M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1178 Press ~~Mis.~~

186-187

Dated 17—7— 1860.

Not to be folded or roughly handled

No. 186. Read the following letter from G. N. TAYLOR, Esq., Inám Commissioner, to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, dated Madras, 3rd July 1860 :—

1. Before replying to the Order of Government, dated 14th May 1860, No. 769, on the petition of Amín Bi, Inámdár of Cokkípaun in the Masulipatam District, I was anxious to obtain the record of the former enquiry held in the Collector's Office, but as these papers have not yet been furnished to me, I deem it unnecessary to defer my report any longer.

2. I beg to submit a copy of the Register containing the Deputy Collector's decision in the case, and the remarks in review by one of my Special Assistants C. Rangáchárlu. The Government will observe that the Petitioner's opponent, Sheik Hussain, is a descendant of the original grantee, and his father's name appears in Cazalet's Register, the standard account of the District, as a joint holder of the Inám together with the Petitioner's predecessor, whose descent from the original family seems spurious. The exact relationship which subsists between the parties, and the circumstances under which the family of the Petitioner's opponent, Sheik Hussain, lost possession of the land, it would now be difficult and perhaps impossible to discover even by a minute re-investigation of the case ; and this course seems unnecessary as the long enjoyment by the Petitioner is undisputed, and adverse possession for a longer period than 12 years must be recognized as *primâ facie* evidence of a good title.

3. In regard to the manner in which a different decision was arrived at, I beg to explain that Séshayar Sástri, in the first instance altogether rejected the claim of Sheik Hussain, who appealed to me by Petition, which was referred to the Deputy Collector by endorsement requesting him to record the statements of the claimant on the Register, and pointing out to him, at the same time, that actual possession supported by the present enquiry could not be disturbed. The subsequent decision of the Deputy Collector went in review before the Special Assistant Rangáchárlu, who confirmed it with reference to the fact of right and partial enjoyment stated in the Register. Observing a complete concurrence of opinion between the deciding and reviewing Officers ; and believing that the settlement of the matter had given satisfaction to both parties, I countersigned the Register and the title-deed was prepared accordingly. Meanwhile, it appears that three petitions were received in my Office from Amín Bi, one addressed to myself, one to Rangáchárlu, and one to Mr. Marcar. All couched in the same terms and appealing against Séshayar's decision. The charge of the Petition department having, for the better despatch of business, been delegated to Mr. Marcar, these three addresses went in the ordinary course before that Officer, who after ascertaining that the case had been decided ; furnished to the Petitioner's the usual endorsement referring them to the Courts for the adjustment of their claims. The order of Special Assistant is before the Government. In ignorance of all the merits of the case, he erred in referring the parties actually in possession to the Civil Court, and he was also in error in passing a final endorsement on an appeal Petition without reference to myself. Care will be taken for the future that all such orders receive my previous assent, in order that an opportunity may be afforded me of reviewing the case if necessary.

4. Séshayar Sástri states in explanation of his decision, that, he attached more importance to the question of right than to present enjoyment : and it was evidently under this impression that he allowed statements of enjoyment adduced by Sheik Hussain to appear on the Register, without sufficient scrutiny ; which led to the recognition of his title in this Office. Séshayar was not singular, however, in this opinion : the majority of the Deputy Collectors were for some little time under the impression that this Department had succeeded to the authority hitherto exercised by the Revenue Officers to adjudicate upon rights to Ináms as between individual claimants. This impression has been long since removed, but the Inámdárs are not easily divested of the idea that this is a final settlement and determinative of private rights in Ináms, as well as a commutation of the right of Government. Much of the satisfaction produced by our Proceedings is owing to the patient investigation by the Deputy Collectors of disputed claims. Uniting, as they do, the former functions of the Tahsíldár and of the Collector—the inquiring and the deciding Officers—considerable good is often effected by their amicable settle-

ment of long pending disputes; but, at the same time they are fully instructed as to their inability to pass an authoritative decision in these matters.

5. In reply to the closing paragraph of the Order of Government, I beg to state that as all cases are carefully reviewed by myself and my Special Assistants, I feel confident, speaking generally, that no decisions, determining right as against possession, are allowed to pass. But, as in the absence of any authentic Registers of present holders, except in cases reported on lapse, the particulars of actual enjoyment can only be ascertained by the Deputy Collectors after minute enquiry, I cannot undertake to assert that mistakes have not occurred owing to the absence of some of the sharers in the Inám, and the deceptions practised by the Karanams and the parties interested.

6. Amid the many thousands of cases which come up for disposal, review and confirmation, occasional errors are unavoidable; but, I have the satisfaction of knowing that a complaint to Government by the party agrieved will afford me the opportunity of rectifying them. In the present instance no appeal was made to me against Mr. Marcar's order, nor has any representation reached me from the Petitioner Amín Bi, other than that I have noticed above. The recognition of Sheik Hussain's joint title to the Inám was an error of judgment only, which is rectified by the omission of his name and those of his relatives from the Register and the title-deed. The possession of the Inám is of course undisturbed, and matters, therefore, remain as they were before the present proceedings.

NOTE.—*The papers received with the Order of Government are returned.*

7. I trust that the present explanation will exonerate a Séshayar Sástri and the other Officers concerned from the censure implied in the Order of Government to which this letter is a reply.

An Original letter from Special Assistant C. Rangáchárlu is enclosed.

No. 187. ORDER THEREON 17th July 1860, No. 1,178.

1. In obedience to the Order of the 14th May, No. 769, the Inám Commissioner reports on a Petition presented by Amín Bi, a female Inámdár of the late Masulipatam District, complaining that notwithstanding her actual and sole possession of the Inám for a number of years, Deputy Collector Séshayar entered the name of another party as joint owner, and that she failed to obtain redress from the Commissioner.

2. Mr. Taylor admits that the decision was wrong, but represents it as only an error of judgment on Séshayar's part, and the Government are willing to believe that it was so. But it appears to them that the facts were not scrutinized with sufficient closeness by the Special Assistant Rangáchárlu in his review, and that due attention was not paid to the Petitions presented to the Commissioner and his Special Assistants.

3. It appears that the title-deed for the Inám has been given to the opposite party, Sheik Hussain, as he applied for it and the Petitioner did not. The Commissioner intends to correct the mistake by recovering the document from him, and cancelling it, and issuing a fresh title-deed containing the name of Petitioner only; the Register of the Inám being also corrected in the same manner. This the Government desire that he will accordingly do.

4. In reply to the last paragraph of the Order, Mr. Taylor states that no cases of decisions by Deputy Collectors determining right as against possession, are knowingly passed by him; and that the Deputy Collectors now understand that they have to deal with possession, rather than with rights apart from possession.

5. Ordered that the following endorsement be passed on Petition No. 772 of 1860:—

"The Inám Commissioner has been instructed to exclude the names of Sheik Hussain and "his relatives from the Inám Register, and to issue to Petitioner a fresh title-deed, omitting those "names."

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

Special Assistant's Office
Camp Dinde 23rd June 1860.

To
The C. N. Taylor Esqr.
Inam Commissioner

Sir,

As desired in your letter of the 19th Instant I have the honor to submit my explanation of what I have done in the Inam case referred to in the Government Order of the 11th May 1860.

I was unacquainted with the previous endorsements which passed on the subject. The case came into my hands with numerous other Registers. From the remarks of the Deputy Collector I gathered that Shaik Hussain and his relations were the descendants of the Grantee and the right full owners of the Inam, that the name of their ancestor was registered in Cazeltes Register tho' jointly with that of the Petitioners ancestors that they simply left the Petitioner in charge of the Inam when they left their home for Military Service and that they occasionally participated in its proceeds.

With these facts before me I recorded my opinion that the best course was, as recommended

recommended by the Deputy Collector to enter
the Inam in the joint names of both parties
leaving them to settle their relative Shares
amicably or by a Civil action. I must understood
that Shaw Hussain's claim rejected by the
Collector was for the entire Inam. Should
the above decision will be considered warranted
by the facts noted. Though I must confess
that had I proceeded with greater caution
and with a knowledge of the opposing claims
of the Pethmers, I might have paused and
demanded a reinvestigation of the case. I
do not remember whether any representation,
subsequently came to me by post from the
Pethmers; - as all Pethums were made over
to Mr Macvicar who had charge of the Pethum
Department at the time. It is difficult to
learn from the Pethums themselves to
which of the thousands of cases that
passed through the office they refer unless
I have specially undertaken it dispose
of them

I have the honor to be
Sir
Your most Obedient Servant

Rayner Keelle

Special Agent to the
Bhaw Commissioner

Letter to Lucius
Commissioner from
C. Ramsay Charles
Special assistant
—
Original thus
returned.

Ac. 1356/60

Do Kiparry

Gudivada Taluq

12	13	14	15	16	17	18	19	20	21	22
22 Personal	Fasly No 502 — 13-8/16 13·82 No 5521 — 11-15/16 29·69 Total 2-9-2/16 43·51 Wet — 14-7/16 15·32 No 388 No 5521 — 16·97 Total 4-7-7/16 75·80 Grant 1/6 — 67·88 by 3 Wet 1/4 Grant 12 — 2086 of which 8 Kattis had ceased to cultivate Inam before the date of the Company's Rule. Before this period the Inam Appears to have been 36 Kattis.	16-1-9 35 — 51-1-9 54-2-9 60 — 115-7-6	Khairatha d/o Sidi at Rajapalem Hereditary Littery Commuted into a Money Quit Rent on the Extent of Cultivation Average Quit Rent of the last 3 years Rs 30 — 3	Ahanjee Rasha in F 1102 AD. 1809	all Produced (vide by No 1) Grant — 1 Dumbala 1163 1212 21 Rej of 1207 — 1 Huzzaree 1222 1 An engagement dated 1808 by [illegible] to Mahamed Ali.	Pir Ali	Mahomed Alli Grandson by daughter Zaugh Dibeh (relationship not given) in Fazalee Report 5	Battal Sheik brother of Zaugh Dibeh in preceding Cal. in the Inam Account F 1232.	1 Mastuffatun Amanbee age 60 2 Mahomed Hussein age 35 3 Sik Hussein age 45 4 Sheik Imam	Widow of the party in Cal 15 Nephew of Do Son of Mahomed Ali in Cal 6 Grandson of Do	No 1 Daughter, her husband 2 Grandsons 4 Grand daughters 2 2 Sisters 2 Brothers 13) Wife, Son 1/2	Nos 1 & 2 appear to be Strangers to the original Grantee, tho in possession from 1197 or 72 years + These parties according to Legal	To be confirmed to the present holders under Rule V Clause 3 They enfranchise. / Signed / A Pechell Asst Collr 16th June 1859	1st to 10 a unquestio descendan original Ag the p heirs to to the In but it is a that Nos 1 cannot o recognized a Share from F 12 been acte enjoyed under these Sanads t to the In all the s from No 1 to be recogni single dec leaving it to settle th Amongst amicable Civil Co / Signed / P 26th June 1859
								5 Sheik Sarwar age 60. 6 Valli Mahammed age 60 7 Lalli age 30 8 Darya Mahomed age 17 9 Mahomed Yusuf age 26 10 Sheik Silamán age 25.	Nephew of Do Nephew of Do Daughter of brother of do A Cousin of do Do Do	Wife Sons 2 6 2 Sons Brothers 7 Daughter No 8 Mother No 9 Wife Son No 10 Mother Wife	free field by No 3 which is in a great measure supported by oral evidence of aged witnesses & well Assly Accounts are descendants from the grantee And seem to have occasional Share in the profits of the Inam The Omission of their names in the Accts is due Shekin to their long Absence in the Army. 1857-58	Lieut Kent C/P Rs 16-15-9 Vide 2b — 3 Total 49 —

Remark.

1 The Claim of Shik Hussein to the entire Inam was rejected by the Acting Collector in August 1857 - first on the ground that the family of Nos 1 & 2 were recognized as heirs so long ago as 1788 and have been in sole possession since - Secondly that the Claim was barred by the Statute of limitations.—

2 According to the instructions of the Commissioner I took further evidence in the Case as desired by the Claimant. The same aged witnesses who had been examined by the Acting Collector appeared before me and spoke more positively on the right of the Claimant than they did on the former occasion. They however admitted that Hajee Mahammed, who registered himself as the heir of the Inamdar in 1788, used also to Come to the Inam, whose the forefathers of the Claimant dwell before they enlisted in the army. The Village Moonsiff says that some female [illegible] of the Claimants used also to [illegible]

* The Inamdar claims to have the whole of this Inam Rjd as Mámúl Wet. Mr Reade's Dumbala of 1800 Calls the whole Inam Wet. From 1800 the Kamam accounts shews the Annual Crop to have been partly Wet & partly Dry so late as F 1253. 54-56 for the greater part of the crop appears to have been Wet with a little portion Dry [illegible] I would treat

Rec'd Dept

N° 1178.

Proceedings of the Madras Government
Under date the 17th July 1860.

Read the following
letter from the Inam
Commissioner -

Submitting reply
to order of Government dated
4th May last N°769 respecting
the Petition from Ammin 13i
Inamdar.

(Received 3rd July 1860)

In reference
to the order of the 4th May,
N°769, the Inám Com-
missioner reports on a
Petition presented by
Ammina 13i, a female
Inamdar of the late
Masulipatam district,
complaining that not-
withstanding her ac-
tual and sole possession

H 810

R 1356/60

[illegible]

of the Imám for a num-
ber of years, Dy. Coll.
Shéshayar entered the
name of another party
as joint owner, and
that she failed to ob-
tain redress from the
Commissioner.

2. Mr. Taylor ad-
mits that the decision
was wrong, but repre-
sents it as only an error
of judgment on Shés-
hayár's part, and the
Court are willing to be-
lieve that it was so.
But it appears to them
that the facts were
not scrutinized with
sufficient closeness by
the Special Assistant
Rangáchárlu in his
review, and that

due

Rangáchárlu

due attention was not
paid to the Petitions
presented to the Com-
missioner and his
special Assistants-

3 It appears
that the title-deed for
the Inam has been
given to the opposite
party, Shaik Hyder,
as he applied for it
and the Petitioner did
not. The Commissioner
intends to correct the
mistake by recovering
the document from
him, and cancelling
it, and issuing a fresh
title deed containing
the name* being also
corrected in the same
manner. The Sovt
desire that he will accordingly do.

4 In reply to the
last

* of Petitioner only; the Register of the Inam

last paragraph of the
order, Mr. Taylor states
that no cases of deci
sions by Dy Collectors
determining right as
against possession, are
knowingly passed by him
and that the Dy Coll^rs
now understand that
they have to deal with the
possession rather than
with rights apart
from possession.

5. Ordered that the
following endorsement
be passed on Petition
No 772 of 1860.

"The Inam Com
missioner has been
instructed to exclude
the names of Sheik
Dawjan and his re
latives from the Inam
Register, and to issue

to Petitioner a fresh
title deed, omitting the
names."

4 Copies to the
Inam Comr Dispt. 17
1 — Jon Depr. with Mr J B Inglis Dr. 19 July

20-31
20-5-60

Revenue 1860 Septbr
Pros: of Govt for July.

No 1178.

Pros: of the Madras Govt:-
Dy 17th July 1860.

Passing orders on a
Petition presented by Ammi
Bi Inamdar in the late Masu-
lipatam District with reference
to the entry in the Inam Register
of the name of another party as
Joint owner.

No 186 & 187.