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Revenue Department

E.M.C. dated 6th February 1857

Back N^o 48-49

Order N^o 130 dated 3rd Feb 1857

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Fort Saint George, Revenue Consultation of 6th February 1857.

No. 48. Read the following letter from J. D. SIM, Esq., Acting Secretary to the Board of Revenue; to the Secretary to Government Revenue Department, dated Fort St. George 11th December 1856, No. 4167.

SIR,

* Dated 26th November 1856.
† Board's No. 28 of 1856.

late Subadar Major Noorooddeen Khan Bahadoor Shoojayat Jung, calling for a report on the petitioner's case, I am directed by the Board of Revenue to submit the accompanying letter† from the Collector of Chingleput.

‡ Dated 20th Aug. in Cons. 11th Dec. 1856.

2. It appears from the records of this office, that in 1820 a grant of 50 cawnies of wet land in the district of Chingleput was made to the petitioner's father as an acknowledgment of his meritorious services. After several changes the village of Tundalum was in 1840§ conferred upon him and his two next heirs in succession.

3. In July 1853, the Subadar Major died, leaving 2 widows, 3 sons, 3 daughters, 1 grand-son in the female line, and 2 grand daughters. The Board instructed the Collector to register the village in the name of the eldest son (the petitioner), expressly declaring at the same time that this arrangement should not affect the rights of the several members of the family entitled to maintenance. The Collector was informed that in accordance with the Mahomedan Law, the widows and children of the deceased forming the first generation, and the grand children as the second generation, were to be considered the two "next heirs", the females receiving half as much as the males, and the share of any member dying without issue reverting to Government and not to the survivors.

4. Subsequently on the question raised by the Collector, the Cauzee-Ool-Coozat of the Sudder Udalt declared that under the Mahomedan Law, the grandson of the deceased Subadar Major was entitled to that share of the Jagheer village, which his mother, who died before the Subadar Major, would have received, had she survived him.

5. The income derived from the village is apportioned among the Members of the family according to the Mahomedan Law, each party receiving his or her portion from the Petitioner; and no share has yet reverted to Government.

6. Petitioner prays that the share of each Member dying without issue may pass to the co-heirs and not be resumed. The present arrangement is in accordance with the Mahomedan Law, and it rests with Government to grant or deny the request.

7. Petitioner also prays that some addition may be made to his personal share. The grant having been made in acknowledgment of his father's and not of his services, the Board see no grounds to recommend an increase, particularly after the opinion expressed in the Honorable Court's despatch, communicated in Extract Minutes Consultation 12th March 1830, Military Department.

8. Lastly, Petitioner complains of the recognition of the grandson's right to a share in the grant. This individual, the Collector states, was not allowed to share in the private property of his grandfather, but the Board's decision, as explained above in para. 4, was founded on an opinion of the Cazee-Ool-Coozat, and they do not see how they could have refused to recognize his interpretation of the Mahomedan Law.

9. The Petition No. 657 of 1856 is returned herewith.

(A true Extract.)

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

பாதுகாப்புப் பரிவு-1

செப்பருபவர் பெயர் :

செப்பருபவர்க்காக எடுத்தக் கொள்ளப்பட்ட நாள் :

செப்பருபு முடித்த நாள் :

சரிபார்க்கும்
முதல் மு.நி.பா.ஏ.
கையொப்பம்

சரிபார்க்கும்
2-ம்-மு.நி.பா.ஏ.
கையொப்பம்

சுராமச்சி
உதயியாள்
கையொப்பம்

Fort Saint George, Revenue Consultation of 6th February 1857.

No. 49.

ORDER THEREON, No. 130; dated 3d February 1857.

Ordered that the following endorsement be made on petition No. 657 of 1856, and communicated to petitioner Meer Rooknooddeen, eldest son of the late Subadar Major Noorooddeen Khan Bahadoor Shoojayat Jung Jaghiredar of Tundalum in the District of Chingleput.

"In his petition dated 4th March last, Meer Rooknooddeen submits three requests for the consideration of Government; first, that the share in the Jaghire at present enjoyed by a Grandson of the original grantee through the female line should be taken from him, as he has been excluded from participation in the personal estate of the deceased Subadar in accordance with the practice of the Mahomedan Law; secondly, that the share of each member of the family should not be resumed, but be allowed to pass to the co-heirs; and thirdly, that an addition should be made to petitioner's own personal share, in order not only to add to his honor but to enable him to meet his expenses as head of the family.

The existing arrangements it is observed have been carried out under the orders of the Board of Revenue; and after a careful consideration of the subject, the Government do not see any reason to revoke their proceedings. The Board have admitted the claim of the Grandson to share in the proceeds of the Jaghire, on the formal opinion of the Cazeer-ool-Coozat of the Court of Sudr Udalut, the recognized interpreter of the Mahomedan law. They have directed the distribution of the income derived from the Jaghire among the members of the family, (subject to lapse on failure of issue to each,) in conformity with the principles of the Mahomedan Law, which cannot be set aside. And in regard to the addition solicited by the petitioner to his own share, it is to be remembered, as the Board truly remark, that the grant was in the first instance made in acknowledgment of the father's services and not of those of the petitioner."

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

To Colonel C. A. Broune
Military Secretary to Government.
The humble address
of Meer Rooknooddeen
the eldest son of, Subdar
Major Noorooddeen Khan
Bahadoor Shoojayat Jung

Sir

With utmost respect I take the liberty
of bringing to your notice the following few points
bearing on the subject of the Jaghire of my said
father.

It is provided in the Military Regulations that when Government grant Jaghire or
"Encum" to any Subdar to mark their service
of his faithfulness, it should be continued for
"three generations" though there remain only one man
in the family. The Jaghire granted by Government to the late Subdar Mahomed Ghous
was, after his death, continued according to
Military Regulations to his eldest son Mohommud
Taker for the support of the surviving heirs free
of the restriction of life grant; on whose death
there remaining no other heir in the family than
his daughter, it was granted to her fully, who

enjoyed it still. This Rule has been applied
to ^{the} cases of several other Subedars who held
similar grants - but the arrangement made
by the Collector & the Board of Revenue as regards
the continuance of the Jaghirs of my father
in my name is opposed to this Rule, they
granted us the Jaghirs shares to several heirs
of the deceased ^{respectively} on the condition that if any of the
heirs die childless, his or her share will revert
to Government. In the last Paragraph of
the Extract from the Proceedings of the Board of
Revenue, it is written that in consequence
"of the Jaghirs being not permanent, Co-heirs
"is not entitled to have a share in it" - as this
Jaghirs is not a permanent grant, it should
be free of the restriction of life grant. I beg
that according to the Military Rules this
Jaghirs may be continued for three
generations though there remain surviving
no more than one member in the family, as
done in case of the family of the said Subdar
Mohammed Ghans.

I am quite at a loss to know how the
Collector and Board of Revenue recognised the
right of, & granted a share to the grand son

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[friend's line] of my father, whose mother
died before the latter and who was not
at all under the protection of my father being
employed ~~as~~ as a gunner in the room
of his father in the service of the Nabob.
If the grant is made under the impression
that he has a right to it, according to
Mahomedan Law, I beg to say that had the
Mahomedan Law officers considered him
a regular and rightful heir to enjoy a
share, why would they have denied
his right to a share in Zindagee or Estate of the
deceased - his being precluded from a share
in the Estate debars his right to succeed
to that of the Jaghirs, according to the tenor
of the first Paragraph of the Extract from
the Proceedings of the Board, which goes as follows
"that there is no distinction between real &
personal, or between ancestral and
acquired property". Besides this he being a
man of a abandoned career, lost the protection
of my father and was not allowed to come
to his house. he was rambling here & there
as a vagrant, and even now he is doing so.

the men of such career are dealt with by
God according to their merits who deprive
them of their ^{share} in inheritance, though they ^{may} be
sons - In the above Paragraph it is stated
"that widow, mother & sister are very near
"heirs - sisters always get half the share
of brothers" & that according to the quotation
"from Othello's treatise on inheritance that
the rights of other members of the family
of a deceased are not to be recognised, tho'
they ^{may} be entitled to receive protection". From
the tenor of this Paragraph, it is evident that
no other relative than the persons named
above, is entitled to enjoy a share of the
Jaghir, tho' he may be entitled to receive
protection - the man alluded to can not
be ranked as the nearest relation, he was
not under the protection of my father, how is
he then entitled to enjoy a share of the
Jaghir. It is stated in the second Paragraph
of the said Extract "that in consequence of the
Jaghir being not permanent, the Co-heirs
are not entitled to share it, because it can
not confer on them the said share as their
hereditary right." Under this

5^c
expression, I beg to say that the said man is
not entitled to the share of the Jaghir,
which is not a permanent grant, & besides he is
not even a Co-heir. Should he be considered
a rightful man to have a share, then the
grant also must be held permanent. Under
this circumstance, I beg that the said man
may be deprived of his share of Jaghir, as
he was precluded from his share of the Estate

3^d. I express my grateful acknowledg-
ments to God, for having appointed me as
the head of the family after the death of my
father, and for having granted me a larger
allowance than the other heirs of this deceased,
in accordance with the provisions of Military
Regulations allowing an increase of pay
to subordinate officers when they get
promotions. I beg most respectfully that
you will have the goodness to make also
some addition to my share of the Jaghir,
as a mark of distinction. Should a
Pice be added to my share of the Jaghir
it will be thankfully received. I will

be contented with it. This indulgence will not only add to my honor but enable me to meet the charges which a head of the family is required to undergo. I take much pains in conducting the affairs of the Lahore. I beg that in consideration of such labours duly now performed by me, that my being the head of the family the solicited addition may be granted.

I beg to submit herewith for your inspection the accompanying 2. Extracts.

Translated
by
Syed Shuk ally
Translator

4th March 1856.

اقبال
دام
بہادر
صاحب

صاحب الاقنات قدر دان فیض بخش فیض سان ملٹری سکریٹری کرنل سی بی برون

عوضی گذار میر کن الدین فرزند گلان سویدار میر نور الدین خان بہادر شجاع جنگ مرحوم بعد از بھت بھت سلام و نیاز کے کمال ادب و عاجزی سے عرض کرتا ہوں کہ میری والد مرحوم کی جاگیر کا مقدمہ جو ملٹری سے آپ کے اطلاع کے واسطے اس باب میں یہ چند سطرین تحریر کرتا ہوں کہ ظاہر و باہر ہے کہ ملٹری مقدمات میں سرکاری قانون یہ ہے کہ جب سرکار واپس کسی سرکار کے خیر خواہ سویدار کے نام پر کچھ انعام یا جاگیر مرحمت فرماتے ہیں تو اسکو اسکی تین پیرھی تک ایک شخص بھی رہا تو قائم دیا رکھتے ہیں چنانچہ محمد غوث صاحب سویدار مرحوم کے نام پر سرکار کو رمنٹ سے جاگیر عنایت ہوئی سو انکے انتقال کے بعد موافق ملٹری قانون کے انکے وارثوں کی پرورش کے واسطے انکے بڑے بیٹے محمد ظاہر کے نام پر سرکار واپس بدوین شرط قید حیات جاری کیے اور باقی سب وارثان جیسے تک پرورش پائے جب محمد ظاہر مذکور رحلت کیے اور وارثوں نے بھی کوئی باقی نہیں رہا تب سرکار واپس جاگیر کو انکی بیٹی کے نام پر جو فقط ایک ہی وارث باقی رہ گئی تمام و کمال جاری کیے اور اب تک قائم ہے اور دوسری بھت سویدار ان کو جو جاگیر رکھتے تھے ملٹری قانون کے موافق ایسا ہی حکم صادر ہوا۔ بخلاف اس کے کلکٹر صاحب اور صاحبان روینو بورڈ میری والد کی جاگیر کو جو میری نام سے جاری کیے اُس میں ہر ایک وارث کا حصہ جدا جدا مقرر کر کے ساتھ اُسکے یہ شرط لگا دیے کہ اگر کوئی ان وارثوں سے جان بحق تسلیم ہوا اور اُسکا کوئی وارث نہ رہا تو حصہ اُسکا سرکار میں ضبط ہو جاوے گا سو اس واسطے نہایت عجز و ادب سے التماس کرتا ہوں کہ کلکٹر صاحب عنایت کیے سو روڈ اور روینو بورڈ کے آخری فقرے میں لکھا ہے کہ جاگیر دایمی نہوئے سے ہم وارث کو حصہ نہیں پہنچنا اس صورت میں لازم کہ جو چیز کہ قائم رہے ماری نہیں اس کے واسطے قید حیات کا شرط نہ ہے سو اسے ایک ملٹری قانون کے مطابق اور مذکور ہوئے سو سویدار مرحوم محمد غوث صاحب کی اولاد کو عنایت کیے سر کیا اسکو بھی قید حیات کی شرط اٹھا دیکر تین پیرھی تک ایک شخص بھی باقی رہا تو اُسکے

میں نہایت سکرگزار ہوں اور ہمیشہ سرکار کو غنت کے حق میں دعا کرتا ہوں کہ ستارہ دولت کا ہمیشہ چمکتا رہے اور مجھے سرکار کے افراد میں دولت کے ساتھ میں غنت سے پرورش پادین سرکار و ایسا مجھے غنت سرکاری سے معزز فرمائیے ویسا ہی ملٹری قانون کے موافق کہ ایک چھوٹا عہدہ والا بڑا عہدہ پاتا ہے تو درمیان اسکا افزودہ ہوتا ہے میرا درجہ بہ نسبت دوسروں کے افزودہ کے ظاہر ہے کہ افزودہ درجہ یا انعام وغیرہ میں جو ہوتی ہے فقط بڑھنے کے واسطے ہے اس صورت میں میں بھی امیدوار ہوں کہ جاگیر کے حصے میں بھی دوسرے حصہ داروں سے کچھ افزودہ فرمایا گیا اگر دوسروں سے ایک پیسا بھی زائد کر کے عنایت فرمادین تو بس میں زیادہ طلبی نہیں کرتا فقط غنت کے واسطے یہ تمنا ہے کہ ہوں کہ حصہ زیادہ ہونے سے بڑھنے کو زیب ہے اور بڑھنے والوں کو بہ نسبت دوسروں کے ہر ایک کام میں خرچہ افزودہ لکھا ہے سو آئیے میں جاگیر کے ضبط و ربط کے مقدمات میں ہمیشہ مشغول اور بڑی محنت اٹھاتا ہوں سرکار کو روینو مقدمات کی دروسری اور ایک کتاب دیکھنے کی محنت خوب معلوم ہے امیدوار ہوں کہ ایک تو بڑھنا دوسرا میری دن رات کی مشقت کو نظر فرما کر مستحق افزودہ حصہ پانچا تصور فرمادینا اور حکم کریگا اور دو قطعہ خلاصہ روداد روینو بورڈ کے ایک ملاحظے کے ملفوف کیا ہوں

زیادہ کیا عرض کروں
عوضہ نیاز مند
میرکن الدین

نام سے تمام و کمال قائم رہنے کا حکم صادر فرمادینا دوسری عرض ہے کہ کلکٹر صاحب اور صاحبان بورڈ آف روینو جو میرے والد مرحوم کے نواسے کو جسکی مال میرے والد مرحوم کے حین حیات گزر گئے اور وہ میرے باپ کے پرورش میں ہی نہیں تھا چنانچہ وہ شخص حضور نواب کرناٹک کی گولنداز میں اپنے باپ کی جگہ داخل رکھ دیا پاتا تھا وارث جانکر اسکا نام بھی علیحدہ حصہ مقرر کیے سو اسکا سب کچھ معلوم نہیں ہوا اگر اسکو ہماری شرع کے موافق وارث تصور کر کے حصہ مقرر کیے ہیں تو میری عرض یہ ہے کہ اگر شرع و ایسا اسکو وارث و حقدار جانتے تو کایکو زندگی میں ایسے محروم کر دیتے جب زندگی میں محروم ہوا تو چاہیکہ جاگیر کے حصے سے بھی ایسے محروم کر دالنا کیونکہ سب طور کی ملکیت یعنی سکھ و متاع و احاطہ جدی یا ذاتی ایکساں ہے کچھ فرق نہیں ہے کہ کیا خلاصہ روداد بورڈ کے قلم اول میں علانیہ لکھیے گی ہے سو آئیے وہ شخص بد اطوار و نالایق ہو جائے میرے باپ مرحوم اس شخص کو اپنے پرورش سے دور کر کے گھر میں آئے جائے یہ بھی منع کر دیئے تھے اور وہ آوارہ ہو کر ادھر ادھر پھرتا تھا چنانچہ اب بھی اسکا وہی حال ہے پس سرکار کا دستور نہیں کہ آوارہ ہوا سو شخص کو زندہ ہی ہوا تو کی محروم الارث کر دالیتے ہیں خلاصہ روداد بورڈ کے قلم میں اور بھی مرقوم ہے کہ بیوہ مال بھن بہت نزدیک کے دارشان ہونے سے بہانہ کر کے تین آدمی حصہ بہا یو لگا پھینچتا ہے اور اسی قلم کے آخر میں لکھا ہے کہ مسئلہ البرٹک کے روسے مرحوم مذکور کے خاندان کے دوسرے لوگوں کے حقوق ثابت نہیں ہو سکتے ہیں اگرچہ وہ حقدار پرورش کے بھی ہو دین اس پر دو فتویہ رو سے صاف پایا جاتا ہے کہ مقرر کیے گئے مذکور و ابتداء ان کے سوا یہ دوسرا کوئی قرابت دار کو وہ مستحق پرورش کا بھی ہو وہی جاگیر میں اسکو حصہ نہیں پہنچ سکتا ہے پس انصورت میں وہ شخص کو نزدیک کے قرابت داروں میں نہیں ملا سکتے ہیں اور میرے باپ کے پرورش میں ہی نہیں تھا ایسا شخص کیونکر جاگیر کے حصے کا حقدار ہو وہی اور روداد بورڈ کے دوسرے قلم کے آخری فوٹے میں لکھا ہے کہ جاگیر مذکورہ دایمی ہونے سے ہم وارث کو جاگیر موروثی کی طرح جو ہمیشہ قائم و بحال رہتی ہے اس میں حصہ نہیں ملے گا پس اسکا روسے ہی اسکو کو وہ شخص ہم وارث بھی نہیں اور جاگیر بھی دایمی نہیں کچھ حصہ نہیں پہنچنا اگر حصہ دار تھا تو چاہیکہ جاگیر بھی دایمی ہو جاوے پس امیدوار ہوں جیسا کہ وہ شخص میرے باپ مرحوم کی پیشین اور زندگی سے محروم ہوا ہے ویسا ہی از روئے انصاف جاگیر کے حصے سے اسکو محروم الارث فرمادینا دوسری عرض یہ ہے کہ سرکار کو غنت میرے والد کے انتقال کے بعد مجھے والد کی جگہ خاندان کا مشاء الیہ مقرر کر کے غنت بخشی کے اسباب کا

B.D. No. 28 of 1856
Petition 1856 Sept 11
No 657 of 1856

Can. 6-2-57: 48889
From Meer Noorood
deen the eldest son
of the late Suddar
Majoor Noorood deen
Mham Bahadur Shas.

28-1-57
Dated 14th March 1856
Recd. 13th April 1856
1 Encl.
Under circumstances explained
says that the jagheer granted
to his late father may be
continued for three generations
into that some addition may
be made to his share in
it.

In No 3253 of 1856
with order

6/10/56 March 1856

The Board of Revenue
are requested to report the
particulars of this case.
G. Taylor
Secretary to the Board
26 March 1856

To The Board of Revenue.
with a Petition & Encl.
* Returns to Petition 17 Sept 1859
P. J. H.

Duration to the Council of the Court
of Sudder Udalut.

A, to whom and whose he
next heirs in succession a jagheer was
granted by the Viceroy, has leaving behind
him 2 widows, 3 sons, 3 daughters, 1
grandson (female line), whose mother
died before her father, and 2 grand
daughters (female line). Is the grandson
entitled to the share which his deceased
mother would have inherited, had she

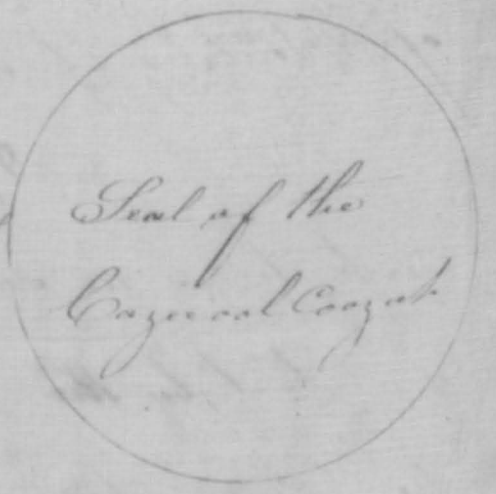
21st March 1854 survived her father?

Answer

The grandson mentioned
in the question is under the Mohammedan
Law, entitled to that share of the
jagheer which his deceased mother
would have inherited had she survived
her

her father. Vide Sultan-i-Aulunggher
2nd March 1854

Signed, Syed. Muhammed Munir
Cauze and Co. Secy.



True Copy

R. S. M. V.
Acting Dy. Registrar

Ms. D. No. 2802/1856

In witness whereof
I have signed and
affixed my seal at
Calcutta this 12th day of
January 1856

R 1482/56

Can. 6th Reg. 1st L. 12

Revenue Department

No. 88

Extract from the Proceedings of the Board of Revenue
dated 12th January 1856.

12th Jan 1856

Board letter dated 12th December
1855, from the Collector of Chingput, reporting
the death of Sooladee Major Mooroodeen Khan,
and requesting instructions as to the parties in
whose name the debt should be registered.

(The order No. 205)
The Board think that the following
quotation from Elphinstone's Treatise on India
page 42, section 89 meets the questions
presented by the Collector in the foregoing
letter. In the distribution of the estate
among the heirs, Mohammedan Law has
no distinction. There is no distinction between
real and personal property, ancestral and
acquired property. Primogeniture confers no
superior right, but all the sons whatever
their number, inherit equally. Females are not
only not entitled to an inheritance, but
besides that, some the widow, mother, daughter
and sister - are not near heirs, females always
get.

Wilkins

get half the share of their brothers when inheriting with them, and take with the same full Proprietary right as males; so that the property devolves after their death on their heirs. The same is the case with widows, who take their share without any restriction in the disposal of it, and after their death, the property inherited from the husband goes to their heirs, not to the heirs of their husband. The Registry may be in the name of the eldest son. This will not affect the rights of the several members of the family entitled to maintenance.

2. In regard to the last question proposed by Mr. Lockman, the Board observe that it has been ruled by the Cazeer and Cozart of the Sudra Mitalat in a similar case, ^{from Govt 22nd info} that if any of the descendants of the original grantee, or their heirs, whether male or female, die issueless, his or her share will go to the Government and not to the surviving children, because the latter cannot be regarded as the offspring of the issueless deceased person, so as to be entitled to receive his or her share. For, as the Jaghir is a Government, it does not confer on them the said share as

Dr. Bligh

as their hereditary right.

(True Extract)

Signed W. H. Bayley.

Secretary.

From

W. H. Bayley Esq.

Secretary to the Board of

Revenue

To

G. S. Ellis Esq.

Registrar of the Sudra Mitalat

Sir,

I am directed by the

Board of Revenue to forward to you the papers marginally noted, relative to the succession to a Jaghir held by the late Saahadar Major Nooruddeen Khan Bahadar, and to request that you will be pleased with the sanction of the Judges to favor the Board with the opinion of the Cazeer and Cozart on the question raised by the Collector of Chungleput in his letter dated 31st January 1854, as to whether the grandson of the late Jaghiridar in the female line is entitled to the

the share which his deceased Mother
would have inherited had she survived
her father.

Revenue B^d Office, }
Fort St. George, }
13th March 1854.

(Above Extract & Copy)

John
Acting Secretary.

*Copy
M. H. B. 1854*

(12) C

Enclosure

*has been from the Acting
Secretary to the Board of Re-
venue to the Secretary to Govt.
Revenue Department dated
11th December 1853 No 4167*

P 1482/58

Copies

*of Board's Proceedings to
Binglehurst dated 12th January
1854 No 88. 34. Board's Letter to
the Reg. is to the same effect
dated 13th March 1853
No 548.*

*Regarding the Registry
of the Estate of the late
Colonel Major Hornby
Ramsay.*

Am. 1st July 1854

(12c)



(12c)

W. B. Dickinson

B^c

Madras 29th March 1854

From,

R. S. Ellis Esq^r

Act^y Dep^y Reg^r to the Court of
Sudder Udulut

To,

W. H. Bayly Esq^r

Secretary to the Board of Revenue

Sir,

I am directed by the Judges
of the Sudder Udulut to acknowledge the
receipt of your letter of the 15th Instant,
and to transmit the accompanying
copy of an English translation of the
answer of the Judge and Council of the
Court, to the question referred in the corres-
pondence which accompanied your letter.

W. B.

Sudder Udulut,

Register's Office,

29th March 1854.

I have the honor to be

Sir

Your Most Obedient Servant

Arum

Act^y Dep^y Register

W. B. Dickinson

Revenue Board Office,
Fort St. George,
11th December 1850.

the following letter N^o 4157.

From J. D. Sim Esq.

Acting Secretary to the
Board of Revenue.

To The Secretary to
Government,
Revenue Department.

Sir,

Dated 26th Nov 1850

Adverting to the Endorsements

of the Acting Deputy Secretary to Govern-
ment on Petition N^o 657 of 1850 from

Meer Kooli Niddeen, the eldest son of the
late Subadar Major Noor. Niddeen Khan

Bahadar Shoojayab Sing, calling for a
report on the Petitioner's case, I am di-

rected by the Board of Revenue to submit
the accompanying letter from the Collector
of Chingleput.

Dated 20th Aug^r
In Ans. 11th Dec^r 1850.

2. It appears from the records of
this office, that in 1820 a grant of 50
Cannies

1-658

No 999

Office of the
Acting Secretary
to the Board of Revenue

Office of the
Acting Secretary
to the Board of Revenue
11th Dec 1850

CP 1482/50

of the revenue of the
District of Chingleput
to the Collector of
Chingleput
11th Dec 50

Order that Copy of the opinion of the
Pundits of the Sudder Mootah, received
with the foregoing letter be communi-
cated to the Collector of Chingleput,
with reference to his letter dated 31st
January last.

sd/11th Dec 1850

Cum gratia of wet land in the District of Chingleput was made to the Petitioner's father as an acknowledgment of his meritorious services. After several changes the Village of Sundalum was in 1840 conferred upon him and his two next heirs in succession.

3. In July 1853, the Subadar Major died, leaving 2 widows, 3 sons, 3 daughters, 1 Grandson in the female line, and 2 grand daughters. The Board instructed the Collector to register the Village in the name of the eldest son (the Petitioner), expressly declaring at the same time that this arrangement should not affect the rights of the several members of the family entitled to maintenance. The Collector was informed that in accordance with the Mahomedan Law, the widows and children of the deceased forming the first generation, and the grand children as the second generation, were to be considered the two "next heirs", the females receiving half as much as the males, and the share of any

From Govt. 9th Decr 1840

From Collr 12th Decr 53
in Com. 12th Jan 54

Pro. to Collector
12th January 1854

any member dying without issue reverting to Government and not to the survivors.

4. Subsequently on the question raised by the Collector, the Cangee. Col. Crozab of the Sudder Adalat declared that under the Mahomedan Law, the grant son of the deceased Subadar Major was entitled to that share of the Jagheer Village, which his mother, who died before the Subadar Major, would have received, had she survived him.

5. The income derived from the Village is apportioned among the members of the family according to the Mahomedan Law, each party receiving his or her portion from the Petitioner, and no share has yet reverted to Government.

6. Petitioner prays that the share of each member dying without issue may pass to the heirs and not be resumed. The present arrangement is in accordance with the Mahomedan Law, and it rests with Government to grant or deny the request.

7. Petitioner also prays that some addition

From Collr 31st Jan 54
Cons. 13th March 1854
Registers of Sudder Adalat 13th March 54
From Govt. 29th March
Cons. 10th April

addition may be made to his personal share.
 The grant having been made in acknow-
 ledgment of his Father's and not of his
 services, the Board see no grounds to re-
 commend an increase, particularly after the
 opinion expressed in the Honorable Court's
 Despatch, communicated in Extract Minutes
 Consultation 12th March 1830, Military Depart-
 ment. Cons in Genl Govt. P.
March 1830, No 271. R.

Lastly, Petitioner complains of the
 recognition of the grand son's right to a share
 in the grant. This individual, the collector
 states, was not allowed to share in the private
 property of his grand father, but the Board's
 decision, as explained above in Para 4, was
 founded on an opinion of the Caze-ool. Cozab,
 and they do not see how they could have refused
 to recognize his interpretation of the Mahomedan Law.
 The Petition No 157 of 1828 is returned herewith.

Revenue Board Office,
 Fort St. George,
 11th December 1850.

I have the honor to be,
 Sir,
 Your most obedient servant,

J. S. M.
 Acting Secretary.

To The Secretary to Government,
 Revenue Department.

Conf. M. H. P.

Recd. 1856. Sept 23
 to Cons. 6. February 1857.
 No 1482

From The Acting Secretary
 of the Board of Revenue
 To The Secretary to Govt.
 Rev. Department.

Antea 11th Dec 1856
 No 137

9th Dec. 1856. No 11167
 No 130-34. Feb 1857
 Submitting with the
 Board's remarks, a letter from the
 Collector of Chingleput, reporting
 on the subject of No 11167 of
 1856 relative to the arrangement
 in connection with the paying
 of the land tax. The terms in
 the name of Petitioner were
 made and drawn.

Returned
 23. 11. 56. J. S. M.

Copy in a letter to C
 of 25th March 1856.
 6-10-52

No 148.

23 July 1856

16. C

N^o 130 17^c A. D.

Ac. from the Min. of Court.

under date the 3^d Feb^y 1857

Read the following
letter from the Ag. Secy. to
the Ag. of New

(New enter 11 Dec 1856)

Ordered that the fol.

lowing endorsement be made
on petition N^o 657 of 1856, and
communicated to petitioner
Meer Rooknood deen, eldest son
of the late Subadar Major Rook-
nood deen Khan Rooknood deen
Jagat Jung Jagh ~~deen~~
dalem in the District of
Chingeput.

"In his petition dated
4th March last, Meer Rooknood
deen submits three requests
for the consideration of Govt;
first, that the share in the Ja-
gire at present enjoyed by a
grandson of the original grantee
thru' the female line should
be taken from him, as he has
been excluded from participation

(91)

in the personal estate of the deceased Subadar in accordance with the practice of the Mahomedan Law; secondly, that the share of each member of the family, should not be retained, but be allowed to pass to the co-heirs; and thirdly, that an addition should be made to petitioner's own personal share, in order not only to add to his honor but to enable him to meet his expenses as head of the family.

The existing arrangements it is observed have been carried out under the orders of the Board of Revenue; & after a careful consideration of the subject, the Court do not see any reason to revoke their proceedings. The Board have admitted the claim of the grandson to share in the proceeds of the Jaghira, on the formal opinion of the Cazeer-ool-Cozas of the Court of Sadr Eldabul, the recognized interpreter of the prin-

18^c
~~ciple~~ of the Mahomedan Law. They have directed the distribution of the income derived from the Jaghira among the members of the family, (subject to lapse on failure of issue to each), in conformity with the principle of the Mahomedan Law, which cannot be set aside. And in regard to the addition solicited by the petitioner to his own share, it is to be remembered as the Board truly remark, that the grant was at the first instance ~~granted~~ made in acknowledgment of the father's services and not of those of the petitioner.

H. J.

M. K.

Copy to the Bd of Rev.
with 6 Mgt. Encls. C. 14th

I do to Mr. Dep.
with Mgt. Encls. 6 D. 5th

