

Political (1898) Department.

ORDINARY MS.

G.O., No. 775

DATED 5-11-98

INDEXED.

[Despatch Abstract.]

Referring one Keedapurayil
Abdul Kader to S.O. No 597 Poll of 23-8-98
declining to interfere with the pro-
of the Collr of Malabar about the
succession to certain property in the
Agathi island of the Malabar Laccadive

T
5-11-98

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[Poll.]
7
500-29-7-96.

Political (1898) Department.

CURRENT No. 1265

Entered in the Pet. Register.
To await return of 597 Poll: 23-8-98 - abstract A
put up for Pollers 1242 per - sketch D

Order

From

Keelapurajil Abdul Khader
on behalf Padipurajil Abd. ar-
rahman &c., Kodicut.

No. -

Dated 22nd }
Received 30th } *Sept* } 1898.
Registered 1st *Oct*
Enclosures 3
Spare copies.

SUBJECT.

Praying to reconsider the
order passed on this petition
re the properties of the deceased
Chennidayil Pakrichi
Hajunuma.

BACK PAPERS.

G.O.	No.	Department.	Date.
Min	597	Poll	23-8-98
"	403	"	17-6-98
"	724	"	19-10-98

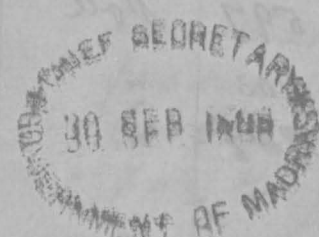
FURTHER PAPERS.

G.O.	No.	Department.	Date.

Cno 1242/98

CURRENT NO. 1242

To



His Excellency the Right Honorable
the Governor in Council
Fort St George
Madras.

The humble Memorial of Keelapurayil
Abdul Hader on behalf of Pudiyaapurayil
Abdurahiman. 2. Do Mahomed and 3
Pathumma of Agathi Island, Laccadives

May it please your Excellency

The Memorialists above named
begs to put in this memorial with his humble
prayer to reconsider the Govt order no 597
dated 23rd August 1898 declining to
interfere on behalf of the memorialist and
to call for all the connected papers in his
appeal addressed to the Board against the order
of the Collector's Dis no 66/98 dated 12th April
98, and to pass favourable orders.

That as a rule, the Islanders are
prohibited from going to a civil court
to establish their claims by adducing
satisfactory evidence and they are bound
to fight their claims only in Revenue Courts;
but to their great misfortune such Courts
generally without entering into the merits
of the cases, perusing the records and giving
an opportunity to the parties to adduce their
evidences pass orders basing upon the
false and prejudiced reports of the amins.

That the Memorialists also begs to
state with great pain of mind, that when
such aggrieved parties prefer appeals to the
higher authorities against the Collector's orders,
they also pass orders without calling for the
records in the case. This is a source of double
grievance to the parties and thus they find
no means of getting redress to their grievances.

That the memorialist begs to state here that the Fatwa (decision of the Qazi), produced by the Ahmed Koya and Beeran Cootty cannot be recognized as genuine for the following reasons.

(A) That the Fatwas (Qazi's decisions) mentioned in his appeal petition to the Board dated 10th May, 98 (herein enclosed) produced by the memorialist and the opposite party Ahmed Koya and Beerankutty, dated 5-1-96 and 20th January 98 respectively were given by both the Calicut and Agatti Qazis for the same effect to both parties at different intervals.

(B) That when the matter was referred to the Qazi by Mr Hewetson in 96 for favour of a report they gave a unanimous decision in favor of the memorialist (vide Mr Hewetson's order no 73 of 95-96 Agatti register copy enclosed).

(C) That although the said Ahmed Koya and Beerankutty were examined by Mr Hewetson in 96 in respect of the same case, yet they did not set up their claims to the properties in question.

(D) That after a lapse of 2 years the counter-petitioners, as a trial, put in a petition to the Collector keeping the Amin on their side, applied to the Calicut Qazi for a Fatwa in their favour and obtained and produced it before the Collector with a prayer to refer both the Fatwas to the Amin in order to ascertain from the Agatti Qazi, whether the Fatwa given to the memorialist or to the counter-petitioners is correct.

(E) That the amin, according to his taste extorted a statement from the Qazi and submitted a report in favor of the counter-petitioners.

(f) that the collector believing the prejudiced report of the amin set aside Mr Hewetson's order and passed the order appealed against.

(g) that the Qazis are generally ready to give contrary decisions for reasons well known to them only.

(h) From the above reasons your Excellency may deign how far the fatwas of Calicut and Agathi Qazis can be believed.

Circumstances being such memorialist on his bended knees craves your Excellency will be generously pleased to call for the entire records in the case to reconsider the order passed and to pass favourable orders or to direct the collector to rebuy the case.

For which act of merciful justice memorialist shall.

Ever Obedt

your Excellency's memorialist

(M)

Kelapurayit Abdul Khader.

(M)

Calicut
22nd Sept 1883

C. No. 1265

SUBJECT.

Petition of Keelapurayil Abdul Kader on behalf of certain residents of Agathi Island of the Laccadives.

C.S.

FOR ORDERS.

In January '96 when Mr. Hewetson, Collector of Malabar, visited Agathi Island, the present petitioner claimed, on behalf of others, certain property on the Island which had belonged to a woman named — Pakrichi Haggamah who died while on a tour to Arabia. The claim was supported by a will alleged to have been made by the deceased in favor of petitioner's clients. Mr. Hewetson, however, dismissed the claim, so far as the will was concerned, on the ground that ^{the} latter was neither stamped, witnessed, nor registered.

The day after this dismissal the petitioner produced before the Collr a decision of the Cazi of Calicut stating that if the will were

proved they were entitled to share in the property but if no other relations existed they were entitled to the property either with or without the will. On this petition the Collector ordered that the "property be divided according to Kazi's decision".

"Owing", says the petitioner, "to the Amin's animosity the property was not handed over in accordance with Cazi's decision until the latter part of 1917 when petitioner's clients were put in possession."

This appears to have led to trouble between the parties put in possession by the Cazi's decision & certain counter claimants to the property, who tried to prevent the petitioner's clients from taking possession, ^{and} were, as a result, charged with Criminal trespass. They, however, later on represented their claims to the Cazi of Calicut with the result that the Cazi gave a "second decision" in the matter stating that the later claimants were the nearest heirs & that the first decision "was obtained

K. (Kazi's decision)

L

Vide Current (petition)

III (First petition to Board copy of which forms an enclosure to Current).

IV

Vide last para of the Cazi's "second decision" flagged IV.
Also Agathis ^{Cazi's} opinion flagged V.

Board's Pgo 2012 Mus - VII.
27.7.98

by misrepresentation on the part of petitioner whose clients could get only two thirds ^{of the property} & that only if the alleged will were proved genuine. As the will was not proved, however, they were ejected & the Counter claimants finally put in possession by the orders of the Collector of Malabar.

The present petitioner then ~~appealed to~~ The Board of Revenue which, ^{upheld} ~~upholding~~ the Collector of Malabar in his finding based on the Cazi's 2nd decision regarding the property, ~~referred the appeal to~~ ^{and} ~~with the remarks~~ that it shared the Collector's doubt as to the validity of the will & considered that he acted properly in accepting the 2nd decision of the Calicut Cazi.

S.O 597-Pol
23.8.98.

XV

On this Govt ordered that the petitioner be informed that Govt declined to interfere on his behalf. —

The same ~~part~~ ^{petitioner} now addresses

H.E. the Govt in Council through their representative Keelapurayil Abdul Kader praying for a reconsideration of the above order.

The petitioner complains of the hardship of ^{the islanders} having to submit all their Civil disputes to the Board of Revenue which, he says, passes orders on prejudiced reports of Amins instead of hearing the parties & seeing the evidence they have to adduce. Going still further he complains that when they appeal to higher authorities these latter do the same thing. "This", the writer says, "is a source of double grievance to the parties & thus they find no means of getting redress to their grievances".

(i.e. "2nd decision" of Cazi)

IV

The petition then states that the Fatwa (decision of the Cazi) on which the claims of the petitioners are set aside cannot be recognised as genuine for right

at

He has really confirmed it inasmuch as, according to that order, the property was to be divided "according to Cargi's decision" whatever that might ultimately be. This cannot possibly be construed into making the Cargi's first decision binding as against his second ^{as well as a true}, given on a fuller representation of facts.

(8). This, also, is an ex parte statement that ~~it~~ ^{it} will, it is submitted, decline to take cognizance of.

(h) It is submitted that the "above reasons" here referred to are not at all convincing & that the records of the case, perused in the light of this ^{valide} petition disclose no reason for a reconsideration of the Order already passed.

Submitted that petitioner may be so informed & a Dft Order in these terms is put up for approval. - encloset

Handwritten notes in left margin:
 The appeal was sent to the Board for report No 2012. Subd. that the Board cannot finally dispose of appeals from the Vaccination - please see GO 1000 Pol 8/16-6-99 in Conn. Cud 31/1/98.
 Ref. line 6th. G.O. 129/11/88.
 12/11/98

Soon

12
 Initial Dept
 Read again for 597 13.8.58 (9)
 - C. No 1265 (P) - 9.10.58

Order No 775/75-11-98
 Mis The petitioner will be referred by the J. of Malabar to G.O. No 597 Pn. 7.23.8.58
 Cud. 4.11.98. 14/11/98

The Petitioner (tho the J. of Malabar) as above ^{referred} (G.O. with Encl. 2012)
 The Board of Rev (L.R.) - (as above) Dec 2/98

25/11/98 Cud 25/11/98

then given for copying _____
 then copied 25.11. } 1898
 then examined _____
 then signed _____

AGAIN G.O., No. _____, DATED
 189 _____

RENT No. _____

OSURES TO U. No

OF GOVERNMENT A A A A A A A

OF GOVERNMENT.

EMENT WITH DITTO.

RS NOT FILED UP, BEING MHANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.