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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1231 Press ~~Mis.~~

49-50

Dated 4 - 8 — 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 4th June 1862.

No. 49. Read the following Proceedings of the Board of Revenue, dated 15th April 1862, No. 2,476:—

Read the following letter from H. A. BRETT, Esq., Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 28th March 1862, No. 73.

SIR,

1. Adverting to the Board's Proceedings, dated the 16th February 1861, No. 879, approving of my proposal to hold the Jághír of Ballagoontah, comprising the four villages noted in the margin, in the Tripatur Táluq, under attachment, until the whole of the Jodigi due to Government and the whole of the shares due to the several shareholders, should be fully liquidated, I have the honor to inform the Board that the arrears of Jodigi due to Government were realized in April last.

Ballagoontah.
Gollagoontah.
Ammanacovil.
Vapalanuttum.

2. I also beg to state that Mahomed Yasim Saib, registered head of the family, appeared before the Tahsíldár of Tripatur in the same month, and informed him that he had entered into a private agreement with his uncle, Mahomed Fakarudin Saib, by which the latter undertook to pay the arrears due to the several shareholders, and in future to pay punctually both the shares and the Government Jodigi, on condition that Mahomed Fakarudin Saib was allowed to hold the two Jághír villages of Ammanacovil and Vapalanuttum for a term of years.

3. It appeared from the Tahsíldár's report that all the principal shareholders, with the exception of one Mahomed Hussain Saib, who was absent, expressed themselves satisfied with the above arrangement. I therefore ordered the Tahsíldár, on the 11th May last, to release the four Jághír villages from attachment, and to report, as soon as he had ascertained from the absent shareholder whether or not he would assent with the other shareholders to receive his share through Mahomed Fakarudin.

4. The Tahsíldár in an Urzi, dated the 16th November last, reported that the absent shareholder was satisfied with the arrangement above referred to.

5. In the same report the Tahsíldár stated that one of the shareholders, named Mahomed Syududin, had applied to him on the 14th of November to be put in possession of half of the village Ballagoontah, now in the possession of Mahomed Fakarudin Saib, on the ground that his late father, Mahomed Gouse, and Mahomed Fakarudin, had jointly held the village in question on lease. The Tahsíldár also reported that Mahomed Syududin was now unwilling to receive his share from Mahomed Fakarudin Saib.

6. It appears from the Tahsíldár's report that the late Mahomed Gouse, the father of Mahomed Syududin, transferred before his decease his share in the lease of the village of Ballagoontah to Mahomed Fakarudin; that Mahomed Gouse before his death was receiving as his share in the Jághír, Rupees 350-10-7; and that after the death of Mahomed Gouse the same amount was apportioned among this three sons, of whom Mahomed Syududin is one, and his four daughters.

7. Under these circumstances I do not think it is necessary that the Government should allow the objections made by Mahomed Syududin to interfere with the arrangement made between Mahomed Yasim, and his uncle Mahomed Fakarudin.

8. With reference to paragraphs 11 and 12 of my letter to the Board, dated the 31st January 1861, No. 9, I beg to recommend that the two villages of Ballagoontah and Gollagoontah may be registered in the name of Fakarudin Saib, one of the uncles of Mahomed Yasim Saib, the person in whose name the whole Jághír is registered. Nassarudin Saib, the other uncle of Mahomed Yasim Saib, gave his full consent to this arrangement in December 1860, when I was at Tripatur, and had a personal interview with several members of the family of the original grantee, though he has since expressed himself as opposed to this arrangement.

9. Yasim Saib, the person in whose name the village of Ballagoontah and the three other villages are at present registered, also protests against the villages of Ballagoontah and Gollagoontah being registered in the name of Fakarudin Saib, though he has no objection to receive his share in these two villages through Mahomed Fakarudin Saib. Some of the minor shareholders have also raised objections to the villages of Ballagoontah and Gollagoontah being registered in

the name of Mahomed Fakarudin Saib, but the majority of them are in favor of that course, on the ground that Mahomed Fakarudin Saib would pay to them their shares more regularly than Mahomed Nassarudin Saib.

10. It appears that Mahomed Yasim Saib is suffering from some mental derangement, and that Mahomed Nassarudin Saib is a man of no principle, and that he could not properly be trusted with the responsibility of giving each shareholder his or her share in the Jághír.

11. Fakarudin Saib appears to be from my own personal experience, and from what the Tahsildar has stated in his report, the only intelligent head of the family, and the only person who can be trusted to give the several members of the family their respective shares, and so save the Government the troublesome duty of distributing the proceeds of the Jághír villages according to each individual share.

12. Fakarudin Saib has also given a Muchilka, to the effect that he will punctually pay the several shareholders their respective shares in the Jághír villages and half the Jodigi regularly to the Government, if the two villages in question are registered in his name. I am therefore of opinion that the villages of Ballagoontah and Gollagoontah may be registered in the name of Mahomed Fakarudin Saib subject to the conditions stated above.

13. I should explain that, according to the decision of the Government, expressed in Extract from Minutes of Consultation, dated the 2nd September 1851, No. 882, the other two villages of the Jághír, viz., Ammanacovil and Vapalanuttum (the villages granted to Goolam Mahomed Nather, son of Mahomed Musa, for two generations) are enjoyed exclusively by the children of the original grantee, and that the other members of the family are not allowed any share in those villages.

1. In Extract from Minutes of Consultation, No. 882, dated 2nd September 1851, referred to by the Collector of Salem in the concluding paragraph of his letter above recorded, the local Government, after a reference made to the Mahomedan Law Officers of the Sudder Ádálat under the orders of the Secretary of State for India, authorized the continuance of the villages of Ballagoontah and Gollagoontah to the sons and daughters of Mahomed Musa as the second generation, in such shares as the Mahomedan Law required, and to his grand-children, if any, as the third generation. The village of Ammanacovil and Vapalanuttum were in like manner conferred on Goolam Mahomed Nather, eldest son of the abovenamed Mahomed Musa, but for only "two "generations, that is for one generation besides himself."

2. Some of the lineal descendants of Mahomed Musa having, however, died during his lifetime, and some subsequently, the case was referred to the Kazi-ul-Kazat, and in accordance with his decision, the existing members of the family were severally allotted shares in certain defined proportions.

3. The first two villages,* although granted on a separate Sanad, appear to have always been treated conjointly with the other two† as one Estate, under the designation of the Jághír of Ballagoontah, which is at present registered in the name of Mahomed Yasim Saib as the head of the family, he being the son of Goolam Mahomed Nather deceased, to whom exclusively as the eldest son of Mahomed Musa the original head, the villages of Ammanacovil and Vapalanuttum were granted by Government as stated in paragraph 1 above.

* Ballagoontah.
Gollagoontah.
† Ammanacovil.
Vapalanuttum.

4. This clubbing of the villages together has, however, given rise to frequent disputes among the several shareholders; and Fakarudin and Nassarudin the uncles of Yasim Saib, have stated that owing to this arrangement, the first-named village (Ballagoontah) is invariably attached whenever the Jodigi falls into arrears, although such arrear be entirely owing to the neglect of Yasim Saib, the person in whose favor the Jághír is registered.

5. In the year 1860 the Board received eleven petitions from various members of the family, some complaining that the shares were not being properly distributed by Fakarudin who managed the Jághír, and the latter asserting his right to withhold distribution of certain shares on the ground that Yasim Saib was indebted to him for a part of the Jodigi paid by him to

Proceedings of the Madras Government, Revenue Department, 4th June 1862.

Government on the whole Jághír, as well as on account of a private loan; and on the report of the Officiating Collector on the subject, the Board requested Mr. Brett, who had by that time resumed charge of the District, to use his best endeavours to effect an early amicable and equitable settlement, failing which, his only alternative in order to give full effect to the decision of the Kazi in respect of the allotment of the shares, would be to attach the Jághír and make the distribution himself.

6. The village of Ballagoontah was at this time under attachment on account of arrears of Jodigi due to Government, and as Mr. Brett failed in his endeavours to induce the parties to settle their private debts either by means of a Civil Suit or by other arrangements, he attached the remaining three villages also pending the liquidation of the Government dues, and the shares due to the several shareholders.

7. From the Collector's present report it appears that the arrears of Jodigi due to Government were realized in April 1861, and that under certain arrangements entered into by Yasim Saib with Fakarudin (and in which all the other members of the family have acquiesced), the latter has undertaken to pay the arrears due to the several shareholders, so that it became unnecessary to prolong the attachment, and the villages have accordingly been released.

	Beriz. Rs.	Jodigi.
* Ballagoontah	1,858	At the time of the grant it was Rupees 632, but it has since increased to Rupees 996 owing to the lapse of certain shares the value of which has been included with the original Jodigi in accordance with the terms of the grant.
Gollagoontah	323	
Ammanacovil	696	
Vapalanuttum	458	

8. As regards the future registration of the villages of Ballagoontah and Gollagoontah, the Board agree with the Collector that Fakarudin appears to be the fittest person to be charged with the responsibility of duly distributing the shares of the other members of the family, and they accordingly recommend that the villages be registered in his name he being responsible for the proportion of the Jodigi due on them and Yasim Saib for that due on the other two villages.

9. The Board also concur with the Collector in considering that Mahomed Syududin's objections to receive his share of the proceeds of the village of Ballagoontah, from Fakarudin should in no way, under the circumstances explained in the Collector's letter, be allowed to interfere with the arrangement now recommended.

(A true Copy and Extract.)

(Signed) R. A. DALYELL, *Sub-Secretary.*

No. 50. ORDER THEREON, 4th June 1862, No. 1,231.

1. These Proceedings relate to four Jághír villages in the Salem District, two* granted to Mahomed Musa for three generations, and two† to Goolam Mahomed Nather, his eldest son, for two generations. As the Board remark the clubbing of these four villages, though comprized in two separate grants into one Jághír, has been the cause of frequent disputes and confusion. The Board will therefore instruct the Collector to treat them hereafter as two separate grants.

* Ballagoontah.
Gollagoontah.
†Ammanacovil.
Vapalanuttum.

2. The four villages are now registered in the name of Yasim Saib the son of Goolam Mahomed Nather deceased. But that individual being found unequal to the management of the Jághírs, and having failed to distribute the proceeds thereof to the several shareholders, the Board of Revenue recommend that the first two villages be registered in the name of Fakurudeen, one of the uncles of Yasim Saib. The latter is stated by the Collector to protest against this arrangement though he is willing to receive his share in the villages through Fakurudeen. The Government do not deem it proper to disturb the existing arrangement as to registry, but the management of the villages can, as proposed, be vested in Fakurudeen; and the Collector can treat with him on matters relating to them. If any change in the present registry is deemed necessary, the more equitable arrangement would be to include the names of all the shareholders in it and to leave it to them to appoint their own manager.

(Signed) A. J. ARBUTHNOT,

Acting Chief Secretary to Government.

Revenue Department.

No. 1231.

Proceedings of the Madras Government under date the 4th June 1862.

Read the following Proceedings of the Board of Revenue.—

Recommending the registration of the Jaghire of Ballagoontah as proposed by the Collector of Salem, and concurring with him in considering that Mahomed Syud Unis's objections to receive his share of the proceeds of the village of Ballagoontah should in no way be allowed to interfere with the arrangement recommended by the Collr.

Executive 15th April 1862 No. 2476.

These Proceedings relate to four Jaghire villages in the Salem District two granted to Mahomed Moosa for three generations and two to Poolan Mahomed Rather his eldest son for two generations. As the Board remark the clubbing of all these four villages though comprised in two

× Ballagoontah
Jollalgoontah

⊛ Annaracoil-
Vapalamattam—

separate
two grants into one
Jaghir has been the cause of frequent dis-
=putes and confusion.-
Board
He will therefore instruct
the Collector to treat them
hereafter as two separate
grants.

2 The four villages
are now registered in the
name of Yasin Sait,
the son of Solan Mah-
=me, rather deceased.
But that individual be-
=ing found unequal to the
management of the Jaghir
and having failed to
distribute the
proceeds thereof to the several
shareholders the Board
of Revenue recommend
that the first two villages
be registered in the name
of Sakarudin one of
the owners of Yasin
Sait. The latter it
stated by the Collector to
be set against this arrange-
ment though he is willing
to receive his share in
the villages through Saka-
rudin. The Govt do not
therefore

I dont understand the
principle upon which the
Govt proceed but a few
days ago a man complained
that his elder brother had
deprived him of his share
of the Jaghir which had
devolved upon them & his brother
and was told that the Govt
could not interfere in
matters exactly analogous
the people having a life interest
in the property - the Govt
does interfere by taking the
property out of the hands of
one man & giving it to
another — a general
rule I think to consider
were on the part of the
Govt to avoid departures
in Government and to leave the people
to their best remedy

JWB

I would ask as
far as possible
to have
cases of grant
where it is
clear that
wishes of the people

W M

therefore deem it pro-
-per to disturb the ex-
-isting arrangement
as to registry, but the
Collector
management of the
villages can as proposed
be vested in Sakarudin
and the Collector
treat
with him on matters rela-
-ting to them - If any
change in the present re-
-gistry is deemed necessary
the more equitable ar-
-rangement would be to
include the names of
all the shareholders in
it and to leave it to them
to appoint their own
manager.-

JWS

The Collector to
Board of Revenue.
Dis 25

27/5/25

Regarding form Sugtore Villages in Salem

Revenue 1862 Dept^{t}.
Pro: of Govt for June
N. 1231.
Pro: of the Madras Govt.
D/ 4^{th} June 1862.

Copy on a Letter to England
D/ 19^{th} September N. 65 of 62

N. 49 & 50.

Passing orders on Board's Proceedings recommending that the four Sathurie Villages of Ballagaulah in Salem District may be registered in two separate grants.