Revenue Department

G. C. No 704

Dt 27th May 1859

Proceedings of the Madras Government, Revenue Department, from 18th to 27th May 1859.

No. 43. Read the following Extract from the Proceedings of the Board of Revenue, dated 30th April 1859, No. 1508.

Read letter from the Collector of Nellore, dated 26th March 1859, No. 38.

(In Con. 29th March 1859, No. 1341.)

In Con. 1st March 1859, No. 864.

Ordered that the above letter be submitted to Government with reference to the Board's Proceedings, dated 12th February 1859, and to the Extract Minutes Consultation of 28th Idem, No. 251, Revenue Department.

2. The present letter affords all the information required by Government, and shows that the statements of the Petition and the facts of the case as set forth in the Board's Proceedings above cited are correct.

3. Petitioner's long enjoyment of his share of the Shrotriem, and that it was undisturbed up to the date of the last release from attachment in Fusly 1264 are fully proved, and under these circumstances the Board beg to renew their former recommendation that the Collector be authorized to replace the Shrotriem as regards possession in the same position as it was at the time of last attachment, when either Petitioner or the person holding under his mortgage bond was in possession of the half share.

4. Should Petitioner still be dissatisfied he may, the Board think, be permitted to prosecute his further claims by Civil Suit.

(A true Extract.)

(Signed) W. HUDLESTON, *Sub-Secretary.*

No. 44. ORDER THEREON, 25th May 1859, No. 704.

The Governor in Council considers it only fair and just that on the release of the Shrotrium from attachment it should be re-placed in the same state as to possession, in which it was found on attachment. He therefore approves and directs the measure recommended by the Board in para. 3 of these Proceedings.

2. The Governor in Council also grants permission to either party under Section II. Regulation IV. of 1831, to resort to the Civil Courts if dissatisfied with that arrangement.

(Signed) W. C. SIM,
Acting Deputy Secretary to Government.

In Con. 29th March 1859, No. 1341.

From F. B. ELTON, Esq., Collector of NELLORE,

dated Nellore, 26th March 1859, No. 38.

With reference to Extract Minutes of Consultation under date the 28th February 1859, No. 251, communicated by the Board on the 16th instant, I have the honor to forward the further information required by Government regarding the claim of M. Vencatakristnamah (Petitioner in Nos. 2645 and 3198 of 1858) to a half share in the Shrotrium village of Anoopullypaud in this District.

2. The Shrotrium in question was granted during the time of the Mahomedan Government, 144 years ago or thereabouts, by Moortaja Alli Khan Sahib, to Pullipauty Aderauz. The Sunnud is lost. During the time of Mr. Dighton in fusly 1200 it was registered in the name of Pullepauty Andeppa.

3. After the assumption of the country by the British the Shrotrium was registered in the name of Pullypauty Aderauz, grandson of the original grantee, who enjoyed it for a considerable time, and in the year 1821, as he had no issue, requested that it might be transferred to Ayaloor Venkata Appiah his brother-in-law,* the husband of A. Sashammah who is now in possession. A notice was issued calling upon any persons having a claim to the Shrotrium to appear with their Title Deeds in 25 days, and as none came forward it was registered in Venkata Appiah's name, with a reservation in favor of any legal heirs who might establish their claims in future.

* Wife's brother.

4. In the year 1822, shortly after this transaction, Aderauz executed a deed of gift authorizing his nephew the Petitioner M. Vencatakristnamah and the above Vencata Appiah to enjoy the village in equal shares, and the latter executed a document to M. Venkatakristnamah agreeing to this. These two persons accordingly enjoyed the village in two equal shares till fusly 1241, when Petitioner mortgaged his share of the village to one V. Annajeerow. The Shrotrium was however never registered in the name of Venkatakristnamah, and Mr. Wish the Collector refused to recognize him as a sharer.

5. The mortgagee, and after him his son Soobbarow enjoyed Petitioner's half share up to fusly 1258, except during the period when the Shrotrium was under attachment.

6. The Shrotrium was attached for arrears of Quit Rent in fusly 1242, and remained under attachment till fusly 1248 when it was released. It was under attachment for the same cause from fusly 1250 till fusly 1257, and from fusly 1258 to fusly 1263. It was finally released from fusly 1264, the arrears having been written off under the authority of Government conveyed in Extract Minutes of Consultation dated 2nd June 1854.

7. On each of the former occasions the Shrotrium was restored to Vencata Appiah, the registered holder, and the last time it was given over to Ayaloor Sashammah his widow, but it seems that on this last occasion only she actually deprived the opposite party of the lands, and leased them out to others.

8. The circumstances under which the Anopullypaud Shrotrium came to be registered in the name of Vencata Appiah have been explained above; nevertheless M. Vencatakristnamah the Petitioner appears entitled to the half share claimed, on the grounds of his lineal descent from the original grantee; the donation in his favor by Aderauz in 1822; and the subsequent possession of the share by him and his mortgagee.

Revenue Depart.

No. 704.

Proceedings of the Madras Government

Under date the 25th May 1859

Read the following

Extract from the Pro-

-ceedings of the Board of

Revenue.

(Here enter 30th April 1859
No. 1508)

The Governor

in Council considers it

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-trium from attachment

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possession, in which it

1859 Sept.
No 1341

From the Collector of
Madura
To the Board of Revenue
Madras

Order of 29th March 1859
Rec'd 29 "
Ack. 29 "
No 1535

Petition of the Trustee
of the Sholinghur
Pagoda attached for
Government Arrears
of Kistbundy &
Peishcush Instalment

it was found on attach-
-ment. He therefore ap-
-proves and directs the
measure recommended
by the Board in Para
3 of these Proceedings.

2 The Governor in Coun-
-cil also grants permission
to either party under
Section II Regulation
IV of 1831 to resort to the
Civil Courts if dissatis-
-fied with that arrange-
-ment.

Copies to the Bd. of Rev. Dispd 26th
Sr. Dep. Rd

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Revenue 1859 Dept.
Cons 27th May
No 704.
Pro: of the Madras Govt.
Dd 25th May 59.

Board's measure to re-
place the Shrotriem Village
of Chooplly paid in Nellore
as to possession, in the same
state as it was at the time of
last attachment, approved
either the Petitioner or the
Mortgagee permitted, to resort
to Civil Courts if dissatisfied
with the arrangement.

No 43 & 44.