

Revenue Department

No 251

Dated 28-2-1859.

Fort Saint George, Revenue Consultation of 1st March 1859.

No. 12. Read the following Extract from the Proceedings of the Board of Revenue, dated 12th February 1859, No. 529.

Read letter from the Collector of Nellore, dated 27th December 1859, No. 210.

(In Con. 28th December 1858, No. 5889.)

Ordered that the above letter be submitted to Government with reference to their Endorsement on Petitions Nos. 2645 and 3198 of 1858, the Petitioner in which asserts a claim to one half of the Shrotrium village of Anoopullypau, in Survapully talook, Nellore District, and prays that should Government not see fit to dispose of his claim summarily, he may be permitted to prosecute it by Civil Suit.

2. It appears from the Collector's report, and from the Petitioner's statements, that the Shrotrium in question was in Fusly 1211, registered in the name of his maternal uncle, P. Audiraz, at whose request in 1822, the registry was transferred to the name of his brother-in-law A. Appanah*, whose widow Seshumma is now in possession, and has been so since Fusly 1263, when the Shrotrium was released from attachment. It appears to have been under attachment from 1844, but the Collector's very meagre report states but few particulars.

3. Subsequently to the above mentioned change in the registry, Petitioner who is (sister's son) nephew of Audiraz returned from pilgrimage, and obtained from his uncle (and also, he says, from the registered Shrotriumdar) a deed making over to him one-half of the village, and this moiety he asserts, remained in his enjoyment, or in that of his mortgagee up to the time of the attachment. On its release, the whole village was as above stated placed in possession of the widow of the registered Shrotriumdar, and it is of this deprivation of his half share that Petitioner now complains.

4. He asserts that he can produce ample proof of his long enjoyment of the half share of the village, but on this point the Collector's report is wholly silent. He considers however "that Petitioner's claim is 'prima facie' good, and that justice requires that he should be permitted to sue for the recovery of the half share in the Civil Court."

5. The Board of Revenue concur in opinion with him that no objection exists to the grant of this permission, but they observe that Petitioner is a lineal descendant of the original Shrotriumdar that the present holder of the village is no blood relation of that person's family, that the assignment of a portion of the village to Petitioner by deed is admitted by the Collector and that his asserted enjoyment of the portion so assigned is not contradicted.

6. Should then the proof of that enjoyment on further investigation appear to be as good as Petitioner asserts (a point on which the Board in the absence of any information from the Collector are unable to express an opinion) the Board consider that it is not necessary to expose Petitioner to the expense and delay of a Civil Suit for the establishment of his rights, but that Government may under Regulation IV. of 1831, direct the Collector to place the Shrotrium as regards enjoyment in the same position as it was at the time of attachment. Should Petitioner still be dissatisfied he may eventually be referred to the Civil Courts for adjustment of the point at issue.

(A true Extract.)

(Signed) W. HUDLESTON, Sub-Secretary.

No. 13. ORDER THEREON, No. 251 ; dated 28th February 1859.

The Board of Revenue justly characterize the Collector's report on these Petitions at meagre (para. 2) it is so greatly so that the Government are unable to pass orders upon them. Is would have been better if the Board had deferred their report to Government till they should have more complete information.

2. Explanation is required on the following points; by whom was the Shrotryam granted and when? does the Sanad exist? when was the Village attached and why? Further, the Petitioner's assertion as to his long enjoyment of the half share must be enquired into.

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

*by mortgage
to Pullipully
about 144 years
ago, no Sanad
attached for
just rent 150 in
7.1242.*

*by am granted and when
does*

Rev Dept

N^o 257

Extract from the Minutes of Consultation
Under date the 28th February 1854

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

(Held under 13th July 1854 N^o 329)

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Collector's report on these
Petitions as meagre (Para 2)
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W.M.
Feb 19.

3 Copies to the B. of New. D. 1st 1st
1 - a for Dep. Secy

Revenue 1859 29th Feb.
To the Comr. 1st March.

No 257.

Enclacd Shms of Comr.

28th February 59.

£11. 10s. of Rev. 2/30. 1/10/59
£11. 10s. 1/10/59 in Comr.

Having certain observa-
tions on the report of the Comr.
of Hellen on the claim of
Settlers in Nov 2645 and
3198 of 1858 to a half share
in the Chrochium Village of
Strophully, and in the
Strophully Estate of the
said District and requesting
certain information regard-
ing the Chrochium.

No 12 & 13.

19th Feb 1859