M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1225	Press Mis.
281-282	
Dated 24-7- 1869.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 24th July 1860.

No. 281. Read the following Proceedings of the Board of Revenue, dated 28th June 1860, No. 3,000 :—

Read the following letter, dated 1st May 1860, No. 92, from the Collector of North Arcot, on the subject of the Jáhgír of Vallavanúr.

(In Cons., 4th May 1860, No. 2,072.)

Read also letter from the Registrar of the Sudder Court, dated 31st May 1860, forwarding the reply of the Kazi-ul-kuzat to the question proposed by the Board.

(In Cons., 31st May 1860, No. 2,565.)

In Cons,. 25th January 1860, *No.* 377.

1. Resolved that the letters above recorded be submitted for the Orders of Government, with reference to paragraph 7 of their Proceedings, dated 24th January 1860, No. 118, Revenue Department.

Proceedings, 25th November 1859, *No.* 4,826.

2. In reviewing the circumstances of the above Jáhgír, which was originally granted by Government on Srotriyam tenure for three lives to the late Subadar Sayad Hussein of the Governor's Body Guard, the Board came to the conclusion that the tenure did not cease with the life of the last incumbent, Sayad Sabder Ali, but had to run for another life, and directed the Collector to institute immediate inquiries to ascertain who the existing heir might be, and to place him in possession, reporting fully on the results of the resumption in 1857, and as to the amount of the collections from the Jáhgír that must be refunded. These instructions were approved by Government in their Proceedings above referred to.

In Cons., 27th November 1828, *No.* 2,413.

3. The Collector now states that the deceased Sabder Ali has left a widow who resides with her aunt at Ranipet in very indigent circumstances, and that he has placed her in possession of the Jáhgír village ; and with regard to the collections from it, he reports that during the three years it has been under attachment, Rupees 3,366-15-4 were realized, from which deducting the Jodi of Rupees 226 per annum payable by the holder under the Order of Government dated 21st November 1828, No. 803, Revenue Department, there remains a balance to the credit of the Jáhgírdar of Rupees 2,688-15-4.

4. The Acting Collector has misunderstood the Board's instructions in placing the widow of the last holder Sabder Ali in possession of the Jáhgír.

5. In their Proceedings above quoted, they pointed out that the original grant was to Subadar Sayad Hussein and *his* two next heirs, and the point to be ascertained now is, who is the next heir of the original grantee, his eldest son having predeceased him without issue, and his second son who succeeded him in the enjoyment of the Jághír having also died childless.

In Cons., 17*th May* 1858.

6. In his letter of 20th April 1858, the Collector of North Arcot submitted a list of twenty-one individuals as at present composing the family, but among these he included the descendants of the elder brother of the original grantee, who have no claim on Government in connection with this Jáhgir, which was granted for personal services.

Excluding these persons from the list there remain—

The widow of the original grantee ;

The daughter-in-law of the original grantee being the widow of the last Jáhgírdar and now in possession by order of the Collector ;

Two grandsons, and three grand-daughters of the original grantee, by his *eldest* daughter
Two grandsons of the original grantee by his *second* daughter ;
in all nine individuals.

7. The Board* submitted a question to the Kazi-ul-kuzat of the Sudder Court, to ascertain who should be considered the heir and representative of the original grantee, and his reply† shows that a fit person from among the grandsons of the original grantee is, under the circumstances of the family, to be selected as their representative without prejudice to the claims of the widow and other descendants of the original grantee to maintenance from the Estate, in accordance with Mahomedan Law.

* *No.* 2,517, *to Sudder Court, 25th May* 1860.

† *No.* 2,565, *from Sudder Court, 31st, in Con., 31st May* 1860.

8. The Board, therefore, resolve to recommend to Government that the Collector be instructed to place the Jáhgír of Vallavanúr in the possession of Sayad Ahmad, the eldest son of Bijún Bi, who was the eldest daughter of the original grantee, as the next heir and representative of Subadar Sayad Hussein, and the third and last holder of the Jáhgír under the terms of the original grant.

9. The surplus of the Receipts from the Jáhgír since its resumption, amounting to Rupees 2,688-15-4 after deducting the Jodi due to Government for the same period, should be made over to the same individual, unless Government should see fit to reimburse themselves out of this Fund, for the amount paid on account of the pension to be presently alluded to, and Sayad Ahmad should be informed that to him the members of his grandfather's family are to look for suitable maintenance.

10. The above recommendation is in accordance with the course adopted in regard to the Inám of Kilmanur, which was approved by Government in their Proceedings, dated 17th September 1858, No. 1,270, Revenue Department.

In Cons., 21st September 1858, *No.* 4,215.

11. The Board leave it for the consideration of Government whether any and what change is to be made in regard to the charitable allowance made by the Home Government to the widow of the original grantee, and which, as the Board pointed out in their Proceedings of 10th December 1859, was granted in consideration of the loss not only of the Jáhgír but also of a pension double the amount of that now received.

Honorable Court's Despatch, dated 1st September 1858, *No.* 147.

12. But whatever determination may be come to as regards the future, the Board beg leave to recommend that no refund of past payments be required, as the allowance, amounting to Rupees 59½ monthly, can have afforded little more than a bare subsistence to the family who have been solely dependant on it since the resumption of the Jáhgír.

(A true Extract.)

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

No. 282. ORDER THEREON, 24th July 1860, No. 1,225.

1. These Proceedings of the Board of Revenue relate to the Jáhgír village of Vallavanúr in North Arcot.

2. This Jáhgír was granted by Government for three lives, in consideration of services, rendered. By an oversight caused by the omission to issue a formal Sanad, the Jáhgír was resumed by the Collector in 1857, on the lapse of the second life.

Procs. Bd. of Rev., 25th Nov. 1859, *No.* 4,826, *paragraph* 8.

3. On the discovery of this mistake, the Collector was ordered by the Board to ascertain who was "the "existing heir," and put him in possession. The Collector in fulfilment of that Order, gave possession to the widow of the second holder who had left no issue. But the Board now report that this was a mistake; and, having obtained the opinion of the Mahomedan Law Officer of the Sudder Court, they recommend that Sayad Ahmad the eldest son of the eldest daughter of the original grantee be recognized as head of the family, and be put in possession of the Jáhgír, with injunction to make suitable provision for the other members of the family.

4. This seems the proper course, and the Government authorize the Board to issue instructions accordingly. Sayad Ahmad will be the third and last life; on his demise the grant will lapse.

Despatch from Court of Directors, 1st September 1858, *No.* 147, *paragraph* 44, *Military Department.*

5. After the resumption of the Jáhgír, the Home Government granted the widow of the original grantee a pension of Rupees 59-8-0 a month, being half the amount of a life pension enjoyed by her son as heir to his deceased father the original grantee, in addition to the Jáhgír.

6. This pension was granted under the belief that the widow was wholly destitute. It will cease from the date of the restoration of the Jáhgír; but no part of the previous payments need be recovered from the amount of the mesne profits of the Jáhgír, which will be paid in full to Sayad Ahmad. The amount according to the Collector's statement is Rupees 2,688-15-4.

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

In Con., 4th May 1860, No. 2,072.

From J. D. ROBINSON, Esq., Acting Collector of NORTH ARCOT,
dated Chittoor, 1st May 1860, No. 92.

I have the honor, with reference to the Proceedings of the Board of Revenue, dated 25th November 1859, and 27th January last, Nos. 4,826 and 491, respectively, to submit the information required in regard to the Jaghire village of Valavanur.

2. The Petitioner Jynob Bi, is, as the Board are already aware, the mother of Syed Sabdar Ali, who last held this Jaghire village: but from recent enquiries it appears that though her son died without issue, he has left a widow who now resides with her Aunt at Ranipet in very indigent circumstances. I have, therefore, under the authority given me in paragraph 8 of the Board's Proceedings first quoted above, placed her in possession of the Jaghire village.

3. The collections from the village during the three years (Faslis 1267, 68, 69), it remained under attachment amount, as shown in the margin, to Rupees 3,366-15-4. Deducting from this the annual jodi, viz., Rs. 226,* the amount which remains to be refunded to the widow Jamal Bi, is Rupees 2,688-15-4. Government have directed that in case of her mother-in-law the Petitioner Jynob Bi being pronounced heir to the Jaghire, the sums paid to her in accordance with the late Honorable Court's Despatch, dated 1st September 1858, No. 147, from the date of her son's death should be deducted from the sum total of collections made from the Jaghire since its resumption and the difference only disbursed to her. On this point, I have now the honor to solicit further instructions as Jynob Bi's claim to the Jaghire has been superseded by that of her daughter-in-law, who is not likely, under the acrimonious feelings to which these enquiries have given rise, to do much for the relief of that indigence and distress which procured for her less fortunate rival the intermediate assistance of Government.

Fasli 1267	1,527	7	8
„ 1268	1,673	5	10
„ 1269	166	2	2
	3,366	15	4

* *Vide* Order of Government, dated 21st November 1828, No. 806.

4. As Petitioner is a pauper, any refund of the pension paid to her in the Military Department is obviously impossible, and the only question now is whether, under the relationship which she bears to the late grantee, she is not entitled to a certain assignment from the revenues of the village for the maintenance of her old age. I beg to suggest whether a question might not be put to the Mahomedan Law Officers on this point.

Exd. J. Tulloch.

Copy in a Letter to Govt
17th Sept 1860 No 97.

1860 Depart

Encle 1 in Proceedings
of the Board of Revenue
to the Secretary to Govt
Revenue Department
28th June 1860. No 3006.

Letter from the Collector of
North Arcot to the Board of
Revenue dt 1st May 1860 No
92. Respecting the Jaghire
Village of Valavanur.

Pn 1357 to 60.
24th July 60
Os Ds 1235.
ID 281-282

24th July 60
Os Ds 281 to 282

No. 2,517.

From W. HUDLESTON, Esq., Sub-Secretary to the Board of Revenue.

To C. F. CHAMIER, Esq., Registrar to the Court of Sadr Adalat.

SIR,

I am directed by the Board of Revenue to request that you will be good enough to obtain an answer to the following question from the Mahomedan Law Officer of your Court, and forward the same to the Board *at your earliest convenience.*

I have the honor to be,
Sir,
Your most obedient servant,

(Signed) W. HUDLESTON,
Sub-Secretary.

REVENUE BOARD OFFICE,
Fort Saint George,
25th May 1860.

Exd. J. Wright.

Question.

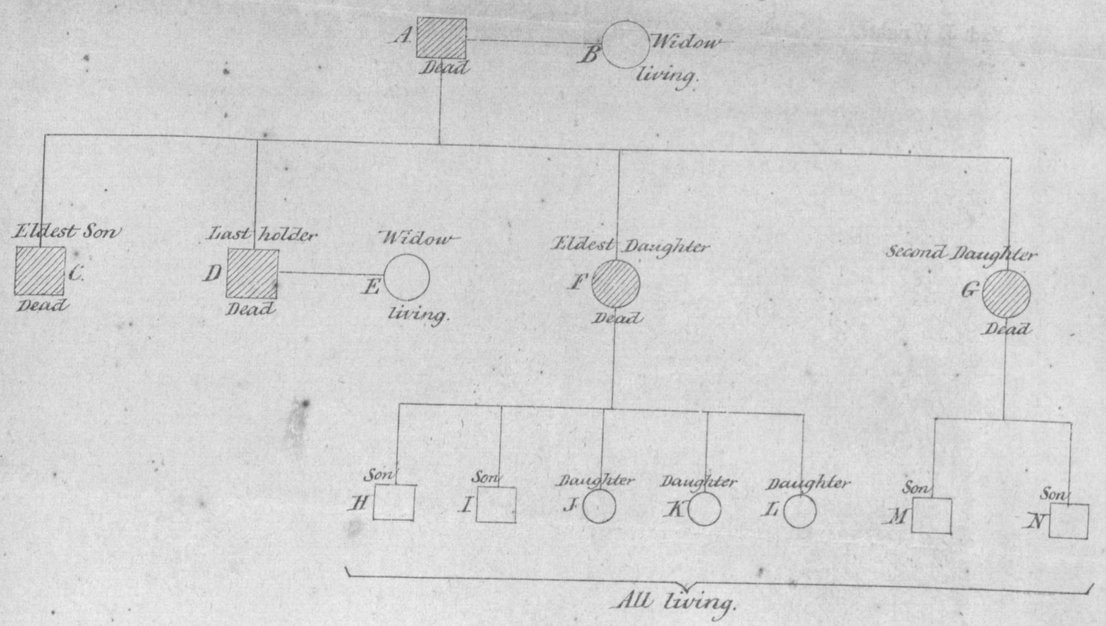
A village is granted on Shrotriem tenure to A for the enjoyment of himself and *his two next heirs in succession.*

After A's death leaving a widow B, the Jaghir descended to D his second son, the eldest son C having died without issue in the life-time of his father. D also dies leaving a widow E, without children.

In addition to the two sons just mentioned, the original grantee had two daughters F and G, who appeared to have died during the life-time of their brother D, the former leaving two sons and three daughters, and the latter two sons, all of whom are alive.

Of the nine survivors thus mentioned, it is desired to know who has the best title, according to Mahomedan Law, to succeed to the Jaghir as the third life, under the terms of the grant as above stated.

Original Grant



Copy inclosed Letter to Engd
Dft 7th Sept 1860 No 97

1860 Depart

Enclo-2 in Proceedings
of the Board of Revenue
to the Secretary to Govern-
-ment Revenue Department
dt 28th June 1860. No 3000.

R No 1357 of 60
Order No 1225

Dt 2nd July 60
No 1225

Letter from the Sub Secretary
to the Registrar of the Court
of Sudr Adalut dt 25th
May 1860. No 2547. Submit-
-ting a question to the Law
Officer of the Court of Sudr
Adalut.

2817282

R No 1357 dt 2nd July 60
O No 1225
B 281-282

In Con., 31st May 1860, No. 2,565.

From C. F. CHAMIER, Esq., Registrar of the Sudder Court,
dated Madras, 31st May 1860.

I have the honor to forward to you the accompanying answer of the Cazi-ool-Coozzat of the Sudder Court, to the question propounded in your letter of the 25th instant.

Translation.

Answer of the Cazi-ool-Coozzat of the Sudder Court.

The widows and descendants of the deceased Jaghiredars are, according to the Mahomedan Law, shareholders in a gift received from a king. Women are incompetent to realize the amount of the Jaghire Revenue, to distribute it among all the heirs, and to be answerable for the Circar affairs. It is therefore necessary to appoint any of the male descendants of either F. or G., whoever may appear qualified to manage the said affairs.

L. S.

(Signed) MOHAMED ATOYULLAB-CAZI-OOL-COOZZAT.

(True Copy.)

(Signed) C. F. CHAMIER,
Registrar.

Ed. T. Dunn.

Copy in a Letter to Govt
of Mad. 7th Sept. 1860 No. 97.

1860 Depart.

Encls 3 in Proceedings of
the Board of Revenue to the
Secretary to Government
Revenue Department of
28th June 1860. No 3000.

R. 13576/60.

Or. No. 1225

Letter from the Registrar
of the Sudder Court to the
Board of Revenue of 31st May
1860

24 July 60
No 281 282

Memo

1. This is another case of a Shrotriam granted by Government for three lives, in consideration of services rendered. By an oversight caused by the omission to issue a formal Sanad, the Shratriam was resumed by the Collector in 1857, on the lapse of the second life.

2. On the discovery of this mistake, the Collector was ordered by the Board of Revenue to ascertain who was "the existing heir" and put him in possession. The Collector, in fulfilment of that order gave possession to the widow of the second holder, who left no issue. But the Board now report that this was a mistake, and, having obtained the opinion of the Mahomedan law officer of the ~~Sadr Adalat~~ Udalat Court, they

Para 7. recommend that the eldest son of the eldest daughter of the original

grantee

grantee, be recognized as head of the family, and be put in possession of the Shrotriam, with injunction to make suitable provision for the other members of the family. This seems the proper course, as I presume the opinion in question must be accepted as good law.

3. It remains to consider the refund of the mesne profits. The widow of the original grantee is still living, though of great age. After the resumption of the Shrotriam, the Home Government granted her a pension of Rs. 59-8-0 a month, being half the amount of a life Pension enjoyed by her son as heir to his deceased father the original grantee, in addition to the Shrotriam.

4. Two questions now arise; first whether this pension is to be stopped, now that the Jahgir has been returned to the family; second; whether the amount of the payment under it, shall be refunded to Government.

As

5. As to the first, I think there is no doubt that if the Jáhgír had been continued after the death of Sabdar Ali (the son of the grantee) this Government would not have recommended the Pension; and that if they had done so, the Home Government would have refused it. The Head of the family, holding the jághír being bound by law and custom to maintain her suitably. The amount of the pension above 900 Rs a year clearly shows that it was intended for the maintenance of the family, as well as for the widow herself.

6. The old lady is however very aged (stated in 1858 to be above 80 years old) and perhaps the Government may think proper to continue a part of the pension say 20 Rs a month, to make the widow independent. An order of the Home Government is necessary for this, but Government may

do

do it meanwhile.

7. Second. I presume the Government will not wish to recover any part of the pensions already paid, but will permit the whole of the proceeds in the hands of the Collector to be paid over to the party to whom the jáhgír is awarded.

8. I should add that in these cases of jáhgírs for lives the Government have usually determined the line of succession, except in the case of doubtful questions of law.

I agree to this arrangement, except as regards the Pension, which on no account can continue.

Memo:

Shotriam in North Arcot

Rev: Dept

№ 1225

Proceedings of the Madras Government
Under date the 24th July 1860.

Read the following Proceedings of the Board of Revenue.

Recommending for reasons stated that the Collector of North arcot be instructed to place the jahgir of Vattava-nur in the possession of Syad Ahmad, the eldest son of the eldest daughter of the original grantee.

Vallavanur

(Here enter 20th June 1860 № 3000)

1 These Proceedings of the Board of Revenue relate to the Jáhgír village of Vallavanúr in North Arcot.

2 This Jáhgír was granted by Govt for three lives, in consideration of services rendered. By an oversight caused by the omission to issue a formal Sanad, the Jáhgír was resumed by the Collector in 1857, on the lapse of the second life.

3 On the discovery

Drabt recommends

Pro. P. B. of Rev. 25. Nov. 1859 No 4826 para 8.

of this mistake, the Collector was ordered by the Board to ascertain who was "the existing heir" and put him in possession. The Collector, in fulfilment of that order, gave possession to the widow of the second holder who had left no issue. But the Board now report that this was a mistake, and having obtained the opinion of the Mahomedan Law Officer of the Sudder Court, they recommend that Sayad Ahmad the eldest son of the eldest daughter of the original grantee be recognized as head of the family, and be put in possession of the Jáhgír with injunction to make suitable provision for the other members of the family.

This

4. This seems the proper course, and the Government authorize the Board to issue instructions accordingly. Sayad Ahmad will be the third and last life; on his demise the grant will lapse.

5. After the resumption of the Jáhgír, the Home Government granted the widow of the original grantee a pension of Rs. 59-0-0 a month, being half the amount of a life pension enjoyed by her son as heir to his deceased father the original grantee, in addition to the Jáhgír.

6. This Pension was granted under the belief that the widow was wholly destitute. It will cease from the date of the restoration of the Jáhgír; but no part of the

Despatch from Court of Directors 1st Sept. 1850 No. 47 para 44 Mily. Dept.

the previous payments
need be recovered from
the amount of the mesne
profits of the Jahgir, which
will be paid in full to
Soyad Ahmad. The 11/4
amount according to the collector's
statement is Rs. 2,688-15-4.

Jahgir Village of Val
Cavaneur in North Arcot

13

12 Copies to the Bd. of Rev. Dispt. 2
3 " Accountant Genl. V
3 " Civil Auditor V

Lieut. Under orders

Sons —

Copy in a Letter to England
Dy 7th Oct. 60 No. 97.

19-11-00

Revenue 1860 Sept 10
Pro: of Govt. for July.

No. 1225.

Pro: of the Madras Govt.
Dy 24th July 60.

Further Proc. 10th Oct. 1860 No. 1827.
(152-153).

Pro. of the B. of Rev. 31st Oct. 62 No. 3059

From Jmmnal Widow of Lyd Subder
Alli late Jaghirdar of Vellavanur in the
Dist of N Arcot Dy 3d July 1868 No. 1555.

Board to issue instructions
to place the Jahgir of Vellavanur
in N. Arcot in the possession of
Sayad Ahmad the eldest son
of the eldest daughter of the
original grantee.

Vide Board's Pro. 3 July 75 No. 1845

No. 281 & 282.