M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

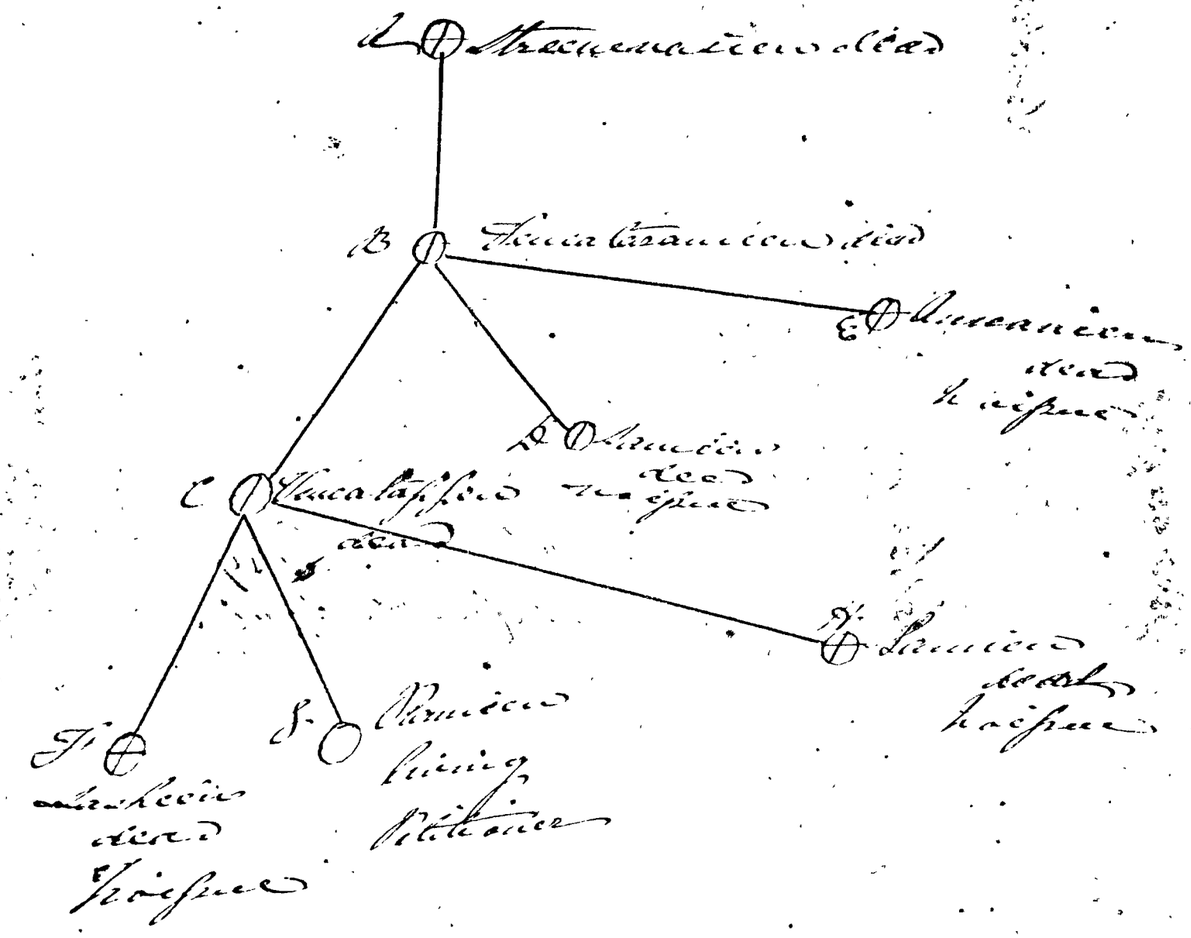
Government of Madras.

Revenue DEPARTMENT.

G.O. No. 285-286 ~~Press~~ Mis.

Dated 31 — 5 — 1859.

Not to be folded or roughly handled



No 824/59

No 1429 of 1859

Salem 2nd April

IN CON. 2ND APRIL 1859, No. 1429.

From A. HATHAWAY, Esq., Acting Collector of SALEM,

dated Balagondahully, 31st March 1859, No. 61.

I have the honor to report as follows, on Petition No. 511 of 1858, presented to Government, by Ramien of Voravundoor, Talook Namcul.

2. Petitioner seeks permission to sue Lutchma Bhutten (para. 4), for possession of a piece of "wet" (Sarva Maniam) Inam land (No. 360), situated in Valoor, Talook Paramaty, which consists of A. 1 G. 38 A. 13, assessed at Rs. 42-5-3, and subject to an annual quit rent (Jodigy), of Rs. 26-5-9.

3. Petitioner alleges that the Poligar of Salem originally gave this land to his great grandfather, Streenevassien, whose grandson mortgaged the same previous to the survey, to Kustoore Iyengar, for Rs. 156-11-4; whence the name of the latter appears in the survey accounts.

4. In 1818, Kustooree Iyengar's brother and son re-mortgaged the land, for Rs. 400, to Mootoocomaree Bhutter; on whose death, (20 years ago), it came into the possession of his nephew, Lutchma Bhutten, the present occupant.

5. The survey and Inam accounts shew Kustoore Iyengar (para. 3) to have been the original Puttadar; but Petitioner has adduced no proof of his ancestors having mortgaged the land to the said person; or of their having ever been in possession of it.

6. A Bond written in Canarese, which 4th defendant produced, shows that Vencatuppen mortgaged this land, for Rs. 767½ to Kustooree Iyengar; and that it had been twice previously mortgaged for a sum of Rs. 406-14-8.

7. Petitioner enters this Vencatuppen, as one of his ancestors, in his genealogical tree; but the name appears no where in the acoounts.

8. He also files a cadjan deed (copy of which accompanies), as the original grant, conveying the land in question to his ancestors; but as it bears no official signature, it is inadmissible.

9. Petitioner's claim seems a very doubtful one, and rests on his being able to establish his lineal descent from Vencatuppen.

10. Although resident within 10 miles of the land in dispute, he has been silent till now.

11. As the land in question has been alienated from the family of the original grantee since 1818 (and apparently long before that date); and as the usufruct of the land, during this number of years, must have fully satisfied the loan; the Inam would be resumable on the death of the present occupant.

12. I see however no objection to the granting of Petitioner's prayer, with a due reservation of the rights of the Government.

13. Copies of the mortgage deed, executed to Kustoore Iyengar, and of the cadjan deed, and genealogical tree, filed by the Defendant, accompany this.

No. 1580.

EXTRACT from the PROCEEDINGS of the BOARD of REVENUE, dated 3d May 1859.

Read letter from the Acting Collector of Salem, dated 31st March 1859, No. 61.

(In Con. 2d April 1859, No. 1429.)

Ordered that the above letter be submitted to Government, with reference to their Endorsement of 27th February 1858, on Petition No. 511 of 1858.

2. The Inam land for which Petitioner seeks leave to sue in the Civil Courts, is entered in the Survey and Inam accounts, in the name of one Kustoory Iyengar.

3. Petitioner, however, states that it was mortgaged to this person before the Survey by one Vencatuppen, grandson of the original grantee; and as it would appear from the Genealogical tree he submits, father to Petitioner.

4. No such name, however, appears in the accounts, nor does Petitioner produce any good evidence of the original grant having been made to his great grandfather.

5. Be this as it may, it is certain that in 1818, Kustoory Iyengar's brother and son, mortgaged the land to one Moottoocomaree Bhutten, whose nephew Lutchma Bhutten, has been in possession for the last 20 years.

6. Petitioner resides within 10 miles of the spot, but has never till now advanced his claim, and the Board do not see any sufficient reason for affording him any facility in attempting to disturb the long undisputed occupancy of the present possessor.

7. They observe, moreover, that the alleged mortgage Deed, is produced by one of the Defendants, which induces suspicion of collusion with the Petitioner, and they recommend that the permission he seeks from Government, be denied him.

8. The Board do not admit the correctness of the argument stated by the Acting Collector, in para. 11 of his letter, as showing that the Inam is necessarily resumable on the death of the present holder.

(A true Extract.)

J. Thurlow

Sub Secretary.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.

Copy to Acting Collector of Salem.

Recd. Copy of Report
1859 No 1429.

From
The Asst. Collector
of Salem
& Mr. Secretary to the
Board of Revenue
Report on Petition
No. 511
Dated 31st March 1859.
Recd. 2d April "
Inclosure 4
Nos.

Petitioning re
Government Petition
No. 511 of 1858.

P 8 27/59

Rec'd 1859 Dep't
Cons 31st May — f. 82

Extract from the Proceedings
of the
Board of Rev.

Dated 30 May 1859.
Dep't 7
Rec'd Gen'l 6
5 Encls.

No 1580

Submitting a letter from the Collector of Salem reporting on Petition No 811 of 558. and recommending the application of Petitioner of the permission sought by him for the establishment of his alleged right, in the Civil Courts

Mis Rec. 291 & 292

Ans

No 89

As the question abt Jesus does not affect the interests of Govt the Govt in C. is of opinion that Pet. cannot properly be precluded from having accss to the ordinary legal means of urging claims he therefore grants permission to Pet. under 5 & 6 Wm IV c. 1831 to sue Luchmun Bhuttia for the recovery of certain Lewa Buanum funds in the settlt of Salem

Sent Jo Gen Co
30 May 1859

Copy to the Bd of Rev
Dispd 30
Do for Dep. with Sec'd Packet
Answd Do in the
Pers Packet