M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 287 — 288

~~Press.~~ / Mis.

Dated 31 — 5 — 1859.

Not to be folded or roughly handled

In Con. 2nd April 1859, No. 1434.

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

dated Balagondahully, 29th March 1859, No. 57.

I have the honor to report as follows upon Petition No. 501 of 1858.

2. Petitioner seeks the sanction of Government, to sue for recovery of possession of certain Jodigy Nunjah lands, from the present occupant, Thatta Coopaniengar.

3. The lands in question are situate in the Village of Pandamungalum, Talook Paramutty; and consist of two Numbers, viz., No. 309 measuring Acres 3-8-8, assessed at Rs. 69-0-3, and paying a quit rent of Rs. 43-9-3; and No. 310, consisting of Acres 0-32-0, assessed at Rs. 17-2-9, and paying a quit rent of Rs. 10-11-0.

4. She maintains "that these lands originally belonged to her paternal grand-father, Adyanabutten, and his brother Annasawmy Iyah; who obtained Puttahs for them, at the time of the original settlement, (A. D. 1798.)

5. No. 309 was mortgaged subsequently to Ragoonada Charry, who rented it out to Thatta Appaniengar, the grand-father of the present occupant (Defendant); and the original mortgagee's grand-sons having relinquished their lien on the land, Defendant is now in sole possession.

6. No. 310 was mortgaged by the same parties, one year before the survey to Streenevassien and Vencataramien; who, during the settlement of Fusly 1211, obtained a Puttah for it.

7. It was however subsequently redeemed, and re-mortgaged by them, for Rupees 210, to Defendant's grand-father, through whom it has come into Defendant's possession."

8. Defendant, on the contrary, avers that Annasawmy Iyah, the Puttadarof No. 309 at the time of the settlement, was his paternal grand uncle; that the Puttadars of No. 310 (para 6) were the sons of his great grand uncle, Gopal Iyengar; and that the lands in question have lineally descended to him.

9. In the survey Olungoo accounts of Fusly 1206, A. D. 1797, the lands are entered thus:

"No. 309, Adyanabutten's cultivated by Annasawmy."

"No. 310, Adyanabutten's cultivated by Streenevassien."

10. In the Putcut accounts of the following year, No. 309 is entered in the joint names of Adyanabutten and Annasawmy Iyen; while No. 310 is in those of the parties named in para 6.

11. Their names are also entered in the Putcut accounts for A. D. 1802, while 309 is entered in the name of Annasawmy Iyen; and this arrangement has held good up to the present time, as regards the Jodigy Puttahs.

12. In 1839, on an enquiry being held into all the Inams of this District, a statement was prepared of the legal heirs of the then holders, who, according to the Village Curnum, gave the information.

13. In this, No. 309 is entered in the names of Adyanabutten and Annasawmy Iyengar. Anuntiengar, maternal grand-son of Adyanabutten, is mentioned as his heir; while Vencatasiengar (paternal grand-son) is named as the heir of Annasawmy Iyengar.

14. In the remarks it is mentioned, that the original holders had mortgaged this land to Streerungum Ragoonada Charry; whose relatives had subsequently rented it to Vencatasiengar.

15. No. 310 is entered in the names of Streenevassien and Vencataramien; and the column of Remarks shews that it had been mortgaged to them by Adyanabutten, the original holder; that a Puttah had been issued, at the survey, in the names of these mortgagee's; also that the land had subsequently been redeemed, and re-mortgaged for Rupees 210 to Thatta Appanien, whose son, Thatta Vencatasiengar, now held possession.

16. These two individuals were the grand-father and father respectively of the present Defendant.

17. It will be seen that Defendant's statement, that his ancestors were the original holders, is not borne out by the accounts; he clearly derives possession through a mortgage.

18. The Petitioner, on the other hand, has failed satisfactorily to prove his descent from the original Inamdar.

19. In a genealogical tree, put in by her, she omits the name of Anuntien, who, in the Inamaty statement of Fusly 1249, appears as heir of Adyanabutten.

20. Though residing within two miles of the land in dispute, neither her alleged father, her husband, nor herself, have advanced any claim to the lands till now.

21. The only evidence in her favor, is a Mahzernamah given by five individuals; while two witnesses depose in favor of Defendant.

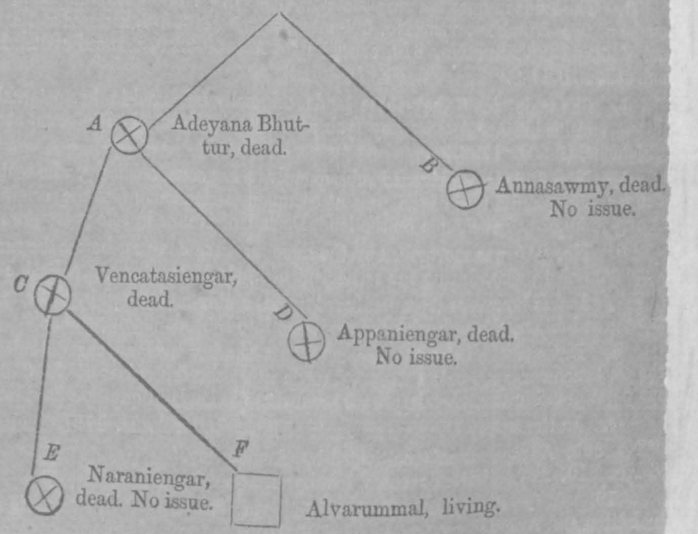
22. The Acting Sub Collector, in his report of the 14th instant, considers the story of each party undeserving of credit; and feels himself unable to give an opinion in the matter.

23. It appears to me, that Petitioner has no valid claim; and that on the death of the present holder, the Inam is resumable; it having been alienated from the original holder, and the usufruct of the land, having long since repaid the mortgagee.

24. At the same time, I see no objection to Petitioner being permitted to sue, if she think fit; the interests of Government being reserved.

25. Enclosed are copies of the genealogical tree filed by Plaintiff, of an extract from the Inamity statement of 1839; also translates of the kypheyut recorded in Plaintiff's favor and of the Depositions given by Defendant's witnesses.

GENEALOGICAL TREE.



Note.

A and *B* are uterine brothers.
C and *D* are the sons of *A*.
E is the son of *C*.
F is the daughter of *C*.

(Signed) A HATHAWAY,
Acting Collector.

No. 1640.

EXTRACT from the PROCEEDINGS of the BOARD of REVENUE, dated 7th May 1859.

Read letter from the Acting Collector of Salem, dated 29th March 1859, No. 57.

(In Con. 2nd April 1859, No. 1434.)

Ordered that the above letter be submitted to Government with reference to their Endorsement on Petition No. 501 of 1858.

2. The Acting Collector's report on the Inam lands regarding which Petitioner seeks leave to institute a Civil Suit is so full, that it is unnecessary for the Board to do more than express their opinion that in the face of the very conflicting and complicated statements made by the Petitioner and her opponent who is in possession, it is advisable to permit the Petitioner to prosecute her suit in the Civil Courts, with special reservation of any possible rights of Government.

(A true Extract.)

Sub Secretary.

To

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

Copy to Acting Collector of Salem.

Revenue 1859 Depart
Covs 31st May
No 908

Extract from the Proc
of the Bd of Revenue

Dated 7
Dep 19 } May 1859
Rec 19
E. 19
6 Encls

No 1640.

Submitting with
an expression of the Bds
opinion thereon a letter
from the Actg Clk of Salem
reporting on the prayer
of Petitioner in at No 601 of
1858 to sue for the recovery
of certain Enam lands

Mis Misc 290 & 295
257 & 258

No 88

Ltr from Govt
No 1640
30th May 1859

Copy to Bd of Rev
Copy to Dep with
Order to Pay the
Petr Rs

Rec'd 7th June
with Enclos

The Govt are pleased to grant permission under
§ II Reg II of 51 to Petitioner & the
Shetta Coopaniyan Govt in the Court
for the recovery of certain Enam lands
in the village of Pandamangalam.

This permission is not in any way
to affect the interests of Govt

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