M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 942 Press ~~Mis.~~

77-78

Dated 7/6 1869.

Not to be folded or roughly handled

No. 77. Read the following Proceedings of the Board of Revenue, dated 22nd May 1860, No. 2,476 :—

Read Proceedings of Government, dated 11th May 1860, No. 758, calling on the Board to state the reasons which induced them to decline to interfere in the matter of the Petitioner, Chensu Venkata Ráu, regarding the succession to the management of the Srotriyam villages of Adarimangalam, &c., in Nayer Tluq, Chingleput District.

(In Con., 12th May 1860, No. 2,206.)

Petitioner grounds his claim to the sole management of the Srotriyam to the exclusion of his undivided uncles on the fact of an agreement having been executed between his deceased father and his uncles, whereby the latter were to receive from the former their shares of the proceeds of the village in money, the management of the Estate remaining with the eldest brother, Petitioner's deceased father.

2. This agreement, however, was executed so recently as 1854, at the suggestion of the Collector to settle a family dispute, and determined nothing as to the future succession to the management of the Estate, or representation of the family which is *undivided*.

3. The Board, moreover, observed that from the Tahsildar's Report, dated 12th November 1859, copy of which was submitted to them by Petitioner, it appeared that the Registry of the Villages was in the name of the *three* brothers, Petitioner's father and uncles; and that prior to the arrangement abovementioned, the management had been conducted conjointly by the two elder brothers, viz., Petitioner's father and his uncle Venkata Séshaya, whom the Collector has now recognized as the family representative.

4. The Board considered that this recognition was in accordance with the Hindu Law regarding undivided families, and with the ruling of Government contained in Extract Minutes Consultation, dated 20th October 1848, quoted in Note 6 on page 176 of the Board's Circular Order, volume 1, while it was supported by the Registry of the Village and the former practice of management, and they saw no sufficient reason for requiring Petitioner's uncles to place themselves in subordination to their nephew where such was not required by the Hindu Law, or family custom, or by the position of the Estate in the Government Registers; and they, therefore, declined to interfere with the Collector's Order, or to place Petitioner in the position he sought, the Courts being open to him if he desired to obtain a division of the family property.

5. Such was the opinion formed by the Board from the materials before them when they passed the decision from which Petitioner has appealed to Government; and they see no reason to modify it on further consideration.

6. The Srotriyam is one of those which were granted in 1802, on the abolition of the Office of Náttawár, and which in paragraph 6 of Extract Minutes Consultation, dated 2nd April 1859, No. 460, Revenue Department, Government decided should be treated precisely as any other private property.

* *In Con., 5th April* 1859, *No.* 1,501.

(A true Extract.)

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

No. 78. ORDER THEREON, 7th June 1860, No. 942.

Ordered that the following endorsement be passed on Petition No. 1,119 of 1860.

"The Government have received a report on this Petition, and see no reason to interfere with "the decisions passed by the Collector and the Board of Revenue. If Petitioner desires it "permission will be given him to sue in theCourts."

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

No. 2,476.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd May 1860.

Read Proceedings of Government, dated 11th May 1860, No. 758, calling on the Board to state the reasons which induced them to decline to interfere in the matter of the Petitioner, Chensu Venkata Row, regarding the succession to the management of the Shrotrium villages of Athari-mungalum, &c., in Nayer Taluk, Chingleput District.

(In Con., 12th May 1860, No. 2,206.)

Petitioner grounds his claim to the sole management of the Shrotrium to the exclusion of his undivided uncles on the fact of an agreement having been executed between his deceased father and his uncles, whereby the latter were to receive from the former their shares of the proceeds of the village in money, the management of the Estate remaining with the eldest brother, Petitioner's deceased father.

2. This agreement, however, was executed so recently as 1854, at the suggestion of the Collector to settle a family dispute, and determined nothing as to the future succession to the management of the Estate, or representation of the family which is *undivided*.

3. The Board, moreover, observed that from the Tahsildar's Report, dated 12th November 1859, copy of which was submitted to them by Petitioner, it appeared that the Registry of the Villages was in the name of the *three* brothers, Petitioner's father and uncles ; and that prior to the arrangement abovementioned, the management had been conducted conjointly by the two elder brothers, viz., Petitioner's father and his uncle Venkata Seshiah, whom the Collector has now recognized as the family representative.

4. The Board considered that this recognition was in accordance with the Hindu Law regarding undivided families, and with the ruling of Government contained in Extract Minutes Consultation, dated 20th October 1848, quoted in Note 6 on page 176 of the Board's Circular Order, volume 1, while it was supported by the Registry of the Village and the former practice of management; and they saw no sufficient reason for requiring Petitioner's uncles to place themselves in subordination to their nephew where such was not required by the Hindu Law, or family custom, or by the position of the Estate in the Government Registers ; and they, therefore, declined to interfere with the Collector's Order, or to place Petitioner in the position he sought, the Courts being open to him if he desired to obtain a division of the family property.

5. Such was the opinion formed by the Board from the materials before them when they passed the decision from which Petitioner has appealed to Government ; and they see no reason to modify it on further consideration.

6. The Shrotrium is one of those which were granted in 1802, on the abolition of the office of Nattawar, and which in paragraph 6 of Extract Minutes Consultation, dated 2nd April 1859, No. 460, Revenue Department, Government decided should be treated precisely as any other private property.

In Con., 5th April 1859, No. 1,501.

(A true Extract.)

Sub-Secretary.

To J. D. Bourdillon, Esq., Secretary to Government, R. D.,
with original Petition and 10 Enclosures.

Exd. J. Wright.

Cons: 20th May 1860 Nos 7-8.
" 24th Oct. 1848 — 21.
" 5 April 1859 — Cons.

Nos 77 & 78.

Rec. 1860 Department.
Pro: of Govt for 29th May
No. 1116.

Proceedings of the
Board of Revenue.

Dated 22d }
Desp. 29 } May 1860.
Rec. 29 }

E-I-Govt No with 2 to 9 Encs
not Recd

No. 2476.

No. 942. 7th June.

Explaining with reference to the order of Govt dated 11th May 1860 the reasons which induced the Board to decline to interfere in the matter of the Petitioner Chenna Venkata Row regarding the Succession to the management of the Shrotriem villages of Atharimungalum &c in Nayer Taluq Chingleput District.

With an order.

No. 942.

Ordered that the following endorsement be passed on Petition No 1119 of 1860.

"The Government have received a report on this Petition, and see no reason to interfere with the decisions passed by the Collector and the Board of Revenue. If Petitioner desires it, permission will be given him to sue in the Courts."

Fort St. Geo
7th June 1860.

Petitioner
Despatch

11 Copies to the Bd of Rev — Disp. 8
1 — Govt Desp. Dy 11 June