M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1005 Press ~~Mis.~~

151-152

Dated 7 - 5 - 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 7th May 1862.

No. 151. Read the following letter from G. N. TAYLOR, Esq., Inám Commissioner, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Vellore, 7th April 1862, No. 19:—

SIR,

1. I have the honor to reply to the Order of Government, dated 12th November 1861, No. 2,160, having reference to a representation made by the Collector of the Kistna District in regard to two Inám cases settled by this Department.

Case No. 18 on the Register of Chévúr.

2. The first case referred to, is that of an Inám situated in the village of Chévúr of the Gudiváda Táluq. This Inám was held by a number of divided and distinct sharers, two of whom were the Petitioner, Magundar Lacshmi Narasimha Ráu, and his opponent, the widow of a distant divided cousin, the separate title of the widow to the divided share of her deceased husband was recognized by the Deputy Collector, and his decision was confirmed in this Office. If there had been any interruption of the widow's enjoyment, it would not have been the province of the Collector to put her in possession, as in all such matters redress is to be hereafter obtained through the Civil Courts. But in a petition addressed to me by the Magundar, he admits that the widow is in enjoyment of a portion of the Inám, though he asserts that it was given to her for maintenance, which is denied by the widow apparently on good grounds. The matter, however, is one which must be settled by the Courts, the *primâ facie* right and enjoyment of the widow being for the present recognized.

Case No. 10 Tutivarsu.

3. The second case relates to an Inám of 1½ Katti in the village of Tutivarsu of the same Táluq. When the Zamíndári of Chármahál, in which the village was situated, came under attachment in Fasli 1238, this, together with other Iáms, entered as subsequent in an account of Fasli 1232, was resumed by the local authorities. The Zamíndári was shortly afterwards restored, and again came under attachment about 1840. The Inámdár, who had been absent on employ in Vizagapatam, returned home at this time and petitioned the Head Assistant Collector, who ordered an inquiry into the matter, and directed that 5⅛ Katti, the portion which was then cultivated, should be kept under Takrár, or abeyance, pending further orders. It has since been entered in the accounts as a Takrár Inám, though the remainder of the Inám, which was waste at the time, has been erroneously included in the Séri Ayakat, and whenever the Inám was cultivated, which was seldom, the proceeds were kept in deposit.

4. The case having been transferred by the Collector to the Commission with other pending cases, was investigated by the Deputy Collector A. Séshaiya Sástri. From his inquiry, it appeared that the Inám was supported by the village Dowles of Faslis 1192, 1194, 1199 and 1200, that it was then left waste, but was again restored under a grant of the Zamíndári in Fasli 1208, but subject to a Jodi; that it did not appear in the accounts of Faslis 1209 to 1212, which however only included lands actually cultivated in those years, and this circumstance probably led to the Inám being classified as "subsequent" in the accounts of Fasli 1232: but from Fasli 1217 to 1237, for which years accounts are available in the Collector's Office, the Inám appears duly entered. Being thus satisfied of the age and validity of the Inám, I confirmed it to the Inámdár, subject to the Jodi charged upon it by the Zamíndár, and communicated my decision to the Collector.

5. The temporary cultivator cannot, in my view, have acquired a prescriptive right to this land, while the cultivated portion of it has always remained under Tákrar, that is, in dispute; or as unsettled Inám. I am not informed whether any other portions of the Inám than the 5⅛ Katti referred to has been since cultivated; but if so, the right of the cultivator is merely temporary under the effect of the Tákid issued in 1840. All that seems to be necessary is that the Collector should cancel what has been done on the part of the Cirkar to the prejudice of the Inámdár, and transfer the land from the Séri Ayakat to the head of Inám, thus restoring matters to the state in which they were before the disputed resumption; and I submit that the Tákid issued in 1840 to keep the matter under Tákrar, or

unsettled, sufficiently provides for the above being done without any objection on the part of the temporary cultivators. I may add, in conclusion, that as no final resumption with the sanction of the Board of Revenue or Government, was made in this case, which was simply kept in abeyance by the Collector, I did not deem it necessary to make a special reference to Government for the purpose of carrying out my decision.

No. 152.

ORDER THEREON, 7th May 1862, No. 1,005.

1. The foregoing letter will be communicated to the Board of Revenue in reference to their Proceedings of the 21st October last, No. 5,786.

2. Paragraph 2 shows that the Inám land which formed the subject of paragraph 1 of Mr. Thornhill's letter, dated 4th October 1861, No. 245, is in the actual enjoyment of the individual in whose name the Pattah was issued. Any dispute then between the partners must be settled in the Courts.

3. The remainder of Mr. Taylor's letter refers to the second case brought to notice by the Collector of Masulipatam.

4. This Inám, it appears, was resumed by the Collector in Fasli 1238, but no final orders in the case were issued by the Board of Revenue or the Government. The Commissioner is of opinion that in the absence of such resumption, the age and validity of the Inám having, in the meantime, been satisfactorily established, the simplest course is for the Collector to place the land in the position occupied by it prior to 1238, by transferring it from the Séri Ayakat to the head of Inám. This course is sanctioned. The present possessor remaining undisturbed till ejected in due course by decree of competent Court.

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

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No. 1005. Revl Dept.
No 1005

Proceedings of the Madras Government
May
Under date the 7th April 1862.

Read the following

letter from the Inam Commissioner

Replies to the order of Govt dated 12th Novr 1861 having reference to a representation made by the Collr of Kistna District in regard to two Inams situate in the villages of Chenur and Sukkivarru, Gudiwadah taluq settled by this Department.

/ Here enter 7th April 1862 No. 19 /

The foregoing letter will be communicated to the Board of Revenue in reference to their Proceedings of the 21st October last. No 5786

2 Para 2 shews that the Inám land which formed the subject of para 1 of Mr Thornhill's letter dated 4th October 1861. No 245 is in the actual enjoyment of the individual in whose name the Pattah was issued. Any dispute then between the

partners

partners must be settled in the Courts.

3 The remainder of Mr Taylor's letter refers to the second case brought to notice by the Collector of Masulipatam.

4. This Inam it appears was resumed by the Collector in Fasly 1238. but no final orders in the case were issued by the Board of Revenue or the Government. The Commissioner is of opinion that in the absence of such resumption, the age and validity of the Inam having, in the meantime, been satisfactorily established, the simplest course is for the Collector to place the land in the position occupied by it prior to 1238 by transferring it from the Peri Nyakat to the

the head of Inam. This course is sanctioned. The present possessor remaining undisturbed till ejected in due course by decree of competent Court.

C/W

D/A/P

IDS

Recd to the Bd of Rev Dis[t]s
Ba & Kan Cov[t]s

Answ

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Regarding two Inams in the Kistna District & the Inam Commissioner

R 12th November 61 No. 145-146

Revenue 1862 Sept.
Pro: of Govt for May

No: 1005.

Pro: of the Madras Govt
Dy 7th May 1862

Forwarding orders on
letter from Inam Commissioner reporting
on a certain representation made by Kistna
Collector in regard to two
settled Inam cases in
that District-

No: 151 & 152.