M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1410 Press ~~Mis.~~

404-408

Dated 27 - 6 - 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 27th June 1862.

No. 404. Read the following Proceedings of the Board of Revenue, dated 26th May 1862, No. 3,396:—

Read the following letter from J. SILVER, Esq., Collector of Tinnevelly, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Tuticorin, 8th March 1862, No. 93.

SIR,

1. With reference to the Board's Endorsement on Petition No. 630 of 1861 (herewith returned) calling for a full report on Petitioner's allegations, I have the honor to submit the following report.

2. The Petitioner states that the orders issued on the 4th February and 12th March 1860 conferred on him the proprietary right to the Inám lands which were originally granted to his father in 1807, and afterwards continued to him in 1859, but that another order issued on the 29th October 1860, deprived him of that right, and he prays for the restoration of the same, on the ground that the Government possessed a *proprietary interest* in the soil when the land was originally granted. On this the whole question turns, and Petitioner's assertion is unfounded.

3. The history of the case is as follows:—In 1807 a grant of 40 cawnies of wet land in the village of Seevalapary, attached to Kalakad in the Nangunary Táluq, was made to Subadar Custoory for eminent fidelity to the State during the Vellore Mutiny. The whole of the Inám was continued to the Inámdár and his family until 1820, when one of his sons having died, one-third portion of the Inám was resumed, and the remaining two-thirds were continued as a life grant to the Subadar's surviving widow, under the sanction of Government, dated 4th July 1829, No. 434, Revenue Department. After her death in the year 1814, the whole was resumed under the orders of Government, dated 13th June 1844. The Government in Extract from Minutes of Consultation, under date the 14th April 1859, No. 4,334, directed that the 40 cawnies of land originally granted to Subadar Custoory be restored to the present Petitioner, and that the whole proceeds of the Inám since 1844 as also the proceeds of the portion resumed in 1820, be paid to him with interest at 5 per cent.

4. On the 16th June 1859, an order was sent to the Tahsíldár by Mr. Levinge, Acting Collector, directing him to deduct from the public accounts from Fasli 1269, forty cawnies of wet land in the village of Seevalapary as Inám, in favor of Anthonymuttu, and to inform the Ryots that they should pay the Teerwah on the above lands to the Inámdár, instead of to Government. The Inámdár complained that the orders of Government had not been fully carried out by Mr. Levinge, and as that order was not binding on the Ryots, an order was sent to the Tahsíldár on the 4th February 1860, to the effect that the Inám lands should be put in charge of the Inámdár. The object of this order was to give the Inámdár a control over the lands. Afterwards on the complaints of the Ryots and the Inámdárs respectively, another order No. 30 was sent to the Tahsíldár on the 12th March 1860, stating that the right of dividing the produce of the Inám lands rests with the Inámdár. These two orders do not convey to the Inámdár the proprietary right to the lands, as alleged by him in his Petition under reference, and if he sought to put this construction on them, the matter was placed beyond a doubt, by the final order in the case on the 29th October 1860.

5. On the receipt of a complaint from the Inámdár about the right of occupancy, the Head of Police of the Nangunary Táluq under a misapprehension of the above orders Nos. 12 and 30, gave an order stating that the Ryots should not interfere with the cultivation of the Inám lands by the Inámdár himself. This was reported in the Police Department, and at first approved; but on fuller consideration of the order in connection with the Revenue question, it was subsequently cancelled by me on the 17th October 1860.

6. The Ryots complained that the Inámdár had no proprietary right to the lands, as they were paying only the Melwarem grain to the Inámdár, when the Inám was in the enjoyment of the original grantee.

7. The records were ordered to be searched, in order to ascertain to which of the three heads enumerated in paragraph 4 of the Board's Circular, dated 28th December 1811, the Inám

were also

have been of a superior character. But it is more likely, as the Board observe, that this difference was caused by a difference in the nature of the services rendered, and it is certain that if there had been any such distinction as is alleged by the Petitioner, it would have been noticed at the time of the grant. It was "the intention of the Government that 50 cawnies of nunjah land" should be granted to one Subadar, and "40 cawnies of the *same description* of land" to the other.

Extract Minutes Consultation 20th March 1807.

6. Upon these grounds His Excellency in Council considers the present demand of the Petitioner inadmissible, and intimation to that effect will be given him. He occupies the same position that Government held previous to the grant and during its resumption, and is only entitled to the Government demand, whether payable in kind or in money.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

Read Proceedings of the B.d of Rev:
No. 1410.
27th June 62
Secretary's No 3,396 & 26 Aug 62

Observations.

The Inam in question, consisting of 40 Cawnies of wet land, was assigned in 1807 to the Petitioner's father, a Subadar who had rendered eminent service during the Vellore Mutiny. In 1820 a portion and in 1844 the remainder of the lands were resumed, but in 1859; on a reconsideration of the circumstances of the grant with the fact that another Inam, given on the same occasion and for similar services, was still in the Enjoyment of the heirs of the grantee, the Govt were pleased to direct their restoration to the Petitioner. The mesne proceeds of the land during its resumption, amounting to Rs 29069, were also paid up to him

S. in C. 20 March 1807

S. in C. 14 April 59. No. 534

2 He now complains that the instructions of Govt have not been fully carried out. He alleges that the original grant conferred on his father the proprietary right to the lands, whereas the local officers are now seeking to limit his interest in it to the Govt assessment. At the time of the grant, he argues, Govt were the ~~proprietors~~ owners of the soil, and the title vested in his father must have been the same proprietary title as was possessed by Govt. Thus the whole question turns on the nature of the title of Govt at the time of the original grant.

3. In the papers recorded above it is clearly shown that the lands ~~sold~~ previous to the grant were in the actual possession & occupancy of the Ryots, and that ~~no~~ compensation was made to them on ~~their~~ its assignment to the father of the Petitioner. This alone is enough to show that all the interest possessed by Govt, and therefore all that they could have assigned away, was the usual Govt share or assessment.

4 But it is also pointed out, that if the grant had really conferred a proprietary title, the pattah for the lands in their occupation would have been issued to the grantee or his heirs. This however was not the case. The puttahs were made out in the names of the Ryots without even any objection being offered on the part of the Grantee.

5. The Petr lays great stress on the fact that another Cubadar, rewarded on the same occasion, received 10 Cawnies more than his father, and he argues from this that his tenure must have been of a superior character. But it is more likely, as the Board observe, that this difference was caused by a difference in the nature of the services rendered, and it is certain that

if there had been any such distinction as is alleged by the Petr.², it would have been noticed at the time of the grant. It was "the intention of "the Government that 50 Cawnies of Runjah Land" should be granted to one Subadar, and "40 Cawnies "of the same description of "land" to the other.

S. M. C. 20 March 1807.

6. Upon these grounds consideration H. S. in C. Consider the present demand of the Petitioner inadmissible, and intimation to that effect will be given him. He occupies the same position that Govt. held previous to the grant and during its resumption He only entitled to the Govt. demand; * The Neither the Board nor the Collector state whether the assessment has undergone any reduction since 1807. If it has another point would have to be considered.

14 Copies to Bd. of Rev.
3 — to Com. Court with Bd's Rep.
1 — to Sp. Dep. with 3 Pet. GS.
25 June 1807 — 25 June

* whether payable in Kind or in money. The Govt. Concur in the Board's opinion that the latter is the better mode of payment, but they will leave this question for the private arrangement of the parties concerned

18 June 07

L. A. S.

Revenue 1862 Despatch
No: of Govt for Lunacy

No 1440.

Rec: 4th Mar: 1862
Dft 29th June 1862.

11-3-95

21-10-95
2-7-96

24 Mar 1862

Passing orders on Bd's
Proceedings submitting
Tinnevelly Collectors report
on Petition No 630 of 1861
in which Petitioners claims
to be put in possession of
certain Inam lands &c

No 404 & 405.