M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2335	Press Mis.
99-100	
Dated 7 — 12 —	18 60.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
7th December 1860.

No. 99. Read the following letter from KANNYA PILLAI and two others, late Mirási Curnams of the two villages, Pérambákam and Tenkarani, in the Chingleput District, to T. PYCROFT, Esq., Chief Secretary to Government, dated 16th October 1860 :—

HONORED SIR,

I respectfully beg to submit triplicate copies of a Memorial addressed to the Right Honorable the Secretary of State for India, complaining of my hereditary claim to the Curnam Mirási of certain two villages having been set aside, and humbly solicit that you will be pleased to procure its transmission to that august authority.

No. 100. ORDER THEREON, 7th December 1860, No. 2,335.

Ordered that the Memorial submitted with the foregoing letter be forwarded to the Home Authorities and that intimation of its despatch be given to the Memorialist.

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

Sha[illegible]

separately

Petition

No. 1701 Dated 1st June

Recd 1st June 1880.

From Kannaya Pillai

Son of Verabadra Pillai,

Streneraja Pillai son of

Chengalaraya Venkata-

-krishna Pillai and Sami

Pillai Son of Irula Pillai

Merasi Karanams of the

2 Villages Parambakam

and Tenkarai in the

Taluks of Manimangalam

and Pariapuliem Chingleput.

- Represent that

they are unjustly kept out

of the enjoyment of their

hereditary shares of certain

Villages which their ancestors

held and possessed in five

distinct shares each and

separately

The Government have fully considered the case, and decline to interfere in the Petitioners behalf.

Cyde

See Memo on the file of the case, attached.

separately as is proved, by Sir Thomas Munro's share and Income accounts as also by the deposition of the defendant Anandari Pillai and of the Villagers and Servants of all 5 — Villages as well as certain other facts herein set forth. Pray in consideration there of that the whole of the records may be sent for and reviewed and orders passed directing them to be placed in possession of their hereditary Karnam office. —

Fort St. George
22d August 1860

Inem

The particulars of this case are fully given in the ac
The petitioner - company
Should be Inamdar - I think the Court
rejected - ct declines to interfere
The complainants seek to
to amount to interfere the
duty of Karnam in the
villages of the Inamdars
District, in which they allege
that certain shares of the
Karnam rights belong
to their ancestors.
It is clear however

that for forty two years, viz
from 1818, the Dept has
[illegible] done. performed the
duty. In the under stood
last year for the reformation
of the [illegible] Establishment,
it was expressly declared
that [illegible] claims to office
shd. be most wholly subordinate
to the efficient performance
of the service, & especially that
the practice of doing the duty of
such offices by Deputy, shd.
be absolished: that, in short,
the emoluments of village
offices shd. be restored
to their legitimate function
of compensation for work
done.

To accede to the
present claim, even admitting
it to be founded, wd. in my
opinion be to nullify that
Resolution -

J.W. Aug. 15.

This is an appeal against the Board's decision rejecting Petitioners' Claim to shares in the Meraxi karaumanship of the villages of Parambákam and Tenkarumai, in the District of Tanjore. (Chingleput.)

The accompanying genealogical table, with reference to which the Memo. should be read, is similar to the one made by the Collector in communication with all parties to the dispute. It may be therefore taken as generally correct.

True extract produced by Petitioners. Encl. No 6.

From an extract from "Munro's form" of the share accounts of these two villages in the year "Rowdri" it appears that they were held by the individuals marked A. B. C. D. E. in the table, as follows.

A 7/32
B 7/32
C .... 8/32 = 22/32
D 5/32
E .... 5/32 = 10/32

Enclosure No. 7.

In another extract of income derived from Mamyam &c. in these two villages, the same individuals are entered as karaumam muirasidars for that year (Rowdri) with the

* about A.D. 1801.

income derived from rusoums, marah & other fees particularized.

Enclosure No. 5.

In a deposition given by Anandari Pillai (D) before the Chingleput Court on the 4th January 1815 he gave the following reply to the question "who are the karanam and tasildars of Perambákam"?

"Myself named Anandari Pillai (D), Chengalroya pillai (C) Virasamy pillai (E) Virabadra pillai (A) and Sami Pillai (son of B)* which last is dead, & his sons are under mortgage to me."

Enclosure No. 4.

An extract Proceedings of the Court of Chingleput is also produced, dated 28 Febry. 1815, directing Chengalroya Pillai (C) as it his turn that year "to attend to the karnam business." in Parambákam.

The present Petitioners, marked F.G.H on the table, are, or claim to be, descendants of A, C, B, respectively. They complain that they have lost their shares in the mirasi and claim their restoration. The individual marked D and his descendants have, they assert, appropriated wrongfully their shares.

122 Sept. 1819 No. 355.

The Collector of Chingleput has made a report on the subject of the complaint.

The enclosed translations of tahids issued by the Collector in former years.

dated 11 July 1818

The first is addressed to the Zamindar of the Mootah of Perambákam: stating that the reasons given by him (Zamindar) for not obeying previously issued orders, directing Anandari Pillai (D) to write the accounts of Perambákam, do not seem well-founded: that as it had been directed by the Court that D and his heirs should write the accounts, they must be prepared by him, and that the present "cooly karnam" Samiyar (No. 13 in the Table) should make them over to D.

No. 13. is said to have been a natural son of A

In another order, issued by the same Collector (Mr Cooke) to the Tahsildar of Conjeeveram, he refers to one "Sawmy Pillay" who had been writing the accounts of Parambakam as having been dismissed for not having made his appearance, in obedience to the orders of the Magistrate, and that as the Zamindar was getting the accounts written by his own men, he had sent a Tahid to the Zamindar directing him to employ Anandari Pillai, D, Mirasi Karnam.

* d/ 16 Nov. 1818.

* This can probably be No 13, referred to above.

* D

In 1832 on the complaint of Arum. Iwami Pillai (No 14) son of A, that D would not permit him a share in the meras, the Collector ordered an enquiry and on the report of the Tahsildar issued a tahkid, shewing that Perambakam had been held in 5 shares, that A enjoyed the meras, "by rotation" for some years, and that on his death, owing to No. 14's minority and inability to write the accounts, D was doing the karnam's duty: that the orders (referred to above produced by D in his own defence did not shew that Petitioner (No 14) or his father A had ever been found fault with: or that their share of the meras had been made over to D, and that as Petitioner ~~was~~ appeared to be the rightful owner of $\frac{7}{32}$ of the karnam meras, he (No 14) should do the karnam duty by rotation and enjoy the perquisites.

d/14 Dec. /32

The foregoing order appears never to have been carried into effect, for in 1835 another Collector issued an order reversing what had been done in 1832, observing that D had positively declined to give up the accounts to No. 14.

12 May

And that it was evident that Petitioner had been ordered to be put in possession of an office the duties of which he had not performed since Fasli 1230. On a further examination of the papers it appeared to the Collector, that as the village, in the Perumanam meras of which the Petitioner claimed a share, was assessed with a Permanent Peishcush according to Regulation XXV of 1802, the Petitioner could only recover the share he claimed by a civil suit, under Regulation XXIX of 1802, and the last section of Reg. VI of 1831, and he therefore directed the previous orders to remain in abeyance.

D. 1820

The Petitioner (No. 14) died shortly afterwards and no suit was instituted as directed by the Collector.

From the foregoing paras, it appears that D was recognized as karnam from 1818 to 1832 without opposition, and that when No. 14 petitioned against him, the representatives of A, B and C said nothing though they are noticed in the Collector's order of 1832 as holding or having a right to hold certain shares. From 1832 up to the present time D and his heirs have continued in possession.

The present petitioners F. G. H, are or state themselves to be descendants of A, C, and B. Both the Collector however, in his report of the 22 September 1839 and the Board in their endorsement of 20 Oct. 1839. No. 4252, report the claim of only one of the Petitioners, viz F. The Collector recommends that on account of D's long possession the doubt which exists as to F being the son of A, and the omission on the part of No 14 to follow the Collectors injunctions with a suit at law, F's claim should be rejected - and D left in the enjoyment of the office. The Board endorsed accordingly no mention whatever was made of the claims of G and H.

The present Petitioners submit that they have shewn by old accounts &c. that the village was divided into certain shares in the possession of their ancestors, and that they are entitled to the same, the length of time which has intervened forming no bar to their claim. They protest against the Collectors doubting F's descent from A, when by entering him in the Genealogical Table with the consent of all parties, he has admitted such descent; they complain that the claim of only one of their number has been considered, and that the other two have not been mentioned: and they assert that out of the five villages ~~[illegible]~~ they hold the joint ownership of three, and that it is not just to keep them out of the remaining two - the emoluments of which are so much larger than the other three.

It does not appear whether the village ~~[illegible]~~ still belongs to a permanently assessed mootah or not.

If they do, and the decision of the Collector in 1835 is correct, the present petitioners ought to take the course then directed.

If they do not, the shares in question do appear to fall under Reg. VII of 1831. The question will then arise whether the decisions of the Collector and Board now appealed against may be taken as decisions under the Regulation. If they were so taken as regards F, there still remain

the claims of G and H. which have not been touched.

Or should all parties be referred to the Inam Commissioner?

CGLC
July 18.

Note on the foregoing by the Secretary

1. Send official memo. to the Board, asking whether the villages are still under permanent settlement or not — 2. It does not appear in the Memo. what villages are held by the Deft. — is it both those mentioned at the beginning of the memo. or only one of them? 3. What about the other three villages noticed in the latter part of the memo.?

From Col Ws?
4 Aug. 60.
Enclosure 5
Official Memo
from Board
of 9 Aug 60
No.

1. The two villages, Perambakam & Tenkarani, reverted to Govt. in 1851 and 1845 respectively.
2. Both villages are stated to be in the Defendants possession - i.e. the karnikam meraisship of them.
3. Petitioners state that their ancestors purchased the karnam meirasi in five villages 123 - the two mentioned above, in Chingleput and three others in N. Arcot in Karvetnagar Zemindari. They are now enjoying their shares of the three latter, the meirasi of which amounts to Rs. 150. while the meirasi of the 2 villages which they claim amounts to Rs. 350. It does not appear whether the Defendants hold any share in these three villages.

CGLC
Aug. 13.

To

The Right Honorable the Secretary of State
for India in Council
East India House
London.

The humble petition of Cumiah pillay son of Virabadra pillay, Arumugadda pillay son of Chengalroya Venkatakista pillay and Sami pillay son of Imula pillay, Mirasdi Karnams of the two villages Parambakam and Tenkarni, in the Talugs of Maduramangalam and Pariapollium Chingleput.

Most respectfully Sheweth,

That being deeply aggrieved with the decision passed by the Local Government declining to put them in possession of their hereditary Mirasdi Karnam office, Memorialists beg most respectfully to submit the following brief statement relative to their case for the just and merciful consideration of your Excellency in Council, in the earnest hope that they will be reinstated in their hereditary rights.

In 1594. Tara pillay, the great ancestor of Memorialists, purchased according to the then prevailing practice 16/16 of the Karnam office, and in 1645. Munnia pillay, the ancestor of Memorialists opponents bought the remaining 5/16 of the same Mirasdi in 5 villages, viz. Parambakam and Tenkarni in the Chingleput District and 3 villages in Canatti Naggar Zamindari.

Subsequent to the purchase, the Mirasdi of the five villages was divided into 5 shares, 3 of which were enjoyed by Memorialists' ancestors in the following proportions.

1st Memorialists' father 7/32
2nd " " 8/32
3rd " " 7/32 = 22/32.

In this manner, the above Karnam Mirassi was enjoyed till $\frac{1230}{1821}$, at which time in consequence of the old age and death of Memorialists father, and from Memorialists themselves being young, Anandari pillay, a descendant of Monia pillay, one of the two shareholders of the opposite side, performed the duties of the Karnam Office and paid Memorialists Sambho gaud agreeably to an agreement executed by him to that effect.

In 1832, Annasami pillay, the elder brother of the 1st Memorialist Cunniah pillay, on attaining his majority, applied to the Collector Mr Davis to place him in possession of the Karnam Mirassi; and that Authority after due enquiry complied with his request, and he and Memorialists held the office for 3 years. Subsequently, Mr Collector M. Leaw, from an entire misapprehension of the matter, arising from his subordinates, who were interested in the opposite party, furnishing him with incorrect information regarding it, passed an order directing Annasami pillay to prosecute his claim in the Courts. Before any steps could be taken said Annasami pillay died, and the Mittah consequently reverted to Govt. Ever since that time Memorialists addressed the several successive Collectors year after year, but to no avail — they latterly preferred an appeal to the Board of Revenue who on the one sided report of the late Collector Mr Shubrick rejected their claim, as did also the Govt. thereupon other promotes.

In appealing against the decisions of the Board and Govt., Memorialists humbly solicit the attention of Your Excellency in Council to the following facts which are not fairly and truly given by the Collector in his report regarding Memorialists' claims.

I Annasami pillay, 1st Memorialists elder brother held and enjoyed the Mirassi in 1832 and the two following years, not in virtue of Mr Davis' order alone, but also in virtue of his hereditary right.

II In the report it is stated that Sami pillay No 13 was the natural son of No 12: that he was the nominee of the then Muttahdar, and that from his being consequently a non Mirassidar and illegitimate he was removed from office on the complaint of the Mirassidars. With reference to this circumstance, Memorialists would represent that on the removal of said Sami pillay, who certainly had no connection with the Mirassi but was appointed by the then Muttahdar, the Collector Mr Cook appointed Anandari pillay to attend to the duties, not as the only Karnam Mirassidar, but as the Mirassidar to whose turn it fell that year, the Karnam duties being performed in rotation by each of the five Mirassidars. For a like reason the Zillah Court of Chingleput passed an order 28th February 1815, that of the Mirassidars Chengalroy pillay should attend that year to the duties of the Karnam Office. If the appointment of Anandari pillay No 18, gives him a claim to the sole Mirassiship, then in like manner the appointment of Chengalroy pillay No 1 gives him a claim as sole Mirassidar. Let it be here observed that the Court made the appointment not as though Chengalroy pillay was the only Mirassidar, but from its being his turn that year. Hence the question arises, when Chengalroy pillay was recognized as one of the Mirassidars, why should not his heir Srinivasa pillay, the 2nd Memorialist be allowed to enjoy his hereditary rights. Moreover there are the accounts prepared by each of the Mirassidars year after year successively to prove that the Karnam office was filled regularly in rotation; and a comparison of Anandari pillay's deposition of the 4th January 1815 before the C. Court with the Court's order dated 28th February 1815 appointing Chengalroy pillay will establish the same fact.

III In Sir Thomas Munro's form of Share Accounts of the year Rowdri 1801, the names of the ancestors of all three Memorialists, as 3 out of the 5 shareholders are clearly and distinctly mentioned.

IV In the same manner their names are also inserted in the Jotini or Income Accounts of the same year, and the respective income of each individual is also given.

V On the 4th January 1815, said Anandari pillay No 18 stated in his deposition before the C. Court of Chingleput that Virabadra pillay, Chengalroy pillay and Sami pillay were Karnam Mirassidars.

VI All the inhabitants of the 2 villages together with the village servants gave a Kyfeat on the 15th October 1832 acknowledging that Memorialists Ancestors were the Karnam Mirasidars of the said villages. They died the same recently.

VII There is a stone inscription shewing Memorialists' ancestors to be the Karnam Mirasidars.

VIII In a case regarding Mirasi right, there is no bar of limitation, and besides Memorialists constantly brought their claim forward before the Collector: on these grounds the Board of Revenue decided that no lapse of time should be no bar.

IX The late Collector unchiquavocably states in his report that Cunnala pillay, No 15, (as given in the genealogical Map furnished by himself) is not the son of Virabadra pillay No 12. The map be it remembered was framed as stated by the Collector, on information given by both disputing parties and approved of by himself. If he had any doubt regarding the relationship of No 15 & No 12, why enter him as the son of Virabadra pillay in the map. His legitimacy can be easily ascertained as there are numerous witnesses to prove the fact. The Villagers have, in fine, deposed to it.

X In his report, the Collector makes no reference to the claims of 2 out of the 3 Memorialists. It is merely alleged that Cunnala pillay's (1st Memorialist) claim is doubtful: is it then to be inferred that the claims of the other two are admissible?

XI Petitioners are allowed to enjoy their shares of 3 villages, the Mirasi of which is but Rs. 150, whilst they are kept out of the Mirasi of two villages which amounts to Rs. 350.

Memorialists humbly presume that the foregoing facts are sufficient to establish their claim to the Karnam Mirasi in question, and indeed the legal Government have little or no doubt as to its validity. The Government refuse to place Memorialists in enjoyment of their Mirasi office, not because they cannot prove their title or have no right to it but simply that the reinstatement of Memorialists in their hereditary Karnam office would interfere with the due operation of certain general principles contained in a Resolution adopted by Govt. under date the 3rd September 1859. Those principles may be and are essentially correct, but in their particular application to Memorialists' case, a great injustice is done. Memorialists have an hereditary right to the Karnam Mirasi their Ancestors purchased and enjoyed it, and they have been defrauded of it: but Government in order to carry out certain principles only recently enunciated, are willing to ignore the hereditary rights of Memorialists and allow the opposite party to enjoy without molestation the Mirasi usurped by him! From time immemorial, throughout the District and throughout India, the practice has been and still is for Village Servants holding the same office to perform the duties by turns, and such practice is a preventive of fraud. Nor does it in any manner interfere with the efficient performance of the duties, on the contrary it creates emulation and an earnest desire to please best. The responsibility is equal on all the Mirasi officers, and being equal, if fraud be committed by one, it is sure to be brought to light when another takes his turn. Consequently, the restoration of Memorialists will not impede but rather promote the efficient discharge of the Karnam Office. Moreover, Memorialists would humbly represent that their appointment would not in any way effect another principle, viz. the due appropriation of the emoluments as compensation for actually rendered services. They do not seek to be placed in the enjoyment of the emoluments unless they are willing and offer to take up the duties of the office in rotation: they claim both the office and its emoluments, and they humbly and respectfully deny the right of Government to confer their claim on another, that other being a person who has systematically defrauded them. One other ground on which Government refuse to reinstate Memorialists is that

the opposite party has been in possession for 42 years. Even if this were correct, still it should be no bar to the restoration of their rights. They all along complained, again and again they represented their claims and persevered in doing so, but to no avail. But this has been only since 1835, a period of 25 years: for as already stated, in 1832 Annasami pillay, 1st Memorialists brother, got himself appointed and held office for three successive years when he died. Previous to 1832, in consequence of the minority of Memorialists, Samikhogam was paid by the opposite party.

In view therefore of all the foregoing facts and circumstances,- of the various proofs set forth to establish their claim,- of there being no bar to the restoration of their rights- and of their appointment not in any way interfering with the efficiency of the office or the due appropriation of the emoluments attached to it, Memorialists most humbly and respectfully solicit Your Excellency in Council to take their case into merciful consideration and pass an order directing the restoration to them of their hereditary Karnam Minassi office of which they are unjustly dispossessed.

For which act of justice and mercy
Memorialists as in duty bound
Shall ever pray

[illegible]
[illegible]
[illegible]

To

C. G. Master Esq.

Deputy Secretary to Government.

Honored Sir,

In resubmitting the enclosed copy of my Memorial to the Honorable the Secretary of State for India, for transmission to England, I beg respectfully to state that together with the triplicate copies previously submitted by me, I also enclosed a letter, in the usual form, addressed to the Chief Secretary to Govt. soliciting the transmission of my Memorial.

As directed, I respectfully enclose an application in the usual form addressed to the Chief Secretary.

I beg to remain
Honored Sir
Your most Obedient Servant.

16th October
1860.

No. 1860.

From Ranga Pillai, Shanmuga Pillai, Chinnasamy Pillai & Chengalroy Kanakata Kotta Pillai, and Sami Pillai, sons of Sinna Pillai, Peramma of the two Villages Ramanadhapuram and Kanakamma in the Palaiyo of Sivaganga Zemindary to Secretary to Government.

Dated 20th September 1860.
Rec'd 24th ditto.

Answered 28th ditto.

Requesting that notice may be taken of their claims to the Karnam Varaadi of the two villages mentioned by them of the above Zemindary, Government refuse to place them in the employment of the two hereditary rights to which they and their ancestors have been entitled in their Revolution of the 2nd September 1801, the application of which, however, will not be granted.

Copy of the proceedings herein for the information of the Collector of Madura.

Call the enumerators herein for forth that no order may be passed [illegible] in the hereditary Karnam Varaadi Office.

To

D. Pycroft Esq:
Chief Secretary to Government.

Honored Sir,

I respectfully beg to submit triplicate copies of a memorial addressed to the Right Honorable the Secretary of State for India, complaining of my hereditary claim to the Karnam Mirasdi of certain two villages having been set aside, and humbly solicit that you will be pleased to procure the transmission of that august authority.

I beg to remain
Honored Sir
Your most Obedient & humble Servant

16th October
1860.

Copy in a Letter to Engd
Dep.t Dec.r 1/60 No.134

From Engd 21/61

No 99 of 100.

Revenue 1860 Depart.t
Pros: of Govt for Sept.r

No 2376

From Kanya Pillai and two others late Mirasi Karnams of the two Villages Carambankam & Venkarai in the Chingleput Distt.

Dated 6th October 1860
Recd 6th November

Submit in triplicate a memorial to the Home Govt praying to be restored to their hereditary Inerafy Curnum Office.

No 2335. 7th December.
With an order

No 2335.

Ordered that the Memorial submitted with the foregoing Ltr be forwarded to the Home Authorities and that intimation of its despatch be given to the Memorialist.

Fort St Geo.e
7th Dec.r 1860.

(Illegible)