M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1995 Press ~~Mis.~~

483-484

Dated 30 — 10 — 1860.

Not to be folded or roughly handled

No. 483. Read the following Proceedings of the Board of Revenue, dated 2nd October 1860, No. 4,486 :—

Read the following letter from P. GRANT, Esq., Collector of Malabar, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Calicut, 22nd August 1860, No. 171 :—

SIR,

1. I have received the Board's endorsement on the address* of the Zamorin Rája of Calicut to Government, date and subject as per margin.

* *No.* 1,294 *of* 1860 (*returned with enclosure,*) *dated* 10*th April* 1860, *requesting payment of money already paid to the Uralers of a Pagoda under his general supervision, or permission to institute a suit for its recovery.*

2. The parties to whom the value of the land referred to was paid, were those who came forward and claimed the money as "Uralers" or proprietors of the temple† to which the land appertained, and who, I may had, were in fact recognised as such throughout Vetutnad, where the temple is situated. Moreover, in their application for the money, they objected strongly to its payment to the Zamorin, whose management of the affairs of the institution, they declared as highly detrimental to its interests.

† *Trikandayoor.*

3. Under these circumstances, and as the Rája could pretend to no other claim over the temple than that of general supervision, it was deemed prudent to disburse the amount to the parties in question, who are men of substance and respectability, and who received it for the express purpose of purchasing other lands, for the benefit of the temple, in lieu of those taken up by the Railway Company.

4. It is true that the institution was, with a few others, transferred by Government to the charge of the Rája so far back as 1841; but this transfer did not, and could not, convey to him any right whatever, as the Government could confer on him nothing beyond what they had assumed under Regulation VII of 1817, *i. e.*, the general superintendence of the institution; and the object of the transfer was simply to ensure that due supervision and management of its affairs, which had, up to that period, been exercised by Government, and from which they were themselves withdrawing.

5. Much stress is laid by the Rája on the fact that the settlement of the claim then advanced to the Uralership of the Pagoda was left to him in the Kabulnamah or agreement granted him at the time of the transfer. But it must be remembered, that this provision in the Kabulnamah did not at all vest any right of Uralership in himself. All that was, and could possibly be, intended by it, was to effect a speedy adjustment of the claim then pending, as the Rája, from his station and influence, would, it was believed, be better able than the Government authorities to attain the end desired.

6. No settlement of the claim has, however, to the present moment, been effected, although a period of about nineteen years has elapsed. The claimants then were, I find, the same parties, who have since come forward and received the money which he now demands. Had he been to bring their claim to a settlement, he would certainly have found it quite within his power to do so, in a satisfactory manner, long ago; and the natural inference which presents itself to one's mind from the whole facts of the case, is that it has been his interest to keep matters in suspense as long as possible.

7. The Mel-koima right to which the Rája advert in his 2nd paragraph, is simply one of honorary superintendence, which the reigning power exercises, and does not in any way imply right of ownership.

8. With reference to paragraph 3 of his letter, I deem it proper to remark that the circumstances of the decree adverted to having been allowed by the Court, to be enforced on his behalf, is, to my mind, attributable to the Court not having been made aware, at the time of the

unquestionable fact, that he possessed nothing more than the right of general supervision over the temple in question. The Orders of Government dated marginally, it will be observed, only authorized the transfer to the Rája of the "control" of the institution "so far as it was exercised by the Sirkar."

Ex. Mins. of Cons., dated 20th November 1841, *received with the Board's Proceedings, dated 6th December* 1841.

9. In regard to paragraph 5 of his letter, I beg to observe that the value of the lands referred to was paid to him, because his claim to it was deemed admissible; but such payment forms no tangible ground for claiming what he is not fairly entitled to.

10. If he still considers himself to possess a right to the money, he is at liberty to recover it by a Civil action from the parties who have received it, under the provisions of Section 28, Act VI of 1857.

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1. Ordered to be submitted to Government, with reference to their endorsement on Petition No. 1,294 of 1860.

2. The Board's letter of 7th October 1841, paragraph 5, contains the recommendation made by them regarding the management of the Pagoda in question which was adopted by Government in Extract Minutes Consultation, dated 20th November 1841, No. 1,449, Revenue Department.

In Cons., 6th December 1841, *No.* 2,627.

3. The Board do not consider that that arrangement vested in the Rája any authority or right not hitherto exercised by the Government of the Presidency, yet still as he and he only at present appears to be responsible for the property and its due administration, the propriety of the Collector's proceedings may be questioned.

4. The money having, however, been already paid, and the Zamorin having his remedy against the recipients under the Act for any amount that properly should have been disbursed to him, it does not appear to the Board that advantage will result from further interference.

(A true Copy and Extract.)

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

No. 484. ORDER THEREON, 30th October 1860, No. 1,995.

1. The Government agree with the Board in doubting the propriety of the Collector's act in making over the money to the so called "Uralers," when their claim to that office was still unsettled. But the money having been paid, the only course is for the Zamorin Rája to seek his remedy by Civil suit.

2. Ordered that the following endorsement be passed on Petition No. 1,294 of 1,860.

"The Government are unable to order payment to Petitioners of the money which has been "already given to other persons. The Zamorin Rája is referred to Section 14, Regulation "VII of 1817 for a remedy, if he considers himself aggrieved."

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

No. 1294 of 1860

To

Sir Charles Trevelyan K. C. B.

Governor in Council

Fort St. George.

Madras.

H. H.

The Zamorin Rajah of Calicut.

Sends greeting.

The six Chalioms and two Ootoo Bramanams (or Bramin Talioms) belonging to the Karianom of the Pelutinad Rajah in the Pelutinad Talook in the Province of Malabar which became an escheat to Government in 986 corresponding with the year 1793 were by an order of Government dated 20th November 1841 made over to us on the 20th December of the said year by the late Fort Collector of Malabar Mr Conolly and a Kabuliyamah was granted to us agreeably to which we manage the said property. a copy of the said Kabuliyamah is herewith submitted. On a reference to which your Excellency in Council will become aware of all the particulars. In 1032 some of the property

No. 1294 of 1860.

Referred to the Board of Revenue for a report of the facts of the case.

By Order

Fort St. George
4th June 1860.

Dy: Secy: to Govt.

No 1294 of 1860

39

Ans. 1294 of 1886 A.

Mr. 1294 of 1860.

Kabulnamah granted by the Honble the G
& Company to H. H. Mana Vikrama the Zamorin
Rajah of Calicut

Whereas Government having
in their proceedings of the 21st November
1841 acceded to my recommendation that
the 4 pagodas viz. 1 Threprongode Devasoom
2) Perandura hovil Devashoom (3) Vettatha
Bhagavathy Devashoom (4) Coothy kolan
gara Devasoom and the 2 Sabroms viz.
Thrikandayoor Vetta hovvo Maghom Thavvo
ottoo Bramaswom Sabrom, and Keraladisk
vara Poorom oota Bramaswom, all
situate in the Taluk of Betuttnad in
the Province of Malabar and which
were escheated to Government in 968 Cor-
responding with the year 1793 by the
extinction of the said Rajah's family as
well as the 17 Nerom Rayatha Kotta
Pagoda situate in the Taluk of
Shernad (the possession & management
of

Zamorin

of which are now held by Government for various causes) and the (8) Thre= =Kandayaor Devastanom situate in the Talluk of Betutnad, (of which you are the comptroller) in all 6 Pagodas and two Satroms (Native Travellers Bungalow) should in future be placed in your possession & under your management, I have accordingly issued orders to the Tahsildars of Betutnad and Shernad directing them to prepare separate accounts of the said 6 Pagodas and 2 Satroms as well as of all the landed property appertaining thereto respectively whether paying Revenue to Government or exempt from it, as also of the respective Treasuries, jewels and Vessels of the said Pagodas and Satroms. and to which accounts the signatures of the Kariestens & Menons having been obtained, the Tahsildars are to make them over to any Kariesten whom you may depute to take charge of the same. You will, therefore, issue similar

similar instructions to your Kariesten to receive charge of and grant a receipt to the Talluk for the same.

In this matter you will hereafter be guided by the following instructions

2. From the answer I received from Government in reference to my application for permission to deliver to you Rs 3,579, now in deposit in the Huzzoor Treasury, on account of the Nerom Kayatha Patta Chetrom, it would appear that the said amount is to be held in deposit pending the receipt of further orders. When final instructions shall have been received regarding the disposal of the said money, the same will be delivered to you accordingly.

3. You will be pleased to manage the affairs of the said Pagodas & Satroms in the same manner as you do as regards those belonging to your Cheriekel Estate and cause the Kariestens (who may be appointed

Zamorin

appointed by you/ to recover from the
tenants of the said property the interest
& rent &c. Any tenants raising obstacles
by not paying the rent or interest &c.
or renewing their deeds, should be
dispossessed of the property in conformity
with the custom, and the same should be
let to other tenants. In cases wherein
you will have to institute suits in the
Civil Courts you will be good enough
to conduct them by granting the necessary
Vakalutnamah in your own name.

4 Certain parties claim the
Coralleriship of the Tirikundayoor Chetrum.
but as the affairs of the said Chetrums
have since a considerable time been
managed by the Govt, and therefore
if any of them who have now come forward
as Corallers, possess any such right, it is
left for you to settle it reasonably and
according to your discretion. It is therefore
needless for me to enter fully on the subject.

5 All the Rayahs of Karaipa
Kovilagatha & Valloo Kovilagatha have represented that the
Neerm Kayatha Kotta Chetrum belongs to
them and that it should be made over
to them, yet as the affairs of the said
Chatrum have since the year 996 been
managed by the Government according
to a Resolution passed by the then Commissioner
and as Govt do not think that if the
aforesaid Chatrum is now made over to
the said Rayahs they will manage its
affairs properly, it has therefore been made
over to you.

6 No persons have as Corallers
managed the affairs of the said Pagodas
as is the case with other Pagodas over
which the Corallers have a sole control.
You will therefore be pleased to take the
management of all the affairs connected
with the said Pagodas; but in doing so
you will act properly and without pre-
judice to the rights allowed to the parties
holding the Offices of Corallers, Samoodayam
and Karayma.

7 You will not have to submit

Zamorin

to Government in future the necessary account &c. of the management of the affairs of the Chetroms & Satroms as well as of the recovery of the interest and patom, or the renewal of deeds or of any expenses incurred, or be responsible for the same, but all such accounts shall be inspected by you and every thing conducted under your own orders.-

(21)

the only course is for the
Zamorin

R. D.

No. 1995

Proceedings of the Madras Government

Under date the 30th October 1860

Read the following Proceedings of the Board of Revenue.

(Here enter 2nd Oct. 1860 No. 1486.

Submitting a letter from the Collector of Malabar reporting on Government Petition No. 1294 of 1860 from the Zamorin Raja of Calicut claiming the payment of money already paid to the Uralers of a Pagoda with the Boards opinion that the Raja may be left to recover it by a Civil Action.

The Government agree with the Board ~~consider that there is room~~ in doubting ~~is that the Collector was~~ the propriety of the Collectors act in making over the money to the so called "Uralers", when their claim to that office was still unsettled. But the money having been paid, ~~and~~ the only course is for the Zamorin

Zamorin Raja to seek his
remedy by Civil Suit.

Ordered that the following
endorsement be passed on
Petition No. 1294 of 1860.

"The Govt. are unable
"to order payment to Petitioner
"of the money which has been
"already given to other persons.
"The Zamorin Raja is re-
"ferred to Section XIV Regula-
"tion XII of 1817 for a remedy,
"if he considers himself
"aggrieved."

Cgcc

17 Copies
To the Board of Revenue
Cash 3 Rs.
1 — Pet. Desp with Mr. Patel.
Rec.

Revenue 1860 Dept.
Pro: of Govt for October

No 1995

Pro: of the Madras Govt.
Dy 30th October 1860.

From the Dr of Rev Dy
C. No 2104

(16)
Claim of the Zamorin Rajah -

Zamorin Raja of Calicut to sue for the money already paid to the Uralers of a Pagoda under his general Supervision, if he considers himself aggrieved -

No 1483 & 1484 -