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Revenue Department

Minutes of consultations

18th August 1857

Back Numbers 31 - 32

Order no 826 dated 17th August 1857

(138 sheets)

2N 10

Fort Saint George, Revenue Consultation of 18th August 1857.

No. 31. Read the following Extract from the Proceedings of the Board of Revenue; dated 7th August 1857, No. 2649.

Read letter from the Acting Collector of Masulipatam
* In Consultation 7th August 1857. dated 17th July 1857.*

(Here enter No. 130.)

The Board observe that Government authorized the Collector†
† Dated 19th December 1853, to vest the management of the Bullepurroo village in the
No. 1399 R. D. mother of the Minor proprietor with the proviso that in the
event of mismanagement the Collector would interfere "in view
to the property being taken under the charge of the Court of Wards."

2. The Collector did interfere according to these
‡ From Collector 5th November 1856. instructions in March 1856,‡ but no formal application
In Consultation 24th June 1857. was made, as clearly enjoined by Section II. Regulation
V. of 1804, for the sanction of Government to take
charge of the Estate on behalf of the Minor. The Board apprehend that under these circum-
stances the Estate cannot legally be considered as under Wardship. All that can in their
judgment be properly pleaded is that the Collector had interfered and assumed charge on behalf
of the minor and that this interposition was necessary in the actual state of affairs.

3. The Board do not however suppose that the question of Wardship will weigh with the
Civil Court in the disposal of the case which must be decided on its own merits.

4. The facts of the case seem to be as follows. Lutchmenursimmah Naidoo proprietor of
Bullepurroo on the 21st July 1852, reported to the Collector that he had entered into an
agreement with P. Vencatachella Naidoo whereby if the sum of Rupees 1,760 which he had
borrowed from that person were not repaid by the following November the village would pass
absolutely to the latter. In August of the following year the Collector received a petition
purporting to be from Lutchmenursimmah Naidoo repudiating the transaction. In Octo-
ber 1853 this person died and with the sanction of Government conveyed in the terms quot-
ed in para. 1 the village was made over to his widow on behalf of the minor. In 1854, the
son of Lutchmenursimmah Naidoo's creditor P. Vencatachellum sued the Widow on her hus-
band's bonds and a Razeenamah was entered into by them, the Plaintiff foregoing past profits
and costs of suit, and the Defendant transferring the village and garden to him. The widow ap-
plied to the Collector to give effect to this arrangement and shortly afterwards reported that she
had herself placed Plaintiff in possession of the property. The Collector then proceeded to en-
quire into the widow's management and she then (November 1855) asserted that the Plaintiff
had cheated her and ultimately requested that the village might be taken under management by
the Collector on behalf of the minor. On the 8th March 1856 the Collector assumed charge of
the property and he is now sued for ejecting P. Samoodraloo Naidoo.

5. The Civil Court which admitted the Razeenamah above referred to called upon the
Acting Collector to explain why he had not given effect to it, and on receiving a copy of Extract
Minutes Consultation 19th December 1853 No. 1399 (placing the estate in the widow's posses-
sion) refused to give effect to the Razeenamah and the Sudr Udalut on appeal directed Samoo-
draloo Naidoo to prove his claims.

6. The Board have already remarked on the plea of the
Pro. to Collr. 24th June 1857. estate being under the Court of Wards and need not recapitu-
late the reasons for which they consider it untenable. As re-
gards other grounds of defence they consider that the Act of the widow was invalid and that
the decision of the Court will turn on the justice or otherwise of the Plaintiff's claim as if just
the estate is undoubtedly liable. This is altogether a question of evidence and the Memorandum
submitted by the Acting Collector has been so negligently drawn up that the Board cannot form
any opinion on this point.

பாதுகாப்புப் பரிவு-1

செப்பனிருபவர் பெயர்

செப்பனிருவதற்காக
எடுத்தக் கொள்ளப்ப
பட்ட நாள்

செப்பனிரு முடித்த நாள்

சுபாபார்க்கும்
முதல் மு.நி.பா.எ.
கையொப்பம்

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

சுராய்ச்சி
உதவியாளர்
கையொப்பம்

27.11.2006

15.3.2007

Fort Saint George, Revenue Consultation of 18th August 1857.

7. The Board have prepared a draft reply which they resolve to instruct the Acting Collector to put in pending the orders of Government which will be forwarded to him on receipt.

(A true Extract.)

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

No. 32.

ORDER THEREON, No. 826; dated 17th August 1857.

The Right Honorable the Governor in Council grants authority for the defence, in the first instance, at the public expense of original suit No. 5 of 1857, instituted by P. Samoodralah Naidoo in the Zillah Court of Masulipatam against the Acting Collector of that District and another, but will determine when a copy of the decree is furnished, whether the costs, if any be adjudged against the Acting Collector, shall be borne by that officer or by the Government.

2. The answer as amended by the Board of Revenue is approved.

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

Revenue Department

N^o 2649

Extract from the Proceedings of the
Board of Revenue, dated 7 August 1857

Read letter from the Acting
Collector of Masulipatam dated 17 July 1857

(Here Enter N^o 130)

The Board observe that
Government authorized the Collector to vest
the management of the Bullepurra Village
in the mother of the minor proprietor with
the proviso that in the event of mismanage-
ment the Collector would interfere in vic
to the property being taken under the
charge of the Court of Wards."

The Collector did interfere
according to these instructions in March 1857
but no formal application was made.
Clearly enjoined by Section II Regulation of
1804 - for the sanction of Government to
take charge of the Estate on behalf of
the minor. The Board apprehend that
under these circumstances the Estate
cannot legally be considered as under
Wardship.

From Collr 5 Nov 1856
In Gen 24 June 1857

Dated 19 Dec 1853
No 1399 R.C.

Wardship. all that can in their judgment
be properly pleaded is that the Collector
had interfered and assumed charge on
behalf of the minor and that this in-
terposition was necessary in the actual
state of affairs.

3. The Board do not however
suppose that the question of Wardship
will weigh with the Civil Court in the
disposal of the case which must be
decided on its own merits.

4. The facts of the case
are to be as follows. Latchmenarsimma
Naidoo proprietor of Bulleparra on the
17th July 1852 reported to the Collector
that he had entered into an agreement
with M. Venkatachella Naidoo whereby
the sum of Rupees 1700 which he
had borrowed from that person were
to be repaid by the following Namboor
the village would pass absolutely
to the latter. In August of the following
year the Collector received a petition
purporting to be from Latchmenarsimma
Naidoo repudiating the transaction.

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In October 1853 this person died and
with the sanction of Government con-
veyed in the terms quoted in para 1.
the village was made over to his widow
on behalf of the minor. In 1854, the
son of Latchmenarsimma Naidoo
creditor M. Venkatachella Naidoo sued the
Widow on her husband's bonds and
a razeenamah was entered into by
them, the Plaintiff foregoing part
profits and costs of suit, and the
Defendant transferring the village and
a garden to him. The widow applied
to the Collector to give effect to this
arrangement and shortly afterwards
reported that she had herself placed
Plaintiff in possession of the property.
The Collector then proceeded to enquire
into the widow's management and
she then (November 1855) asserted
that the Plaintiff had cheated her
and ultimately requested that the
village might be taken under manage-
ment by the Collector on behalf of
the minor. On the 8th March 1856 the
Collector

Collector assumed charge of the property,
and he is now sued for ejecting P.
Samedralee Naider.

5. The Civil Court which
admitted the Razeenamab above referred
to called upon the Acting Collector
to explain why he had not given effect
to it, and on receiving a copy of
Extract Minutes Consultation 19th
December 1853 N^o 1399 (placing the
Estate in the widow's possession) refused
to give effect to the Razeenamab and
the Subr Udalat on appeal directed
Samedralee Naider to prove his claim.

6. The Board have already *Pres. to Coll. 24th June 57.*
remarked on the plea of the Estate
being under the Court of Wards and
need not recapitulate the reasons
for which they consider it untenable.
As regards other grounds of defence
they consider that the Act of the widow
was invalid and that the decision
of the Court will turn on the justice
or otherwise of the Plaintiff's claim
as, if just, the Estate is undoubtedly
liable.

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liable. This is altogether a question
of evidence and the Memorandum
submitted by the Acting Collector has
been so negligently drawn up that the
Board cannot form any opinion on
this point.

7. The Board have prepared
a draft reply which they resolve
to instruct the Acting Collector to put in,
pending the orders of Government
which will be forwarded to him on
receipt.

(Attest Extract)

J. S. Smith
Ag Secretary

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

Dec 20 December/53. M.S. 10

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Red 1079 Spence
Dec 18 1871 Aug 18

No 893

Extract from the Proceedings
of the Board of Directors

London 1871 August 1871.
Vol. 16. 2. 3. August 1871.

14. London. 1871. 1871.

No 2009.

SS No 826. 17th Aug 1871

Submitted with their
recommendations concerning
the establishment of a new
school at the same place
of the same name as the
which is proposed to be
and the same is to be
the necessity of the same. By
one of the same is to be
and the same is to be
in the same of the same.

No 31.

14 Aug 1871

The Acting Collector pleads that on the death of Sutehmenurdimmah Naider leaving a Widow and minor son, the village was placed under the management of the Widow on the express condition that if mismanaged the Collector should interfere in view of its being a Wau in charge by the Court of Wards on behalf of the minor heir of the deceased proprietor that the Widow in transferring the village to Plaintiff exceeded her powers, violated her own written agreement, and sacrificed the interests of the minor, and that the Collector was bound to interfere in the manner he has done and to refuse to admit Plaintiff's claim until satisfied of its validity and of the liability of the Estate to meet it. The Collector therefore submits that he is not liable to any costs of suit.

2. The Collector further submits that the deceased proprietor although he originally reported the transaction between himself and Plaintiff's father (which

(which has led to this suit) subsequently repudiated it, and that his widow 1st Defendant has since impugned the correctness of Plaintiff's claim and asserted that she was compelled to agree to the Rajanamat. The Acting Collector therefore prays the Court to determine whether the claim of Plaintiff is a just one and if so whether the Estate to which the minor is undoubtedly heir is liable in satisfaction of it, as without an order of Court the Collector cannot surrender it to Plaintiff.

I. S. Srinivasan
 Agent for Plaintiff.

W. A. Smith.

Case 184 of 1891
Nov 31

Proof of a right to the said inheritance of the suit.

1893/53

In an Extract from the Proceedings of the Board of Revenue to the Acting Revenue Secretary to Govt. dated 7th August 1891 No 5049.

Enclosure

Revenue Department

N^o 2190.

Extract from the Proceedings of the Board
of Revenue, dated 24th June, 1857.

Recd letter from the Acting
Collector of Masulipatam dated 23rd April
1857.

[Here enter N^o 84]

The Acting Collector is re-
quested to explain the grounds on which
he considers that the Village of Balle-
purra is under the charge of the Court of
Wards.

2.

In his letter of the 11th Novem-
ber 1853 N^o 85 the Collector stated that in
his opinion it "would be better to leave
the management in the hands of the Widow
than to place it under the Court of Wards."

3.

The Commissioners concurred
in this view and Government in Extract of the
minutes of Consultation 19th December 1853 N^o 1399 R.D.
authorized the adoption of this course on the
understanding that the Collector would inter-
fere "in view to the property being taken
under

under charge of the Court of Wards if it were not properly managed.

4. In his letter of the 5th November 1850 the Acting Collector reported that the Village has been attacked but no formal application for the sanction of Government for its assumption has yet been received.

5. Under these circumstances the Board doubt whether the Village can be held to be under the Court's charge.

6. The Acting Collector has omitted to state when the period allowed for filing an answer to the Plaint will expire.

(A true Extract)

Wm. J. D. Smith
Acting Secretary

To J. J. Knox Esq
Acting Collector of
Masulipatam

(A true Copy)

Wm. J. D. Smith
Acting Secretary

Regarding the other
Court's explanation the grounds on
which he cautions that the
Village of Ballyhurnee is under
the Court's charge is also to report
when the period allowed for filing
an answer to the Plaint will
expire.

Board Proceedings to the Court
of Masulipatam dated
24 June 1857 No 2190.

Copy
P 893/5

In an Extract from the
Proceedings of the Board of
Works to the City Council
dated 16 November 1857
No 2190.

Rev. Sept

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N^o 826

Extract from the Minutes of Consultation
Under date the 17th August 1857.

Read the following
Extract from the Proceed-
ings of the Board of
Revenue.

(Here enter 7 Aug. by N^o 2649.)

The Right Ho-
norable the Governor
in Council grants au-
thority for the defence,
in the first instance,
at the public expense
of Original suit N^o 5 of
1857 instituted by P.
Samarachala Naidu
in the Zilla Court of
Maddur against
the Acting Collector of
that District and others,
but will determine when

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a copy of the decree is
furnished whether the
costs, if any be adjudged
against the Acting Col-
lector, shall be borne
by that Officer or by
the Government.

2 The answer as
amended by the Board
of Revenue is approved.

By

(John E. E. E. E.)

Acty. Secy. to Govt.

3 Copies to the Bd of Rev.
with 12 Encl.
Decr. 17

12/12/12
1859/59. 15. 16.

Revenue 1859 Decr. 17
1859/59. 15. 16.

1859/59.

Contract of Govt.

29/12/1859.

No. 232 of 1859/59. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Granting authority for the
defence of the public
expense of Original suit
No. 5 of 1859/59. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

11th Aug. 1859