Revised Draft Minutes

Minutes of Consultative Meeting held on 17th May 1985

செப்பனிடுபவர் பெயர் திவிகோ

செப்பனிடுவதற்காக எடுத்தத் கொள்ளப்பட்ட நாள் –1–2007

செப்பனிட்டு முடித்த நாள் –6–2007

சரிபார்க்கும் ஆராய்ந்த உதவி
மு.நி.பா.எ. யாளர்
கையொப்பம் கையொப்பம்

Fort Saint George, Revenue Consultation of 17th November 1857.

No. 50. Read the following Extract from the Proceedings of the Board of Revenue, dated 13th November 1857, No. 3920.

Read letter dated the 4th November 1857* from the Acting Sub-Collector in charge of Madura forwarding translation of the Plaint in O. S. No. 9 of 1857 on the file of the Civil Court of Madura preferred by Rajah Purvada Vurdanee Nachear, Zemindar of Ramnad, against the Acting Collector of Madura to compel recognition of the validity of an adoption made by her of a son to succeed to the Ramnad Estate on her death.

* *In Cons. 13th November 1857.*

(Here enter No. 236.)

Mootoo Ramalingum Saithoo Putty, Zemindar of Ramnad, at the end of last century having rebelled was deposed and confined, and the Zemindary afterwards conferred by the British Government on his sister Mungalaswara Nachear by a Sunnud Istimrar. She was succeeded by her adopted son Annasawmy Saithoopatty who married Moottoovairayee Nachear and having no children was succeeded by his adopted son Ramaswamy Taven. He married Purvada Vurdanee Nachear, and by her had 2 daughters who successively obtained the Zemindary after his death; but dying in their minority and childless, were succeeded by their father's widow and own mother, the aforesaid Purvada Vurdanee Nachear. Against her, the above mentioned Mooto Veeryee Nachear the widow of Annasawmy Saithoputty brought a suit in the Civil Court of Madura, but withdrew the same on a Razeenamah dated 26th February 1817, to which she consented to Purvada Vurdanee Nachear enjoying the Zemindary and adopting a son.

From Collector of Madura 31st May in Cons. 21st June 1847.

2. An adoption in accordance with this Razeenamah was reported by her to the Collector in an Urzee dated the 24th May 1817. In communicating the circumstance to the Board of Revenue that officer stated reasons for doubting the validity of the adoption, as some of her principal relatives objected thereto, and there were circumstances leading to the supposition that she had not, as alleged, obtained the consent of her husband before his death.

Proceedings of Board of Revenue 21st June 1847. Ex. Mins. Cons. 14th July 1847, No. 737, R. D.

3. On this occasion neither the Board nor the Government expressed any opinion on the subject.

In Diary Cons. 12th March 1857.

4. Afterwards by a letter dated 1st March 1849, the Collector reported a serious illness of the Zemindar and requested instructions for his guidance in case of her death; expressing at the same time his opinion that as the Estate would probably by law escheat to Government, and as, at any rate, the claims to it would be very conflicting, it should be in the first instance assumed. The Board concurred in the propriety of the course and authorized the Collector to pursue it should the Rance's illness have a fatal termination, the claims to succeed to the Estate being left for future discussion.

5. Purvada Vurdanee Nachear, however, recovered, and it was unnecessary therefore to assume the Estate.

From Collr. 13th in Con. 30th May 1850	To Government Pleader 23d July 1850.
From do. 14th in Con. 30th May "	R. Govt. Plr. 30th July in Con. 8th Aug. 1850.
To Govt. Plr. and Collr. 30th May "	To Madura (within) 8th August 1850.
From Collr. 5th in Con. 24th June "	R. Govt. Plr. 15th Aug. in Con. 23 Sept. "
From Govt. Plr. 5th in Con. 24th Oct. "	Rec. in Collr. 2d S.P.C. (within) "
To Government Pleader 24th June "	From Collr. 14th in Con. 29th Sept. "
To Collector 24th June 1850.	From Govt. Plr. 1st in Con. 18th Nov. "
From Collr. 1st in Con. 15th July "	Pro. to Collector 18th Nov. (within) "
From Govt. Plr. 12th in Con. 22d do. "	

6. The validity of the adoption was further canvassed between the Board and the Collector in 1850, in consequence of an attempt made by the Zemindar to procure a recognition of the adoption by the Civil Courts in a suit with which the point appeared to the Collector to have no natural connection; but as no result followed either one way or the other, it is unnecessary to do more than note the correspondence marginally.

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Fort Saint George, Revenue Consultation of 17th November 1857.

Proc. of Board of Revenue 12th Oct. 1855. Ex. Miss. Cons. 26th October 1855.

13. On consideration of the Board's Proceedings setting forth the above circumstances and discussing the other claims which might be preferred to the estate, the Government were disposed to modify their opinion as to the probable right of the Government to succeed, and directed that the papers should be laid before the Government Pleader, Mr. J. B. Norton, for his opinion. As regards the alleged adoption his opinion was expressed in the following words:

From Govt. Pleader 16th in Cons. 16th Nov. 1855.

"I have no difficulty in coming to the conclusion that the adoption is invalid; and as I apprehend unsustainable before any Court of Justice on the evidence brought forward in its support."

"I think therefore that on the Rance's death the Government should at once assume the possession of the Zemindary as directed in the Revenue Board's letter of the 10th March 1849, and in the Sudder Court's Proceedings of the 8th May 1854, para. 3."

In Dy. 65, 12th March 1849.

"I think that the Government should without any delay inform the Zemindar that their opinion of her rights over the estate proceeded from an erroneous view of the subject, and that acting under advice they cannot recognize any adoption or any alienation by her sale, gift, will or otherwise."

14. The Zemindar, as has been seen from the letter recorded at the head of these Proceedings now brings a suit to compel recognition of her adoption, and the Board resolve to submit the letter from the Sub-Collector in charge with these Proceedings to the Government for instructions. In the face of the circumstances which have been related they cannot themselves give any credit to the assertion of the Zemindar that she was authorized by her husband to adopt, and Mr. Norton's opinion seems conclusive against the Rajamannah of one relation, Mooloovoyee Nachear, being sufficient, in opposition to objections raised by two others to constitute a legal consent by relations; but in a matter of such importance it will probably be deemed advisable to consult again the Government Pleader, and direct him to prepare a Draft answer should he advise the Government to defend the suit. In doing this he may find some assistance from the correspondence which took place in 1850, with which the Board would propose to furnish him.

Mr. Norton's opinion as to the other claims which may be preferred to the Estate will be found in his letter dated 23d In Cons. 2nd Dec. 1855.

15. The Acting Sub-Collector of Tanjore has not mentioned the date by which the answer should be filed, a point which should never be omitted in reporting the institution of a suit. He will be pleased to apply to the Court for as much time and time as they can be persuaded to grant, and report the days allowed as soon as possible.

Board's Circular 16th November 1855.

(A true Extract.)

(Signed) J. D. SIM, *Acting Secretary.*

No. 51. Original received No. 11231 dated 19th November 1857.

Mr. Dale, to whom a copy of the Board's Proceedings has been sent with an early date, advise the Government on this case and prepare a draft answer to the suit if he should recommend that it be defended.

(Signed) H. FORBES,
Acting Secretary to Government.

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