M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 52	Press ~~Mis.~~
104-105	
Dated 9 — 1 — 1860.	

Not to be folded or roughly handled

No. 104. Read the following petition from Alumálu Lakshmi Ammál widow of Iyasawmi Mudali, late Mirásdár of Mélviránam in Cáveripák táluq, North Arcot; to W. C. SIM, Esq., Deputy Secretary to Government, dated 4th November 1859.

With reference to your endorsement of the 12th August 1859 on my petition of the 14th July, I respectfully beg to enclose the following documents for the consideration of His Honor the Governor in Council.

1 Petition of the 14th July 1859.
1 Petition No. 1998 of 1859, with endorsement of Government.
1 Petition No. 429 of 1859, with endorsement of Board.
1 Petition No. 1942 of 1858, with Collector's endorsement translated.
1 Copy of petition presented to the Collector on the 15th June 1858.
2 Petitions of the 4th and 10th January 1859, with Collector's endorsement.

In submitting these papers, I would most humbly state that I have been most unjustly dealt with in my minor sons being dispossessed of their hereditary Mirássy right. It will be observed that I did apply to the Collector as Mirásdár and sole Puttahdar to have all the lands of the village entered in my puttah, but that the Collector took no notice of my request.

I humbly solicit that in consideration of all the circumstances set forth in my former petitions to Government, you will be pleased to procure me favorable orders directing that my Mirássy lands which have been given on durkast to my sub-tenants, may be entered in my mutáhputtah.

No. 105. ORDER THEREON, 9th January 1860, No. 52.

The petitioner, Alumálu Lakshmi Ammál, complains that a part of the Mirás lands of her infant son in the village of Mélviránam in the Cáveripák táluq of North Arcot, has been improperly given on puttah to others, though she, as her son's guardian offered to cultivate the land and pay the assessment.

2. The course to be followed by Revenue officers in such cases is clearly laid down in an order by Government* based on instructions from the Home authorities. In the event of application for land from a non-mirásdár, the land is to be offered in the first instance to the Mirásdárs, and is to be given to the latter, should they agree to cultivate it and give adequate security. The acting Collector will now be called on through the Board of Revenue to report whether this course was followed in the petitioner's case.

* *24th December* 1841, *No.* 1594. *Page* 321 *of Board's C. O. B. for* 1842.

3. The Collector states that he never received any application from the petitioner for permission to cultivate the land. As already noticed it was the Collector's duty to offer it to her; but she has submitted, with her petition, a paper purporting to be a copy of one presented to the Collector on the 15th June 1858, expressly offering to cultivate the land. This difference as to a matter of fact needs enquiry; and the acting Collector will carefully ascertain whether such a petition was received in the Collector's office, and if so what became of it.

(Signed) T. PYCROFT,
Chief Secretary.

Irene. I re-circulate
These hopes in consequence of
Mr. Matthys' remark.

I annex a memorandum
on some of the draft Rules
to uphold the order of the Ch.
of Direction, giving a suspensive
right of cultivation. & the mi-
-nisters or resident Rajas.

I regard such a suspensive
right as a "protest"; but if
the interruption & Complaint be
strong, it may be attend-
-ed to.

Mr. Matthys to explain
Draft R. 9- section R. 4 of the draft. It
is not intended to give parties
being sirkar & Ryots for land
given & taken; but to land
being given & established rights
& of right-

Draft R. 10- There is no doubt whatever
that many right exists in
the Southern Taluqs of North

accot - the Universalass thing is it
strongly; but it has not been upheld
by the Law-Officers of any means
so strictly as in Chingleput - with
respect to this effect on the general
hostility there are different opinions
but I apprehend there can be none
that we are bound to regard
existing rights -

D. H. Young Esq.

Rev Dept

No 52.

Proceedings of the Madras Government

Under date the 9th January 1860.

Read the following

Petition from Alamélu

Sathiswai Ammál Widow

of Iyasami Mudali

Mirasidar of Mélvira-

-nam in Cáveripák

Táluq North Arcot

With reference to Govt order
No 1 on her former petition of 12 Augt last
subm to undersement of the Collector
& the B/E of Rev connected with the case.

Here enter to "November"

The Petitioner, Alam

-mélu Sathiswai Ammá

complains that a part

of the inám lands of her

inam and in the village

of Mélviránam in the

Cáveripák Táluq of

North Arcot, has been

improperly

improperly given over
puttah to others, though
she, as her son's guardian
offered to cultivate the
land and pay the as-
-sessment-

2. The course to be
followed by Revenue
Officers in such cases is
clearly laid down in an
order by Govt in Council on
instructions from the
Home Authorities. In
the event of application
for land from a non-
-mirásdár, the land
is to be offered in the
first instance to the
Mirásdárs, and is to be
given to the latter, on
should they agree to cul-
-tivate it and give ade-
-quate security. It is evi-
-dent from the Collector's
letter

* 24 Dec/41 No 1594
Page 321 of 13th Cons for 1842

The Collr will now
be called on through the
Hd of Revr. to report
whether this course
was followed in the

letter to the Board dated
March 31/59, that this
course was not followed
in the present case, —
and the Government
have no alternative
but to direct that it
be done now. This pro-
-ceeding will no doubt be
attended with inconve-
-niences, but the Govt
cannot permit the rights
of property to be disre-
-garded as they have
been by the revenue
officers in this case,
under the pretence
of benefitting the Reve-
-nue-

3. The Collector
states that he never
received any applica-
-tion from the petitioner
for permission to
cultivate

cultivate the land. As already noticed it was the Collector's duty to offer it to her, but it must be noticed that she has submitted, with her petition, a paper purporting to be copy of one presented to the Collector on the 15th June 1858, expressly offering to cultivate the land. This difference as to a matter of fact needs enquiry, and the Acting Collector will carefully ascertain whether such a Petition was received in the Collector's office, and if so what became of it.

4. The course recommended by the Tahsildar, and mentioned by the Collector with apparent approval, is not only directly opposed to the orders of Government above referred to, but is utterly indefensible, it is in fact simple robbery. It is also quite unnecessary for its professed object. Ryots no doubt prefer to get land as proprietors than as tenants; but if it is made known that the rights of property will be respected, land will be properly cultivated under the legitimate engagement of landlord and tenant.

5. In his closing paragraph the Collector speaks of the difficulty of realizing

realizing the Government
demand against the
Petitioner as a reason
for not allowing her to
extend her holding, but
he must have written that
passage in forgetfulness
of the powers placed at
his disposal. Where a Col-
-lector knows and does
his duty, it is not a
matter of choice to a Ryot
whether he shall pay
the Govt demand or not,
the Collector has ample
means of compelling
him to do so, and the
Govt have repeatedly
declared their desire
that all legal means
to that end should be
effectively used. No
individual hardship
resulting

resulting from such a
practice can nearly ap-
proach in magnitude
the evils, even to the Ryots,
resulting from a for-
-bearance only exercised
thro subordinate Revenue
servants, and which in
many cases is disguised
robbery.

6 The Acting Col-
-lector will now formally
offer the Petitioner in his
own presence, the land
in dispute, and should
she agree to take it, and
give reasonable security
for the amount of the
assessment he will
take a written engagement from her,
& make over the land to her, on
her paying the Ryots
who have hitherto cul-
-tivated it, fair com-
-pensation

I don't see any
point for the land
remains thus
of me

compensation for the actual
expense incurred in bringing it
into a cultivable state.
He will inform her at
the same time that she
is at liberty to cultivate
the land by any agency
she pleases, or to leave it
waste, but that if she
fails to pay the assess-
-ment (unless the land
shall have been unavoid-
-ably and undeniably
waste this want of
water) it will be at-
tached and put to sale
for the balance, & that all her other property will also be
liable for it.

Various passages
in the correspondence
and papers appear to
indicate that this case
is complicated by family
quarrels; the Petitioner
being at variance with
her

husband's brother
Ramasawmy Mudaliar
who is monigar of the
village. The Collector will
take care that the Peti-
-tioner's interests do not
suffer through the influ-
-ence given to Ramasaw-
-my Mudali by his of-
-ficial position; it is
possible that he may
be able to bring about
an amicable adjustment
of these family disputes.