M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1112 — Press / ~~Mis.~~

368. 370

Dated 20 - 5 - 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 20th May 1862.

No. 368. Read the following Proceedings of the Board of Revenue, dated 7th May 1862, No. 2,911 :—

Read the following letter from J. SILVER, Esq., Collector of Tinnevelly, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 7th April 1862, No. 136.

SIR,

1. With reference to paragraph 3 of the Proceedings of the Board, under date the 21st March 1862, No. 1,901, observing that the manner in which the Inám land therein referred to was dealt with by the District authorities as a Service Maniem, was very improper, I have the honor to offer the following explanation.

2. In the heading of the Persian Sunnud referred to in paragraph 2 of the above Proceedings, it is stated that the Sunnud is granted to Casudeen, son of Chucherbara, the *servant of the mosque*, whilst in the Cadjan Deed alluded to in the Sunnud, and a translation of which is herewith sent, it is stated that the grantee is "to perform services in the mosque."

3. Further the Maniem has all along been treated as a Service grant. When the Plaintiff Shaw Saib claimed a share of the Maniem in the year 1848, the then Collector, Mr. Bird, after a full inquiry into the case referred him to the Civil Court, on the ground that a Service Inám cannot be sub-divided, and upon his report to the Board, dated 19th March 1852, on Board Petitions Nos. 37 and 38 of 1851, preferred by the Plaintiff, the Government in Extract from Minutes of Consultation, under date the 26th April 1852, No. 384, observed as follows—"The Sub-division "of the Inám is objectionable as tending to defeat the object of the grant, and it is also opposed "to the views already expressed by the Board and Government in the cases referred to in the "notes given at page 295 of the Board's Circular Orders, Volume I, and if the claim from mem- "bers of the family be admitted, the object of the endowment must in course of time be rendered "unattainable, and the Inam converted from a *Service* into a mere personal grant." Besides this, both the parties have also repeatedly stated in their Petitions, that the object of the grant was to render certain services in the mosque at Trichinopoly.

4. For the foregoing reasons, and as the Plaintiff complained that the prescribed service in the mosque was not kept up by the last holder, the Inam was ordered to be attached, and the proceeds to be held in deposit, until the production of a document from the Collector of Trichinopoly, certifying to the continuance of the Service.

5. With reference to the concluding paragraph of the Board's Proceedings under acknowledgment, I beg to state that in the Cadjan Deed above referred to, the grant purports to have been originally granted to Chuckerbara, the father of the holder of the Persian Sunnud, which was granted subsequently. Besides, in the accompanying Extract from Mr. Hudleston's Register of Inams, and in the Genealogical tables annexed to Mr. Bird's letter to the Board of Revenue of the 19th March 1852, Chuckerbara is stated to be the original grantee.

6. Under the above circumstances, I request the Board will be pleased to re-consider the remarks made by them as to the manner in which the Inam has been dealt with, and as to the account given by me of the origin of the grant, and to pass such orders as they deem proper on the subject. I further request the Board will be pleased to lay this letter before Government, who state that "the inaccuracies noticed by the Board are not creditable to the Collector."

7. Before the receipt of the Proceedings of Government on the subject, an extension of two months for filing an answer was applied for, and I beg to state that it has been since granted.

8. Copies of the Persian and Cadjan Sunnads are also forwarded for the inspection of the Board.

Ordered, that as requested by the Collector, the above letter be submitted to Government, with reference to their Proceedings, dated 26th March 1862,

In Cons. 26th March 1862, No. 1,745. No. 667, Revenue Department.

1. The Board, however, see no reason to modify their former opinion on the case, although they acquit Mr. Silver of all blame in the matter, which indeed it was never their intention to impute to him.

Board's Proceedings, No. 1,901, dated 21st March 1862.

2. In paragraph 2 of Mr. Silver's letter, dated 19th February 1862, he stated that the Inám in question was granted "to one "Chuckerbara for subsistence under a Sunnud, dated 24th Tai of "Fasli 1,196, corresponding with 3rd February 1787," and that "on the death of the original "grantee, it was registered in 1822 in the name of his son Cajudin."

Procs. et sup.

3. With his letter of 13th March 1862, Mr. Silver forwarded a translation of the Sunnud in question, which it appeared was in favor, not of Chuckerabara, but of his son Cajudin, and although it contained reference to a "former Cadjan deed of gift," there was nothing whatever to show that such deed of gift had been made to the father, and was not a mere preliminary document to be perfected by the Persian "Hibba Namah."

4. Under these circumstances, the Board consider that they were fully justified in remarking that Mr. Silver's account of the origin of the grant was inconsistent with the Sunnud, which he had himself quoted as his authority, and of which he forwarded a translation.

5. From Mr. Silver's present letter and its enclosures, it however appears that the Cadjan deed of gift was executed in favor of the father Chuckerabara, and was the origin of the grant, but that its date was "5th Tai of Aundoo 962," and not as quoted by the Collector, and the mistake into which the Board were led originated with the Collector himself.

Corresponding with 15th January 1787.

6. There were in point of fact two grants; one to Chuckerabra the father, dated on 15th January 1787, confirming on him five Cottahs of Nanja land under the Keelacolam tank as Survamaniem from generation to generation, and enjoining him to perform service in the mosque of which he is described as a servant, and to pray for Huzrat Nawab Wallajah, and the other to Cajudin son of Chuckerabara, dated 3rd February 1787 (or about a fortnight later than the Cadjan document) conferring 2½ Cottahs of Nanja land under the Keelacolam tank, and 2½ Cottahs of Punjah land under Melakolam tank "in perpetuity as Survamaniem for subsistence, agreeably "to the Cadjan deed of gift executed on a former occasion," and he is enjoined also to "pray "night and day for the longevity and prosperity of His Highness the Nawab Wallajah."

7. It need scarcely be remarked that this condition of praying for the prosperity of the grantee, is a most usual appendage of Mussulman grants, and by no means renders the Inam a Service endowment, and it may also further be remarked that there is nothing whatever in the Extract from the entry, dated 28th September 1822, in the District Register of Ináms to show that this registry was made in consequence of the death of the original grantee, but rather the contrary, as the grant quoted is that executed in the name of the son who is registered as Inámdár, and the purport of the grant itself is moreover not accurately stated in the Register.

8. The later deed to the son is expressly in renewal or confirmation of that to the father, but it will be observed that although apparently only a fortnight intervened between their execution, the extent of 1st class Nanja land conferred is reduced by one-half, and a corresponding extent of the less valuable Punja land is granted instead, while all mention of service in the mosque is omitted in the latter document, although the grantee is described as the son of Chuckerabara, a servant in the Nuttud Ouliya mosque, and the grant is expressly declared to be for subsistence.

9. Under these circumstances, the Board can see no reason whatever to doubt that the grants were in both instances for personal subsistence, and not for the maintenance of service in the mosque, although the original grantee happened to be a servant in the mosque, and may not improbably have obtained this alms by reason of his being in such a position, and in recognition of zealous service, and they adhere to the line of defence proposed in their former Proceedings, and to the recommendation there made as to the disposal of the mesne profits in deposit, and of the question of succession to the Inám.

10. They will only further observe that the Collector's present arguments seem entirely at variance with his own original recommendation that the defence of the Suit should be based on the provisions of Regulation IV of 1831, in which view the Board concurred, while he would apparently now insist that the grant was formerly rightly treated as a Service endowment, in

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which case it would come under Regulation VII of 1817, and the jurisdiction of the Courts would not be barred.

11. The Board would recommend that the Collector be instructed to put in the Draft answer already approved by Government, should he not have already done so, and to carry on the defence on the same pleas.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 369. Read the following Proceedings of the Board of Revenue, dated 14th May 1862, No. 3,120:—

Read the following letter from J. SILVER, Esq., Collector of Tinnevelly, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 5th May 1862, No. 183.

SIR,

With reference to the Proceedings of the Board of Revenue, dated 28th April 1862, No. 2,680, I have the honor to state, for the information of the Board, that the extension of two months' time granted by the Court for filing an answer in the Suit referred to will expire on the 6th of next month, and I beg therefore to request early instructions from the Board.

Ordered to be submitted for the information of Government in continuation of the Board's Proceedings, No. 2,911, dated 7th May 1862.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 370. ORDER THEREON, 20th May 1862, No. 1,112.

The Government concur in the view taken by the Board of Revenue of the origin of the Inám in question and desire them to instruct the Collector to put in the draft answer already passed.

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

26th April/52 Nos 47-48.
26th March/62 — 431-432.

Rev = 1862 Vol 4
Pro: of Govt for Allg
No 327.
Proceedings of the Board of Revenue.

Dated 7th
Desp 14
Rec 8th
C-4-Ol-ens-

May 1862.

No 2911

Submitting with remarks letter from the Collector of Tinnevelly offering explanation regarding a certain Inam land which was dealt with by the District authorities as a service Maniem.

No 366-369-&370.

No 1112 - 26 May
Written Order

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No 1112.

No 1112

The Government concur in the view taken by the Bd of Revenue of the origin of the Inam in question and desire them to instruct the Collector to put in the draft answer already passed -

Rec'd 28 May 1862

Sd/ W. Ellis
Secy to Govt
Board of Revenue
with 4 Rejt Encls

Dispd 28

Sd/ A J

10/5/62 25/10 5