M.R.O. 14—10,000—31-4-22

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

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|---|---|---|
| G.O. No. | 1642 | Press. ~~Mis.~~ |
| 21-22 | | |
| Dated | 3 —12— | 1859. |

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Revenue Department, for the month of December* 1859.

No. 21. Read the following Petition from Balammal, widow of the late Vencataramah Reddy, Mutadhar of Pellúr and Shellúr in the Paramutte Táluq, Salem; to J. D. BOURDILLON, Esq., Secretary to Government, dated 5th November 1859.

I respectfully request that you will be pleased to forward the accompanying triplicate copies of my memorial to the Right Honorable the Secretary of State for India in Council, appealing against the decision of the Board of Revenue and Government, with regard to my claim to a moiety of my late husband's estates and the Muttah of Moothan chetty as my Stridhanum.

———

No. 22. ORDER THEREON, 3d December 1859, No. 1642.

Ordered that the memorial received with the foregoing letter be submitted to the Home authorities, and that intimation of its despatch be given to memorialist.

(Signed) W. C. SIM.
*Acting Deputy Secretary to Government.*

To

The Right Honorable the Secretary of State
for India in Council.
East India House,
London.

Petition

The humble Memorial of
Balammal, widow of the
late Venkatrama Reddy, Mootahdar
of Pellaor and Shellaor in the
Paramuttay Talook:- Salem.

Most humbly Sheweth

That Memorialist being aggrieved with the orders passed in her case by the Board of Revenue, begs most humbly and respectfully to address your Honor in Council on the subject of her grievances in the earnest and fervent hope that justice will be rendered her.

That Memorialist has been unjustly dealt with by being kept out of the possession and enjoyment tho' an illegal act of the late Collector Mr Brett, of her due portion of her late husband's Estates as well as of her bona fide property, her Stridhanums, the Mootahdary of Moothanchetty, will be apparent to your Honor in Council from the following brief Statement of the case.

Memorialist's late husband was Mootahdar of the two Mootahs Pellaor and Shellaor and died in Feby 1858. On his demise Ramatchi Ammal, the 2nd Widow addressed the Collector requesting that the whole of the Estates should be registered in the joint names of herself and Memorialist but subsequently she having through the intrigues and insidious persuasions of

certain

certain parties inimical to Memorialist, preferred a claim for the sole registry in her name on the alleged false ground of her being the senior Widow, tho' at the same time she expressed her willingness to give Memorialist a full half share. With this request the Collr complied of his own accord, without reporting the subject to the higher authorities agreeably to B.O. of the 25th August 1834.

The impropriety of this act of the Collr is fully admitted by the Board of Revenue, notwithstanding which, both they and Govt on very untenable grounds, direct Memorialist to prosecute her claims in the Civil Courts, thereby causing her to undertake unnecessary litigation.

While the whole of the facts recorded on the proceedings held in the case are in favor of Memorialist's claims as well as the report of the Collector Mr Hathaway, and while the course pursued by Mr Brett is condemned as illegal, the Govt contrary to such facts have not indeed disallowed Memorialist's claims, but have evaded deciding the matter at issue, tho' clear and unquestionable in itself, and very inconsistently direct her to establish her claims in the C. Courts and prove that which requires no proof.

The Govt decided that because Ramatchi Ammal is in possession they would not interfere. Memorialist humbly submits that Ramasamy Reddy was previously in possession of the whole of the three Mottahs, and if it were legal for the Collector to dispossess him and place Ramatchi Ammal in possession.

it would be equally legal for the higher Revenue Authorities to interfere on behalf of Memorialist. Whilst it is within the province of the Revenue Board to decide the matter equitably, they refuse to interfere, notwithstanding the repeatedly expressed willingness of the 2nd Widow, to give Memorialist an equal share of the 2 Mottahs. The decision of the Board is contrary to all law, justice and right. That it is contrary to law and justice will become clear from the consideration that a subordinate officer the Collr was allowed to dispossess one party, viz. Ramasamy Reddy, and place and then in possession contrary to the provisions of Regn V of 1822, and they then refuse to interfere with regard to Memorialist's claim. The property in question does not devolve on either the Senior or Junior Widow exclusively. It is private property and can be disposed of by sale or mortgage or otherwise alienated by the Govt whichever way the Mottahs are disposed of will not leave a single fraction of Revenue, and by their registering the Mottah in the joint names of Memorialist and the other Widow, will prevent unnecessary litigation.

Memorialist claims two things, viz. registry of a moiety of her late husband's landed Estates and the restoration to her of the Mottah of Mootharchetty which was presented to her by her Mother as Stridhanum or marriage dower for her own private expenses. That Memorialist has an undoubted right to both no one pretends to deny, neither the higher

or lower Authorities or annul the other Widow herself, and it is only in consequence of the illegal proceedings of the late Collector Mr. Brett in placing the 2nd Widow in possession of all the 3 Mottahs, that the Govt. thought proper to refer her to a course of litigation which will be as vexatious as well as, is altogether unnecessary. That it is unnecessary will be apparent when it is remembered that there is not the slightest dispute with regard to Memorialists claims, and that it is only through the single act of the late Collr. done on his own individual responsibility and which is also admitted to be illegal that Memorialist is placed in the present dilemma.

In confirmation of her claims she would humbly submit the following points for the consideration of your Honor in Council, premising that none of the facts are and has not ever been disputed by any one.

1st. Memorialist is one of the two legitimate Widows of the late Mottahdar Kandatrama Reddy.

2nd. She is the Senior and elder Widow, not only the eldest in age - she being 18 yrs. old while the other Widow is but 15 - but she was also the 1st in Nuptials, as was proved by the depositions of her Mother in law, of the Pychetas and other Witnesses who attended the marriage.

3rd. Whether she is the Senior or Junior Widow she is still according to Hindu Law entitled to an equal share with the other Widow. Sr Shaugs Manual of Hindu Law, para 320, it is stated that "the Wives are vested on an equality and inherit jointly." See also Mitacshara Chap II. This rule is followed by the highest Judicial Authorities in Southern India as indeed it is in accordance with the Burma Shastras and general usage. For instance, in the Salem District the Board of Revenue decided in 1849 that the Mottah of Periakuna shd be registered in the joint names of the two Widows of the Mottahdar. In 1850 they caused the two Widows of the Mottah of Keernubar to be registered in their joint names.

4th Kamatchi Ummal herself expressed her willingness from the first to Memorialist an equal share of the Estate, and had the Collr without delay perfected the matter without delay to the Revenue Board, the present dispute would not have arisen.

5th In addition to a moiety of her late husbands Estates, Memorialist has a peculiar and exclusive claim to the Mottah of Mudhanaikeddy it being her Stridhanum or marriage dower bestowed on her by her Mother for her private expences. Further, there is documentary proof that the said Mottah belongs to her as is recorded in the Collectors registry of the 16th Augt 1856. In the Board's L. L. 11th May 1854. it is declared that "Females are likewise entitled to the property given to them as dowry at their nuptials. See also Sir T. Strange's Hindu Law Vol. I Chap X pages 25, 231 & 247 and Colebrooke's Mitacshara Chap II Section XI page 365.

From a review of the whole of the facts of the case, it will be clear that whilst there is no question or doubt as to the validity of Memorialists claims, the Govt have on the mere ground of the opposite party being in possession

possession, thro' an illegal act of the Coll^r, in a case deciding the question according to its merits, and unnecessarily referred Memorialist to the Courts. The chief ground on which the Bd refer'd her to the Courts is that the opposite party has been in possession for a year. That there has been no unnecessary delay in Memorialist representing her claims to the authorities will be seen from the facts that Memorialist's husband died in February 1858: the Coll^r passed his final order placing the other Widow in possession by ousting Ramasamy Reddy, on the 26th Oct^r 1858, and gave Memorialist a copy of his decision in the December of the same year. Memorialist appeal'd to the Bd and in the following January, and their final decision was given only in July last.

From the above statement it will be clear that Memorialist made no delay in preferring her claim to the Revenue Authorities, within whose jurisdiction the matter fully lay, and it was their province to redress the illegal proceedings of the Coll^r. If the higher Authorities decline to interfere they should have at the same time disallowed the interference of their subordinate officer and allowed the whole question to go before the Courts. Instead of doing this however they virtually confirmed the illegal and unauthorized proceedings of the Collector. Should Memorialist file a Suit, there is not the smallest doubt but that she would be placed in possession of her rights, but in that event she will have to proceed against the Coll^r by whose means she has been deprived not only of a moiety of her husband's Estates but also of her own peculiar property inherited from her Mother. — Memorialist is poor being deprived of all her rights and she is unwilling and unable to go to Law. Moreover, the other Widow does not object to give her a moiety and it would be therefore both unfair and unjust to sue her. The difficulty has been created by the Coll^r and it is against him that Memorialist will have to proceed. The subject could be easily disposed of by Gov^t simply passing an order causing a joint registry. There is no necessity whatever to undertake litigation.

In view of all the foregoing facts Memorialist most humbly solicits Your Honour in Council to take her case into merciful consideration and pass orders directing that her name may be jointly registered with that of the other Widow who fully admits her claim, and that the Mortgage of Mod^m and the Jewels, her Stridhanum, may be restored to her.

For which act of justice and mercy Memorialist as in duty bound will ever pray.

a S
ewalier
&c.

Copy sent to S. Ms. No
of 3 Nov 1859 No 70

Nos letters from the Collr
of Salem to the
Secretary to the Board
of Revenue dated April 12/59
No 69.

Copy of the Register
kept in the Collrs
Office -

Sikka 17010 of 1859
Issued 15 April.

No 2618

Read letter from Collr
of Salem - dy. 12 April /59.
No 69
Reporting on the
petitions Nos 214. 215. &
235. of /59. Regarding
the succession to the
Estate of the late
Venkata Rama
Reddy. Mootta Lakshmi
Pottow. & Lakshmi Ammal.

(Answd 15th April 1859 No 1701)

From the above Report
and from the papers
submitted with the
petitions in question
it appears that One
Venkata Rama Reddy
died sometime in
March 1858. and
enquiry was instituted
as to his heirs in
which it was proved
that Ramatchi Ammal
was his widow. &
Bala Ammal his

younger Sister - and that
certain payments had
on behalf of the Estate
been made by Ramasawmy
Eddy cousin of Veneeta
Emma Eddy's Exclaims
succeed under a document
said to have been executed
by the latter some time before
his death.

Wm Burke rejected this
persons claim - It was
also opposed by the minor
Sisters and Placed
Annuity in the Annual
Account of the Estate
in possession of the 18th
in May last. Directing
their Rejection to be made
in her name.

In issuing this
order in his individual
authority - Wm Burke exceeded
his powers as Collector.
but without expressing
any opinion on the
correctness or otherwise
of his decision - the Bd
like wise Law in refusing
to disturb the possession

by the elder Sister of the last
proprietor. which has
exacted upwards of a
year. During the first 6
months of this time the
present petitioners
might have preferred
their summary claim
& the Court
and obtained an
immediate decision

On the 8th inst this decision
intimated to the Bd & the Petrs
and Expectations
& the Court for the
address they seek.

It is ordered that the
following Ind? be
passed over & Pro
Vol. 214 - 215 - 236 - &
1369. of 59 Copies are
Expired & the Ad. Collr who
has received this instruc:
tions in this matter.

21/6/59. [illegible]
5th July 1859.

Pro to Salem and
M. S. Copy of Endorsed to Petrs.

[illegible] Ag. Dep: Secy: to Govt

Rec.d 2nd Sept.r 59
Copy sent to Collr of Salem
Sept.r 3.d Rem.d 1859. Nov.r

No 2918

Proceedings, Salem

Dated 5th Aug.t 1859
Recd 1st Sept.r 1859

No 2885 of 1859

From Ramaswamy Reddi
Zamindar of Kirumbúr
in the Salem District.

Urging his claim to succeed
to the Estates of Poolon & Saloon d.
by virtue
executed
in his favor
by the
deceased
Mootahdar -

She only claimed the
reply for herself, and that of the
other two for Ramasamy
Reddy

Fort Saint George,
29th August 1859.

In the death of Venkatarama
reddy, Mootahdar of Poolon
and Saloon, three claimants
to the Estate appeared - viz
I. Kamatchi Ammal, as being
the senior widow
II. Balamal, the 2nd widow
on the plea that the Mootah of
Moottanchetty was her Stridanam
or dowry
III Ramasamy Reddy Cousin
of the deceased, by virtue of
a bond (which mentioned that
deceased was very ill, and if he
recovered he would divide the Mootahs
equally but if he died without doing
this, the Mootahs were to go to
Ramaswamy Reddy who was to
support the widows)
The Estates were held under
Sirkarai Sanad.
The Govt decided in favor
the 1st Claimant, without
upsetting the B.d as to what
they have done.
The Govt considers that
the two widows should have had
equal shares.
The B.d decline to disturb
1st Claimant, because no
one has appealed without
appeal to the Courts -

Sg. Dy. Secy. to Govt

par. 6. Ct. Sept
1701. 1 to 11th April/59

C.O. 25th Sept 1834 -

Strange's Manual
Para 320 & 309

Endorsement

The Govt see no reason
to disturb the order of
the B.d of Revenue.

Sg. Dy. Secy. to Govt

No 69

Salem Collectors Office
Cofsoor 12th April 1859.

From,

N. Rathnavaz Esqre
Acting Collector of Salem,

To,

J. W. Sim Esqre
Secretary to the Board of Revenue
Fort Saint George

Sir,

I have the honor to report as follows on Petitions 214, 213 and 235 1859.

2. Venkatarama Reddy, Moottahdar of Colloor and Saloor in the Paramuttiy Taloork; and of Moottanchetty, in the Samcul Taloork, deceased on the 12th February 1858, leaving two widows, named Lamatchee Ammal, and Balammal.

3. Of these, the former petitioned the late Collector, Mr. Brett, in the first instance, that the registry of these Moottahs should be made in the joint names of herself and the other widow; and subsequently that it should be made in her sole name;

the

she being the eldest widow.—

4. She at the same time proposed, if her request was granted, privately to give a moiety of the Mootahs to Balammal.—

5. Balammal, on the other hand, sought the registry of the Mootah of Moottanchetty in her own name, as being her dowry (Streedannum); and that of the other two Mootahs, in the name of Ramasawmy Reddy.

6. Ramasawmy Reddy claimed the Mootahs, by virtue of a Cararnamah, executed by the deceased Venecatarama Reddy, on the 25th Novr 1857, in which, mentioning that he was then very ill, he promised that a fair redistribution of the Mootahs, respectively held by each, should be effected if he recovered; and that in case of his demise, his property would pass to the said Ramasawmy Reddy; who would have to support his widows.—

7. The estates are held under an Istimarar Sunnud.

8. A personal investigation held by the Sub-Collector Mr. Grant, and the Collector, satisfied both these gentlemen that Lamatchee Ammal was the senior widow.

Mr

9. Mr Brett therefore, on the 6th May 1858, ordered possession to be given to her.—

10. As the duty of reporting upon this Decision has been imposed upon me; I would, with all due deference, give my opinion—that in the first instance, Mr Brett ought, under the provisions of G. O. Revenue Board dated the 25th August 1834, to have referred the case to the Board.

2dly That according to the law prevalent in Southern India (Strange's Manual of Hindoo Law paras 320 & 309) the two widows are entitled to an equal share of the Estate of their husband; and that their claim is preferable to that of a cousin.

11. As regards the claim preferred by Balammal to the Mootah of Moottanchetty, as being Streedannum; I would observe, that an entry in the registers of this Office (copy of which accompanies) shews that 2/3ds of the said Mootah were given to Balammal, on her marriage, by her mother, for her own private expenses; although it was requested, at the same time, that the registry should be effected in the name of her husband.—

12. It appears to me, that Ramasawmy Reddy, ought

ought not to have been ousted of possession, without a reference to the Board; that under a liberal construction of the provisions of Hindoo Law, current in Southern India, 2/3ds of the Mootah of Mootianchetty belong to Balammal; and that the remainder ought to be divided between the two widows; the other claimant having his remedy in a Civil Action against them.

I have the honor to be,
Sir,
Your most Obedient Servant,
A. Thatcher
Ag. Collector

Salem Collector's Office
Postmark 12th April 1859.

To
J. D. Sim Esqr.
Secretary to the Board of Revenue
Fort Saint George.

Petition
No 3475 of 1859
From Balammal
widow of the late Venkatarama
addy Mootaddar of
Pálúr and Salúr in the
Salem District -
Praying her claims to
succeed to the Estates.
Fort Saint George
10th October 1859.
Rl:. No 2865 of 1859
put up &c
after

The Govt. see no reason to disturb the order of
[illegible]
A. Thein
Ag: Dy: Secy: to Govt.

There are 3 claimants to the Estates, Petr: is the 2nd widow though she was called herself the "elder" - the above endorsement was given to the ~~the~~ undercount pet claimant.

№ 1642.

Ordered that the Memorial with the Journey Letter be submitted to the Home authorities, and that intimation of the despatch be given to Memorialist

Fort St. Geo.
3d. December 1859.

W. Kaye

Revenue 1859 December
Pro. of Govt. No. 1st Dec.
№ 2059

From Calumnal Revenue
& the late Commissioner
Ceded Districts dated 6th
October & Collector in the
Cuddapah District dated
3 Encls.

Dated 3d November 1859
Rec'd

Submits a Memorial
: mail to the Home Govt
regarding the claim
of a Widow of the
late Huddapah District
and to a Grant of
her Husband's

Note Letter

No 1642, 3 Dec 59

No 21 of 22.

Cll Mackett Rel