M.R.O. 14—10,000—21-4-22.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2086 Press ~~Mis.~~

144-145

Dated 9 - 11 - 1869.

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Revenue Department, 9th November* 1860.

No. 144. Read the following Proceedings of the Board of Revenue, dated 23rd October 1860, No. 4,873:—

Read the following letter from the Collector of Madura, dated 5th October 1860, No. 203.

(In Cons., 13th October 1860, No. 5,202.)

1. The Board are unable to trace any previous correspondence connected with the subject of the above letter.

2. It appears however from the Collector's description that the village of Púvandi, therein referred to, is entered in the permanent settlement accounts of the Padamattúr Zamíndár as a Jevithan or grant for maintenance on a favorable or Inám tenure and with the exception of the light Quit-rent, excluded only a nominal Quit-rent from the Zamíndári assets.

3. These two circumstances combined bring the village clearly within the scope of Regulation IV of 1831 and Act XXXI of 1836, and its sale by order of the Sub-Court is barred by Act XXIII of 1838.

4. The Collector will on this ground move the Sub-Court to cancel its order for the sale of the village, and if this motion is not acceded to he will appeal to the Civil Court. In the event of the Sub-Court declining to set aside the sale and also refusing to stay the sale pending the appeal, the Collector will issue the notice proposed by him as it will not be just to allow the village to be purchased by any one ignorant of the reversionary right of Government. The notice should not only set this forth but should also warn intending purchasers that Government may take measures to set aside the sale itself as illegal and void, and that purchase after such notice will not fetter the action of Government.

5 It would not be seemly however that a notice of this kind should be issued, unless the Sub-Court either declines to cancel its order or refuse time for appeal.

6 The notice should be served on the auctioneer as well as declared at the sale.

7. As regards the exact nature of the rights of Government, it is only necessary here to state generally that on the death of the present holder, it seems quite open to Government to deal with the village as they think fit, as the next heir is the Zamíndár of Shivaganga who is not in such circumstances as to require maintenance, the object of the grant. If the Parapá or Quit-rent is included in the assets of Shivaganga, the Government of course cannot touch it, but the rest of the favorable tenure is at their command.

8. The Board resolve to submit a copy of these Proceedings for the information of Government.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

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No. 145. ORDER THEREON, 9th November 1860, No. 2,086.

1. This Proceeding of the Board of Revenue has relation to Púvandi, a village of the Padamattúr Zamíndári in Madura District, which the Sub-Court has ordered to be sold in satisfaction of a decree; while the Collector objects to the sale on the ground that the village is of the nature of Inám, and the Board uphold the objection. It appears from the Proceeding of the Sub-Court which accompanies the Collector's letter that the decree for which the village has been ordered to be sold was passed against the Zamíndár of Padamattúr.

2. The information furnished by the Collector as to the nature of the tenure on which the village is held, is so extremely scanty that the Government are unable to form a decided opinion on the case. It is stated that the village is "a Grant for maintenance;" but by whom granted or on what terms, is not explained. The Board's Proceedings contain some few further particulars of the tenure, but as it is expressly stated that no information is found on the Board's records, it is not clear whence this information is derived, or whether it is authentic. If however the description of the tenure given by the Board in paragraph 2, is correct, the village certainly comes under Regulation IV of 1831, and the Board's order is approved.

3. It is requested that further explanation may be supplied on the various points noted above.

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

Revenue Department.

№ 4873

Proceedings of the Board of Revenue
dated 25th October 1860.

Read letter from the Collector of Madura
of 5th October 1860 № 203.
(in lons 13th October 1860. № 5202)

1 The Board are unable to trace any pre-
-vious correspondence connected with the subject of
the above letter.

2 It appears however from the Collector's de-
-scription that the Village of Puvandi, therein re-
-ferred to, is entered in the Permanent settlement
accounts of the Dadamatter Zemindar as a Je-
-mithan or grant for maintenance on a favora-
-ble or Inam tenure and with the exception
of the light Quit Rent excluded only a nominal
quit rent from the Zemindary assets.

3. These two circumstances combined bring
the Village clearly within the scope of Regulation
IV of 1831 and Act XXXI of 1836 and its sale by
order of the Sub Court is barred by Act XXIII of 1838.

4 The Collector will on this ground move the
Sub Court to cancel its order for the sale of the Vil-
-lage and if this motion is not acceded to, he
will appeal to the Civil Court. In the event
of the Sub Court declining to set aside the sale
and also refusing to stay the sale pending the
appeal, the Collector will issue the notice proposed
by him as it will not be just to allow the Vil-
-lage to be purchased by any one ignorant of the
reversionary right of Government. The notice

should

should not only set this forth but should also warn intending purchasers that Government may take measures to set aside the sale itself as illegal and void, and that purchase after such notice will not fetter the action of Government.

5 It would not be seemly however that a notice of this kind should be issued, unless the Sub Court either declines to cancel its order or refuse time for appeal.

6 The notice should be served on the auctioneer as well as declared at the sale.

7 As regards the exact nature of the rights of Government, it is only necessary here to state generally that on the death of the present holder, it seems quite open to Government to deal with the Village as they think fit, as the next heir is the Zemindar of Shivagunga who is not in such circumstances as to require maintenance the object of the grant. If the Porapoo or Suit Rent is included in the assets of Shivagunga, the Government of course cannot touch it, but the rest of the favorable tenure is at their command.

8 The Board resolve to submit a copy of these Proceedings for the information of Government.

/ True Extract /

Secretary

To

J. D. Bourdillon Esqr
Secretary to Government
Revenue Department

Copied
Secretary
Board of Revenue

No. 4,873.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd October 1860.

Read letter from the Collector of Madura, dated 5th October 1860, No. 203, forwarding to Government copy of the Board's instructions issued to the Collector of Madura, touching the cancellment of the sale of the village of Puvandi.

(In Cons., 13th October 1860, No. 5,202.)

1. The Board are unable to trace any previous correspondence connected with the subject of the above letter.

2. It appears, however, from the Collector's description that the village of Puvandi, therein referred to, is entered in the permanent settlement accounts of the Padamattur Zemindar as a Jevithan, or grant for maintenance, on a favorable or Inam tenure, and, with the exception of the light quit-rent, excluded from the Zemindary assets.

3. These two circumstances combined bring the village clearly within the scope of Regulation IV of 1831 and Act XXXI of 1836, and its sale by order of the Sub Court is barred by Act XXIII of 1838.

4. The Collector will on this ground move the Sub Court to cancel its order for the sale of the village, and if this motion is not acceded to, he will appeal to the Civil Court. In the event of the Sub Court declining to set aside the sale, and also refusing to stay the sale pending the appeal, the Collector will issue the notice proposed by him, as it will not be just to allow the village to be purchased by any one ignorant of the reversionary right of Government. The notice should not only set this forth, but should also warn intending purchasers that Government may take measures to set aside the sale itself as illegal and void, and that purchase after such notice will not fetter the action of Government.

5. It would not be seemly, however, that a notice of this kind should be issued, unless the Sub Court either decline to cancel its order or refuse time for appeal.

6. The notice should be served on the auctioneer as well as declared at the sale.

7. As regards the exact nature of the rights of Government, it is only necessary here to state generally that, on the death of the present holder, it seems quite open to Government to deal with the village as they think fit, as the next heir is the Zemindar of Shevagunga, who is not in such circumstances as to require maintenance, the object of the grant. If the Poroopoo, or quit-rent, is included in the assets of Shevagunga, the Government of course cannot touch it, but the rest of the favorable tenure is at their command.

8. The Board resolve to submit a copy of these Proceedings for the information of Government.

(A true Extract.)

(Signed) J. D. SIM,
*Secretary.*

To V. H. Levinge, Esq., Collector of Madura.

Copy to J. D. Bourdillon, Esq., Secretary to Government, R. D.,
with original letter from Collector.

Exd. J. Wright.

Rec'd 23rd October 1860
No. 5202.

Proceedings of the Board of Revenue

Dated 23 October 1860
Rec'd 24
Encl 1-of Letter
2 Sheets Extract
H.S. 63.

Forwarding to Govt. copy of the Board's instructions issued to the Collr of Madura touching the cancellment of the sale of the village of Puvandi.

No 144.

Rec'd 27th October 1860.

Ans'd 29th Nov.

Extract from the Proceedings of the Subordinate Court of Madura under date the 27th September 1860

1. Read again Miscellanious Petition Nº 77 and 78 of 1860, presented by Nootalagen Iyengar, Vakeel on behalf of the objector Bodagoorroosawmy Saver the Zemindar of Shevagangah objecting to the sale of Poovundy Village ordered by this Court on account of the Rajeenamah Decrees in Original Suit Nº 1 of 1859 and 38 of 1854 on the file of this Court and also the Miscellanious Petitions Nos 79 to 81 presented by the said Zemindar against the sale of Pampagoody, Yarnady, Podamattoor and Cunnarikoopoo Villages which were also attached by the Court.

2. Read also counter motions presented by Venatakristnyah Vakeel on behalf of Ayja Saver alias Lowry Vullaba Saver Zemindar of Podamattoor Defendant in the above suits, arguing that his Zemindary consisting of the said Poo-unndy Village &c is liable to alienation, attachment and sale.

3. Read also the letter and Official Memo. dated 5th & 6th March 1860 respectively from

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Rec'd 18 Oct. 1860
No. 2302.
Proceedings of the Supreme Board of Revenue
Dated 23 October 1860.
Read 23d
Rec'd 24

No 4873.

9 Nov 2086

Forwarding Copy of Government Copy of Board's instructions to the Collr of Madura — touching the cancellment of the Sale of the Village of Poovundi —

Miscellaneous Records

from J. Blackie Esq^a the Collector of Madura objecting to the sale of Poonmudy Village.

4. Read also the authenticated copy of an Extract from the Istimrar account of Fasly 1211 produced by the Vakeel of the objector, Zemindar of Shevagangay &c. showing the Poonmudy and other Villages attached to Padamattoor Zemindary are entered as Jeevita Canay Coottagay Villages or Villages granted as Jeevitum upon fixed rent in money.

5 Read also the Documents presented by Venkatakistnyah Vakeel for Padamattoor Zemindar Viz^t authenticated copies of answer and Rajeenamah filed by Mootoo. vadooga Tauer and two others the grandfather of the present Shevagangah Zemindar and the father of the Padamattoor Zemindar in Original Suit No 4 of 1823 on the file of the late Provincial Court of Southern Division.

6. Heard also the Vakeels of both parties.

"Courts order"

7. The Court finds the objections preferred by the Collector and the Zemindar of Shevagangah, to the sale of Poonmudy to



to be untenable for the following reasons-

8. The Zemindary of Padamattoor was not a grant made to that family by the Zemindars of Shevagangah and this was clearly admitted by the Grandfather of the present Zemindar of Shevagangah in the Suit quoted above.

9. It appears from that Document that the Estate of Padamattoor was in possession of the Padamattoor family before the succession of one of their members to the Superior estate of Shevagangah and this was fully admitted by all persons living at that time who were concerned in the succession, consequently the Court has no alternative but to reject the Collectors accounts as incorrect and to give notice for the sale of the village in question.

10 The Court is of opinion that the Zemindar of Shevagangah is merely an Agent for Government in collecting the fixed Peroopoo and that he is possessed of no Reversionary right whatever to the Estate, thus the Court believes is vested in Government alone indefeasible

of

of heirs or other legal claimants.

/Signed/ J. D. Goldingham
Ag. Sub Judge

/True Extract/

/Signed/ J. D. Goldingham
Act. Sub Judge

(True Copy)

V H Levinge
Collector

No. 1 Enclosure
in a Letter
From
The Collector
of Madura
Dated 5th October
1860

Copy of Extract
from the Proceedings
of the Sub Court
at Madura
dated 27th September
1860

Received 13th October 1860

A 7

In Con. 13th October 1860, No. 5,202.

From V. H. LEVINGE, Esq., Collector of MADURA,
dated Aruppukottai, 5th October 1860, No. 203.

With reference to the enclosed Extract* from the Proceedings of the Sub-Court of Madura, dated 21st September 1860, I have the honor to report for the information of the Board that the village of Puvandi therein ordered to be sold on the 1st November next in satisfaction of a decree of the said Court, is one of the villages attached to the Zemindary of Padamattur. It is entered in the Istimerari accounts as a Jivitham village or a grant for maintenance. It will of course revert to Government upon failure of lineal heirs to the present holder.

* A copy.

2. With this view when it was once before advertised for sale, my predecessor, Mr. Clarke, put in his objection on behalf of Government which the Sub-Court, it will be seen, has now overruled.

3. I beg to be favored with the instructions of the Board as to whether I am to take any steps in the matter—such as issuing a notice to the effect that purchasers must take the risk of Government hereafter raising the demand, &c.

Enc. 1.

Abstract.—Copy of an Extract from the Proceedings of the Sub-Court at Madura, dated 27th September 1860.

Exd. J. Tulloch.

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No. 203

Aruppukottai Madura
5th October 1860

From V. H. Levinge Esqre
Collector of Madura

To J. D. Sim Esqre
Secretary to the Board of Revenue
Fort St George

Sir, With reference to the enclosed
Extract from the Proceedings of the Sub
Court of Madura dated 21st September
1860, I have the honor to report for the infor-
-mation of the Board that the Village
of Devandi therein ordered to be sold on
the 1st November next in satisfaction of
a Decree of the said Court, is one of the
Villages attached to the Zemindary of
Padamatthur. It is entered in the
Jotinnari accounts as a Jeiveetham Village
or a grant for maintenance It will of course
revert to Government upon failure of lineal
heirs to the present holder.

2- With this view when it was once
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Mr. Clarke put in his objection on behalf
of

+ a Copy

of Government which the Sub Court; it will be seen has now, overruled.

3 I beg to be favored with the instructions of the Board as to whether I am to take any steps in the matter - such as issuing a notice to the effect that purchasers must take the risk of Government hereafter raising the demand &c.

I have the honor to be
Sir
Your most Obdt Servant

H Lamb Jr
Collector

Fwd Jm

R. D.

No. 2086.

Proceedings of the Madras Government
Under date the 9th ~~October~~ November 1860.

Read the following Proceedings of the Board of Revenue.

Forwarding to Govt. copy of the Board's instructions issued to the Collector of Madura touching the cancellment of the sale of the village of Pirandi.

(Here enter 23rd Octr. 1860 No. 1873)

This Proceeding of the Board of Revenue has reference to Pirandi, a village of the Padamatthir Zumindary in Madura District, which the Sub Court has ordered to be sold in satisfaction of a decree, while the Collector objects to the sale on the ground that the village is of the nature of Inám, and the Board uphold the objection. It appears from the Proceeding of the Sub Court which accompanies the Coll'rs letter

58 T.
Mad. Revenue No. 2086 13th Nov. 60

No. 1594 to Govt. Copies to PC to Asst. Commr. Board Pleader 21 Sept. 60

From The Collector of Madura
To The Secretary to the Board of Revenue
Dated 5th October 1860
Rec'd 11th Do.
Encloses Letter, Proceedings of Sub Court, Report &c &c

Reports the grounds on which he objects to the sale of Pirandi village, and requests to be informed whether he is to keep the sale open or close it.

Ans. 13th Oct. 60

Proceedings of the Board of Revenue

Read the above Letter from the Collector of Madura, dated 5th instant, with its Enclosures, reporting the grounds on which he objects to the sale of Pirandi village, and requesting to be informed whether he is to keep the sale open or close it.

Ordered, that the Collector be informed that the sale must take the usual course. Should any Person raising claims to the Village or Pirandi wish to take out a Patta under such claims, the Collector will receive the Application, and forward it to the Board with his opinion thereon.

(True Extract)
(Signed) C. Lushington
Secy. to Govt.
25th Octr. 1860.

letter that the decree for which the village has been ordered to be sold was passed against the Zamindar of Padamattúr.

2. The information furnished by the Collector as to the nature of the tenure on which the village is held, is so extremely scanty that the Govt. are unable to form a decided opinion on the case. It is stated that the village is "a Grant for maintenance"; but by whom granted or on what terms, is not explained. The Board's Proceedings contain some few further particulars of the tenure, but as it is expressly stated that no information is found on the Board's records, it is not clear whence this information is derived, or whether it is authentic. If however the description of the tenure given by the Board in Para 2, is correct, the village certainly comes under Regulation IV of 1831, and the Board's order is approved.

3. It is requested that further explanation may be supplied on the various points noted above.

12 Copies
Board of Revenue
with Dr Proc. Dist. C. 10

Regarding the Sale of Puvandi a Village of Padamathur Zamindary in Madura District

25-2-07

Revenue 1860 Dept.
Pro: of Govt for Nov.

No 2086.

Pro: of the Madras Govt.
Dy 9th November 1860.

Pro: of the Od of Dec 21 Dept
1861 & No 2379-2378-2380

Calling for further explanation on certain points connected with the Village of Puvandi in the Zamindari of Padamathur in Madura which the sub Court has ordered to sell in satisfaction of a Decree.

No 144 & 145.