M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1697 Press ~~Mis.~~

48-49

Dated 15 — 12 — 1859.

Not to be folded or roughly handled

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

No. 48. Read the following Proceedings of the Board of Revenue; dated 2nd December 1859, No. 4959.

Read the following letter from W. M. CADELL, Esq., Collector of Tanjore; to W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Vullum, 23rd November 1859, No. 256.

1. As directed by Government in their endorsement of date the 5th April last, I have the honor to submit the following report on petition No. 854 of 1859, addressed by one Ramachandra Gosai of Tanjore.

2. Petitioner applies for permission to resort to a civil action for the recovery of five mavus of sarvamaniam land belonging to Bhim Roa Mattam in the fort of Tanjore, and which he alleges is unlawfully enjoyed by one Ramanathasami together with the Mattam itself.

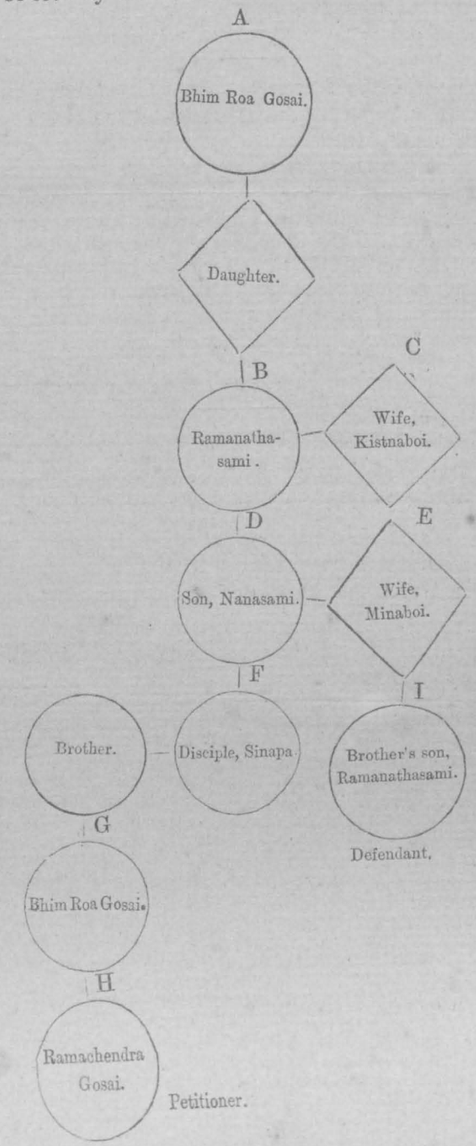
In the village of Davastanam Tingalur Trivadi táluq.

3. This land is included in a Sika Sanad for V. 3 M. 8 granted as sarvamaniam, by Raja Tulajaji in 1780, to a woman by name Kalji Acka, and is thus entered in the register of the year 1809.

M.

No. 332, Minabai, daughter-in-law of Bhim Roa Gosai... 5

This individual, Bhim Roa Gosai, it would appear, was the founder of the institution mentioned above, and to which the land now in question was granted as an endowment by the original grantee, Kalji Acka. The relation in which the present litigants stand to the said Bhim Roa Gosai, will be seen by the annexed table;—



4. From this, it will also be seen, that E is the party in whose name the land is registered. It is further entered in her name in the pymash account of Fasli 1238, and its value is shewn in the margin.

As per pymash including the punjah thereto appertaining.			
	V.	*M.*	*G.*
	0	6	32¼
Taraf assessment, Rs.	20	9	6
Cavil fees now paid...	0	12	2
Difference.....	19	13	4

5. Petitioner H now lays claim to the land in question as also to the Mattam itself, as being entitled thereto by right of succession through F, while the defendant I contends, that he, as the nearest heir to the last incumbent, E, has succeeded to the property, and further alleges, that he, I, has been adopted as her son by E. Petitioner, on the other hand, admits the fact of the land being entered both in the inam register and the pymash account in the name of E, as also of the same having been in her and since her death in the defendant's (I's) possession, but pleads that it had been only given her for maintenance, and that it should have reverted to him (petitioner) after her death inasmuch as she, (a childless widow,) had no right to alienate it.

6. After a full consideration of all the circumstances of this case, I am of opinion that the land in dispute ought not to be made the subject of personal litigation. It is true from the object of the sanad in which the land is comprised, that it was not originally intended as a service grant, but looking to the fact that that part of the grant now involved in dispute was given by the original grantee in endowment of an institution, and that in so far as the record of the enquiry shows it has since all along been held in trust for that institution, and further that both the contending parties claim it merely as trustees thereof, the case appears to me to be one falling within the scope of Regulation VII of 1817.

Submitted to Government, with reference to their endorsement on petition No. 854 of 1859, seeking leave to sue for certain *Surva manium* land and for the *Mhutt* as endowment of which, it was assigned by the original grantee.

2. The Board concur in opinion with the Collector, that, under the circumstances stated, the land in question may more properly be included in the operation of Regulation VII of 1817, than of Regulation IV of 1831, but such being the case, there is nothing to prevent its being made subject of litigation in the Courts by any one inclined to question the propriety of the existing arrangement, Section XIV of the former regulation expressly saving that right, and they, therefore, see no reason to recommend that permission be withheld. It is indeed not really needed for the institution of the suit.

(A true Copy and Extract,)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 49. ORDER THEREON, 15th December 1859, No. 1697.

The land in dispute having been granted for the support of a Matha, falls under Regulation VII of 1817 and the permission of Government to sue is not necessary.

Resolved that the following endorsement be returned to Ramachendra Bémaroa's petition No. 854 of 1859.

"Petitioner is informed that the permission of Government to sue is not necessary in his case."

(Signed) J. D. BOURDILLON,
Secretary to Government.

Revenue 1859 Dep.t
Proc.s of Gov.t 23.d Dec.r
N.o 2310

Proceedings of the Board of Revenue.

Dated 9.th December 59.
Desp.d 9
Rec.d 10
E.t- 0.m

N.o 1697 - 15.th December
N.o 1959

Submitting with the Board's recommendation a letter from the Coll.r of Tanjore reporting on Government Petition N.o 854 of 1859 applying for permission to resort to a Civil action for the recovery of five Miles of Survamanium land belonging to Bhuin Roa Mattam in the Fort of Tanjore:

N.o 1697.

The land in dispute having been granted for the support of a Mutha, falls under Regulation XIII of 1817 and the permission of Government to sue is not necessary.

Resolved that the following endorsement be returned to Ramachendra Rénarood's Petition N.o 854 of 1859.

"Petitioner is informed that the permission of Government to sue is not necessary in his case."

Fort St.t Geo.
15.th Dec.r 1859.

Copy to the Bd of Rev Encl.s 16
2 — to Dr Dep.r with Petition N.o 16 Dec.r

N.o 1697

With an Order