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MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 549 Press Mis.

16 & 18 ST

Dated 9 . 3 — 1861 .

Not to be folded or roughly handled

No. 164. Read the following Proceedings of the Board of Revenue, dated 15th February 1861, No. 857 :—

Read the following letter from J. W. B. DYKES, Esq., Collector of Nellore, to W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Kanigiri, 11th January 1861, No. 5.

SIR,

1. With reference to the report by endorsement forwarded from this Office to the Board on the 8th January 1859, to the effect that further inquiry into the petition presented by one N. Ráma Ráu was unnecessary, as the party complained against was dead, and his adopted son had renounced all claim to the land in dispute, I have the honor to bring to the notice of the Board that, from further inquiry, there is good reason for believing that this endorsement was given by the Collector, my predecessor, in entire ignorance of a report from the Tahsíldár of the Táluq, then lying unanswered in the Sarishtadár's Kacheri, which placed the point at issue in a very different light, and with reference to which, as well as a personal examination of the localities, it seems to me that the petition in question, and the orders passed thereon require re-consideration at the hands of the Board.

2. In September last, I happened to halt for half an hour one morning in the village of Peduru, in the Táluq of Nellore, and whilst looking at the pound, was informed by the villagers that I had given away the land between the pound and the village at the last Jamábandi to a relative of the Curnum's. They complained that it was the only high land they had to stand their cattle on when the irrigation season began, that it was the village tope, that they had presented numerous petitions to me against its being given away, and that in spite of all they could urge to the contrary, I had paid no attention either to their remonstrances or to previous orders passed in the case, and had given a Patta for the land to the Curnum's relative aforesaid, they believed, because he was a relative also of several of the Gumáshtás in my Kacheri.

3. On my return to Nellore, I commenced an inquiry into the charge thus made, and got most of the papers together, from which it appeared that the land in question was the subject-matter of the petition presented by N. Ráma Ráu and referred to in paragraph 1. But before I could conclude the inquiry, I had to leave again for the sale of the Kanchas, and since then I have been so much occupied with other work, that it is only lately that I have been able to take the case up, and can now do myself the honor of submitting for the consideration of the Board the facts of the case as they have been elicited on inquiry.

4. In 1855, one Kistna Ráu applied for some land in the village of Peduru, in the name of Nakalapalli Ráma Ráu, his brother, and received leave from the Tahsíldár to cultivate it. At the Jamábandi the Curnum of the Village, Mittadoddi Strínivása Ráu, complained that the land had been planted by him 40 years ago: and an order was thereon passed in the "Takrar Book" (Fasli 1265, A. D. 1855-56) that the land from the accounts appeared to be a tope, and must therefore, remain a tope. But as Kistna Ráu had cultivated it, it might remain in his occupation for the year.

5. Against this order an appeal was presented to the Board purporting to be written by Nakalapalli Ráma Ráu, and forwarded for report to the Collector, who, on the 23rd July 1857, directed the Tahsíldár to ascertain the exact position of the land in question with reference to the facts brought forward in the appeal petition received from the Board, also the number of trees now standing on the land, &c.

6. On the 1st of May 1858, a Rázináma was presented in the Sarishtadár's Kacheri with regard to this land by one M. Ragunáda Ráu. It is the Rázináma referred to in paragraph 1, on which the Collector's report by endorsement was based: and it set forth that Strínivása Ráu, who had adopted him, being dead, he, Ragunáda Ráu, had become Curnum and did not wish to prosecute any further the claim put forward to the land in dispute by the late Curnum.

7. The Collector's report to the Board by endorsement bears date the 8th January 1859. On the receipt of this report, the appeal petition presented in the name of Nakalapalli Ráma Ráu was endorsed by the Board accordingly: and on the receipt apparently at this Office of the

Board's endorsement on the appeal petition, an order was issued by my predecessor in March 1859, directing the Tahsíldár to put the land in dispute in the village of Peduru in the possession of the Appellant, viz., Nakalapalli Ráma Ráu.

8. At the next Jamábandi, that is in March 1860, a patta for the land was duly made out and given by me in the name of the said Nakalapalli Ráma Ráu.

9. But as I have already stated (paragraph 1) when the Collector reported to the Board by endorsement, that there was no need for further inquiry into this man's case, there was then lying in his Sarishtadár's Kacheri, an Arzi from the Tahsíldár, of the existence of which, I believe, he was not aware, and of the existence of which I was certainly not aware when I gave the Patta at the Jamábandi last year. This Arzi had been written on the 29th October 1857, in reply to the Collector's order of the 23rd July, calling for further information with regard to the land in dispute, and it placed the whole question in a totally different light to that in which the Collector had apparently been led to view it.

10. I append a translation of this Arzi, written by the Tahsíldár of Nellore, in reply to the Collector's order of the 23rd July 1857: and from this Arzi the Board will see that so far as the deceased Curnum was concerned, there were strong reasons for believing he had been tampering with his accounts, instead of having any real claims to the land, but that as regards the land, it was public property. Strínivása Ráu, the deceased Curnum, had represented that the land applied for by Nakalapalli Ráma Ráu formed part of a tope planted by himself, and on the adopted son withdrawing these claims, the Collector was led to consider the matter amicably settled. But this Arzi showed that the villagers were the parties concerned and not the late Curnum, any more than his adopted son. The land applied for nominally, the Tahsíldár reported might be given; but the land of which possession was sought to be obtained was a tope that had been planted with Ippa trees very many years ago for the use of the adjacent temple to Siva; that it had been granted for the use of the said temple; and that it was not land that had been relinquished by the Ryots, or in other words, had ever been made available for cultivation: and with this evidence from the village accounts on record, it is clear that the Rázináma given by the deceased Curnum's adopted son was mere waste paper, and that it was the villagers whose wishes had really to be ascertained before reporting on the appeal petition.

11. How far the Collector was in ignorance of the existence of this Arzi, I am of course unable to state positively. It bears his signature, and he may have thought that the villagers having failed to come forward, he was not bound to attend to their interests. But had he been aware of the Arzi, he would surely have referred to it in the report by endorsement: and had he also thought this unnecessary, he would certainly have noticed it in his order to the Tahsíldár directing him to put this tope "planted with Ippa trees," and "granted for the use of the temple," in the possession of Nakalapalli Ráma Ráu: and as no one of these three courses was pursued, I cannot but conclude that he was as ignorant as myself of the existence of the Arzi, or at all events of its purport.

12. I must also give it as my opinion that his being in ignorance was not by accident. M. Ragunáda Ráu, the adopted son, who signed the Rázináma in the Sarishtadár's Kacheri, is the son of Mittadoddi Jagannada Ráu, who was then Head Gumáshtá in the Collector's Kacheri. M. Strínivása Ráu, who adopted him, N. Ráma Ráu, and Kistna Ráu, his brother who has been the moving party throughout, are all closely related to several Gumáshtás now in my Kacheri. The dispute had attracted much attention, and under these circumstances, I cannot but believe that all the facts of the case were well known in the Kacheri, and that the all important Arzi then lying unanswered, *and written by the Tahsíldár in the adjacent Túluq Kacheri*, was designedly kept from the Collector's cognizance.

13. Depositions have been taken from Ragunáda Ráu and Kistna Ráu, translations of which I enclose. The latter appears for his brother Nakalapalli Ráma Ráu. The former, it will be observed, states, he knew when he gave the Rázináma that making over the tope would inconvenience the villagers, but he himself was then grieving for the death of his father by adoption, &c.

14. Rangácháru lu, Deputy Collector, Inám Commission, was then Sarishtadár, and the records are silent as to the reason for the Rázináma being taken in the Sarishtadár's Kacheri instead of before the Collector.

15. But as regards the rights really at issue, the Rázináma is any way, as I have already stated, of no moment: and it is only necessary that I should refer to one more point connected with the statements made to me on the spot by the Ryots. The fact that they had presented several petitions against the land being made over, and that I had not attended to them is as true as that the existence of the tope had been already acknowledged, though on wrong premises, at the Jamábandi of 1855-56.

16. On an examination of the records, I found the petitions lying in the Office. They should unquestionably have been brought to my notice at the Jamabándi: and their not having been brought to my notice is far from creditable either to the Sarishtadár, who is responsible for the general supervision of such matters, or the present head Gumáshtá Nyapati Ráma Ráu, who examined the accounts of the village of Peduru and assisted me to make its Jamábandi last year, when the Patta was given for the land, and its issue objected to by the Ryots, they state, to both the Sarishtadár and Nyapati Ráma Ráu.

17. It will thus be seen that if the Ryots allowed the attempts of Nakalapalli Ráma Ráu, or his brother Kistna Ráu, to be resisted in the first instance by the Curnum, when the Curnum died and his adopted son refused to take part in the dispute, they came forward themselves; their first petition against the making over of the land being dated 20th October 1859. It will further be seen that the land in question, according to the village accounts, is not land available for cultivation but set apart for religious purposes: and the Board will, I think, further agree with me in considering that the report by endorsement, given by my predecessor, and consequently their endorsement of the appeal petition on the strength of that report were based on misapprehension of the real facts of the case, and a mis apprehension, that was the result not of accident, but of a wilful concealment of the true facts of the case by some parties then in this Kacheri who with the Appellants, had an interest in such concealment: and on these grounds, I beg to recommend that I may be permitted at the coming Jamábandi to cancel the Patta, which I issued at the last Jamábandi in the name of Nakalapalli Ráma Ráu.

18. As regards the occupation of the land no orders are required. The Board will observe from the enclosed depositions that the villagers have prevented either N. Ráma Ráu, or his brother occupying the land, although they had got a Patta for it.

19. A petition presented to the Board by the villagers, No. 3,280 of 1859, and endorsed under date the 14th November 1859, which I also found lying undisposed of in the Office, I now enclose for such orders to be passed thereon as may seem fit to the Board after the perusal of this report. In the petition the land is claimed as standing ground for their cattle, and so far, and as regards its lying between the pound and the village, and being tope land, I can bear witness, from personal observation.

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1. The case reported in the above letter appears to be one of those instances of low intrigue and petty fraud, which cast so much discredit on the public Native servants of Government.

2. In 1855, Kistna Ráu in the name of his brother Ráma Ráu, applied for some land in the village of Peduru in the Cusbah Túluq of Nellore, and obtained leave from the Tahsíldár to cultivate it temporarily, but at the Jamábandi the village Curnum having complained that the land applied for was included in his private tope, his claim was admitted and the applicant's possession was directed to be limited to the years cultivation which had been already made.

3. From this decision an appeal was presented to the Board in Petition No. 1,494 of 1857, in the name of N. Ráma Ráu, which was endorsed on 9th June 1857 to the Collector "for disposal and endorsement."

4. On 8th January 1859, he endorsed the petition to the effect that the Curnum's claim having been established by the public accounts, "it was ordered that it (the land) should be "kept as a tope as heretofore."

"The Curnum is since dead and his adopted son having allowed Ráma Ráu to have the land, there is no objection to his taking it."

5. On receiving this endorsement the Board's petition was on 21st January 1859 disposed of accordingly; but from Mr. Dykes' report it now appears that at the very time Mr. Elton reported as above, no doubt upon information furnished to him by his Kacheri, there was lying

in that Kacheri a report from the Tahsíldár whose Kacheri it is to be remembered adjoins that of the Collector, stating that the tope claimed by the Curnum was the public property of the villagers and attached to the village Pagoda; that the land originally applied for was in no way included in it; that the entry in the public accounts, which went to show that the Curnum who claimed the tope had restored it by planting, was an apparently recent interpolation; that no objection existed to granting the land originally applied for, but that the tope should be retained for its legitimate purpose. This report, which would have upset the palpable intrigue on the part of the Curnum, and also apparently of the Darkhástdárs to establish a private right in the public tope, was not brought to the Collector's notice so far as there is any thing to show; and it is not to be believed that had it been so brought to notice Mr. Elton would ever have passed the endorsement of 8th January 1859, on the strength of which and of a detailed order from the late Collector to the Tahsíldár, directing him to put the tope in the possession of N. Ráma Ráu and under the impression that the whole affair had been amicably adjusted, Mr. Dykes, on the last Jamábandi settlement, issued a Patta for the tope in the name of Ráma Ráu.

6. Neither can the omission in this instance be supposed to have been accidental, for a precisely similar withholding of information from the Collector has occurred in regard to the numerous petitions which have been addressed to Mr. Dykes by the villagers, in opposition to the issue of the Patta for the land in the name of Ráma Ráu, and a clue to the whole intrigue is supplied by the fact that the Curnum, his adopted son, and the brothers N. Ráma Ráu and N. Kistna Ráu, are all closely related to several Gumáshtás in the Collector's Kacheri, some of them in very influential positions, Jugannáda Ráu, the natural father of Ragunáda Ráu the Curnum's adopted son, who executed in the Head Sarishtadár's Kacheri, the Rázináma, referred to in Mr. Elton's endorsement having been at the time the Head Gumáshtá of the Collector's Kacheri.

7. Deputy Collector Rangachárulu, at present Special Assistant to the Inám Commissioner, was at the time Head Sarishtadár, and is responsible for the non-production of the Tahsíldár's Arzi to Mr. Elton; and also for the execution of the Rázináma which was taken in the Sarishtadár's Kacheri, instead of before the Táluq Tahsíldár or the Collector, as it should have been in ordinary course. It is also to be presumed that the detailed order issued by Mr. Elton for making over the tope to N. Ráma Ráu, was countersigned by the Head Sarishtadár as the Rázináma on which it was based was taken in his Kacheri. The Collector will please to report further on this point, stating who actually wrote and witnessed the Rázináma, and what proof there is that it was executed in the Sarishtadár's Kacheri. He will also state who wrote and countersigned the Collector's detailed Takhid to the Tahsíldár, and what the practice of the District was and is as to the countersignature of important orders in the vernacular, and whether they always also bear the signature of the writer and examiner. Additional doubt is cast on the Head Sarishtadár's part in this business by the fact that the Petition No. 3,280 of 1859, addressed to the Board by the villagers of Peduru, and complaining that through the improper influence of the Head Sarishtadár Rangachárulu, they had been deprived of their rights, on which petition the Board on 14th November 1859, endorsed that the Petitioners should address the Collector and produce his endorsement, and returned it to the Collector for delivery to the Petitioners, was found by Mr. Dykes lying undisposed of in the Office.

8. The Board will forward copy of the Collector's letter and of these Proceedings to Government, with the expression of their opinion that Rangachárulu should be called upon to clear himself from the suspicion that at present attaches to his conduct in the matter.

9. Mr. Dykes will please to forward to the Board a detailed list of the relatives of the Curnum, of his adopted son, and of the brothers Ráma Ráu and Kistna Ráu who are now in the service, showing their length of service, present position and pay, position at the time the matter now under consideration occurred, and in each case the grounds for their retention in Office at the revision of the Establishment.

10. He will furnish the same information regarding the writers, witnesses and examiners of the orders and endorsements of the Collector in the case, and of the Rázináma, and will give his opinion as to the advisability of removing all or any of these men from the Public service, with reference to their past conduct in general, and in this case in particular,

11. The Board greatly regret to observe that the Nellore Húzur Kacheri, which a few years back earned for itself a bad notoriety in this matter of close relationship and mutual intrigue among the Office servants, seems to have been but little improved by the stringent orders which were on that occasion issued by Government and the Board.

12. Mr. Dykes will also forward to the Board such explanation as his present Sarishtadár and the Head Gumáshtá Nyapati Ráma Ráu have to give of their omission to bring to his notice at the time of the settlement when the Patta was issued to Nakalapalli Ráma Ráu, the previous facts of the case and the Arzis addressed to him by the villagers on the subject which were lying undisposed of in the Office.

13. He will also report who now holds the Office of Village Curnum of Peduru, and will take care that the entry regarding the land in the village accounts and specially in Register A. is correctly made.

14. The Collector will on the occasion of the current year's settlement publicly cancel the Patta issued last year for the Pagoda tope in the name of Ráma Ráu, substituting for it a Samudayem Patta in the name of all the villagers and of the Temple Trustees or Managers, in which the tope will be described as the property of the Pagoda, for the benefit of the community.

15. The following endorsement will be passed on the undermentioned Petitions connected with this subject:—

No. 3,280 of 1859 from the Villagers of Peduru.

"Petitioners are referred to the Collector, on whose report, dated 11th January 1861, the Board have issued orders to restore and maintain intact the rights of the Pagoda, and of the village Community in the tope in question, against all claimants."

No. 240 of 1861, from Kistna Ráu, brother to Ráma Ráu of Peduru.

"On the report of the Collector, dated 11th January 1861, the Board have issued orders that the Patta granted in the name of Petitioner's brother for the tope in question be publicly cancelled, as having been obtained by fraud, to the injury of the pre-existing rights of the Pagoda and of the village Community."

(A true Copy and Extract.)

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

No. 165. ORDER THEREON, 9th March 1861, No. 549.

These papers will be sent to the Inám Commissioner, who will obtain from his Assistant Rangachárulu and submit to Government, any explanation that he may wish to offer on the transaction in which his name is mixed up.

2. The Government approve the Board's orders in paragraphs 9 to 14 of these Proceedings.

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

Rev. 1861 Depart.
Pro: of Govt for Madras
№ 529

Proceedings of the
Board of Revenue

Dated 15th February 1861
Desp.d 25th
Rec.d 26th

Trans.d 1 Ol. end.
№ 549. 9th March
№ 857.

Trans.d Cr 1112/61 in Pro: 16th May № 1046.

Submitting Copy
of the Board's Proceedings
passed on a letter from the
Collector of Nellore desiring
him to cancel publicly
the Patta issued last
year for certain Pagoda
Tope in the name of Rama
Row, substituting for it a
Samudayam Patta in the
name of all the villagers
and of the Temple Trustees
or Managers.

With an Order

Trans.d Cr 24 July/61
Cr. 1882. in Pro: 19th Aug.t
№ 1668.

№ 164 & 165

C.E. March 8.5.

№ 549

These papers will be
sent to the Inam Commissioner
who will obtain from his Assis-
-sistant Rangachariulu and
submit to Government, any
explanation that he may wish
to offer on the transaction on
which his opinion is invited upon
2 The Government
approve the Board's orders
in Paras 9 to 14 of these Pro-
-ceedings

Fort St George
9th March 1861

21 Copies - Inam Commissioner with Orig.l Encls. Desp.d
13 " Board of Revenue. V