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Revenue Department

Minutes of Consultations

12th May 1857

Back Nos 35-36

Order no 439 dated 11th May 1857

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

No. 35. Read the following letter from J. D. SIM, Esq., Acting Secretary to the Board of Revenue; to H. FORBES, Esq., Acting Secretary to Government, Revenue Department, dated Fort Saint George, 23d April 1857, No. 1273.

SIR,

I am directed by the Board of Revenue to submit, for the consideration and orders of Government, the accompanying letter from the Collector of Rajahmundry, dated 13th March 1857, reporting the decease, on the 4th November last, of Venkata Jugganathrow, Proprietor of the Polaverum Estate in his district.

2. This property was for several years under management of the Court of Wards, and in 1854 was made over to the late N. C. Cons. 8th January 1855. proprietor on his attaining his majority. The deceased has left no issue, but three parties have put in their claims to succession, viz. his widow, mother, and a distant cousin.

3. According to Hindoo* Law the widow has the prior claim in this case, and the Board would recognize her pretensions, the other parties being referred to the Courts if they are dissatisfied.

4. The widow is daughter to the Naib Serishtadar of the Collector's catcherry, and will soon attain her majority, being now in her eighteenth year.† The Board concur with the Collector that under these circumstances it is undesirable for them to assume charge of the estate as Court of Wards. They fear however that Section IV. Regulation V. of 1804, wholly precludes them from making the property over to the widow in the manner proposed, particularly as her right of succession is disputed. The only alternative seems to be to authorize the Collector to report the case to the Zillah Court, with reference to Section XX. Regulation V. of 1804, Section III. Regulation X. of 1831, and the Circular Order of the Sudr Udalt, proceedings dated 30th April 1853, (P. 159, B. C. O. book, vol 2.)

5. This measure however may be attended with difficulty, as the rival claimants may appeal to that Court.

6. On the whole, therefore, the Board think that the preferable course will be for the Collector to assume charge and proceed to nominate a Manager.

No. 36. ORDER THEREON, No. 439; dated 11th May 1857.

Para. 1. In this letter, the Board of Revenue report the demise of the proprietor of the Polaveram Estate in the Rajahmundry District.

2. This property is subject to an annual demand for Peishcush of Rupees 11,977; it was for some years under the management of the Court of Wards, and was made over to the late Proprietor so recently as December 1854, on his attaining his majority.

3. The deceased has left no issue, but three parties have put in their claims to succession, viz., his widow, whose age is given at 17 years, his mother, and a distant cousin. The Board recognize the claim of the widow, and suggest that the other parties should be referred to the Courts, if they are dissatisfied.

4. The widow is the daughter of the Naib Sheristadar of the Collector's Catcherry, and being so near her majority, the Board think with the Collector that the Estate should not be taken under charge of the Court of Wards; but they are precluded from making over the property to the minor by the provisions of Section IV. Reg. V. of 1804, which debar minors "from assuming charge, or administering their own affairs," especially as in the present case, the right of succession is disputed. The alternative of reporting the matter to the Zillah Court is attended with this difficulty that the other parties claiming to succeed may in all probability appeal to that Court. The Board therefore suggest that the Collector be authorized to assume charge of the Estate and nominate a manager.

பாதுகாப்பு பரிசு-1

செப்பனியுபவர் பெயர் மா.விஜயகுமார்

செப்பனியுதர்த்தாக எடுத்தல் 8/06

செப்பனியுதர்த்த நாள் 10/06

செப்பனியுதர்த்த நாள் 10/06

செப்பனியுதர்த்த நாள் 10/06

செப்பனியுதர்த்த நாள் 10/06

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

5. It appears to the Right Honorable the Governor in Council that the short time that must elapse before the minor comes of age would make it just as inexpedient for the Court to interfere as for the Collector; and as the law expressly declares that a minor cannot manage his own Estate, there is no choice left in the matter, and the Collector must assume charge as Agent to the Court of Wards. The Board will be pleased to instruct the Collector accordingly, and require him to be careful that the interests of Government suffer no damage from the relationship between the minor and the Naib Sheristadar.

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

Revenue Board Office,
Fort St George,
23rd April 1857

N^o 1273

June

J. D. Sim Esq.

Acting Secretary to the

Board of Revenue

To

H. Forbes Esq.

Acting Secretary to Government,

Sir

Revenue Department

I am directed by the Board of Revenue to submit, for the consideration and orders of Government, the accompanying letter from the Collector of Rajahmundry, dated 13th March 1857, reporting the decease, on the 11th November last, of Chakata Jagganath. Power, Proprietor of the Polavaram Estate in his district.

From Coll^r 13th Dec 1856.
Lth H^l C^{ns} 5th Aug 1855.

2. This property was for several years under management of the Court of Wards, and in 1856 was made over to the late proprietor on his attaining his majority. The deceased has left no issue, but three parties have put in their claims to succession viz. his widow, Mother, and a distant Cousin.

See Shauze, New Edition, 3.
p. 55. N^o 309.

According to Hindu Law the widow has the prior claim in this case, and the Board would

recognize

recognize her pretensions, the other parties being referred to the Courts if they are dissatisfied.

4. The widow is daughter to the Naib Serishtadar of the Collector's Cutchery and will soon attain her majority, being now just her eighteenth year.

* See Sec IX. Reg. V. 1804

The Board consult with the Collector that under these circumstances it is undesirable for them to assume charge of the Estate as Cust of Wards. They fear however that Section IX. Regulation V of 1804 wholly precludes them from making the property over to the Widow in the manner proposed - particularly as her right of succession is disputed. The only alternative seems to be to authorize the Collector to report the case to the Zillah Court with reference to Section XX. Regulation V of 1804 - Section III. Regulation X of 1831, and the Circular Order of the Suor Mualuk, Proceedings dated 30 April 1853. (P. 159. B. C. O. book, vol 2).

5. This measure however may be attended with difficulty, as the rival claimants may appeal to that Court.

6. On the whole, therefore, the Board think that the preferable course will be for the Collector to

to assume charge and proceed to nominate a Manager.

Rec. Board Office,
Fort St George,
23rd April 1854.

I have the honor to be,

Sir,

Your most obedt servant,

J. S. M.

Acting Secretary.

To

H. Forbes Esq.

Acting Secretary to Government.

Rec. Department

By

N. 409

Extract from the Minutes of Consultation
Under date the 11th May, 1857.

Read the following letter
from the Acting Secretary to the
Board of Revenue.

(Here enter 23rd April 1857 No. 1273.)

P.1. In this letter the Board
of Revenue report the demise
of the Proprietor of the Solavaram
Estate in the Rayachmundry
District.

2. This property is subject
to an annual demand for
Paischuck of Rupees 11,977; it
was for some years under
the management of the Court
of Wards, and was made over
to the late Proprietor so recently
as December 1854, on his attaining
his

Handwritten signature/initials

Recd 1857 Oct 11th
Dated 12th May
From
438

The Acting Secretary
to the Board of Revenue
The Acting Secretary to
the Board of Revenue
The Acting Secretary to
the Board of Revenue

Dated 23rd April 1857.

1 enclosed
Dated 21st May 1857.

No. 35.
The following is a copy of the
letter from the Acting Secretary
to the Board of Revenue, dated
the 21st May 1857, in relation
to the Solavaram Estate in the
Rayachmundry District, and
the same is forwarded in
accordance with the order of the
Board.

24 May 1857

his majority.

3. The deceased has left no issue, but three parties have put in their claims to succession viz his widow, whose age is given at 17 years, his mother, and a distant cousin. The Board recognize the claim of the widow, and suggest that the other parties should be referred to the courts if they are dissatisfied.

4. The widow is the daughter of the Nail Sheriff, a taker of the collector's butchery, and being so near her majority, the Board think with the collector that the estate should not be taken under charge of the Court of wards, but they are precluded from making over the property to the minor by the provisions of

of Sec. IV Reg. V of 1804, which debar minors from assuming charge or administering their own affairs, especially, as, in the present case, the right of succession is disputed. The alternative of reporting the matter to the Zillah Court is attended with this difficulty, that the other parties claiming to succeed may in all probability appeal to that Court. The Board therefore suggest that the collector be authorized to assume charge of the estate and nominate a manager.

5. It appears to the Right Honorable the Governor in Council that the short time that must elapse before the minority of age would make it just as inexpedient for the Court to interfere as for the collector, and as the Law expressly declares

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2 Copies to the Adm. Gen.
with an Orig. Encl. Page 12.