M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1214 — Press Mis.

259-260

Dated 23-7-1864

Not to be folded or roughly handled

No. 259. Read the following Proceedings of the Board of Revenue, dated 28th June 1860, No. 3,001 :—

Read the following Report from J. D. ROBINSON, Esq., Acting Collector of North Arcot, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Teruvetur, 3rd August 1859, on Petition Board No. 32 of 1859 :—

1. Petitioner appeals against the decision of the Collector and the Board of Revenue in his case, and prays for redress. On the 4th May 1859, the Board called, with reference to the Orders of Government, for a report on the subject.

2. In Petition No. 425 of 1857 presented to the Board by Pátúr Rágava Chári and others, it is stated that they are the Mirásdárs of Cavanundul ; that their ancestors in the year Parídávil preceding the last Cycle, mortgaged the Mirás for 25 Pagodas to the Petitioner's grand-uncle Sínivása Varda Chári, on condition that it was to be restored after a lapse of 60 years, when one-eighth of the Mirás was to go to the Petitioner's ancestors in gift, and the remainder be restored to the Mirásdárs; and pray that, as Petitioner refuses to act up to those stipulations, measures be taken to enforce their observance.

3. The Petition being referred to the Sub-Collector for inquiry and report, that gentleman in a Memorandum dated 23rd March 1857, stated that he was informed that during the Jamaband; of Fasli 1263, the said Rágava Chári, &c., preferred their claim before the late Collector Mr. Bourdillon, but that it was not considered admissable on the ground of long enjoyment on the part of the Petitioner; a second Memorandum was then sent to the Sub-Collector on the 21st April 1857, requesting him to report on the case after examining the Mirás-patti and other documents connected therewith.

4. The Sub-Collector after a personal inquiry made return by a Memorandum dated 8th February 1858, accompanied by record of case, that he had ascertained from these and the Mirás-patti that the Mirás in question belongs to Rágava Chári, &c.; that their ancestors had mortgaged it to Petitioner's grand-uncle for 25 Pagodas, on condition that he was to enjoy it for 60 years, after which term one-eighth was to go as a gift, and the remainder to be restored to the Mirásdárs; and concluded by recommending that as the stipulated period of 60 years had expired, the Mirás should be restored to Rágava Chári. On this, the then Collector passed an Endorsement on Petition No. 425 to the effect, that although Rágava Chári, &c., had satisfactorily established their titles to the said Mirás, still that Mr. Bourdillon having declared their claims inadmissable on the ground of their apparently long enjoyment, he was not competent to set aside that decision without the orders of the Board.

5. Rágava Chári having produced the above Endorsement before the Board, they passed an Order on Petition No. 1,367 of 1858, desiring that the case be disposed of under the provision of Regulation VI of 1831.

6. The Collector accordingly on reperusal of the above Proceedings, directed the Sub-Collector by Memorandum dated the 1st July 1858, to give effect to the original stipulation by passing one-eighth of the Mirás as a gift to Petitioner Aiyavaiyangár and returning the remainder to Rágava Chári.

7. Aiyavaiyangár then presented a Petition to the Board No. 2,857, of 1858 on which the Board passed their final Endorsement on the 11th October 1858, confirming the aforesaid decision and dismissing the Petitioner's claim.

8. Under these circumstances the case seems to have been fully sifted, and no further interference necessary.

Ordered to be submitted to Government, with reference to their Endorsement of Petition No. 654 of 1859.

2. In 1857 a Petition was presented to the Board by one Rágava Chári claiming the Mányam Mirás of the village of Cavanundul, then held by the descendant of the person to

whom Petitioner said his ancestors had mortgaged it some 60 years before, for the term of 60 years, on the special condition that it should be redeemable at the expiration of the period, but that one-eighth of the whole should remain in perpetuity with the mortgagee.

3. The inquiry that was then made went to show that the claim was well founded, but the late Collector Mr. Bourdillon having in 1854, during the Jamabandi, when the same claim was submitted to him, declined to disturb the long possession of the then incumbent, Mr. Whittingham decided not to interfere without orders from the Board.

4. On 1st June 1858 he was directed by the Board to dispose of the matter under Regulation VI of 1831, the Mányams in dispute being those attached to the hereditary office of Pátta Monigar and Munsiff, and in his Endorsement dated 30th idem, he states that on personal investigation, Rágava Chári's claim had been substantiated, and the terms of the original compact were therefore ordered to be enforced, seven-eighths of the Mányam Mirás being restored to the claimant.

5. The present Petitioner to Government who was thus ousted, appealed to the Board who on 11th October 1858 furnished him with an Endorsement declining to interfere on his behalf, and it is from this decision that he now appeals to Government. The lands in question being service Mányam attached to the office of Patta Monigar and Munsiff, nothing but length of possession could be held to bar the decision of the claim under Regulation VI of 1831, Petitioner's assertion that the entry in the accounts which supported Rágava Chári's claim was a forgery, being rejected by the Collector apparently as insufficient to discredit it, and the Board did not consider that they would be justified in rejecting an otherwise good claim, solely on the ground that the claimant had been long out of possession.

(A true Copy and Extract.)

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

No. 260. ORDER THEREON, 23rd July 1860, No. 1,214.

1. The Government do not see sufficient reason for interfering in this case. If the Collector was fully satisfied of the validity of the plea set forth by Rágava Chári, his order was substantially right; but he ought to have required very sure proof of facts reaching so far back.

2. Ordered that the following Endorsement be passed on Petition 654 of 1859. "The "Government have received a report in this case and decline to interfere with the decision of the "Collector confirmed by the Board of Revenue."

(Signed) C. G. MASTER,
Deputy Secretary to Government.

Revenue 1860 Department
Pro: of Govt for July.

No. 1425

Proceedings of the
Board of Revenue

Dated 28th June 1860.
Desp. 3d July
Rec. 14th Do
E. I. Petition.

No. 3001

Submitting with the Board's observations a letter from the Acting Collector of North Arcot reporting on the Government Petition No. 654 of 1859 claiming the Maniums Mirasi of the village of Cavanmundul.

No 257 & 260.

No 1214 - 23d July
With an order.

16 Jul Cy Rec'd

No. 1214

The Govt do not see sufficient reason for interfering in this case - If the Collector was fully satisfied of the validity of the pleas set forth by Ringavachari his order was substantially right, but he ought to have required very pure proof of facts reaching so far back.

Ordered that the following endorsement be passed on Petition 654 of 1859 - "The Government have received a report "in this case and decline to "interfere with the decision of "the Collector confirmed by the "Board of Revenue" -

HGW

Fort St. Geo: 23d July 1860.

12 Copies
To Mem Bd of Rev: Dis 23d
1 Copy Mr Dobbs with Encl