property and of those who now claim it is attached.

to his sister's son Pakkermooppam (7) whose enjoyment is undisputed. From him it went to Pakkermooppam's brother Kadari Koya (8), then to his sister's son Ahammad Koya (12) and finally to Ahammad Koya (Choria) (13).



Woman (1)

5

Woman (2)  
(Kutti Kattia)

Lived in Cheringal Kadinjappa house.  
Died without issue. The other sisters  
lived in the house.

Woman (3)  
(Bi Kutti)  
Lived in Prikuttigoda house

Woman (4) Kutti Pathamma  
married by Pichatti Kutti

Woman  
(Kunhi Patta)

Pakki mooban (5)

Kutti Patta Poi (6)

Woman  
(Pothuatti)

Woman  
(Pozattu Poi)

Pakki mooban (7)  
married at  
Puvattigoda

Kadiri Koya (8)  
No issues

Patta Poi (9)

Pozattu Poi (10)

Ahmed Mozalia

Woman  
(Pakkieli)

Woman  
(Adizatti)

Kutti Koya  
(P. wife Maraduja Poi II)

Ahmed  
mooban  
(no issues)

Maraduja Poi (11)  
married Kutti Koya,  
son of Pakki mooban

Ahmed Koya (Vaha)  
(12)

Kutti Haji

Salma  
I

Ahmed  
Kanakkapilla

Kunhali Koya

Mammi Koya -

Murmathamma Poi

Ahmed Koya (Cheni) Pakki Koya Ahma B

(13)

Abu Bakar  
IV

Ahmed  
Adigan Haji  
III

Ahmed Haji

Abdul Khader - Abdul Azeer - Fatima B

VI

Avaker Koya

Kasmi Koya  
(Ammi)  
II

Alma Poi

Salma Koya - Kutti Pakki Koya -

Ali  
Mahomed  
Haji

Achra Poi

Avaker Kunhi

Mahomed Cherian

Shamsuddin

Note The entries in black ink denote Vellingsapala families  
The entries in red ink denote Thiruvallur families

5. The claimants to the property are:—

- I Salmi
- II Kasmi Koya - Amin.
- III Adiyam Haji
- IV Abu Backer
- V Shumsuddin and his mother Fatima Bi
- VI Abdul Aziz.

Of these nos I, II and III have appealed to the Board of Revenue.

No I Salmi. claimed it on the ground that the property was Velliyayicha or Marumakkathayam and that it was not self-acquired; that the property had all along descended through the female line and that he is the lineal descendant of Pakkimooppans mother's sister no. 3. He therefore claims it in the female line as Velliyayicha claimant. He states that in the case of estates belonging to sisters, the rule of descent is that on the extinction of heirs in the female line of one sister, the heirs in the female line of the other sisters succeed to the estate of the deceased sister.

No II Kasmi Koya - Amin - claimed it on the ground that the collector had not followed the custom of inheritance obtaining on the island according to which he is entitled to the properties and that the daughter of

of the last holder (Ahmmad Koya) had no right whatever to the properties. Kasmii Koya in his appeal petition does not state what the Custom obtaining in the Island is and does not adduce any reasons to support his claim. When examined by the Head Quarter Deputy Collector on the 6<sup>th</sup> February 1896 Kasmii Koya stated as follows:— "The property was Marumakkathayam, with the last deceased Ahmmad Koya the tarwad has become extinct. Under the old arrangement the property should escheat to Ali Raja. The British Government which administers the Island now does not claim such properties but gives it to the sons of all the people who held the property before. I claim as a descendant of Pakki mooppam."

No III Adiyam Haji stated that he was entitled to the property whether it was Tingalaicha or Velliyayicha. He says he is entitled to the properties (1) as son of Emmathumma Bi daughter of Pakkermooppam (7) and (2) as son of Kutti\* Haji, younger brother of Valia Ahmmad Koya (12) who held the properties before the last holder, Ahmmad Koya (13). He (Adiyam Haji) states that he and the deceased Ahmmad Koya (13) stand in the same degree of relationship and that the tarwad has not become extinct. If however it is considered extinct by the death of the last holder (Ahmmad Koya) he states that the properties must be divided according to the Muhammadan law amongst

\* Husband of  
Emmathumma Bi

8 amongst all the existing heirs of Pakker mooppam. No IV Abu Bucker. claimed it on the ground that the tarwad did not become extinct for want of members, that the property did not belong solely to the last holder as the properties of a tarwad possessing odams were not divided but always managed by one member, that on the death of the last holder the properties are divided among all the heirs of the original owner and that he is entitled to the property as a Tingalaicha claimant, he being the son of Kasmii Koya who is the son of Pakkermooppam (7).

No V Shumsuddin claimed it on behalf of his mother Fatima Bi who is the daughter of Ahmmad Koya (13) the last holder. Fatima Bi is a Tingalaicha claimant. Shumsuddin states that his grand father was in undisturbed possession of the property for over 35 years and contends that the property is not Velliyayicha.

No VI Abdul Aziz stated that the property was Tingalaicha and that it should go to him as he is the son of Ahmmad Koya the last holder (13).

6. From the genealogical table it will be seen that the property has all along descended through the female line. The property therefore is Velliyayicha or Marumakkathayam. On the death of Ahmmad Koya (13) the last holder, the male members of that branch

of the tarwad became extinct in as much as the sons of Ahammad Koya (13) belong to a separate tarwad and are not entitled to the properties under the Marumakkathayam law of inheritance. The Assistant Collector accordingly found that the property was Velliyayicha. S

Claimant No. I Salmi has a Velliyayicha claim to the property through his mother Adiyathi Bi, but his claim to the property is not substantiated as the existence of the property before Pakkerhooppam<sup>(7)</sup> has not been proved. Moreover, the property was enjoyed by the other branch of the family viz descendants of woman 4, for several generations, while Salmi is a descendant of woman 3 - (vide para 7 of the Assistant Collector's order).

7. At the enquiry held by the Assistant Collector the following questions were raised:-

(a) That the property became Tingalaicha and descended to the last holder's children;

(b) That it remained Velliyayicha and passed through remote female lines;

and (c) That it descended to the heirs of all the previous Karnavars.

Claimants Nos. I and II Shumsuddin and Abdul Aziz claimed under (a), Claimant No. I Salmi claimed under (b) and the other claimants under (c).

8. The last view (c) is, as remarked by the Assistant Collector

Collector, preposterous and impossible to carry out. The claims of Kasmu Koya (II), Adiyam Haji (III) and Abu Bakar (IV) were therefore rejected.

The claim of Salmi (I) was rejected on the ground that the existence of the property before Pakkerhooppam (7) had not been proved and as the property was in the enjoyment of the other branch of the family (descendants of woman 4) for several generations.

The enquiry showed that Ahammed Koya (13) the last holder had been in undisturbed possession of the Pakkerhooppamoda property. The Assistant Collector therefore found that Ahammad Koya (No. 13) living in his own house had full enjoyment of the properties as the Pakkerhooppamoda tarwad became extinct with his exception, and that on the extinction of a tarwad the property belonging to that tarwad became in some sort Tingalaicha in default of escheating to Government. The Assistant Collector therefore ordered that the property with the exception of the boats and nets, should be made over to Fatima Bi who was declared sole heiress to the property. The boats and nets were made over to Shumsuddin who possessed a pass in respect of them.

9. In passing this order the Assistant Collector overlooked the fact that Abdul Khader and Abdul Aziz, sons of Ahammad Koya (13) and brothers of Fatima Bi

11  
Fatima Bi were still living. In para 5 of the order<sup>After 5</sup> the Assistant Collector says that Salmi and Ali Mohammed Haji claim the property through their mother, a daughter of Pakki Mooppam's son. This is evidently a mistake. Salmi who claims the property is not identical with Salmi Koya, brother of Ali Mohammed Haji referred to by the Assistant Collector. This Salmi Koya has not put forward his claims to the property. But Salmi who claims the property and who has appealed to the Board is the son of Adiyathi, who is the great grand-daughter of woman 3.

10. In his order passed on appeal Mr. Dance says "The Assistant Collector has found that the property is Velliyayicha or Marumakkathayam. Salmi therefore claims that it should go to him. The Conclusion is logical. But in view of the fact that the property has been enjoyed by the other branch of the family for several generations, I think that his claim should in equity be overruled."

Mr. Dance Confirmed the Assistant Collector's order that the property should go to the natural heirs of the last holder (No 13) but amended it by ordering that the property should be enjoyed in Common by Fatima Bi and her two brothers (Abdul Khader and Abdul Aziz) and

12 and that if they could not enjoy it in Common, it should be divided among them in accordance with the Custom on the Island.

11. No fresh arguments have been adduced by any of the appellants in their petitions to the Board of Revenue.

W. S. S. S.  
Acting Collector.

2728  
9/9/98

Malabar Collector's office,  
Calicut, 8<sup>th</sup> September 1898.

13

No. D-210  
2nd-98

From,

F. C. Parsons Esq.,  
Ag. Collector of Malabar,  
Calicut.

To,

The Secretary to the Commissioners  
of Land Revenue,  
Madras.

Sir,

Adverting to the Board's Reference dated  
11<sup>th</sup> Ultimo No 892 I have the honor to forward  
herewith a summary of the Pakkermoooparoda case  
in Agathi Island. The arguments urged by the appellants  
(Salini, Kasmi Koya and Adiyar Haji) are dealt with  
in paras 5 to 8.

2. The mistake referred to in para 2 of the Board's  
reference was committed by a Copyist in my office who  
has been warned.

3. The records received with the above reference are  
herewith returned.

I have the honor to be,

Sir,  
Your most obedient servant.

W. C. Parsons  
Acting Collector.

SKL

844



Proceedings of the Board of Revenue  
(Land Revenue).

No. 2614 Misc. Dated 21st September 1898.

-----:O:-----

Read Government Order, Political Department, No. 403, dated 17th June 1898; and the following reference thereon dated 11th August 1898, No. 892:--

The Government Order read above and the connected papers will be forwarded to the Collector of Malabar with the request that they may be resubmitted with a concise and <sup>4</sup>clear summary of the case dealing also with the arguments urged on appeal.

2. The Collector's attention is drawn to the incorrect copying of the genealogical table in one of the copies of the Asst. Collector's order dated the 8th April 1897. <sup>P</sup> Makki Mooppan and woman 6 are shown as the children of woman 3, while they are the children of woman 4 and are noted as such in the original order of the Asst. Collector.

Read also letter from F.C. Parsons Esq., Collector of Malabar, D. 210-Is. 98, dated 8th September 1898.

-----:O:-----

Resolution.

With reference to the Government Order read above, the Board begs leave to submit a report furnished by the Collector of Malabar on the appeals preferred by the marginally-noted inhabitants of the Agathi Island of the Malabar Laccadives.

|             |                                                     |
|-------------|-----------------------------------------------------|
| Salmi       | 2. On the facts of the case as summarized by the    |
| Kasmi Koya  | Collector and for the reasons given in paras 8 & 10 |
| Adiyan Haji | of the report the Board considers that the order -  |

appealed

appealed against, which assigns the property in dispute to all the natural heirs of the last holder C. Ahmad Koya, may be upheld.

(True Copy and Extract)

Lonel Serikson  
Ag. Secretary.

Political

To the Chief Secretary to Government, Public Department, with records

~~Enclosure~~  
J J

\* Sent Separately

Q.B.

PSa

Political dept.

C 1242

For Orders

in G.O. 403  
17.6.98

V

Salmi  
Kaceni Koya  
Ahiyan Haji

In its Ref No. 36 of 11th March 1898 the Board of Revenue asked for the orders of Govt on certain petitions preferred by the marginally noted inhabitants of the Agathi Island of the Malabar Laccadivees, appealing against the decision of the Collector of Malabar regarding the succession to the Pakker moopanoda estate on that island.

2. In accordance with the decision of Govt expressed in para 2 of G.O. No. 402 of 16.6.98 the Board was asked to advise Govt in the matter at the same time as it was told that Govt had adopted its view as to its want of jurisdiction in such cases. G.O. 403 of 17th June 1898.

G

3. Current 1242 is XIII  
 the Board's reply. It forwards  
 a report on the subject N  
 by the Collector of  
 Malabar and remarks  
 that "on the facts of the case,  
 "as summarized by the  
 "Collector, and for the reasons  
 "given in paras 8 and 10  
 "of the report," it "considers  
 "that the order appealed  
 "against, which assigns  
 "the property in dispute  
 "to all the natural  
 "heirs of the last holder  
 "C. Ahmad Koya, may  
 "be upheld."

4. The Collector's  
 report contains a complete N  
 précis of the case. The  
 arguments used by the  
 appellants, Salim Kasmai  
 Koya & Adiyam Hajji,  
 are dealt with in  
 paras 5 to 8 thereof

5. Submitted that the  
 Board's opinion may  
 accept 12. Draft

K (as amended by T)  
 (27.12.97) (27.4.1.98)

with the decision of  
 the Coll<sup>r</sup> of Malabar  
 and

Order no. 739.8 19.10.98  
 Mis

The Govt declines  
 to interfere ~~in~~ <sup>by</sup>  
 the petitioners ~~is~~ <sup>should</sup>  
 will be informed according

Civ Cmt.  
 19.1.55  
 30/9/98

1/9/10/98

The Board of Revenue  
 Land Revenue

with enclosures etc?  
 (except Cmt's report  
 & encls N.)

Ch. 2nd 2nd the Collector's report to  
 be kept please aw

↓  
 Yes Cmt.

see p 2  
 2/10/98

Political  
 Ct 1242

When given for copying \_\_\_\_\_  
 When copied \_\_\_\_\_  
 When examined \_\_\_\_\_  
 When signed \_\_\_\_\_

189

READ AGAIN G.O., No. \_\_\_\_\_, DATED  
 189

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT. . . . . A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH  
 IN ORIGINAL.

N.B.—  
 A = Copy in full.  
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 P = Copy abstract only.  
 Q = Copy heading only.