(1E)

Revenue Department

Minutes of Consultation

12th May 1857

Back Nos 10 - 12

Order no 427 dated 7th May 1857

பாதுகாப்புப் பிரிவு-1

செப்பனிடுபவர் பெயர் பா.திலகவதி

செப்பனிடுவதற்காக எடுக்கக் கொள்ளப்பட்ட நாள் 8/06

செப்பனிட்டு முடித்த நாள் 10/06

சரியார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

சரியார்க்கும் 2-ம்-மு.நி.பா.எ. கையொப்பம்

ஆராய்ச்சி உதவியாளர் கையொப்பம்

2E

Fort Saint George, Revenue Consultation of 12th May 1857.

Read the following Papers.

No. 10. To his Excellency the Right Honorable Lord GEORGE FREDERICK HARRIS, Governor and President in Council of Fort St. George ; dated Madras 17th October 1856.

The humble Petition of Banoo Boye, widow of Kristna Row and guardian of his adopted son (grand son by daughter) Soob Row the proprietor of the moiety of Neelacuntapoor village, granted free of assessment, in the talook of Sholingavarum attached to the District of North Arcot.

MOST RESPECTFULLY SHEWETH,

1st. That, your Petitioner and her husband's nephew Baboo Row were enjoying the said Neelacuntapoor village up to 15th July 1854 as heirs of the original grantee of it, and she afterwards was unjustly deprived of the enjoyment of her moiety of revenue derived in the said village under the illegal order of the Board of Revenue, and she consequently begs leave to bring the whole case in detail to your Lordship's kind notice, with a firm hope that your Lordship in Council will bring it together with the whole contents of the enclosures of this Petition into your Lordship's favorable consideration, and grant her justice.

2d. That, during the Mahomedan Government, Navab Doast Ally Khan and Navab Hoossain Doast Ally Khan having granted with their Purwana certain lands free of assessment in the limitations of Murdalum, &c., 6 villages to one of your Petitioner's husband's ancestors Lutchoomun Naik (original grantee) and caused the same to be gifted to him by the villagers thereof with their deed of donation in order to erect a choultry on that land and feed the travellers therein and also to carry on his and his succeeding generation's livelihood from the produce of that land. The said Lutchoomun Naik having accordingly caused a choultry and houses to be built on that land at his own expense, populated and denominated it Neelacuntapoor. Besides this, another village called Peddapoolore also was by the Zemindar of Calahastry gifted free of assessment to Neelacunta Naik the brother of the said Lutchoomun Naik to enjoy himself and his posterity, and as the former died without issue, the latter enjoyed the said two villages for a series of years.

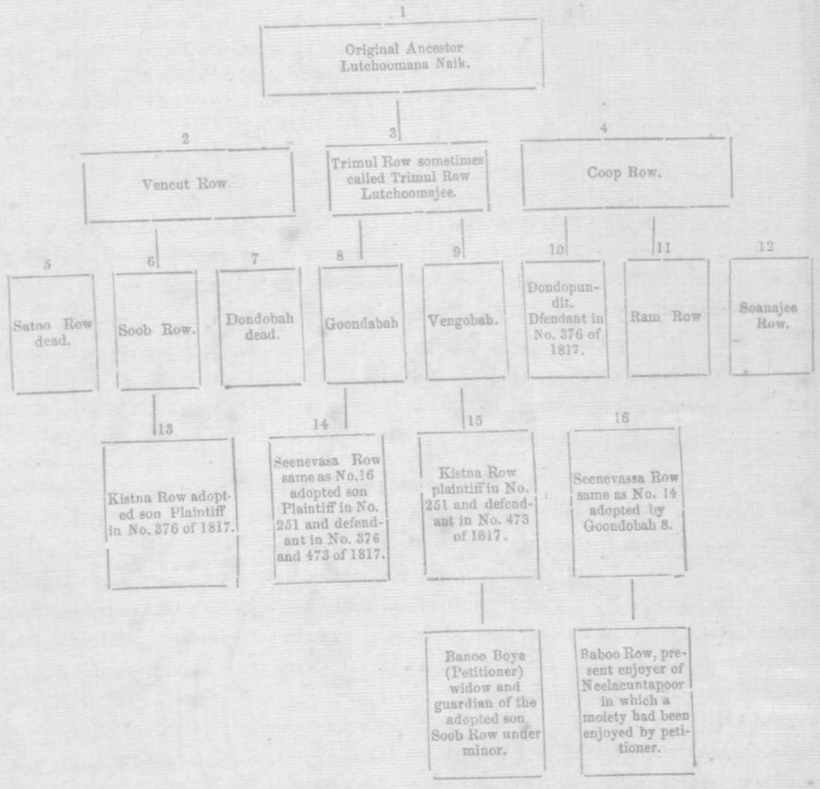
These statements will be proved by Enclosure. A.

3d. After the death of Lutchoomun Naik, his son Tirmul Row was enjoying the said village, at which period, Lord Macartney the then Governor, and General Moosalaly of Pondicherry, have granted him their Purwanas in support of original one for the village of the said Neelacuntapoor. On the demise of the said Tirmul Row, the said Neelacuntapoor had been sequestered by the Honorable Company in Fusly 1212. Whereafter, Goondobah, the son of the said Tirmul Row, being the head member of the family of the original grantee, preferred his complaint before the British Government in 1802 for the continuance of the said village as it had been gifted to his ancestors by the Mahomedan Government, they then having received from the complainant the 13 documents granted by the said Nabobs and villagers &c., for the enjoyment of the said village gave him a receipt* through their Secretary on the 8th January 1803 and instituted full inquiry into the matter and issued a Purwana† dated 22d October of the same year to the said Goondobah so that he may enjoy the said village from posterity to posterity. An original of this Purwana is now in the possession of the Petitioner.

* *Enclosure B.*

† *Enclosure C.*

4th. The following geneological table extracted from the 4th page of the Decree (enclosure D) of the Zillah Court of Chittoor will show that how your Petitioner's husband Kristna Row and the said Baboo Row are descended from the original grantee and how they inherited his property.



5th. The said Goondobah and other members of the family of the original grantee having thus enjoyed the said villages for a long period, he departed this life without issue. Afterwards, Dondopunt [10] (who was the grand son of the original grantee and who was the divided family) being the nephew of the grand father of the minor orphans Kristna Row and Streenavass Row the great grand sons of the original grantee, was appointed as their guardian and enjoyed the said villages for some years, while so, an order was issued for the registry of the names of all the holders of enam lands in the District, at which time, the said Dondopunt fraudulently caused the registry of the said Neelacuntapoor village to be made in his name as one of the proprietors, and also in the name of one of the said minors Streenavass Row as son of the said Goondobah.

6th. During the time of registry, the said Dondopunt, instead of causing the said Neelacuntapoor village to be registered in the names of his above two minor nephews Kristna Row and Streenavassa Row, omitted the registry to be made in the name of the former, and in lieu, caused it to be made in his (Dondopunt's) name and also in the name of the latter as heirs and proprietors, and he was thus enjoying 100 Rupees per annum from the revenue of Neelacuntapoor village together with half part of the said Peedapoolore village during their minority without inheritance on his being a divided family. In consequence of which, the said Kristna Row and Streenavassa Row, after attaining their majority, filed a suit against the said Dondopunt in the Zillah Court of Chittoor to deprive of his enjoyment in the above two villages and

This registry in the names of two proprietors will be proved by the said Enclosure A.

put them wholely in their possession; but the Judge passed a decree* awarding that the Defendant (Dondopunt) is not inherited to the moiety of Peddapoolore village and to the revenue of 100 Rupees per annum from Neelacuntapoor village on his being proved to be a divided family from long before the above registry, and that the Plaintiffs *Kistna Row and Streenevasa Row are inherited* to the whole of the above Neelacuntapoor* and Peddapoolore villages. Whereupon, the said Dondopunt made his appeal before the Provincial Court of Centre Division† who also confirmed, the said Decree. In confirmity with this Decree, the said proprietors Kristna Row and Strenevassa Row were enjoying the said two villages for some time. Whereupon, the said Dondopunt presented an Arzee in the Zillah Court of Chittoor stating that he and the said Kistna Row and Streenevassa Row are not the lawful heirs of Neelacunta Naik an original grantee of the said Peddapoolore, and then the Judge decided that the above parties are not entitled to that village. As the said Zemindary of Calahastry was then sequestered by the Honorable Company, Mr. W. Cook the then Collector had, as Plaintiff on behalf of the Honorable Company, filed a Plaint‡ in the Zillah Court of Chittoor in No. 770 of 1852 against the said Kristna Row and Streenevasa Row for the recovery of the above Peddapoolore village to incorporate it with the said Zemindary, and the judgment was passed in favor of the Plaintiff. The said Kristna Row and Streenevasa Row afterwards were enjoying§ only the Neelacuntapoor village for a long time.

* *This will be clear from paras. 19 to 24 and 31 of the above Enclosure D.*

† *Enclosure E.*

8th. The said two proprietors Kristna Row and Streenevasa Row had jointly mortgaged the said Neelacuntapoor village to one Visvanathapunt at Arnee and borrowed a certain sum thereon, and on their failing to repay it according to the time promised, a suit was filed against them by the mortgagee, and a Decree‖ in No. 55 of 1846 for Rupees 1280-7-0 is passed against them by the Sudr Ameen Court at Chittoor. Had Kristna Row not been entitled to a moiety of the said village, *why did the said Streenevasa Row* (father of the present enjoyer Baboo Row) *partook him in mortgaging it jointly?* and *why did the mortgagee lend them both on that village.?*

‖ *Enclosure F.*

9th. On the death of the said Streenevasa Row in 1850, his son Baboo Row made a claim before the Tahsildar of Sholungavaram to cause the said whole village to be registered in his name, but his paternal uncle Kristna Row (Petitioner's husband) also made his claim before that authority that the village should not be registered wholely in the name of the said Baboo Row, and that a moiety should be registered in his (Baboo Row's) name and another moiety should be registered in his name as he has enjoyed up to that time. Whereupon, the Tahsildar, referring to the records in his Cutcherry and instituting full inquiry into the matter, made his report to the then Collector Mr. Bourdillon in an Arzee dated 9th February 1851, *that the said Kristna Row* (Petitioner's husband) *and Baboo Row are the proprietors¶ of the said village and that the said village should be registered in the names of these two proprietors.* The said Baboo Row afterwards thinking that Mr. Bourdillon will do according to that report, wanted to ruin your Petitioner's husband Kristna Row by usurping his enjoyment of the moiety in the said village, received the assistance of the Tahsildar and of some of the officers of the Collector's Cutcherry so that they may not bring the above Arzee to the effect through that Collector until his removal to other duty, or for 9 months, and so that they may fraudulently bring this case to the

¶ *This will be proved if referred to the same Arzee in the records of the Collector's office.*

‡ *This contains that the Defendants Krisna Row and Streenevasa Row are the proprietors of Neelacuntapoor village. This will be proved if referred to the record in the Zillah Court of Chittore.*

§ *This will be proved by many documents on the records both in the Talook and Huzoor Cutcherry of the District, and also by the accounts prepared under the order of Government dated 26th April 1845.*

notice of the new Collector, Mr. Ward, in contrary to what has been passed, that the said enam village was formerly procured by the said Goondobah himself, that Streenevasa Row the father of the said Baboo Row had been adopted by him (Goondobah) as son, and that your Petitioner's husband Kristna Row was managing the village affairs as his (Streenevasa Row's) agent. At which time, the said Kristna Row produced before that gentleman the above documents, &c., connected with his being entitled to a moiety of that village; this authority neither considered the documents and records in his office, nor instituted proper inquiry into the matter, but irregularly registered only in the name of the said Baboo Row to be the proprietor of the said whole village, and issued a Takeed No. 309 dated 29th December 1851.

10th. The said Kristna Row afterwards had presented an appeal Petition to the Board of Revenue complaining for the injustice done to him by the Collector Mr. Ward, but they issued an endorsement No. 624 of 1852, to the effect that "Petitioner should address the present Acting Collector and "produce his endorsement" and then the said Kristna Row died. Your Petitioner afterwards submitted the said endorsement as well as her Petition to the Acting Collector Mr. Brett, who on perusing the records in his office as well as the said documents, &c., instituted full inquiry into the case, and considering himself that *the Petitioner also is entitled to a moiety of the said village, cancelled the said Mr. Ward's Takeed* which was issued to the effect that the said Baboo Row alone is entitled to the village of Neelacuntapoor, and then issued another Takeed No. 201 of the 26th August 1853, to the Tahsildar of Sholungavaram *directing him to allow the heirs of the late Kristna Row and Seenevasa Row to enjoy the said village as usual.* In conformity with this Takeed, the Tahsildar forwarded a notice* No. 571 dated 15th November 1853, to the villagers of Neelacuntapoor. Whereupon your Petitioner was enjoying the moiety of the said village as usual.

* *Enclosure G.*

11th. On the complaint of your Petitioner before Mr. Binnings, the then Collector, to cause the registry of the said village to be made also in her name, a re-examination of all the documents connected with the said village and of the proceedings of the late Collector Mr. Brett, in this case, was held by this authority on the 2d September 1853, and he then was well aware of the right of your Petitioner to the moiety of the said village and sent a letter with documents, &c., to the Board of Revenue on the 8th October 1853, *recommending to issue orders to register the said village in the names of the both parties, viz. Petitioner*† *and the said Baboo Row*; but the Board, through your Petitioner's misfortune, did not refer to the original documents, but on perusing only the Purwana (Enclosure C.) subsequently granted by your Government to Goondobah, (grand son of the original grantee) issued orders stating that the said enam village should have been incorporated with that of the Government on the death of the said Goondobah because he had not descendant, that the registry of the said village which had been made afterwards in the name of his adopted son Streenevasa Row is irregular, that the said village therefore should not be now registered also in the name of the Petitioner, and that a report should be made on the death of the person in whose name it is already registered.

† *This will be proved if referred to the said letter now in the record of the Bd. office.*

12th. The said Baboo Row then wanted to deprive of your Petitioner's enjoyment of the moiety in the said village and presented a Petition to the Collector for order that he may alone enjoy the whole village; but that authority on a perusal of the Board's Proceedings, &c. endorsed thereon on the 21st January 1854 that as the proceedings of the Board of Revenue, do not state to allow the Petitioner (Baboo Row) alone to enjoy the whole village, he should complain before that authority on the subject.

13th. The said Baboo Row afterwards presented a Petition to the Board of Revenue, who on perusing again only the same Purwana subsequently given by Government, issued another order dated 12th June 1854 to the Collector that they are of opinion of Baboo Row to be alone the regular proprietor, that the said whole village should therefore be put into his possession, and that upon this order the Proceeding of the Board dated 10th November 1853 (which has been particularized in the 11th para. of this Petition) should be cancelled. The Collector accordingly forwarded a Takeed No. 245 of the 15th July 1854 to the Tahsildar to put also the moiety of the said village enjoyed by your Petitioner, in the possession of the said Baboo Row.

Fort Saint George, Revenue Consultation of 12th May 1857.

14th. Your Petitioner then presented a Petition to the Collector requesting to restore her to the moiety of the said village which was for a series of years enjoyed by her husband and herself; but that Gentleman endorsed* thereon in Tamil on the 28th July 1854 that a Takeed dated 15th July 1854 is forwarded to the Tahsildar of Sholingur to bring into execution the order of the Board of Revenue dated 12th June 1854 stating that Baboo Row alone being the regular proprietor of the said Neelacuntapoor village, it should be put wholely into his possession, and that the Petitioner therefore is informed that another order on the subject will not be given.

* *Enclosure H.*

15th. Your poor Petitioner afterwards presented a Petition to the Board of Revenue together with the above Collectors' Endorsement, requesting to issue orders that she may be placed in possession of her half share in the enam village of Neelacuntapoor which has been improperly put in the possession of Baboo Row; but they without considering the Collector's (Mr. Binnings) letter, which is particularized in the 11th para. of this Petition, were of opinion on an inattentive perusal of the subsequent Purwanah (Enclosure C) alone, that Goondobah is an original grantee that Baboo Row is his lawful heir, and that the Petitioner is not entitled to his property, and then issued an Endorsement† that "Petitioner is referred to the Collector's Endorsement dated 28th July 1854 submitted with this Petition."

† *Enclosure I.*

16th. Your Petitioner again presented another detailed Petition to the Board of Revenue together with all the documents connected with her claim; but they even then without considering any of the statements of that Petition and enclosed documents, issued an endorsement,‡ in contrary to the Collector's said letter, that "Petitioners are referred to the Board's Endorsements on Petition No. 1878 of 1854 which they "must consider final: further Petitions on this subject will not be "noticed."

‡ *Enclosure J.*

17th. After stating all the above circumstances, your Petitioner takes now the liberty of stating more some undermentioned main points for your Lordship's attentive consideration trusting that she will certainly be favoured with justice, because all the subjects in this territory are sure beyond all doubts that justice has been the shining ornament of this Government since your Lordship had the Tribunal of it, that, your Lordship will be pleased to order the 13 documents (which are now ready in the records of your Secretary's office) particularized in the enclosure B to be produced before your Lordship in Council, and to ascertain at first by these and by the enclosure A whether the original grantee of the said Neelacuntapoor village is Lutchoomana Naik as admitted by the Right Honorable Lord Macartney,§ the former Governor of Madras, and by the Zillah Court of Chittoor in the 4th page of their Decree (enclosure D) which has been confirmed (enclosure E) by the Provincial Court of centre Division, or his grand son Goondobah in whose favour the Perwana (enclosure C) has been granted by Government as considered by the Board of Revenue. As Lutchoomana Naik is an original grantee by the above documentary proofs, is your petitioner's husband Kristna Row his great grand son as admitted|| by the said two Courts or not?

§ *Enclosure K.*

|| *See the 15th No. of the geneological table in the 4th page of the enclosure D.*

If Lutchoomana Naik is not an original grantee of the said village, and if the said Kristna Row is not inherited the half of that village as great grand son as considered by the Board in contrary to the following 8 questions; 1st, why did the said Zillah Court adjudge from 19th to 24th and in 31st paras. of their Decree (Enclosure D) that *Kristna Row and Streenevasa Row are the proprietors of the Neelacuntapoor village?*

2d. Why did the Provincial Court *confirm* it on appeal.

3d. Why did the Honorable Company, as stated in the 7th para. of this Petition, *combine the said Kristna Row with* Streenevasa Row *as Defendants* in a suit No. 770 of 1822 on the file

of the Zillah Court of Chittoor, stating in their Plaint that *they* (Kristna Row and Streenevasa Row) *are the proprietors* of the said Neelacuntapoor village.

4th. Why did the Moofty Suder Ameen, as stated in the 8th para. of this Petition, *admit the said Kristna Row* and Streenevasa Row *as mortgager* of the said Neelacuntapoor village and pass his Decree (enclosure F *against them both.*

5th. Why did the Tahsildar of Sholingavarum talook write an arzee to the Collector, as quoted in the 9th para. of this Petition, reporting that the said *Kristna Row* and Baboo Row son of Streenevasa Row *are the proprietors* of the said village and that *it should be registered in their names.*

6th. Why did the Collector Mr. Brett issue a takeed to the Tahsildar of Sholingavarum, as stated in the 10th para. of this Petition, *directing him to allow the both heirs of the late Kristna Row and Streenevasa Row to enjoy the said village as usual.*

7th. Why did the Collector Mr. Binning recommend to the Board of Revenue, as detailed in the 11th para. of this Petition, to issue orders to register the said village in favor of both of your Petitioner and Baboo Row ?

Enclosure consisting of 7 documents. L.

8th. Why did many Tahsildars of Sholingavaram, for the time being, send Takeed on several occasion to the said Kristna Row addressing *the enamdars of the Neelacuntapoor village.*

18th. The said proofs, &c. being more than sufficient to establish beyond all doubt the right of your Petitioner's moiety to the said village, she humbly begs leave to ask your Lordship in Council that, is it not an unjust order which the Board of Revenue, without considering any of the above main points regarding her right to the moiety of the said village, issue to the Collector to allow Baboo Row alone to enjoy the whole village as quoted in the 13th para. of this Petition and is it not an unjust Endorsement which they (the Board of Revenue) issued on her Petition (Enclosure J) that " Petitioners are referred to the Board's Endorsement which they must " consider final : further Petitions on this subject will not be noticed ?" and she asks further, that if justice cannot be granted now also by your Lordship in Council who is the last tribunal of it, where else your Lordship's greatly aggrieved Petitioner is to go in future in search of it.

19th. Your helpless Petitioner therefore most humbly craves your Lordship in Council will graciously be pleased to bring the contents of all paras. particularly of the 17th para. of this Petition as well as of the Enclosures of documentary proofs connected with her right to the half share of the said village, into your Lordship's serious consideration and to issue order to the Collector of North Arcot to allow her to enjoy as usual the moiety of the produce of the said Neelacuntapoor enam village of which she has been unjustly deprived under an injudicial order issued by the Board of Revenue without full inquiry, and to relieve her from the severe distress which she and her minor son suffer for want of food and raiment from the date of the Board's above order.

For which act, of justice and charity your Lordship's unfortunate Petitioner will never cease to give her constant prayers to the Almighty for your Lordship's long life health, and prosperity.

This + mark is of Banoo Boye widow of Kristna Row one of the proprietors of Neelacuntapoor village, and guardian of his adopted son Soob Row.

MADRAS,
17*th October* 1856.

No. 2309 of 1856.

Referred to the Board of Revenue for a brief report of the grounds on which they directed the Neelakuntapoorum Shrotrium to be made over to Baboo Row to the prejudice of the right of Petitioner.

By order.

FORT ST. GEORGE,
17*th November* 1856.

M. NORMAN,
Depy. Secy. to Govt.

No. 11. From J. D. SIM, Esq., Acting Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department; dated Fort Saint George, 3d January 1857, No. 39.

SIR,

I am directed by the Board of Revenue to submit the information called for in the Endorsement of Government on Petition No. 2309 of 1856, under date 17th November 1856.

From North Arcot 8th Oct. in Cons. 10th Nov. 1853.
Proceedings to Collector 10th November 1853.
To Collector 12th June 1854.

2. Adverting to the correspondence noted marginally, it would appear that the enam village of Neelacuntapooram in the Sholingur talook was granted on sunnud in 1803, to one Goondobah, who adopted his nephew Streenavasa Row father of Baboo Row the present incumbent.

3. On the death of Goondobah, his adopted son Streenavasa Row and his brother Krishna Row were still minors, and their guardian took advantage of this circumstance to have the enam registered in the name of himself and of Streenavasa Row, the latter in virtue of his adoption, to the exclusion of Krishna Row.

4. In 1853, these parties being all dead, Mr. Brett, in supercession of the decision of his predecessor who had disallowed the claim of Krishna Row, issued orders that the village should be enjoyed jointly by the heirs of Krishna Row and by Baboo Row; and this disposal of the property appears to have been carried out.

5. In their Proceedings under date 10th November 1853, the Board observed that the 3d para. of the sunnud dated 22d October 1803, on which this grant is based, declares that "if "the family of Arcot Goondobah Brahminy shall at any time fail and become extinct, the "village of Neelacuntapoorum shall then revert to the Honorable Company." They were of opinion that the sunnud did not contemplate the renewal of the extinct family by means of adoption, and that the transmission of the enam on the death of Goondobah to Streenavas Row, his adopted son, was illegal.

* 12*th June* 1854.

6. The Board however in a subsequent letter* saw ground for re-considering this question, and in view of the liberal interpretation which had of late been accorded to the term " Heir," held that Baboo Row was entitled to succeed to the Shrotriem as the legal heir and representative of the original grantee, and directed the transfer of the village accordingly.

7. It will be observed that under this view of the case the claim of Krishna Row (husband of Petitioner) was not entered upon, because the point at issue was not the adjudication of the relative claims preferred by these parties, but the question, whether with reference to the spirit of the original grant, the adoption of Streenavasa Row could be recognized as carrying with it a right to succeed; and as this title was held a valid one, it could not be otherwise than stronger than that preferred by a nephew, who was not a lineal heir but of a collateral branch of the Arcot Goondobah Brahminy family.

No. 12. ORDER THEREON, No. 427; dated 7th May 1857.

1. In 1803, a sunnud was issued by Government (in continuation of a former grant,) granting to one Goondoba, the village of Neelacuntapooram in the Sholinghur talook of North Arcot rent free. This Goondoba subsequently died without issue, but he had adopted one Streenavassa Row his younger brother's eldest son, who was at the time of his death, a minor; and the minor's guardian procured the registry of the enam in his own name and in that of the minor. The son of this minor Baboo Row, is now in possession of the enam.

2. Streenavasa Row had a brother named Kristna Row, and though at the death of the original grantee, his name was omitted from the register, his heirs seem in 1853 to have brought forward a claim to share the enam jointly with Baboo Row, the son of Streenavasa Row, and Mr. Brett the Collector decided in their favor. The effect of this order appears to have been that the enam was shared equally by Baboo Row, son of Streenavasa Row, and the widow of his brother Kristna Row.

3. In the sunnud above said to have been granted by Government in 1803 is a clause to the following effect.

"If the family of Arcot Goondoba Braminy shall at any time fail and become extinct, the "village of Neelacuntapooram shall then revert to the Honorable Company." In their proceedings under date 10th November 1853, the Board, in reviewing Mr. Brett's decision, considered that the sunnud did not contemplate the renewal of the extinct family by means of adoption, and that the transmission of the enam on the death of Goondoba to Streenavasa Row, his adopted son, was illegal. Subsequently however the Board reconsidered this decision, and held that Baboo Row was entitled to succeed to the enam as the legal heir and representative of the original grantee, and they directed the transfer of the village accordingly to him alone. It is to be observed that Baboo Row was never dispossessed, and that though his right to the enam was denied by the Board in their first order, they subsequently directed that it should be continued to him during his life, and be reported upon at his death.

Letter from Secretary Bd. of Rev. to Collector of North Arcot dated 12th June 1854.

4. Against this last order of the Board, (which denies the right of the widow of Kristna Row, as his heir to participate in the enam,) the widow of the brother of the original grantee's adopted son now appeals.

5. The Government entirely agree with the Board's first order, that the terms of the sunnud expressly guard against any renewal by adoption of the family of the original grantee. This became extinct on his death, and since that event, the enam has been enjoyed wholly without right. The only point remaining for decision is, how to maintain the rights of Government without hardship to individuals.

6. The Government are of opinion that, inasmuch as the adoption of Streenavasa Row gave him no title to succeed to the enam, Kristna Row, who stood in the same natural relationship as Streenavasa Row to the original grantee, had as much right to succeed as his brother. It would therefore be unfair to recognize any claim on the part of Baboo Row, to the exclusion of Bhanoo Bhoy, the Petitioner. Government accordingly direct that the enam may be jointly entered in the names of Baboo Row and the Petitioner, on the death of either, half will be resumed, and the whole on the death of both.

Ordered accordingly that the following endorsement be made on Petition No. 2309.

"Petitioner should address the Board of Revenue to whom instructions in her case have "been issued."

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

Rec'd the following Papers

6E 5 1

To

His Excellency The Right Honorable
Lord George Frederick Harris
Governor & President in Council of
Fort St. George

The humble Petition of
Baroo Boye widow of Kristna Row
and guardian of his adopted son (grand
son by daughter) Soob Row the proprie
-tor of the moiety of Neelcuntapoor Villag
granted free of assessment, in the
Talook of Shatingavarum attached to
the District of North Arcot.-

Most respectfully sheweth.

1st That, your Petitioner & her husband's nephew
Baboo Row were enjoying the said Neelacuntapoor vil=
=lage up to 15th July 1854 as heirs of the original Grantee
of it, and she afterwards was unjustly deprived of the
enjoyment of her moiety of revenue derived in the said
village under the illegal order of the Board of Revenue
and she consequently begs leave to bring the whole case
in detail to your Lordship's kind notice with a firm
hope that your Lordship in Council will bring it toge=
=ther with the whole contents of the Enclosures of this
Petition

Petition into your Lordships' favourable consideration
and grant her justice.—

2nd That, during the Mahomedan Government, Nawab Doast Ally Khan & Nawab Hoossain Doast Ally Khan having granted with their Purwana certain lands free of assessment in the limitations of Murdalum &ca 6 villages to one of your Petitioners husbands ances- tors Lutchoomun Naike (original grantee) and caused the same to be gifted to him by the villagers thereof with their deed of donation in order to erect a choultry on that land and feed the travellers therein & also to carry on his & his suc- ceeding generations livelihood from the produce of that land.— The said Lutchoomun Naike having accordingly caused a choultry & houses to be built on that land at his own expense, populated & denominated it Neelacuntapoor. Besides this, an other village called Peddapoolore also was by the Jemin- dar of Calahastry gifted free of assessment to Neelacunta Naike the brother of the said Lutchoomun Naike to enjoy himself & his posterity, and as the former died without issue, the latter enjoyed the said two villages for a series of years.

These statements will be proved by Enclosure A

3rd After the death of Lutchoomun Naike, his son Tirmul Row was enjoying the said village— at which period, Lord Macartney the then Governor & General Moosalaly of the Pondicherry have granted him their Purwanas in support of original one for the village of the said Neel- acuntapoor.— On the demise of the said Tirmul Row, the said Neelacuntapoor had been sequestered by the Honble Company in Fusly 1212.— Whereafter, Goondabah the

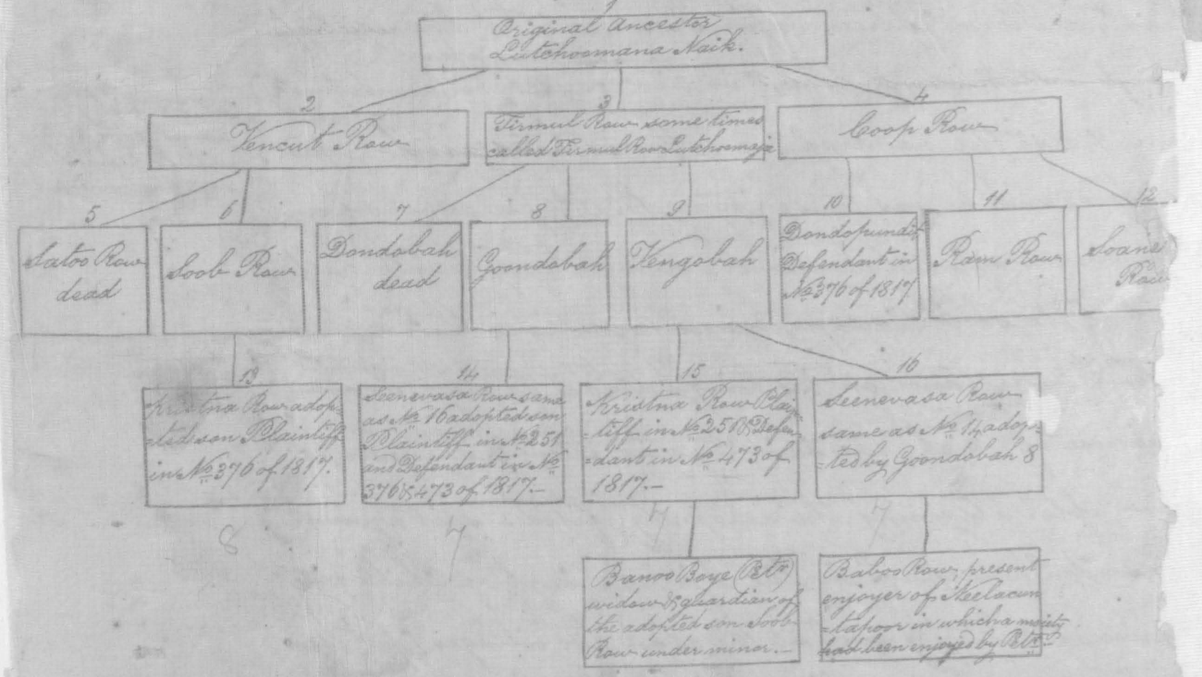
1 E

son of the said Tirmal Row being the family of the original grantee, prefered his complaint before the British Gouerment in 1802 for the continuance of the said village as it had been gifted to his ancestors by the Mahomedan Government— they then having receiv- from the complainant the 13 documents granted by the said Nabobs & villagers &ca for the enjoyment of the said village gave him a receipt thro their Secretary on the 8th January 1803 & instituted ful inquiry into the matt- and ipsued a Purwana dated 22nd October of the same ye- to the said Goondabah so that he may enjoy the said villag- from posterity to posterity.— An original of this Purwana now in the possession of the Petitioner.—

Enclosure B

Enclosure C

4th The following genealogical table extracted from the 4th page of the Decree (Exhibit D) of the Zillah Court of Chittoor will show that how your Petrs husband Kristna Row & the said Rebo- Row are descended from the Original grantee & how they inherited his property.—



5th The said Goondabah & other members of the

...g proceeds
...vantages for a ...g period, he departed this life without
...issue.— Afterwards, Dondapunt (who was the grand son of
the original Grantee & who was the divided family) being the
nephew of the grand father of the minor orphans Kristna
Row & Streenevasa Row the great grand sons of the original
Grantee, was appointed as their guardian & enjoyed the said
villages for some years, while so, an order was issued for the
registry of the names of all the holders of Enam lands
in the District — at which time, the said Dondapunt fraudu-
lently caused the registry of the said Neelacuntapoor vil-
lage to be made in his name as one of the proprietors & also
in the name of one of the said minors Streenevasa Row as
son of the said Goondobah.—

8th During the time of registry, the said Dondapunt,
instead of causing the said Neelacuntapoor village to be
registered in the names of his above two minor nephews
Kristna Row & Streenevasa Row, omitted the registry to
be made in the names of the former, & in lieu, caused his (Dondapunts) } This registry in the names of two proprietors will be proved by the said Enclosure D
it to be made in
name & also in the name of the latter as heirs and pro-
prietors — and he was thus enjoying 100 Rs per annum from
the revenue of Neelacuntapoor village together with half
part of the said Peddapoolore village during their minority
without inheritance on his being a divided family.— Incon-
sequence of which, the said Kristna Row & Streenevasa
Row, after attaining their majority, filed a suit against
the said Dondapunt in the Zillah Court of Chittoor to
deprive of his enjoyment in the above two villages & put them
solely in their possession; but the Judge passed a Decree
in Dt the Defendant (Dondapunt) is not inherited to

Enclosure
D

8E

to the moiety of Peddapoolore village & to the revenue of 100 Rs
per annum from Neelacuntapoor village on his being proved
to be a divided family from long before the above registry and
that the Plaintiffs Kristna Row & Seenevasa Row are
inherited to the whole of the above Neelacuntapoor & Pedda-
-poolore villages.— Whereupon, the said Dondapunt made his
Appeal before the Provincial Court of Centre Division —
who also confirmed the said Decree.— In conformity with this
Decree, the said proprietors Kristna Row & Seenevasa Row
were enjoying the said two villages for some time.— Whereupon,
the said Dondapunt presented an Arzee in the Zillah Court
of Chittoor, stating that he & the said Kristna Row & Seene-
-vasa Row are not the lawful heirs of Neelacunta Naik an
original Grantee of the said Peddapoolore — and then the judge
decided that the above parties are not entitled to that village.—
As the said Zemindary of Calahastry was then sequested
by the Honorable Company, Mr. W. Cook the then Collector
had, as Plaintiff on behalf of the Honorable Company, filed a
Plaint in the Zillah Court of Chittoor in No 770 of 1852 —
against the said Kristna Row & Seenevasa Row for the recovery
of the above Peddapoolore village to incorporate it with the
said Zemindary — and the judgement was passed in favor of the
Plaintiff.— The said Kristna Row & Seenevasa Row after-
were enjoying only the Neelacuntapoor village for a long ti
8th The said two proprietors Kristna Row & Seene-
-vasa Row had jointly mortgaged the said Neelacuntapoor
village to one Viswanathapunt at Arnee & borrowed a certain
sum thereon, and on their failing to repay it accordin
to the time promised, a suit was filed against them by

× This will be clear from Para 19 to 24 & 31 of the above Encl B.

⊗ Enclosure
E

* This contains that the Defendants Kris-
-na Row & Seenevasa Row are the proprie-
-tors of Neelacunta-
-poor village. This will
be proved if referred
to the record in the Zill.
Court of Chittoor.—

† This will be proved
by many documents
in the records both
in the Talook & Hazoor
Cutcherry of the Dis-
-trict, and also by the
accounts prepared
under the order of
Govt dated 26th Apl 1845.

mortgagee, and a Decree in No. 5 of 1846 for Rs. 1280-7-
is passed against them by the Sadarameen Court at
Chittoor.— Had Kristna Row not been entitled to a moiety
of the said village, why did the said Seenevasa Row (the
father of the present enjoyer Baboo Row) partook him in
mortgaging it jointly? and why did the mortgagee lent
them both on that village?—

7th On the death of the said Seenevasa Row
in 1850, his son Baboo Row made a claim before the Tahsildar
of Shobingavaram to cause the said whole village to be
registered in his name, but his Paternal Uncle Kristna Row
(Pet^rs husband) also made his claim before that authority that
the village should not be registered wholely in the name
of the said Baboo Row, and that a moiety should be regis-
tered in his (Baboo Rows) name & another moiety should be
registered in his name as he has enjoyed up to that time.—
Whereupon, the Tahsidar, referring to the records in his Cut-
cherry & instituting full inquiry into the matter, made his
report to the then Collector M^r Baurdellin in an Arzee
dated 9th February 1851 that the said Kristna Row (Pet^rs
husband) and Baboo Row are the proprietors of the said
village and that the said village should be registered in
the names of these two proprietors.— The said Baboo Row
afterwards thinking that M^r Baurdellin will do according to
that report, wanted to ruin your Pet^rs husband Kristna
Row by usurping his enjoyment of the moiety in the said
village, received the assistance of the Tahsildar & of some of
the officers of the Collectors Cutcherry so that they may not bring
the above Arzee to the effect this that Collector until his
removal

Enclosure F

This will be proved if referred to the same Arzee in the records of the Coll^r Office.

removal to other duty or for 9 months & so that they may
fraudulently bring this case to the notice of the new Coll^r
M^r Ward, in contrary to what has been passed, that the
said Enam village was formerly procured by the said
Goondobah himself, that Seenevasa Row the father of
the said Baboo Row had been adopted by him (Goondobah)
as son, and that your Petitioners mother and Kristna Row
was managing the village affairs as his (Seenevasa Rows)
agent.— At which time, the said Kristna Row produced
before that Gentleman the above documents &c connected
with his being entitled to a moiety of that village. this auth-
rity neither considered the documents & records in his Office
nor instituted proper inquiry into the matter but irregularly
registered only in the name of the said Baboo Row to be the
proprietor of the said whole village & issued a Pakeed No.
309 dated 29th December 1851.—

10th The said Kristna Row afterwards had presented
an appeal Petition to the Board of Revenue complaining for
the injustice done to him by the Collector M^r Ward, but they
issued an Endorsement No. 624 of 1852 to the effect that
"Petitioner should address the present Acting Collector &
"produce his Endorsement"— and then the said Kristna Row
died.— Your Petitioner afterwards submitted the said
Endorsement as well as her Petition to the Acting Collector
M^r Brett who on perusing the records in his Office as
well as &c the said documents &c instituted full inquiry
into the case, & considering himself that the Petitioner also is
entitled to a moiety of the said village; cancelled the said
M^r Wards Pakeed which was issued to the effect that the so-

Baboo Rauw alone is entitled to the village of Neelacurtapoor,
and then issued another Takeed No. 201 of the 26th August
1853 to the Tahsildar of Sholingavaram directing him to
allow the heirs of the late Kristna Rauw & Seenevasa Rauw
to enjoy the said village as usual.— In conformity with this
Takeed, the Tahsildar forwarded a notice No. 571 dated 15th Nov.
to the village [redacted]urtapoor.— Whereupon your Petr
was enjoying the moiety of the said village as usual.—

4th On the complaint of your Petitioner before
Mr. Binning the then Collr. because the registry of the said
village to be made also in her name, a reexamination of all
the documents connected with the said village & of the pro=
ceedings of the late Collector Mr. Brett in this case, was
held by this authority on the 2nd September 1853, and he then
& the said village sent a letter with documents &ca. to the Board
of Revenue on the 8th October 1853 recommending to issue orders
to register the said village in the names of both parties viz
Petitioner and the said Baboo Rauw; but the Board, thro' your
Petrs misfortune, did not refer to the original documents, but
on perusing only the Purwana (Encl. C) subsequently granted by
your Govt to Goondobah, (grandson of the original Grantee) issued
orders stating that the said Enam village should have been
incorporated with that of the Govt on the death of the said
Goondobah because he had not descendant, that the registry
of the said village which had been made afterwards in the
name of his adopted son Seenevasa Rauw is irregular, that the
said village therefore should not be now registered also in
the name of the Petr, and that a report should be made on
the death of the person in whose name it is already registered.— 4

Enclosure
C

⊕ This will be proved if referred to the said letter now in the record of the Board's office.

10E

5

12th The said Baboo Rauw then wanted to deprive
of your Petrs enjoyment of the moiety in the said village and
presented a Petition to the Collr for order that he may ex=
clusively enjoy the whole village; but that authority on a per=
usal of the Board's Proceedings was endorsed thereon on the 21st
January 1854 that as the Proceedings of the Board of Rev=
do not state to allow the B[redacted] Rauw) alone t=
the whole village, he should complain before that author=
=ity on the subject.—

13th The said Baboo Rauw afterwards present=
=ed a Petition to the Board of Revenue who on perusing
again only the same Purwana subsequently given by Govt
issued an other order dated 12th June 1854 to the Collr that
they are of opinion of Baboo Rauw to be exclusively the regu=
=lar proprietor, that the said whole village should there=
=fore be put into his possession, and that upon this order
the Proceeding of the Board dated 10th Novr 1853 (which
has been particularized in the 11th Para of this Petn) should
be cancelled.— The Collector accordingly, forwarded a Takeed
No. 245 of the 15th July 1854 to the Tahsildar to put also
the moiety of the said village enjoyed by your Petr, in the
possession of the said Baboo Rauw.—

14 Your Petitioner then presented a Petition to
the Collector requesting to restore her to the moiety of the
said village which was for a series of years enjoyed by her
husband & herself; but that Gentleman Endorsed on
the same in Tamil on the 28th July 1854 that a Takeed
dated 15th July 1854 is forwarded to the Tahsildar of

Cholinger to bring into execution the order of the Board of Revenue dated 12th June 1854 stating that Baboo Row alone being the regular proprietor of the said Neelacuntapoor village, it should be put wholely into his possession, and that the Pr. therefore is informed that another order in this subject will not be given.—

The [redacted] Petitioner afterwards presented a Petition to the Board of Revenue together with the above Collrs Endorsement, requesting to issue orders that he may be placed in possession of her half share in the Enam village of Neelacuntapoor which has been improperly put in the possession of Baboo Row; but they without consi=dering the Collectors (Mr. Binnings) letter, which is particularized in the 11th Para of this Petition, were of opinion (Enclosure C) alone, that Goondabah is an original Grantee, that Baboo Row is his lawful heir, and that the Pet.r is not entitled to his property— and then issued an Endorsemt that "Petitioner is referred to the Collector's Endorsement dated 28th July 1854 submitted with this Petition"—

16th Your Petitioner again presented another Petition to the Board of Revenue together with all the documents connected with her claim; but they even then without considering any of the statements of that Petition & enclosed documents, issued an endorsement, in contrary to the Collectors said letter, that "Petitioners are referred to the Board's Endorsement on Petition No. 1878 of 1854 which they must consider final & further Pet.n on this subject will not be entertained"

17th After stating all the above circumstances, your

× Enclosure I

⊗ Enclosure J

your Petitioner takes now the liberty of stating more some undermentioned main points for your Lordship's attentive consideration trusting that she will certainly be favoured with justice because all the subjects in this territory are sure beyond all doubts that justice has been the co shining ornament of this Govt since your Lordship ha

the Tribunal of

to order the 13 documents (which are now ready in the records of your Secretary's Office) particularized in the Enclosure B to be produced before your Lordship in Council, and to ascertain at first by these & by the Encls A whether the original Grantee of the said Neelacunta=poor village is Lutchoomana Naik as admitted by The Right Honorable Lord Macartney the former Gover=nor of Madras & the Tribunal of your Secretary's Office in the 4th page of their Decree (Enclosure D) which has been confirmed (Enclosure E) by the Provl Court of Centre Division, or his grand son Goondabah in whose favour the Perwana (Enclosure C) has been granted by Govt as con=sidered by the Board of Revl — As Lutchoomana Naik is by the above documentary proofs an original Grantee, is your Pet.r's husband Kristna Row his great grand son as admitted by the said two Courts or not?—

If Lutchoomana Naik is not an original Grantee of the sa village & if the said Kristna Row is not inherited the half of that village as great grand son as considered by the Board in contrary to the following Sec.s Why did the said Zillah Court adjudge from 19th to 24th & 4th Para in 3rd Para of their Decree (Encl.e D) that Kristna

Enclosure K

× See the 15th No. of the genelogical table in the 5th page of the Encl.e D.—

10

Row & Seenevasa Row are the proprietors of the
Neelacuntapoor village ?-

2ndly Why did the Provl. Court confirm it on appeal ?-

3rdly Why did the Honble Company, as stated in the 7th Para
of this Petition, combine the said Kristna Row with Seene-
=vasa Row, as Defendants in a Suit No 770 of 1822 on the
[illegible] stating in the
[illegible] that they (Kristna Row & Seenevasa Row)
are the proprietors of the said Neelacuntapoor village ?-

4thly Why did the Moofty Sadarameen, as stated in the 8th
Para of this Petition, admit the said Kristna Row
and Seenevasa Row as mortgagor of the said Neela-
=cuntapoor village & pass in his Decree (Enclosure F) e-
against them both ?-

5thly Why did the Tahsildar of Sholingavarum Talook
write an Arzee to the Coll., as quoted in the 9th Para
of this Petition, reporting that the said Kristna Row & Baboo Row
[illegible] of Seenevasa Row are the proprietors of the said
village & that it should be registered in their names ?-

6thly Why did the Coll. Mr. Brett issue a Takeed to
the Tahsildar of Sholingavarum, as stated in the 10th
Para of this Petition, directing him to allow the
both heirs of the late Kristna Row & Seenevasa Row
to enjoy the said village as usual ?-

7thly Why did the Coll. Mr. Binning recommend to the
Board of Revr, as detailed in the 11th Para of this Petn,
to issue orders to register the said village in favor of
both of your Petr, Baboo Row ?-

8thly Why did many Tahsildars of Sholingavarum for the
time being send Takeeds on several occasions to the
said

*Enclosure consisting of 7 sheets
L

said Kristna Row adhering the Enamdar of the
Neelacuntapoor village ?-

18th The said proofs being more than
sufficient to establish beyond all doubt the right of
your Petitioner's maiety to the said village, & humbly

and on unjust order which the Board of Revenue refu
and considering any of the above main points regarding
[illegible] right to the moiety of the said village, issued to the
Collector to allow Baboo Row alone to enjoy the whole
village as quoted in the 13th Para of this Petition ?
is it not an unjust Endorsement which they (the Boa
of Revenue) in [illegible] Petition (Enclosure J) that
"Petitioners are referred to the Board's Endorsement
"which they must consider final: further Petitions on
"this subject will not be noticed" & be also further that
if justice cannot be granted now also by your Lord
-ship in Council who is the last tribunal of it, where
else your Lordship's greatly aggrieved Petitioner is
to go in future in search of it ?-

19th Your helpless Petitioner therefore most
humbly craves your Lordship in Council will gracious
be pleased to bring the contents of all Paras particu
-larly of the 17th Para of this Petition as well as of the
Enclosures of documentary proofs connected with her rig

the half share of the said village, into your Lordships
rious consideration & issue orders to the Collector of
North Arcot to allow her to enjoy as usual the moiety of
e produce of the said Neelacuntapoor Enam village
which she has been unjustly deprived under an injue-
st order issued by the Board of Revenue that
enquiry, and to relieve her from the severe dis-
which she & her minor son suffer for want of food and
ment from the date of the Boards above order.

For which act justice and charity your
Lordships unfortunate Petitioner will never cease to give her
nstant Prayers to the Almighty for your Lordships
long life health and prosper.

Madras
17th October
1856.

This Woman is widow of Krishna Row one of the proprietors of Neelacuntapoor village, and guardian of his adopted son Loob Row

No. 2309 of 1856

Referred to the Board of Revenue for a brief report of the grounds on which they directed the Neelakantapooram Shrotrium to be made over to Baboo Row to the prejudice of the right of Petitioner.

By order

Fort St George
17th November 1856

W. Morris
Dep. Secy to Govt

Humphreys 14E

131 8

Revenue Board's Office
Fort St. George
23 January 1857

№ 39

From

J. D. Sim Esqr
Dy Secretary to the Board of Revenue

To

J. D. Bourdillon Esqr
Secretary to Government
Revenue Department

Sir,

I am directed by the Board of Revenue to submit the information called for in the endorsement of Government on Petition № 2309/156 under date 17th November 1856.

2 Adverting to the correspondence noted marginally, it would appear that the Inam village of Nalacaintapovar in the Shevagur Taluk was granted on Sunnud in 1803 to one Gomdobah, who adopted his nephew Shamanaya as Son, father of Water Row the present incumbent.

3 On the death of Gomdobah his adopted Son Shamanaya Row and his brother Krishna Row were still minors and

Sum Rathavel 8 Oct
Jabu 10 Nov 1853.
Pet to Coll 10 Dec
To Coll 13 June 1854.
Copy sent to Govt
5 Jan 1856

Rept Revd to Govt

their guardian took advantage of this circumstance to have the loan registered in the name of himself and of Shreenavasa Row, the latter in virtue of this adoption, to the exclusion of Krishna Row.

4. In 1853 these parties being all dead, the Board, in supercession of the decision of his predecessor who had disallowed the claim of Krishna Row, issued orders that the village should be enjoyed jointly by the heirs of Krishna Row and by Babo Row; and this disposal of the property appears to have been carried out.

In this Proceedings under date 10 November 1853, the Board observed that the 3rd para of the Sunnud dated 27 October 1803, on which this grant is based, declares that "if the family of Ahert Grondabah Brahmin shall at any "time fail and become extinct the village "of Reclamation formerly shall then revert "to the Honorable Company." They were of opinion that the Sunnud did not contemplate the renewal of the extinct family by means of adoption, and that the transmission of the loan on the death of

of Govindrah to Shreenavasa Row, his adopted son was illegal.

6. The Board however in taking

* 13 June 1854 grant a favorable ground for reconsidering this question, and in view of the liberal interpretation which had of late been accorded to the term Heir held that Babo Row was entitled to succeed to the Shrotrium as the legal heir and representative of the original grantee, and directed the transfer of the village accordingly.

7. It will be observed that under this view of the case the claim of Krishna Row (husband of Petitioner) was not entered upon, because the point at issue was, not the adjudication of the relative claims preferred by these parties, but the question, whether with reference to the spirit of the original grant, the adoption of Shreenavasa Row could be recognized as carrying with it a right to succeed; and as this title was held a valid one, it could not be otherwise than stronger than that preferred by a nephew, who was not a

lineal

lineal heir but of a collateral branch
of the Arcot Gondolah Brahmin
family.

I have the honor to be,
Rec. Board's Office
Fort St. George, your most obedt. Servant,
3rd January 1857.

Secretary

To
J. D. Bourdillon Esq.
Secretary to Government.
Revenue Department.

16E

Memorandum.

The acting Secretary to the Board of Revenue is requested to send up for reference the Board's letter dated sometime in 1803 recommending the grant to Arcot Goondavah Brumme of the Village of Nolla Cuntapa Cannee in the North Arcot District.

It is referred to in Mr. Secretary Greenway's letter to the Board of Revenue dated 22nd October 1803.

Fort St. George
16th January 1857 } (Signed) J. D. Bourdillon
Secretary to Government.

No.

The Acting Secretary to the Board of Revenue.

17E

O.H.B. Memo

To The Actg Secretary
B. of R. & Cus

Date 16 January 1907

Requesting the
Act Secy to the Board
of Revenue, to see Duke
for reference to his Bill
Letter dated some time
in 1903, recommending
the grant to Creek for
Dalrah Branch of the
Village of Tartaroonta
Toorumi in the North
Arcot District

18E

Not Agreed.

No 528

Official Memorandum.

The Acting Secretary to the Board of Revenue has the honor to forward to the Acting Revenue Secretary to Government Copy of Para 14 of the Board's letter to Government dated 19th July 1803, containing the information required by Mr Boundillon in his Memorandum dated 18th January last.

Revenue Board Office,
Fort Saint George,
17th February 1857.

By Order,

H Sime
Ag Secretary.

H. Forbes Esq.
Ag Secretary to Government
Revenue Department.

Official Memo

From

The Secretary to the Board of Revenue

To

The Secretary to Govt
Revenue Department

Dated 17th February 1807.
Rec'd 18th [illegible] February 1807.
No 324

No 152

Forwarding copy of Para 4 of the Board's Letter, dated 14th July 1803 containing information regarding the Petition of [illegible] Kaul

20E 19

Extract from a letter from the Board of Revenue to Government dated 16th July 1803.

x x x

Para 4th. The enclosed letter from the late Collector in the Northern Division of Arcot relates to a claim which was some time since preferred by a Bramin named Gundoba, to the Pettah of Nelacuntanoya in the District of Chittoor. Mr Stratton corroborates generally the correctness of the Petitioner's representation, and as the justice of his claim is confirmed by the Documents in his possession, we directed the present Collector Mr Cockburn, to report the extent and value of the Pettah in question and the lands attached thereto. This information we have the honor to lay before your Lordship and to recommend that a Sunnud be granted to the Petitioner accordingly.

(True Copy)

Sd/ [illegible]
Sy Secretary.

From Mr C. Stratton
Dated 8th September 1803,
in Cons 8th January 1803.

From Mr D. Cockburn
dated 18th March 1803

From Mr D. Cockburn
dated 6th in Cons 18th July 1803

22E

Revenue Board Office,
Fort St. George,
12th June 1854.

No.

From

A. H. Bayley Esq.
Secretary to the
Board of Revenue.

To

The Collector of
South Arcot.

Sir,

In reference to the Endorsement
of 5th 1062 of 1852
dated 21st January 1854, forwarded by you
to Bamboo Row, I am directed to state
that by the Board's Proceedings of the
10th November 1853, it was intended that
the Cuam Village of Neelacunta pooram
should remain in his profession until his
decease, and that a report should then
be submitted for orders.

2. Upon a further examination of
the Purvanah of the British Government
dated 22d October 1803, and the liberal in-
terpretation which has of late been put
upon the term "heir", the Board are of
opinion

No. 1328 Copy of Letter from the Board of Revenue dated 12th June 1854.

Forwarded with Endorsement from the Collector of South Arcot dated 21st January 1854.

Copy of Letter to Government dated 19th July 1853.

Read the 18th February 1857.

R 18/2/57

opinion that Baboorow is entitled to
succeed to the Shrotriums as the legal
representative of the original grantee. See C. C. P. 406. No. Paras 3

3. You will accordingly be pleased
to make over the Enam Village in quest-
tion to Baboo Row, and consider these
orders as superseding the Board's Precd.
rings of the 10th November 1853.

Revenue Board Office, I have &c.
Fort St. George, signed H. M. Bayley.
12th June 1854. Secretary.

A True Copy

Acting Secretary.

Asst. Collector

23E

24E

In an Official Memo
from the Acting Secretary to
the Board of Revenue to the
Deputy Secretary Government
dated 8th November 1856.

No 3717

Received from Police
Office

Copy

To North Arcot 12th June 1854.

Respecting the Enam Village
of Neelacuntapuram.

Rev Dept.

25E

N° 427

Extract from the Minutes of Consultations
Under date the 17th May 1857

Read the following Papers

From Vanee Boyd widow of
Krishna Row and guar-
dian of two adopted sons
Sab Row the proprietor of
Nellencapoor village in
Sholinghur Talook
Chittoor.

Here enter 17 October 1856
N°2369)

From the Acting Secretary
to the Board of Revenue

Here enter 3d January 57
N°39)

In 1803, a sunnud was issued by Govt. for continuation of a former grant, granting to one Goondoba, the village of Neelacumkapooram in the Sholinghur Talook of North Arcot rent free. This Goondoba subsequently

Received 18th Augt.
Reg. & Corr. 18th Augt.

7/30 June 1857. N°32

N° 135

From
The Acting Secretary to the
Board of Revenue.

To
The Secretary
to Government
Fort St. George

Sir,

I have the honor to transmit herewith a Petition addressed to the Right Honble the Governor in Council by Vanee Boyd widow of Krishna Row and guardian of two adopted sons of Sab Row the proprietor of Nellencapoor village in Sholinghur Talook Chittoor.

2. The Petitioner states that in 1803, a sunnud was issued by Government for continuation of a former grant granting to one Goondoba, the village of Neelacumkapooram in the Sholinghur Talook of North Arcot rent free. That Goondoba subsequently

N°211

I have &c
(Signed) A. D. Campbell
Acting Secretary

C28 April 1857

subsequently died with-
-out issue, but he had
adopted one Streenarasa
Row his younger brother's
eldest son, who was at
the time of his death,
a minor; and the
minor's guardian pro-
-cured the registry of
the Enam in his own
name and in that of
the Minor. The son of
this minor Baboo Row
is now in possession
of the Enam.-

2. Streenarasa Row
had a brother named
Krishna Row, and though
at the death of the
original grantee, his
name was omitted from
the register, his heirs
seem in 1853 to have
brought forward a claim
to

to share the Enam
jointly with Baboo Row
the son of Streenarasa
Row, and the Collector decided in their
favor. The effect of this
order appears to have
been that the Enam was
shared equally by Baboo
Row son of Streenarasa
Row and the Widow of his
Brother Krishna Row-

3 In the Summons
to have been
above said granted by Govt.
in 1803 is a clause to the
following effect.

"If the family of Street
"Goondoba Bramany
"shall at any time fail
"and become extinct the
"Village

"Village of Neelaconta-
"poorum shall then revert
"to the Honble Company."
In their Proceedings
under date 10th Nov. 1853,
the Board in reviewing
Mr. Bpetts decision, con-
sidered that the Summd
did not contemplate the
renewal of the Inamet
family by means of
adoption, and that the
transmission of the Inam
on the death of Goondoba,
to Sreenivasa Row his
adopted son, was illegal-
Subsequently however the
Board reconsidered this
decision and held that
Baboo

Letter from Secy Bd. of Revr.
to Collr. of N. Arcot dated
12th June 1854.

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Legislative 26
3

Baboo Row was entitled
to succeed to the Inam
as the legal heir and
representative of the
original grantee, and
they directed the transfer
of the Village accordingly
to him alone. It is to be
observed that Baboo Row
was never dispossessed, and
that though his right to
the Inam was denied by
the Board in their first
order they subsequently
directed that it should be
continued to him during
his life, and he reported
upon at his death-

4 Against this last
order

order of the Board, (which denies the right of the Widow of Kristna Row, as his heir to participate in the Inam,) the Widow of the Brother of the original grantee adopted son now appeals.

5. The Govt: entirely agree with the Board's first order, that the terms of the Summd expressly guard against any renewal by adoption of the family of the original grantee. This became extinct on his death, and since that event, the Inam has been enjoyed wholly without

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without right. The only point remaining for decision is, how to maintain the rights of Govt: without hardship to individuals.

6. The Govt: are of opinion that, inasmuch as the adoption of Sreenavasa Row gave him no title to succeed to the Inam, Kristna Row, who stood in the same natural relationship as Sreenavasa Row to the original Grantee, had as much right to succeed as his Brother. It would therefore be unfair to recognize

recognize any claim on
the part of Baboo Row,
to the exclusion of
Bhanoo Bhoy the
Petitioner. Govt: accord=
=ingly direct that the
name may be jointly
entered in the names
of Baboo Row and the
Petitioner, on the death
of either, half will be
resumed, and the whole
on the death of both.

Ordered accord=
=ingly that the follow=
=ing Endorsement be
made on Petition No 2309
of 1856.

"Petitioner should
address

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"address the Board of
"Revenue to whom in=
"structions in her case
"have been issued."

W.H.

W.H.

3 Copies to the Bd of Rev Desp: 8
with 3 Regd Envs

1 to the Sor Depr.
with 12 Regd Envs Rec'd 8th

Copy in L C G
of 30th June 1858 - N° 32

Revenue 1857 Dep^t R
Pay to Cons: 12th May

N° 427

Extract Mins of Cons^n
Dated 7th May 57

From Baboo Ram Chunder of
Mutsuntapoor in the Talook of
Chedinguee in South Arcot 3/
5 June 58 N° 591 inc

From Sayd Roo Sagheer
Chitwail Talook of Cuddapah 3/
15th Oct/56 N° 2104

565
13-3-62

Directing that the
enam Village of Mutsuntapoor
in the District of
South Arcot, may be jointly
entered in the name of Baboo
Mooty and petitioner Sheiks
Booja and observing that on
the death of either Mutsuilie
be mentioned, and the whole on
the death of both: and prescribing
an endorsement directing the
petitioner to address the Board
of Revenue to whom instructions
have been issued.

N° 10 & 12

28th March 14 May