M.R.O. 14—10,000—21-1-32.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2467 Press ~~Mis.~~

362-363

Dated 21—12— 1860.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
21st December 1860.

No. 362. Read the following Proceedings of the Board of Revenue, dated 22nd November 1860, No. 5,431 :—

Read the following letter from B. CUNLIFFE, Esq., Collector of Madras, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Sydapet, 26th September 1860, No. 384.

SIR,

* *Received 24th July* 1860.
Returned 25th September 1860.

1. I have the honor to report on Petitions* Nos. 148 and 154 of 1860.

2. The claims for compensation advanced in these Petitions by the Srotriyamdár of Attipat, on the plea that a portion of the cultivable lands of his village have been converted into pans in 1852, without his concurrence, having recently been rejected by the Board in their Proceedings of the 11th February last, No. 764, on the reports of the late Collector, Mr. Shubrick, dated the 15th September last, No. 341, and 26th January 1860, No. 25, on a previous Petition from the Srotriyamdár, it only remains for me to reply simply to the main points mooted by Government in their Endorsement of the 9th July last, No. 1,699 of 1860.

3. The first point is whether the 100 pans referred to in Mr. Ellis' Tákid of the 15th January 1852 are included in those mentioned in the Karárnáma executed in 1852 by the Ryots of the Srotriyam village, as well as by the Gumáshta of the Srotriyamdár, agreeing to the formation of the pans in their village. In reference to this, I beg to state that, although the document in question does not specify the number of pans newly formed in the village, the whole of the pans referred to in Mr. Ellis' Tákid, as also the 386½ pans distributed to the other Ryots, at the same time with the Srotriyamdár in 1852, were formed on the application embodied in that document.

4. The fact of the Srotriyamdár having affixed his signature to the Pattikat Muchilika or engagement for the years 1853, 1854, 1855 and 1856, binding himself to manufacture the limited quantity, and the applications he has thrice made to transfer, on sale and gift to some of his friends, on less than 46⅝ and 7 respectively of his new pans which were complied with, are enough to convince the Board that he was fully cognizant of the execution of the Karárnáma. He now pretends to ignore the act of his Gumáshta in signing the Karárnáma on his behalf, and even denies that he has any such agent, though this very man has signed the Putcut agreement for 1855 for his master.

5. In reference to the second point, viz., whether, as asserted by the Petitioner, 200 Kanis of his village were converted into Salt pans during his minority prior to 1852, I beg to state that, although no records are forthcoming at this distance of time, to show the precise time of the conversion of the lands alleged by the Petitioner, the Táluq authorities reported on mere inquiry that, prior to the Paimaish of the village which appears to have been made in 1840, the Ryots have gradually formed some 208 pans. The exact circumstances under which these pans were made, and whether with or without the concurrence of the Srotriyamdár cannot be ascertained after this length of time. As the Srotriyamdár's affairs must have been managed either by the Petitioner's late father, or in his absence by some competent person, there is no reason to suppose that any pans could have been newly formed in the village without their concurrence. He is now about 40 years of age, so that his majority is of long date. It is a common course in this country to bring forward assertions of matters long gone by, in the hope that, by the absence of documents and personal testimony, and with the help of a plausible story to obtain some pecuniary benefit from a generous Government.

6. With regard to the information required by Government in respect to the value of the land, &c., I can only state that, from a statement given in before the Deputy Collector in charge of Salt by a principal Ryot of the village, it appears that the land had never been cultivated before it was appropriated for Salt manufacture ; and that it is of an inferior quality. The Tahsíldár reports that a portion of the land occupied by the pans might be fitted for cultivation at a considerable outlay. These lands having, as above described, been converted into Salt pans, and in my opinion with the Srotriyamdár's concurrence, I think that he has no ground for complaint. Indeed, I believe that he has considerably benefitted both by his own pans and by the establishment of Salt manufacture in his limits.

ed to him.—

From

Proceedings of the Madras Government, Revenue Department,
21st December 1860.

1. Ordered that the above letter be submitted to Government, with reference to their Endorsement on Petition No. 1,699 of 1860.

2. The facts of the case appear to be that in 1851 Petitioner presented the Darkhást of which copy is enclosed in his Petition No. 1,699 of 1860, applying for the extension of the Salt manufacture in the Srotriyam village of Attipat, and the assignment to him of 120 pans.

3. He encloses also copy of the reply assigning to him 100 pans, out of the 486 which appear to have been formed at the time.

4. On 5th February 1852 the formal agreement for the manufacture was taken from the parties concerned, and signed on Petitioner's behalf by the Gumáshta whose act he now attempts to disavow; but the Board consider that the fact mentioned by the Collector of the same person having again in 1855 acted in the same capacity on a similar occasion for the Petitioner is sufficient to upset this objection, Petitioner having also himself on more than one occasion signed the annual agreement and applied for the transfer to others of some of the pans which were assigned to him on this occasion.

5. As to his claim for compensation, the Board see no grounds to believe that he has been other than a considerable gainer by the arrangement of which he complains, and many of the grounds of his claim are unsound.

6. That the land was fit for cultivation is evidently true only to a very limited extent, and if it were entirely so, the right in the land does not vest in the Srotriyamdár but in the Mirásidárs, and all that the Srotriyamdár could claim would be such payment of rent from its occupants, as Government could have demanded from them for the beneficial change made in the character of the land from immemorial waste to a valuable property.

7. The Srotriyamdár has no claim of right for compensation from Government, nor in equity can he demand recompense for losses sustained, as such certainly do not exist, the privilege of manufacturing Salt which was conferred on him being a valuable one.

8. His claim on the occupants of the pans for *Mélváram* is, however, likely to be complicated by the fact that the remission of the assessment on Salt pans forms in fact generally a portion of the *Kudiváram*, as being really an additional benefit beyond the sum received from Government in payment for the salt delivered, and thus any payment to the Srotriyamdár by the manufacturers may really be a reduction of the price hitherto received by them.

9. Under these circumstances the Board would propose that in the event of the Srotriyamdár succeeding in establishing in the Courts any claim for rent against the occupants of the land, the Collector be instructed to submit a recommendation for such reasonable addition to the Kudiváram paid to the manufacturers other than the Srotriyamdár himself, as may allow of their meeting the latter's legitimate demands without an undue reduction of their profits.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 363. ORDER THEREON, 21st December 1860, No. 2,467.

1. Ordered that the following endorsement be passed on Petitions Nos. 1,699 and 1,700 of 1860:—

"The Government have received a report on this claim and see no reason for granting "any of the Petitioner's requests."

2. The Governor in Council approves of the course proposed by the Board in paragraph 9 of their Proceedings, but no action need be taken till a necessity arises.

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

2

Petitions

No. 1699 of 1860 Dated 11th May }
Rect. 25th Do. } 1860

From Chendilnayagam
Pillai Srotriyamdar of
attipet and Nundiambau-
kum in Nayer Taluq
Chingleput.

Appeals from the decisions of the Collector and the Board of Revenue refusing to grant him compensation for land forming a portion of one of his villages, and which was made into salt pans and given to other parties—

Prays that compensation may be made to him, by a deduction from his Peishcush, or that the land in question may be restored to him.—

Referred to the Bd of Revenue for full report. Among other particulars it should be stated whether the 100 pans referred to in Mr Ellis' Dated 15 January 1852, are included in those mentioned in the Kararnama of 1852: also what is the truth of the statement contained in the petition to the Bd of Revenue (enclosure 9) regarding 200 káms of land which were converted into salt pans, during Petitioner's minority, prior to 1852. The value of the land and whether fit for cultivation or for any thing but salt manufacture should also be stated

Cyll

No. 1700 of 1860 Dated 18th May
Recd 25th Do } 1860

From C. Chendilnayagam Pillai Srotriyamdar of Attipat and Nundiambaukum in Nazer Taluq Chingleput.

See previous Petition

C G M

Dy: Secy: to Govt

With reference to his former Petition (No. 1699 of 1860) submits an endorsement from the Collector of Madras declining to furnish him with copies of certain documents bearing on his claim.—

Prays that the Government will send for the original documents.—

Fort St. George
9th July 1860.

Disp. 10th July

Petition No. 1699 of 1860

Petitioner is a Brahmin and one of 2 villages in the Mayer Taluq of the late Chingleput District - named Attipet and Naudiampákam. Enclosure No 1 to. In this petition he asserts that 200 kánis of wet and dry lands in Attipet have been converted into salt pans without his concurrence - and that he loses thereby annually Rs. 700.

Enclosure No 2.

The first document produced purports to be a translation of a petition from himself to the Collector of Madras, dated 28 October 1857, in which he prays that the waste land situated in a certain part of Attipet might be allotted to him for conversion into 120 salt pans.

N.B. Petitioner wd make out now that the presentation of this document was a matter of pure compulsion.

Enclosure Nos 3. & 4

On the 15 January 1858 the Assistant Mr Ellis, ordered that a 100 pans shd be granted to him in Attipet, in accordance with his request.

Enclosures Nos. 5 - 6

In April 1858 the Petitioner appears to have addressed the Collector requesting that as the conversion of certain of his lands into salt pans, and the odours ne therefrom had materially affected the cul-

Petition

Recd 21 Sept 1860

Petition Clerk 1860

Read

Read Copy Peon

P 28 Sept 60

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-tivation of adjoining paddy fields, ~~that~~ he had lost 700 Rs (whether annually or not does not clearly appear) — The Collector replied that as the pans had been made at his own request, such a complaint could not be heeded.

Enclosures 7-8

Petitioner again addressed the Collector of Madras in 1858 and received an answer referring him to the Collector's endorsement of 1853.

Enclosure No. 9.

In his Petition to the B.R. of Revenue dated 26 March 1859, a lot of new matter is introduced. He there states that when the village of Attipett was made over to his father on ryotwary tenure by Government, it contained 150 kanis of salt pans: that during his (Petitioner's) minority, Mr. Freese, the Collector, added to these 200 kanis adjacent; and that Mr Ellis in 1851 let out to the inhabitants 150 kanis more — (he does not say a word about his own 100) without his concurrence; in all kanis 350, the rent of which amounting to Rs. 700 annually he loses. besides being subject to damage from contiguity of the salt pans to his cultivation: these 350 kanis he says are formed into 1000 salt pans, yielding to Govt annually 4 lacs of Rupees. He ends by requesting that his losses may be made good, a reduction made in his rent to Govt at the rate of a pa for every salt pan, or if that is not acceded to that salt manufactures may be discontinued altogether, & the lands restored to him.

Enclosure No 10.

The Board rejected his claim on a report from the Collector of Chingleput.

Coll & B.R. of 15 Sept/59. No. 341. with an enclosure.

This report was to the effect that in 1852 a karanama was written in "the name of the ryotwary and of "Attipett, and certain ryots, and signed "by the latter, and the gomasta of "the former" agreeing to the formation of 459 pans in 226 (on accession of the karanam) 243 kanis in Attipett, and that 87 pans were given to the ryotwary and-

The Board held that as the formal consent of his vakil, and of the other residents, was given, and as 87 pans had been allotted him, his request was unreasonable-

On this Petitioner remarks that he knows nothing about any vakil, and even if such a

person existed, it is not shewn that he had any power of Attorney authorizing him to act on the petitioner's behalf: that the consent of the ryots to the formation of pans is unnecessary as they have nothing to do with the lands: that no compensation has been made to him for the land taken up: and that the 87 pans allotted to him were only in common with the others of the village."

He reiterates his request for compensation.

In Petition No. 1700 of 1860, he complains that the Collector refuses to grant him copies of certain documents—

Though the quantity of land varies in the different petitions, the amount of alleged loss. viz. 700 Rs. annually is the same throughout.

No notice appears to have been taken of his complaint to the B^d that 200 kalis had been taken during his minority for salt pans, previous to the Karaimana of 1852.

The application appears a frivolous one. the land c^d have been of no use previous to the conversion into salt pans. indeed he himself calls it waste in his own application in 1851—

orders are requested

Cyll

30—6-57 √

Rec'd 1860 Dec 27th for Dear
Pro. of Gov't for 2835.
Proceedings of the
Board of Revenue

Dated 22d
Desp. 28 } November 1860
Recd 6th December

Encl 2. pns
4. Encls.

No 5431

Submitting with the Board's remarks a letter from the Collector of Madras reporting on Government Ref. No 1699 of 1860 applying for the extension of the Salt Manufacture in the Shrotrium Village of Attapatt and the assignment to him of 120 pans.—

No 2467. 21st December

William Oxley

No 362 & 363.

C-8th Dec. R 13

No 2467

Ordered that the following endorsement be passed on Petitions Nos 1699 and 1700 of 1860.—

"The Government have received a "report on this claim and see "no reason for granting any of the "Petitioner's requests".—

2.— The Govt approves of the course proposed by the Bd in para 9 of their Proceedings, but no action need be taken till a necessity arises.—

Fort St George
21st Dec. 1860.

12 Copies to the Bd of Rev Dispt 22
1— Do Desp with Pn of Encls. R & P