Revenue Department

Minutes of Consultations

14th September 1858

Book Nos 47 & 48

Order No 1242 of 13th September 1858

No. 47. Read the following Extract from the Proceedings of the Board of Revenue, dated 18th August 1858, No. 3154.

In Con. 18*th August* 1858. Read letter from the Collector of Masulipatam, dated 30th June 1858, furnishing further information regarding the claims to the Pentapaud, &c. Agraharam and Enam lands.

(Here enter No. 128.)

Ordered that the foregoing letter, together with the previous correspondence on the subject, as noted in the margin,* be submitted for the consideration and orders of the Right Honorable the Governor in Council.

* From Masulipatam 13th in Con. 30th July 1857.
Board's Proceedings 30th July 1857.
From Masulipatam 3d August in Con. 19th Nov. 1857.
Pro. to Collector 19th November 1857.
From Masulipatam 5th in Con. 6th February 1858.
Pro. to Collector 6th February 1858.
From Masulipatam 30th June in Con. 18th August 1858.

From Acting Collr. 13*th in Con.* 30*th July* 1857, *No.* 129 *Appendix.*

2. The matter discussed in these papers has reference to certain claims to the Agraharams of Pentapaud, Condoor and Gadapoody with Enam lands in the villages of Moodoomoor and Padalay. The contending parties are Alamelammah, the widow of Sashavataram Singaracharloo, the last male holder of the property, and one Vencata Sreenavasacharloo. Pentapaud is exempt from assessment, and is stated to yield an income of Rupees 600 per annum. Condoor is valued at Rupees 301 per annum, and is liable to an annual payment of Rupees 52-8 to Government. Gadapoody is assessed with a quit-rent of Rupees 36 while its annual value is Rupees 130. The Enam lands consist of 1 Pootty of Wet land in Moodoomoor, and 1 Cutty of Wet land in Padalay, in both cases rent free.

	Acres.
A Pootty..... ...	10½
A Cutty.....	14¼

From Acting Collr. 13*th in Con.* 30*th July* 1857, *p.* 3 *to* 8.

3. The lands in question passed uninterruptedly from Singaracharloo, the original Grantee, to his Son and Grandson. The last mentioned person, named Vencata Sreenavasacharloo died in 1811, leaving by his second wife a posthumous son, Sashavataram Singaracharloo, the husband of Alamelammah, already mentioned. By his first wife, Vencata Sreenavasacharloo had no children and it is alleged by the party of this wife, that he adopted one Vencata Durma Kistnamacharloo, who dying in 1836 without issue, adopted Vencata Sreenavasacharloo, the person who is litigating the right to the property with Alamelammah, but the adoption of his adoptive Father the above Vencata Durma Kistnamacharloo, was disallowed by the Civil Court at Masulipatam in 1833.

4. On the death of Vencata Sreenavasacharloo the grandson of the original grantee, which occured in the year 1811 as already mentioned, disputes arose in the family in regard to the succession to the property, and recourse was had to law in O. S. No. 644 of 1833, in the Civil Court at Masulipatam. It was on this occasion that the adoption of Vencata Durma Kistnamacharloo was rejected by the Court. The case however, went up in Appeal before the Provincial Court, N. D. and the parties then compromised their disputes.

Plaintiff Seshavataram Singaracharloo.
Defendant Vencata Durma Kistnamacharloo.

5. The question as to succession was again brought under the consideration of the Civil Court, in O. S. No. 17 of 1847, the parties being Vencata Sreenavasacharloo, Plaintiff, by his guardian and Sashavataram Singaracharloo, Defendant. The last mentioned person dying, the case was carried on by his widow, Alamelammah, who ultimately entered into a compromise with her opponent, and the Rajeenamah of the parties formed the decree of the Court, which was dated 24th December 1850.

6. The villages and lands had been under the attachment of the Collector pending the decision of the Court on the right of the respective parties, and their release was ordered by the Court by Precept, dated 14th May 1851. Meanwhile, the question of the rights of Government had arisen, and the Collector stated in his return to the Precept, that a reference to superior authority was necessary, before the lands could be released.

From do. p. 8.

7. While the matter was thus under enquiry by the Revenue Authorities, the parties appeared again before the Court, and expressed a desire for a different distribution of the property. The Court recorded their Petition,

but observed that it could not enforce the new arrangement. Before the Revenue Authorities the parties are stated to have presented many Petitions, Alamelammah alleging that her admission of the right of her opponent to participate in the property was not given of her free consent, and her opponent on the other hand putting forth a claim to the whole of the property. Mr. Knox, the Acting Collector, while admitting the superior claims of Alamelammah, those of her opponent being of grace and not of right, was of opinion that the compromise entered into in the appeal before the Provincial Court N. D. should form the basis of adjustment, and accordingly recommended that $\frac{1}{3}$d of the property should be made over to Vencata Sreenavasacharloo, and $\frac{2}{3}$ds to Alamelammah, the whole property to be divided ultimately between the male members of the two contending families.

Do. p. 12.

8. In reviewing this case, the Board were of opinion, as then informed, that the question of escheat need not be advanced at all, and that, as it did not appear that any portion of the property was in the possession of Vencata Sreenavasacharloo at the period of attachment, the claims alone of Alamelammah to the whole should be recognized. After this Mr. Knox brought the claims of the former individual again under consideration, but as for reasons stated, the Board were unable to give specific instructions, they desired Mr. Knox to obtain the orders of the Court regarding the disposal of the property, with reference to all that had passed.

Pro. 30 *July* 1857, *No.* 2576 *M. S. copy sent.*

From Acting Collr. 3*d Augt. in Con.* 19*th Nov.* 1857, *No.* 144.

Pro. 19*th Nov.* 1857, *No.* 4028 *M. S. copy sent.*

9. The Court it will be seen is of opinion, that the Decree dated 24th December 1850, in O. S. No. 17 of 1847, should be observed, the effect of which will be equal participation in the property by the two parties; Alamelammah having power to leave her portion to her heir.

From Acting Collr. 5*th in Con.* 6*th February* 1858, *No.* 25.

From Acting Collr. 13*th in Con.* 30*th July* 1857, *p.* 6.

10. In coming to a final decision on this case, two points call for previous disposal. Firstly, the question of escheat, and secondly, the competency of the Civil Court to adjudicate in the matter, after the passing of Regulation IV. of 1831.

11. As regards the former, the rights of Alamelammah and of her two daughters and grandson* cannot, the Board think, be passed over. The case ought to have been reported for orders in 1847, on the death of Sashavataram Singaracharloo, the last male holder, but the claims of the family would have met with the same consideration then as they are entitled to receive now. It is not stated when the grandson was born, but whether that event took place previously or subsequently to 1847, the mere question of present escheat is not affected by it.

* *Named Vencata Sashavataram.*

12. On the second point, the Board would observe that the description of Grants embraced by Regulation IV. of 1831, had not been distinctly defined when Suit No. 642 of 1833 was instituted, and though the claims of Vencata Sreenavasacharloo rest only on the consideration shewn to him by the family and not on right, they would not advise, under all the circumstances of the case, that at this late period the Proceedings in the Civil Court should be set aside, at least so far as regards the interests of the respective claimants during their lives.

13. With these views, they beg to recommend that the orders of the Civil Court in respect of O. S. No. 17 of 1847, be carried out so far as it applies to the shares to be enjoyed by the parties themselves, the rights of Government, being enforced on the death of Vencata Sreenavasacharloo by resumption of that person's share, while the share of Alamelammah will, on her death, be submitted for orders. In addition to the lands, the sum of Rupees 6,000, accumulated collections under attachment, will be paid to the parties in the proportions decreed for the lands.

14. The lands have been in the enjoyment of this family from an early date, but under grants from incompetent authority. This point will fall more fully under consideration when the lapse of Alamelammah's share occurs.

From Acting Collector 13*th in Con.* 30*th July* 1857. *Appendix.*

From Collector 30*th June in Con.* 18*th August* 1858.

15. In addition to these lands, the decree in No. 17 of 1847, embraces the Agraharam of Vencatarajahpoorum in Rajahmundry. The Board resolve to forward copy of these Proceedings to the Collector of that District, with a request that he will report the circumstances of that village, when and by whom granted, and by whom enjoyed at present, together with any other information bearing on the case.

(A true Extract.)

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

No. 48. ORDER THEREON, No. 1242; dated 13th September 1858.

1. On a full consideration of the circumstances set forth in the Proceedings of the Board above recorded, the Government concur in the recommendation contained in para. 13; the half of the Agrahàram, &c., Inàms will be continued to *Venkata Srinivàsàchàri* for his life; and the other half to the widow *Alamèlammà*, on her death the claims of her daughters and grandson will be submitted for orders. Full information must then be furnished respecting the origin of the grant which the Board think was made by incompetent authority.

Para. 14.

2. In coming to the conclusion they have the Government would observe that they regard the continuance, at all, of *any* portion of the Inàms to the adopted son of one whose now adoption by the grandson of the original grantee was very doubtful,* as a matter of grace and favour, and they recognize no sort of *right* on his part, to share by virtue of such alleged adoptions.

* *Board, para.* 4.

3. The Government will await a report respecting the *Venkataràjapuram* Inàm in Rajahmundry.

(Signed) T. PYCROFT,
Chief Secretary.

RD

No 1242

Extract from the Minutes of Consultation
Under date the 13th September 1858

From the Board of Revenue dated
18 Aug 1858. No 3154.

On a full consideration of the
circumstances set forth in the
Proceedings of the Board above
recorded, the Govt concur
in the recommendation con-
tained in Para 13; The
half of the Agrahâram &c. Inâms
will be continued to Venkata-
Shiniváschâri for his life;
and the other half to the
widow Alamélamma; and
on her death the claims

A genealogical
tree of the family
is submitted with
this draft.

Will

ghen daughter and grandson
will ~~~~ be submitted
for orders. Full information
must then be furnished re-
specting the origin of the grant
which the Bd think ~~~~ was
made by incompetent authority

2 In coming to the conclusion
they have the Govt will observe
that they regard the contem-
ance, at all, of any portion
of the Inams of the adopted
son one whose own adoption
by the grandson of the orig grant
is very doubtful, as a matter
of grace and favour, & they
recognize no sort of right on
part, to share by virtue of such
alleged adoption.

3. Notice will await a rep

Vamshávali a genealogical Tree of the family
claiming the Perukapád & Agraharam lands
in Madakasira. Shewing the contending
parties

Singaráchári
O.S.

|

Son
name unknown.

|

Son
Venkata Srinivasáchári
d. 1871.

by 1st Wife. by 2nd Wife.

| |

20 Son & daughter. * Dft in O.S. 644 of 1853 (posthumous)
Venkata Srinivásáchári the father is by the 1st wife's party alleged to have adopted
* Dft in O.S. 17 of 1847 wife ⊛ Alamelammá
(but adoption rejected by Ct in 1837)
* V. Dharma Krishnamáchári d. 1836.
* Dft in O.S. 644 of 1837.
adopted daughter daughter
⊛ Venkata Srinivásáchári
Dft. in O.S. 17 of 1847.
| Son
Venkatalakshmavataram

⊛ Venkata Srinivásáchári and Alamelammá are now contending for the property. The Board recommend that the Court's decree of 1850 in O.S. 17 of 1847 shd be observed. By this the two parties share the property equally; Alamelu having power of devising her portion & her heir.

respecting the Venkatarájápuram
Dám in Rájammundry.

Encl
Aug 31.

3 Copies to the Bd of Revs Dated 14th
with an Encl.

12-12-90

Revenues 1858 Departt.
Dr. to Cons 14th Septr.

No 1242.

Extract Minis of Cons.

Dd 13th Septr 58.

From the Secty to the Bd of Revs.
Dated 31st May 1859 & No 999 Cons
Cons. 1003/59

Adjudicating upon
the Claims of certain Enamdars
in Masulipatam.