

Revenue Department

No 367

Dated 19-3-1859

1

Fort Saint George, Revenue Consultation of 22d March 1859.

No. 57. Read the following Extract from the Minutes of Consultation in the Military Department, dated 7th March 1859, No. 917.

*Communicating to the Commander-in-Chief the
Extract Minutes Consultation Revenue Depart-
ment dated 23d February 1859, No. 232, on the
subject of a claim to some land in Rajahmun-
dry made by Subadar Major Appiah, Sirdar
Bahadoor of the 11th Regiment N. I.*

(Vide Military Consultation 8th March 1859,
Nos. 131 to 133.)

No. 58. ORDER THEREON, No. 367; dated 19th March 1859.

Ordered to be communicated to the Board of Revenue, with reference to their Proceedings of February 9th 1859, No. 474.

(Signed) W. C. SIM,
Ag. Dy. Secretary to Government.

No. 917.

*Extract from the Minutes of Consultation, 7th March 1859.**Read Memo. from the Adjutant General of the Army.*

Forwarding letter from the Officer Commanding 11th Regiment Native Infantry on the subject of a claim to some land, made by Subadar Major Appiah, Sirdar Bahadoor of that Corps. } Here enter 14th October 1858, No. 308.

Referred to the Revenue Department for early notice.

22nd October 1858.

Extract from the Minutes of Consultation in the Revenue Department, under date the 23rd February 1859, No. 232.

Read the following Extract from the Proceedings of the Board of Revenue.

Extract from the Proceedings of the Board of Revenue, dated 9th February 1859, No. 474.

Read letter from the Collector of Rajahmundry, dated 17th January 1859, No. 8, reporting on the claim of Sirdar Bahadoor and Subadar Major Appiah of the 11th Regiment Native Infantry, to certain land in the town of Rajahmundry.

From A. Purvis Esquire, Collector of Rajahmundry, dated Nursapoor, 17th January 1859, No. 8.

I have the honor to acknowledge the receipt of the Extract from the Minutes of Consultation of the 12th November last, in which I am required to report through the Board, on the claim of Sirdar Bahadoor, and Subadar Major Appiah, of the 11th Regiment Native Infantry, to certain land in the town of Rajahmundry, and explain the cause of my having failed to reply to certain letters addressed to me by the Officer in Command of the 11th Regiment, on the subject.

2. The spot of ground, to a part of which the Subadar Major put forward a claim a few years ago, is situated almost in the centre of the town of Rajahmundry. It had never been enclosed, or the right of property in any way exercised over it within the memory of man. It had long been over-grown with brushwood, and had been used as a public Necessary. When a public Dispensary was sanctioned, the spot in question was selected for the building. It was especially pointed out to me by the late Collector, as one well suited for the purpose. I mention this circumstance to show that, that gentleman had never heard, that any right of property in the same existed. No claims were heard of, indeed, till the question of erecting a Dispensary on the site was agitated, subsequently the Dispensary was constructed in the centre of the spot in question. An enclosure has been raised, and trees planted.

3. In November 1855, in reply to a communication on the subject from the Officer in Command of the 11th Regiment Native Infantry Major Ireland, I pointed out that the late Magistrate never issued any order authorizing the Subadar Major to build a Choultry and plant a garden on the site claimed, as asserted by the latter. That certain other individuals had also laid claim to it. That it was quite clear, that the land had never been enclosed or made any profitable use of, for a number of years or within the memory of any one now living. I added, that if the Subadar Major was able to establish his right by documentary or oral evidence, he should appear either in person or by duly authorized Vakeel. An endorsement on the Subadar Major's address was enclosed.

4. No evidence was adduced by the Subadar Major in support of his claim. Early in the year 1857, I had the pleasure of seeing this Native Officer when on furlough at Rajahmundry, and I then repeated what I had previously written to his Commanding Officer. The spot he claims, is not that on which the Hospital stands, but a part of the open space surrounding the building, which however it would be objectionable to enclose, otherwise in consideration of the Sirdar Bahadoor's rank and long services, I should be inclined to recommend, that it be given over to him as an act of favour, though certainly not in recognition of any right.

5. In September 1857, Major Ireland again addressed me on the subject, but as nothing new was brought forward, and I had replied to his previous communication, this letter, partly through inadvertence, was left unreplyed to. For this apparent want of courtesy on my part, I must apologize.

From Subadar Major and Bahadoor Appiah of the 11th Regiment Native Infantry; to the Collector and Magistrate of the Zillah of Rajahmundry.

As the Brahmins and Banians residing on the bank of the river Godavery at Rajahmundry, are accustomed to dirty the land of your petitioner joining to the house walls of Cundoola, Soobamah, Chellamah, and Bundaroo Venkenuah, or by the reason of my long travelling in different countries with my Regiment, your petitioner's relations, Cunchoomoorty Baupaniah and Cundoola Lutchmeputty prohibited them from doing so, manifesting that the said place belonged to your petitioner and they were planting a hedge to the said place. Your petitioner presumes, that some of the Brahmins going to Moogoomoory Chitumbram, the Sheristadar of Mr. G. N. Taylor Sub-Collectors' Cutcherry, intimated to him that people were planting a hedge to the said place. So the Sheristadar and the Head of the Police of the Town by name Iyanry Venka achellum both in conjunction coming to your petitioner's place, prevented his people from planting a hedge and ordered the people to dirty your petitioner's place. Whereupon your petitioner's relations, Cundoola Lutchmeputty, a Pensioned Havildar, and Cunchoomoorty Baupaniah &c., represented to the Sheristadar of the said Cutcherry, and to the Head of Police of the town, that it was great injustice to hinder their planting a hedge to the said place. But the Head of Police pronounced, that the said place did not belong to your petitioner unless there were any documents regarding the said place when they must shew them. Your petitioner humbly beseeches your honor, that all that passed between the said Sheristadar and the Head of Police and your petitioner's relations, was announced to your petitioner by some letters received from his relations at Rajahmundry. Your petitioner humbly submits to your honor, that himself or any of his relations have no vouchers of their respective houses and places, as they had been anciently possessed by their ancestors, while this is the case, how can your petitioner bring any voucher of his place. But can prove by numerous witnesses, moreover when your petitioner came to Rajahmundry on leave from Secunderabad, he met Mr. Prendergast, the then Collector, and represented to him, that he intended to make a Garden, and an Inn in the said place, the Collector was extremely pleased, and ordered him to do so—your petitioner then coming to Rajahmundry from Coconada, sent for the Town Moonsiff Tavala Gooriah, and Curnum Suttuala Lutchmeputty, and declared to them this circumstance, of which your honor may be convinced on enquiring of those parties, and after a week was passed, it was ordered by the authorities to the Head of Police, that none of the inhabitants should go and dirty the place, the order was the same in the days your petitioner was there. Afterwards, while your petitioner was attempting to plant a hedge to the said place, his daughter-in-law accidentally fell sick, and died, and as the leave granted to him had expired, your petitioner warning his relations, Cundoola Lutchmeputty and Cunchoomoorty Baupaniah, to make a hedge to the said place, returned to his Regiment. After your petitioner's arrival at Secunderabad, while his relations were planting a hedge to the said place, said Sheristadar and the Head of Police came to the said place, and prevented your petitioner's relations from planting a hedge to it. When your petitioner represented the whole subject to Colonel Thomson, late Commanding Officer of his Regiment, he was kindly pleased to order your petitioner to present a petition to G. N. Taylor Esquire, Sub-Collector of Rajahmundry—accordingly your petitioner presented a petition to that Gentleman about six months ago, soliciting to permit him to plant a hedge to the said place—on enquiring the witnesses of whom your petitioner mentioned in the petition since that time, your petitioner has not received any answer. Your petitioner therefore respectfully begs leave, your honor will be graciously pleased to take his case into your serious consideration, and allow him to plant a hedge to his ground on enquiring the following witnesses.

1. Cundoola Venketraido a Pensioned Subadar Major.
2. Podala Venketraido a do. Subadar
3. Cundoola Lutchmeputty a do. Havildar.
4. Cundoola Venketacheilum a do. Naigue.
5. Cundoola Appiah a do. Sepoy.
6. Bypeneedy Chinniah a do. do.
7. Cunchoomoorty Baupaniah, an Inhabitant.
8. Vogaty Juggiah, an Inhabitant.
9. Cundoola Soobaroydoo a Pensioned Havildar.
10. Cundoola Swamy a do. do.
11. Suttuala Lutchmeputty, Town Curnum.
12. Tavala Gooriah, Town Moonsiff.

From the Magistrate of Rajahmundry, Cocanada, 2nd November 1855, No. 201; to the Officer Commanding 11th Regiment Native Infantry, Secunderabad.

I have the honor to acknowledge the receipt of your letter of the 26th September last, and to inform you, that from the enquiry already made into the claim of Subadar Major Bahadoor Appiah, it does not appear that the late Magistrate ever issued any order authorizing him to build a Choultry and plant a garden on the site he claims at Rajahmundry. It is also reported by the Head of Police, that the site was claimed by certain other individuals. It is quite clear, that it has never been enclosed or made any profitable use of, for a number of years or within the memory of any one now living. If the Subadar Major is able to establish his right by documentary or oral evidence, he should appear either in person, or by duly authorized Vakeel before me, when the matter will be further investigated.

An endorsement has been made on his Petition to the same effect, and which I should feel obliged, by your causing to be delivered to the party.

From the Officer Commanding 11th Regiment Native Infantry, Secunderabad 26th September 1855, No. 121; to the Collector at Rajahmundry.

I have the honor to inform you, that on the 17th March last, I addressed G. N. Taylor Esquire at Rajahmundry on the subject of a Petition sent to that Gentleman some time previous, by the Subadar Major "Bahadoor" of my Regiment "Appiah," but as no reply has yet been received, and as the above Native Officer has also heard nothing more on the subject of his Petition, I am induced to address you on the subject, in the hope that you may be able to settle the claim without further delay. The Petitioner is a very old servant of Government, and now that he is getting old, he naturally wishes to make every provision for his family, and as the land about which he urges his claim has belonged to his family, since his Grandfather's time, he entertains a natural wish, that the same may be perpetuated in the family. He states, that the land has, since the time above alluded to, been always recognised by the Government, as well as by all his neighbours, as his property, but that about a year ago, when on leave at his native place Rajahmundry; he ordered some hedges to be raised, to make the place more snug and private; when the Government Officials of the place interfered for the first time, and would not allow the work to be carried out, on the plea, that the land belonged to Government, but as I am induced to think, from what the Subadar Major tells me, that these Officials have acted from some petty jealousies, without due authority. I trust my bringing the whole circumstance to your notice, will enable the Petitioner to obtain his wishes.

From the Officer Commanding 11th Regiment Native Infantry, Cannanore, 1st September 1857, No. 99; to the Collector and Magistrate of Rajahmundry.

Subadar Major Appiah, Sirdar Bahadoor of the Regiment under my Command, states that he pointed out to you, some ground in front of the Hospital at Rajahmundry, which he states to be his, as having been taken possession of by Government, and that you kindly said you would give him an answer on the subject.

I have the honor to state, that the Native Officer in question, is particularly anxious to have the property restored to him, he is an old servant of Government, and should his claim to the ground be correct, I trust you will be able to meet his wishes, if not, that you will be good enough to make me acquainted with the circumstances of the case, as the Subadar states, the property has been a possession of his family, for the last 80 years, and would wish to bring the circumstance to the notice of the Adjutant General of the Army, for reference to Government.

(In Consultation, 24th January 1859, No. 295.)

Resolved that the above letter from the Collector of Rajahmundry In Con. 26th Novr. 1858. dated 17th January 1859, No. 8, be submitted to Government with reference to Extract Minutes Consultation, 12th November 1858, No. 1525, R. D.

2. Mr. Purvis states, that the Subadar Major's claim was duly considered when first preferred, and the result notified to Major Ireland, and also to the Subadar Major, by an endorsement on his Petition.

3. Mr. Purvis subsequently explained the matter personally to the Subadar, when he visited Rajahmundry on furlough in 1857.

4. Mr. Purvis regrets, that partly through inadvertence, he omitted to reply to Major Ireland's further communications, which however contained nothing new on the subject.

5. From Mr. Purvis' report, the Subadar's claim appears untenable, and as the land is part of an open space surrounding in the newly erected Hospital, its enclosure would be objectionable.

6. The Board think it likely, that there would be no difficulty in giving the Subadar Major waste land somewhere in the neighbourhood, or at all events near the Town, if he is desirous of taking up any. They cannot however ensure this, without a reference to the Collector, which will be made at once if Government desire it.

(A true Extract.)

(Signed) J. D. SIM,

Secretary.

Ordered to be referred to the Military Department, in reply to Extract Minutes of Consultation from that Department, dated 22nd October 1858, with an expression of the opinion of Government, that the Subadar's claim is untenable.

(A true Extract.)

(Signed) J. D. BOURDILLON,

Secretary to Government.

Ordered that the above Minutes of Consultation Revenue Department, be communicated to the Commander-in-Chief.

(True Extract and Copies.)

To the Adjutant General.

„ Revenue Department.

Matthew Hol

Ag. Dy. Secretary to Government.

With 20 spare Copies.

Recd 25th Feb 1859 No 40441

Revenue 1859 No 40441
25th Feb 22nd March

No 40441

I trust from the
views of Lord in the
Military Reports

Noted 7th March 1859
Dec 15th

1859. 19th March 1859.

Communicating to the
Chief Engineer, E. R. C.
Rece. 20th Dec 23rd

February 1859 No 232

on the subject of a

claim to some land

in Hyamsbury, made

by Subadar Major William

Smith Subadar of the

11th Regt. of A. S. &

with an order

1859 458

No 304

Ordered to be com-
municated to the Board of
Revenue with reference to
their Proceedings of 21st March
1859. at 11th 14.

Noted 11th March 1859

Copy to the 11th Regt. of A. S. & Subd 21st Dec
with E. R. C. R. at 11th 14.