M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1568 — Press / Mis.

284-289

Dated 22-7- 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 22nd July 1862.

No. 284. Read the following Proceedings of the Board of Revenue, dated 21st September 1861, No. 5,119:—

Read again letter from the Collector of Madura dated 24th July 1861, submitting copy of a motion to be presented to the Sub-Court of Madura, protesting against the proposed sale of part of the village of Kanariruppu, as being a "Jevithan" or maintenance grant on reduced assessment, and thus falling under the Regulation IV of 1831 which bars the jurisdiction of the Courts.

Read also the following letter from the same Officer, dated 23rd August 1861, No. 223.

To Board under date the 24th July 1861, No. 186.
From Board under date the 13th August 1861.

With reference to the correspondence marginally noted I have the honor to submit herewith, for the information of the Board, copy of the Diary Order passed by the Principal Sudder Amín of this station, dated the 15th instant, on the motion presented to that Court, protesting against the sale of a portion of the Jevithan Kanariruppu village.

ENCLOSURE No. 1.

Extract from the Proceedings of the Principal Sudder Amín's Court, under date the 15th August 1861.

Read again Miscellaneous Petition No. 271 of 1861, presented on the 30th July 1861, by the Government Vakíl on behalf of the Collector in Original Suit No. 17 of 1854, and filed on the 1st August 1861.

1. It is stated in the above Petition that the village of Kanariruppu, a portion of which is attached for the satisfaction of the decree amount due by the Defendant Zamíndár of Pudmatúr, in Jevithan or grant for maintenance on a light quit-rent, that it falls within the scope of Regulation IV of 1831, and Act XXXI of 1836, and the sale by the Court is barred by the Act XXIII of 1838, and in case the above protest is disregarded, the parties should be informed that under the provisions of Section 6, Regulation XXXI of 1820, these lands are liable to be assessed the full revenue due on such lands, and will be dealt with as laid down in the above Section, and that parties now purchasing the lands do so at the risk of Government fully assessing them.

2. During the hearing, the Government Vakíl producing an extract from the Istimirar account showing the number of villages including the one in question as entered "Jevithan," requested a reference to be made to the records of the Original Suit No. 4 of 1823, on the file of the late Principal Court of Southern Division, in which the Defendant's ancestors have admitted the village in question with others to be such.

3. The Defendant's Vakíl represents that the village in question is saleable, and it does not fall under Regulation IV of 1831, and filed a Petition in Miscellaneous Petition No. 297 of 1861 to that effect.

4. The Plaintiff's Vakíl contends that all that he wants is the satisfaction of the judgment debt either by the incarceration of the Defendant or by the sale of the village in question.

5. As the extract of the Istimirar account produced by the Government Vakíl shows that the village in question is included as one of the Istimirar villages, the Principal Sudder Amín on mature consideration is of opinion that the village falls under Regulation XXV of 1802, and its sale is sanctioned by Section 9 of that Regulation in satisfaction of a decree but does not come within the scope of Regulation IV of 1831, and the reference applied for to other records is deemed unnecessary.

6. He, therefore, resolves to order the sale of the land subject to the reversionary right of Government over them.

7. Ordered that copy of these Proceedings be given to the parties on their application.

(Signed) T. RUNGASAWMY PILLAI,
Principal Sudder Amín.

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1. In the assets of the Shivagunga Zamíndári are included the Porooppoo or light quit-rent assessed on the "Jevithan" or maintenance villages granted by the former Government to the Pudmatúr family, of which the Zamíndár is a member.

2. The favorable tenure has been hereditary in the family, and thus the Zamíndár himself has a reversionary interest in it; but the continuance of the reduced assessment or Inám tenure is ultimately dependant on the will of the Government, and the villages themselves clearly fall under Regulation IV of 1831, which removes all such lands and villages from the jurisdiction of the Courts.

See
From Collector, 29th September 1853.
Board's Proceedings, 17th October "
From Collector, 19th May 1854.
Board's Proceedings 5th June 1854.
From Collector, 8th September "

3. The objection was raised by the Collector on a former occasion in connection with the "Jevithan" village of Oottamanoor in the same Zamíndári, and was admitted by the Civil Court in their Proceedings of 18th August 1854.

4. The Principal Sudder Amín has, however, now thought fit to disallow the objection on the ground that the village is included in the list attached to the Istimirar Sanad, and therefore being of opinion that the village falls under Regulation XXV of 1802, and is saleable in accordance with the provisions of Section 9 of that Regulation, he has resolved "to order the sale of the lands subject to the reversionary right of Government over them."

5. The Board consider that the Principal Sudder Amín has clearly exceeded his jurisdiction in this decision, and resolve to request the opinion of the Government Pleader as to the steps that should be taken to set matters right, and to assert the rights of Government in the matter.

6. The group of villages forming the so-called Poliaput of Pudmatúr, are held on a tenure, essentially of the nature of an Inám, the quit-rent payable on them forms part of the assets of the Shivagunga Zamíndári, but the difference between that quit-rent and the full assessment, which in fact constitutes the profits of the Inámdár, is the right of Government, assigned to a particular family for a particular purpose, inalienable by any member of the family who can at most have but a life interest in it, and its continuance dependant on the will of Government, to whom under Regulation IV of 1831, and Acts XXXI of 1830, and XXIII of 1838, the jurisdiction regarding them is expressly reserved.

7. The Principal Sudder Amín has indeed saved the rights of Government in the lands, that is their right to levy the full assessment on the lands, but this saving clause does not meet the requirements of the Law, and it is also to be observed that as the privilege of holding the lands on a reduced assessment constitutes the sole property of the Inámdár in the village, there is in point of fact nothing of value to be sold, when the sale does not convey this privilege to the purchaser.

8. Under Regulation XXV of 1802, Section 9, and Regulation XXVI of 1802, Sections 6, 7 and 8, and Regulation I of 1839, Sections 2 and 3, it is essential before any sale of a portion of a Zamíndári under a decree of Court takes place that the assessment on the lands, and the proportion of Peshkash to be borne by them be settled by the Collector and confirmed by the Board. The Collector will thus have the opportunity of obtaining full information as to the resources of the villages, so that if means cannot now be found for preventing the sale, he will at least be in a position for determining the full assessment that will have to be charged to the purchaser. He will report fully on this matter to the Board, and will without delay state what steps the Principal Sudder Amín has taken to give effect to his order of sale.

(True Copies and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 285. Proceedings of the Board of Revenue, dated 21st September 1861, No. 5,120.

Read again the following papers:—

From the Collector of Madura, dated 5th October 1860, reporting the Sub-Court have ordered the sale of the Jevithan village of Puvandi, and asking for instructions.

(In Cons. 13th October 1860, No. 5,202.)

Board's Proceedings No. 4,873, dated 23rd October 1860, on the above letter.

Proceedings of Government, dated 9th November 1860, No. 2,086, on the same subject.

(In Cons. 10th November 1861, No. 5,794.)

From the Collector, dated 23rd November and 22nd December 1860.

(In Cons. 26th November and 26th December 1860, Nos. 6,158 and 6,803.)

Board's Proceedings thereon, dated 9th January 1861, No. 115.

Read also the following letter from the Collector of Madura, dated 14th August 1861, No. 209.

1. With reference to the Board's Proceedings under date the 9th January last, No. 115, I have the honor to submit herewith an extract from the accounts of the Istimrari assessment of the Shivagunga Zamíndári (referred to in Mr. Parker's letter of the 19th May 1854) of so much as relates to the Pudmatúr villages, together with copy and translation of the Razinamah filed in the Shivagunga suit regarding the Pudmatúr family property, and of such other portion of the evidence recorded in that suit as goes to show the nature of the tenure of those villages.

2. I hope that the above extract will answer the purpose of the Board, and render it unnecessary to forward the whole accounts of the Estate which are exceedingly voluminous.

3. These accounts are considered to be the basis of the abstract statement forwarded by Mr. Lushington to the Special Commission with his letter of the 30th September 1802. They were received in the Collector's Office in Fasli 1226 from the Istimrari Zamíndár.

4. From the Enclosure No. 1 it would appear that the accounts referred to having been examined were found not to tally with the abstract alluded to above, and that the Zamíndár was, therefore, called upon by Mr. Peter to furnish correct accounts. No such accounts have yet been received.

5. I beg permission to refer the Board to Mr. Parker's letter to the Court of Wards on the 15th March 1858, No. 85, in which he observes that the assertion of Mr. Peter in disparagement of these accounts was made without inquiry, and that though furnished in Fasli 1226, they were correctly prepared from the original accounts of Fasli 1211 in the Zamíndár's Kacheri; and he further urges the necessity of supporting the validity of the accounts at all events, for he fears that if they are rejected, it would be difficult to protect the Zamíndári from false claims, &c.

6. It is apparent from these accounts that Mr. Lushington instituted a regular inquiry at Kotapatanam as regards the tenures, assets, &c., of the Shivagunga Estate.

7. The accounts in question show the village of Puvandi under notice, and other villages forming the Pudmatúr Palayam, as Jevithan or grant for maintenance on light quit-rent which is included in the assets of the Shivagunga Zamíndári.

8. This grant the Board will perceive from the enclosed Paravana No. 11 filed by the Pudmatúr Zamíndár himself in the suit referred to above, was originally made by the Carnatic Government and continued by the British.

9. Thus being in possession of the information which I unfortunately could not come by, while drafting my letter of the 23rd November last, No. 213, on the subject, I now beg to express my concurrence in the Board's opinion that the Pudmatúr villages come under Regulation IV of 1831, and Act XXXI of 1836, and are, therefore, inalienable and unsaleable property.

ENCLOSURE No. 1.

ABSTRACT.—Extract from the Istimrar accounts of Shivagunga.

ENCLOSURE No. 2.

ABSTRACT.—Tamil Extract from the Istimrar accounts of Shivagunga.

ENCLOSURE No. 3.

ABSTRACT.—Copy of a Plaint in Original Suit No. 4 of 1823.

ENCLOSURE No. 4.

ABSTRACT.—Answer in Original Suit No. 4 of 1823.

ENCLOSURE No. 5.

ABSTRACT.—Reply in Original Suit No: 4 of 1823.

ENCLOSURE No. 6.—Razinamah.

ENCLOSURE No. 7.

ABSTRACT.—Statement showing the balance of the Pudmatúr villages filed by the Defendant.

ENCLOSURES No. 8A.

ABSTRACT.—Copy of a Cadjan Takid.

ENCLOSURE No. 9B.

ABSTRACT.—Copy of a Cadjan Sanad.

ENCLOSURE No. 10C.

ABSTRACT.—Copy of a Cadjan Order.

ENCLOSURE No. 11D.

ABSTRACT.—Copy of a Purwanah.

ENCLOSURE No. 12E.

ABSTRACT.—Copy of a Pattayam.

ENCLOSURE No. 13F.

ABSTRACT.—Copy of a Sanad.

ENCLOSURE No. 14J.

ABSTRACT.—Copy of an order issued by Mr. R. Peter.

ENCLOSURE No. 15K.

ABSTRACT.—Copy of an order issued by Mr. R. Peter.

ENCLOSURE No. 16M.

ABSTRACT.—Copy of the Extract from the Istimrar account filed by Defendant.

ENCLOSURE No. 17D.

ABSTRACT.—Copy of a Moochilika.

ENCLOSURE No. 18.

ABSTRACT.—Copy of Moochilika.

1. Within the limits of the Shivagunga Zamíndári are certain villages granted by the former Government for "Jevithan" or maintenance on a light quit-rent, which quit-rent is included in the assets of the Zamíndári, the difference between the quit-rent and the full assessment forming the profit of the grantee. The villages are in fact essentially of the nature of Ináms, and as such come under the provisions of Regulation IV of 1831, and Acts XXXI of 1836 and XXIII of 1838. They form a valuable property, and have consequently been the object of divers surreptitious attempts to obtain their alienation from the families to which alone the privilege of holding them on the favorable tenure appertained.

2. In the papers above recorded one such attempt is brought to notice.

3. The Pudmatúr family of long standing and local eminence obtained from the Hindu Government the grant of eight or ten villages on this species of tenure which was subsequently confirmed by the Mussulman Government.

4. The Estate thus created was at times termed a Poliaput, at times a Zamíndári, but was in fact merely a large Inám grant.

5. From this same family was eventually selected the Zamíndár of Shivagunga when that estate was created and in its limits as already mentioned these "Jevithan" villages with others on a like tenure were included, the quit rent forming part of the assets of the Zamíndár, who has also a reversionary interest in the grant as a member of the Pudmatúr family, but the ultimate reversionary right to the difference between the full assessment and the favorable quit-rent being vested in the Government, with whom also rests the decision as to the continuance of the favorable tenure.

6. In his first letter above recorded, the Collector reported that in spite of the objections raised by the Collector on behalf of Government and by the Shivagunga Zamíndár, the Sub-Court had ordered the sale of one of these "Jevithan" villages named Puvandi on account of certain Razinamah decrees in suits in which the so-called Zamíndár of Pudmatúr was Defendant, and he asked instructions whether he should notify to intending purchasers that they must take the risk of the full assessment being levied by Government from them.

7. The Board directed him to move the Sub-Court to cancel its order for the sale, and in the event of its refusing to do so, then to appeal to the Civil Court. Should the Sub-Court also refuse to stay the sale pending the appeal, the Collector was instructed to issue the notice proposed by him, and the Board also record their opinion that on the death of the present holder of the "Jevithan" villages included in the grant to the Pudmatúr family, it will be open to Government to deal as they may think fit with the favorable tenure, as the Shivagunga Zamíndár who is the next heir cannot be held to need a grant for maintenance.

8. The Board's Proceedings were submitted to Government who requested further information on the matter.

9. Meanwhile the Sub-Court on the Collector's application suspended the sale observing, however, at the same time that the right of Government to levy the full assessment had been reserved in its original order, and that as the Pudmatúr grant was independent of the Shivagunga Zamíndár having existed before the Zamíndári was created, therefore Regulation IV of 1831, and Act XXXI of 1836 did not apply.

10. In his letter of 23rd November 1860, the Collector stated certain reasons why in his opinion the Government could not interfere with the villages so long as the Peshkash of the Shivagunga Zamíndári was paid, the principal reason being derived from the impression that that Peshkash had not been fixed on a calculation of assets, but on general considerations and in his later letter of 22nd December 1860, he reported that the attachment of the Sub-Court had been removed, and the village of Puvandi sold by private contract to Ponnusawmi Taver of Ramnad for a lac of Rupees, the deed of sale being registered in the Court.

11. The Board in their Proceedings of the 9th January 1861, drew the Collector's attention to certain papers on his records connected with the assessment of the Shivagunga Peshkash and the question of the "Jevithan" villages, and stated that they could not admit the right of the late holder to dispose of the village on its favorable tenure either by private sale or under a Decree of Court. They called for further information on certain points, and they remarked on the

Sub-Judge's second proceedings that the fact of the "Jevithan" villages being independent of the Zamíndár did not in any way affect the question of their sale being barred by Regulation IV of 1831, and the subsequent enactments.

12. With his present letter Mr. Levinge submits extract from the records to which the Board drew his attention, and expresses himself satisfied that the Shivagunga Peshkash was settled not on mere general principles, but on a detailed inquiry into the resources of the estate, and also that the "Jevithan" vilages constituting the Pudmatúr Poliaput come within the provisions of the Regulation IV of 1831, &c., and are inalienable and unsaleable property.

13. The enclosures to his letter comprise extracts from the Istimrari accounts of the Shivagunga Zamíndári, in which these villages and others on a like tenure are entered as "Jevithan" bearing a light quit-rent which is included in the assets of the Zamíndár, and also the Plaint, Answer, Rejoinder, and Razinamah filed in the Original Suit No. 4 of 1823, between the then Zamíndár of Shivagunga and the holder for the time being of the Pudmatúr grant, and translations of six Takhids, Sanads, Purwanas and Puttahs, dated respectively A. D. 1729, 1716, 1731, 1773, and 1807 and marked A. to F. which establish beyond doubt the nature of the tenure.

14. Mr. Levinge has erroneously deduced from these last papers that the grant *originated* with the Mahomedan Government, who it is plain from the other papers and from the wording of the Purwana itself merely continued what previously existed, but thie mistake does not affect the question of the *nature* of the tenure, which is unmistakeably Inám in character.

15. The Board resolve, therefore, to recommend to Government that the papers be placed in the hands of the Inám Commissioner, and that he be instructed to dispose of the matter under the rules laid down for his guidance.

16. Referring, however, to paragraph 7 of their Proceedings No. 4,873, dated 23rd October 1860, the Board on further consideration are of opinion that the grant in question, which if not originally conferred by the then Government for good service to the State, was distinctly continued on those grounds by a subsequent Government, and has long been enjoyed by the Pudmatúr family, should be viewed as an appanage of the family, conferred in order to maintain it in a position of eminence, and that as such it should devolve in due course on the Zamíndár of Shivagunga, without reference to the fact of his not being in a position to need a grant for *maintenance* in the sense of a charitable provision.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 286. Proceedings of the Board of Revenue, dated 21st September 1861, No. 5,121.

Read again the following papers:—

Letter from the Collector of Madura, dated 10th November 1860, reporting the purchase of the "Jevithan" village of Kanakengudy in the Shevagungah Zamíndári, by the Sub-Court on 27th January 1859, its purchase by Mr. Fischer, Zamíndár of Salem, and its present to Kosalram Pillay, the Sheristadár of the Sub-Court.

(In Cons. 13th November 1860, No. 5,857.)

Board's Proceedings thereon, dated 9th January 1861, No. 117.

Read also the following letter from the Collector of Madura, dated 14th August 1861, No. 210.

1. Adverting to the Board's Proceedings of the 9th January last, No. 117, I have to request their attention to my letter of this day's date, No. 209, on the subject of the tenures of the Padmatúr Estate, as the village of Kanakengudy to which the Board's Proceedings under reply elate is a component part thereof.

Special Suit No. 23 of 1844.
Original Suit No. 71 of 1853.
Original Suit No. 49 of 1854.
} On the file of the Madura Sub-Court.

2. This village was sold by the Subordinate Court of Madura in public auction to Mr. Fischer, the Muttadár of Salem, on the 31st January 1859, in satisfaction of the judgment and Razinama debts sued for in the marginal numbers

3. The sale was duly objected to but not on behalf of Government, but of the Shevagungah Zamíndár then minor under the control of the Court of Wards, and the objections were overruled bythe Court.

4. I beg to submit herewith for the Board's information, copy of the motions presented to the Court and its orders thereon in the matter.

Abstract.—Copy of the motions presented to the Court and its orders thereon in Original Suit No. 49 of 1854.

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1. Ordered that the above appears be submitted to Government in continuation of the Board's Proceedings of this date, Nos. 5,119 and 5,120, on the "Jevithan" villages in Shevagungah Zamíndári.

2. Kanakengudy forms one of the group of villages included in the Pudmatúr grant, and its sale under an order of Court was, in the Board's opinion, barred by the Regulation IV of 1831, and the subsequent enactments.

3. This objection was not raised at the time of sale, but it was objected on behalf of the Zamíndár of Shevagungah, then a minor in ward, that the sale of similar villages had been disallowed by the Courts on previous occasions, and that the villages never have been separated from the Zamíndári could not be sold for the debts of the grantee of the "Jevithan" tenure.

4. It was replied by the Court that only the right and title of the actual possessor were sold, and thus no injury was thereby inflicted on the reversionary rights of the Zamíndár or others. The Court's ruling does not meet the Board's present objection, but as (if their recommendation be adopted) the Zamíndár will himself succeed to the enjoyment of the favorable tenure on the death of the present holder of the Pudmatúr grant, the Board will only propose that the full assessment be levied on the village so long as it remains out of the enjoyment of the family for whose benefit the grant was originally made.

5. The Board consider it matter for marked reprehension that the Sheristadár of the Court which directed this unauthorized sale should himself have obtained possession of the village.

6. They believe that this individual is no longer in public employ, but if he is in receipt of any pension from Government the Board consider that he should be required to furnish full explanation of his conduct in the matter, and unless it be satisfactory that his pension should be stopped.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 287. Proceedings of the Board of Revenue, dated 5th November 1861, No. 6,049.

Read the following letter from C. DALE, Esq., Government Pleader, Sudder Adálat, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Madras, 18th October 1861, No. 169:—

Sir,

1. I have the honor to acknowledge the receipt of the Proceedings of the Board of Revenue, under the dates and numbers noted in the margin.

21st September 1861	No. 5,119	
21st do.	„ 5,120	
21st do.	„ 5,121	

2. I observe the only point referred to me for consideration, is contained in the 5th paragraph of the Proceedings, No. 5,119, viz., "The Board consider that the Principal Sudder "Amín has clearly exceeded his jurisdiction in this decision, and resolve to request the opinion "of the Government Pleader, as to the steps that should be taken to set matters right, and to "assert the rights of Government in the matter." From this I gather that the Board do not wish for my opinion whether the Principal Sudder Amín has exceeded his jurisdiction, but assuming he has done so, the Board wish me to point out "the steps that should be taken to set "matters right, and to assert the rights of Government in the matter."

3. Assuming that the Board are correct in their conclusion that the Principal Sudder Amín has exceeded his jurisdiction, I am not aware that there is any mode by which the Order passed by that functionary can be set aside. I presume the Order in question was made after

Decree passed in the Suit, and as I read the Act VIII of 1859 no appeal will lie against such an Order.

4. As regards any steps for asserting the right of Government, I am of opinion that if Government have any rights, such rights may be asserted in a regular Suit.

5. But whether Government have or have not any rights, I am unable to form an opinion from the papers before me.

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1. Ordered to be submitted to Government in continuation of the Board's Proceedings, quoted by the Government Pleader, and to be also communicated to the Collector.

2. The apparent effect of Mr. Dale's interpretation of the law is that although Regulation IV of 1831, and Acts XXXI of 1836, and XXIII of 1838 expressly reserve to Government the jurisdiction in all questions regarding Ináms, and declare such lands not liable to attachment or sequestration in satisfaction of any Decree of Court, and although the Circular Order Sudder Adálat, dated 12th July 1855, declares that all Ináms not included under Regulations VII of 1817, and VI of 1831 come under Regulation IV of 1831, and that in all cases of doubt it should be referred to the Revenue authorities to declare whether land is Inám or not, while the earlier Circular Order Sudder Adálat, dated 30th April 1853, requires that where it is notified to the Court by the Revenue authorities that land attached under Civil process is held as Inám, the Court shall stay proceeding and remove its attachment forthwith, still if any Judicial Officer who is required to execute a Decree in a suit for a bond debt in which land formed no part of the subject matter, shall, in despite of motions to the contrary made by the Collector through the Government Law Officers, take upon himself to affirm that lands granted for maintenance and in the possession of the party liable for the decreed amount, are not of the nature contemplated by Regulation IV of 1831, and shall thereupon proceed to direct the realization of the amount of the Decree by the sale of such land, his proceedings cannot be checked, and the rights and authority of Government can be vindicated only by the expensive and tedious method of a regular Suit.

3. If the Board have rightly understood Mr. Dale, and the above interpretation be correct, they cannot but think that the Law needs amendment, unless indeed it be no longer desired to maintain any authority whatever over Ináms.

4. But if Mr. Dale's interpretation be intended to apply only to cases in which the Inám land formed the subject of the suit in which the decree was passed, then the Board would request him to favor them with his opinion on the point as affecting orders for the execution of Decrees in cases where the Inám was not in litigation, but was ordered to be sequestered and sold in liquidation of the debts of the Inámdár, and to inform them whether he considers that the Principal Sudder Amín did or did not exceed his jurisdiction and powers.

5. It appears to the Board that the rights and reversionary interests of the Government and of the Shevagunga Zamíndár have alike been invaded and injured.

6. The Collector will at once reply to paragraph 8 of the Board's Proceedings, dated 21st September 1861.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 288. Proceedings of the Board of Revenue, dated 7th July 1862, No. 4,309.

Read the following letter from C. DALE, Esq., Government Pleader, Sudder Adálat, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 30th June 1862, No. 99.

SIR,

1. I do myself the honor of acknowledging the receipt of the Official Memorandum, of the date and number noted in the margin; and with reference to paragraph 4 of the Proceedings of the Board of Revenue, under date the 5th November 1861, No. 6,019, of stating that it is, as a general rule, impossible to advise on suppositious cases, as each case must depend on the course pursued in that particular case, and that now under consideration does not

Official Memorandum from Acting Sub-Secretary, to Government Pleader, 21st June 1862, No. 433.

form an exception to that rule. It is, however, clear that if "in cases where the Inám was not "in litigation, but was ordered to be sequestered and sold in liquidation of the debts of the "Inámdár," the Government was *not a party* to the Suit in which the litigation was raised, the the Government could not intervene in that Suit.

2. The information before me is not sufficient to enable me to form any opinion whether the land in question is or is not Inám; that point is not admitted; indeed it appears to be very far from clear under what tenure it is held. If, however, the land in question be held under Inám tenure, I am of opinion that the Principal Sudder Amín did exceed his jurisdiction and powers.

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1. Ordered to be communicated to the Collector of Madura for his information. He will please to report whether any further action has been taken in the matter of the Principal Sudder Amín's order.

2. The Board observe that the case submitted by them to the Government Pleader for his opinion was no hypothetical one, but what had actually occurred; while the decision as to whether the land is or is not Inám is not as he supposes an open one, but has been decided by the Revenue authorities in the affirmative, and with them under the rulings of the Sudder Court, the decision on this point rests.

3. The effect of the Government Pleader's opinion therefore is that the Principal Sudder Amín in his order, directing the sale of the "Jevithan" or maintenance Inám land in question did exceed his jurisdiction and powers.

4. The Board request him to inform them distinctly whether in such case, the only method of asserting the rights of Government, and checking the operation of such illegal order, is by Civil Suit, as they are led to suppose from his former letter, dated 18th October 1861, No. 169.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 289. ORDER THEREON, 22nd July 1862, No. 1,568.

1. The Proceedings of the Board of Revenue above recorded relate to the villages of Puvandi, Kanakangudy and Kanariruppu, all forming parts of the Padmatúr estate in the Madura District, and which were at different periods ordered by the Subordinate Court to be sold in satisfaction of certain Decrees, passed against the holder of the said estate.

2. *Puvandy.*—This village was advertised for sale in 1860, when the Collector objected that the said village formed a portion of an Inám granted for Jevithan, or maintenance, and as such fell under the provisions of Regulation IV of 1831 and Act XXXI of 1836. The Board of Revenue upheld the Collector's objection, but the Government observed that they were unable from the scanty information then before them to form a decided opinion on the case, and called upon the Board to explain by whom the village was granted and on what terms.

3. In reply the Board explain that the Padmatúr family of long standing and local eminence, obtained from the Hindoo Government, the grant of eight or ten villages for maintenance on a light quit-rent, which was subsequently confirmed by the Mahomedan Government, that though the estate was at times termed a Polipat, at times a *Zamíndári*, it was, in fact, merely a large grant, which had existed prior to the creation of the Shivagunga Zamíndári within the limits of which the said Jevithan villages are situated; that though the quit-rent due on the villages is included in the assessments of the said Zamíndári, the difference between it and the full assessment has formed the profit of the grantee, the ultimate reversionary right to this difference is vested in the Government, with whom also rests the decision as to the continuance of the favorable tenure.

4. With reference to the alleged attachment of the said village by the Subordinate Court, the Board report that it has since been removed; but the village itself has subsequently been transferred by private sale to Ponnuswamy Táver of Ramnad for the sum of one lac of Rupees.

5. The fact of the estate of Padmatúr being an Inám held on favorable terms is in the opinion of the Board fully established by the Istimirari accounts of the Shivagunga Zamíndári, by certain Takids, Sanads, Parwanas and Pattas, dated A. D. 1729,1749,1781,1773 and 1807, as well as by the Pleadings and Razinama in O. S. No. 4 of 1823.

6. Under these circumstances the Board recommend that " the papers be placed in the hands " of the Inám Commissioner and that he be instructed to dispose of the matter under the rules " laid down for his guidance." This seems to be the best arrangement and is accordingly approved.

7. *Kanakangudy.*—The village of Kanakangudy was sold in 1860 in satisfaction of certain D ecrees of the Sub-Court of Madura. It was purchased by Mr. Fischer of Salem, and by him presented to Kosalaram Pillay, Sheristadar of the Court, under whose orders it was sold. This sale was likewise opposed by the Collector on behalf not of Government but of the Shivaganga Zamíndár then a minor in ward. The objections were however overruled by the Court, which observed " that only the right and title of the actual possessor were sold, and thus no injury was " thereby inflicted on the reversionary right of the Zamíndár and others."

8. The Board question the correctness of this ruling, but as the Shivagunga Zamíndár will himself succeed to the enjoyment of the favorable tenure on the death of the present holder of the Padmatúr grant, they recommend that the full assessment be levied on the village of Kanakangudy so long as it remains out of the enjoyment of the family for whose benefit the grant was originally made.

9. The Government do not agree with the Board in this respect, and they see no reason why this alienation should be treated differently from the other. No fraud is alleged, and if the Court was wrong in selling the Inám, this should not be visited on the purchaser. Government would not have assessed it in full on account of the antiquity of the grant, but would have commuted their reversionary rights. This village will therefore be referred like that of Puvandy for the disposal of the Inám Commissioner under the usual rules.

10. Adverting to the acquisition of this village by the Sheristadár, the Board remark that his conduct in obtaining possession of it is very reprehensible, inasmuch as he was at the time employed in the Court which ordered the sale. He has since retired from the public service, and the Board suggest that he should be called upon to explain his conduct, and his pension discontinued in the event of the explanation proving unsatisfactory. This will accordingly be done through the Judicial Department.

11. *Kanariruppu.*—A portion of this village was placed under attachment in 1861. The Collector protested, but his objections were set aside by the Principal Sudder Amín, who remarked that the village in question being included in the Istimirar Sanad was saleable under Section 9, Regulation XXV of 1802, and accordingly " ordered its sale subject to the reversionary rights of Government."

Board's Proceedings No. 5,119.

12. The Board of Revenue considered that the Principal Sudder Amín had clearly exceeded his jurisdiction in this decision and requested the opinion of the Government Pleader as to the steps to be taken to set matters right and to assert the claims of Government. They also instructed the Collector of Madura to report fully upon the resources of these Jevithan villages, with a view to determine the full assessment to be charged to the purchaser in the event of it being impossible to prevent the sale.

13. The Government Pleader in reply reports that from the papers furnished to him he is unable to form any opinion as to what rights are possessed by Government in the matter. If, as observed by the Board, the Principal Sudder Amín has exceeded his jurisdiction, he points out that the only course open for asserting the rights of Government is by instituting a regular Suit.

14. The Board of Revenue doubt the correctness of this interpretation of the Law, but being of opinion that it may be intended to apply to cases in which the Inám formed the subject matter of the Suit, they have again requested the Government Pleader to furnish them with his

views on the point as affecting orders for executing decrees in cases wherein the Inám was not in litigation, but was ordered to be attached and sold in liquidation of the debts of the Inámdár, and also to inform them whether he considers the Principal Sudder Amín did or did not exceed his jurisdiction.

15. Mr. Dale has since reported his opinion that, if the lands in question be held under Inám tenure the Principal Sudder Amín has exceeded his powers. The Board remark that it has already been decided that the tenure is Inám, and that therefore it is clear that the Principal Sudder Amín has gone beyond his jurisdiction, but they have found it necessary to ask Mr. Dale again whether in that event the rights and authority of Government can only be vindicated by the tedious and expensive process of a Regular Suit.

16. The Government consider that this case also should be treated under the Inám rules, and they resolve accordingly to forward the whole of the papers now reviewed to the Commissioner, with a view to the commutation of their reversionary rights as usual.

(Signed) P. P. HUTCHINS,

Acting Deputy Secretary to Government.

No. 115.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th January 1861.

Read the following letters :—

From V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated 23rd November 1860, No. 243.

1. As directed by the Board in their Proceedings, No. 5,238, dated 12th November, I have the honor to report that I have carefully looked at all the records bearing on the permanent settlement of the Shivagungah Estate, and have come to the conclusion that Government has no claim to the Jivitham villages of the Padamatur Zemindar, or right to revise or enhance the rent or Tax of those villages as long as the present Shivagungah settlement is binding.

2. It appears from a letter from Mr. Lushington to Lieutenant-Colonel Agnew, dated 1st June 1801, paragraph 2, that in 1780 the Shivagungah Zemindary was in possession of a Ranee, widow of the last Poligar, who was killed in action at Calliarcoil, and her power and Estate was usurped by her minister Chinna Vella Marthu, who rebelled against both the Nabob and Honorable Company, and drove the heirs of the Poligar out of the country.

3. The Company's troops having conquered it, Mr. Lushington thought it advisable to re-establish the Shivagungah country as a Zemindary, and looked about for the heirs of the old Poligar's family.

4. He seems to have rejected the claims of the nearest relation Vengam Peria Udya Taver, on the grounds of his connection with the rebellious Mardus, and selected Padamatur Woya Tavan, and recommended to Government his installation as Zemindar.

5. Mr. Lushington's proposal was sanctioned by Government on the 6th July 1801, and a Proclamation* was issued, declaring Woya Tavan Zemindar in 1801.

* 6th July 1801.

6. An Istimrar Sanad was given him in 1803†.

† 22d April.

7. I learn from Mr. Lushington's letter to the Board, dated 30th September 1802, on the subject of fixing the Shivagungah permanent Peishcush, that Mr. Lushington was entirely ignorant of the resources of the State. The country had been in rebellion against both the Nabob and Company, and had never seemingly paid a Peishcush to either Government.

8. The great object of the Company seems to have been in the first place to pacify the country by setting up a chieftain, the question of Peishcush being altogether a secondary consideration.

9. The Shivagungah country was never under the direct management of the Company, or held in Amani or surveyed; no inquiry regarding tenures was made. Mr. Lushington proposed for its Peishcush, and Government acceded to his proposal, two-thirds of the Ramnad Zemindary Peishcush on the grounds that originally the Zemindaries of Ramnad and Shivagungah formed one State, the revenues of which had been divided by the then Raja in the proportion of Ramnad three-fifths and Shivagungah two-fifths.

10. Mr. Lushington had full knowledge of the resources of Ramnad, and he was of opinion that the servants of the Ramnad State, who had made the original division, had done so on good grounds, and, therefore, thought he could not be far wrong in following their steps, and, therefore, made the above recommendation which Government approved.

Vide his Report to Board, dated 30th September 1802.

11. I am of opinion, therefore, that as long as the Shivagungah Zemindary is in possession of the recognised and lawful heirs of Woya Tavan, and as long as the Peishcush is paid, the Government cannot interfere in the case of these private villages, because the Government and its Officers admitted they knew nothing of the Estate, or of its under-tenures. When they fixed the Peishcush, independent of either, they thought it best not to wait to make any inquiries but to fix a Peishcush on the Zemindary and to have done with it; they would not even call upon the Zemindar to produce any accounts. The whole Zemindary was saddled with a Peishcush, fixed on a supposition without any reference to its capabilities or different tenures.

12. Further it is admitted by both the Shivagungah and Padamatur Zemindars that the alienation of these villages was made previous to the fixing of the Peishcush and grant of the Istimrar Sanad.

From V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated 22nd December 1860, No. 257.

With reference to my letter to the Board under date the ————, I have the honor to state for the information of the Board, that the Government Vakil of the Civil Court of Madura reports that the attachment by the Court of the Poovendi village belonging to the Polliput of Padamatur, was removed, and the village sold by the proprietor of the Estate to Ponnusawmi Taver of Ramnad for Rupees 100,000, the deed of sale being registered in the Sub-Court on the 20th instant.

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1. The Board are not prepared to admit the right of the late holder to dispose of the village on its favorable tenure whether by private negociation or by sale under an order of Court, but the information furnished to them by the Collector regarding the nature of the tenures of the village of Pavaudi, is not yet sufficiently definite to allow of their re-submitting the case to Government.

From Collector of Madura to Board, dated 29th September, in Cons. 17th October 1853.
Board's Proceedings, dated 17th October 1853.
From Collector, dated 19th May in Cons. 5th June 1851.
Board's Proceedings 5th June 1854.
From Collector, 8th September, in Cons. 12th October 1854.
From Collector, 18th August, in Cons. 6th November 1848, paragraph 12 *et seq.*

2. His attention is requested to the Government Order of 9th November 1860, and also to the correspondence noted in the margin.

In Cons 10th November 1860, No. 5,794.

3. The Collector will please to forward copy of the statement of Istimrari assessment referred to in Mr. Parker's letter of 19th May 1851, and will also furnish copy and translation of the Razinama which was filed in the Shivagungah Suit regarding the Padamatoor family property, and any other portion of the evidence recorded in that Suit which may go to show the nature of the tenure of these villages.

In Cons. 5th June 1854.

4. Had the attachment not been withdrawn it would have been proper to bring to the notice of the Sub-Court the fact of the Civil Court of Madura having in its Proceedings of 18th August 1854, declared that these Jivithan villages are not saleable, and to point out to the notice of the Sub-Judge the fact that their independence of the Zemindar of Shivagungah on which stress is laid in his Proceedings of 1st November 1860, does not affect the question of their sale being barred by Regulation IV of 1831.

Enclosure in from Madura, dated 8th September, in Cons. 12th October 1854, No. 3,383.

Enclosure in from Madura, 7th, in Cons. 12th November 1860, No. 5,840.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Acting Secretary.

To V. H. Levinge, Esq., Collector of Madura.

Exd. J. Wright.

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No. 117.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th January 1861.

Read the following letter from V. H. LEVINGE, Esq., Collector of Madura, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 10th November 1860 :—

From Board, 18th May 1848.
To „ 18th August 1848.
From „ 6th November 1848.
To „ 29th September 1853.
From „ 17th October 1853.
To Court of Wards, 19th May 1854.
From „ 5th June „
To „ 8th September „
To Board, 5th October 1860.
From „ 23rd October „
To „ 7th November 1860.

1. With reference to the correspondence noted in the margin, regarding Jeevithum villages in the Shivagungah Zemindary, I have the honor to report that I am credibly informed that one of the same Zemindary Jeevithum villages, named Kanakengudi, was purchased in public auction in the Subordinate Court on the 27th January 1859, for Rupees 17,300 in the name of Mr. Fischer, the Muttadar of Salem, and that it is now in the enjoyment of Kosal Ram Pillay, the Sheristadar of the Subordinate Court.

2. Neither Mr. Fischer nor the Sheristadar are in want of subsistence; I, therefore, bring the subject to the notice of the Board for their orders, as to the revision of the assessment of the village.

3. The quit rent of Kanakengudi is 400 Chukrums, or Rupees 818-7-9, but I am unable to say what is the amount of its revenue, but it is said to be a very valuable village. I have called upon the Zemindar of Shivagungah to furnish me with a statement showing the present holders of the diffe nt Jeevithum villages, which are 76¼ in number, but have failed hitherto in obtaining it from him, and have the same difficulty in obtaining cultivation returns from the Zemindary Curnums, and am not aware of any method of compelling obedience: however under the new Income Tax Act that state of affairs will be partially remedied, though in that matter we are sworn to secrecy.

4. I understand that other villages besides the above have been sold, and that in the Ramnad Zemindary also there are a number of the same description of villages; and villages called Dhurmasanum held on favorable tenure for the support of Bramins, which have been alienated and purchased by Sudras and others for their own maintenance, and for the endowment of Choultries, &c. I request the instructions of the Board whether I should make inquiries into those cases, or whether they should lie over for investigation by the Inam Commissioner.

---

1. The Collector will please to report the nature of the tenure on which the village of Kanakengudi was held; when and by whom it was granted; and under what circumstances, and for what purpose.

2. The Board desire also to know why the village was sold; whether the sale was objected to; and if not, why not.

3. If it was objected to, the Collector should state how the objection was over-ruled.

4. The Board observe that Dhurmasanum lands have always been held to be transferable property.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Acting Secretary.

To V. H. Levinge, Esq., Collector of Madura.

Exd. J. Wright.

No. 4,398.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th August 1861.

Read the following letter from V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 24th July 1861, No. 186:—

From	Board	18th May	1848.
To	do.	18th August	do.
From	do.	6th Nov.	do.
To	do.	29th Sept.	1853.
From	do.	17th Oct.	do.
To Court of Wards		19th May	1854.
From	do.	5th June	do.
To	do.	8th Sept.	do.
To	Board	5th Oct.	1860.
From	do.	23rd Oct.	do.
To	do.	7th Nov.	do.
From	do.	12th do.	do.

With reference to the marginal correspondence regarding the Jevitam villages, I have the honor to submit herewith for the information of the Board, copy of a motion to be presented on my behalf to the Sub-Court of Madura, protesting against the sale of a portion of the Kannariruppu village belonging to the Padamattur Poliaput on the ground that it is a grant for maintenance made by the former Government and continued by the British, and is entered as Jevitam in the Istimrari accounts, and that it clearly comes under Regulation IV of 1831.

ENCLOSURE No. 1.

Motion.

1. A portion of the Kannariruppu village, belonging to the Padamattur Poliaput, having been attached by a precept issued from this Court for the Razinama amount due by the Padamattur Zemindar, the Defendant in Original Suit No. 17 of 1854 on the file of this Court, is ordered to be sold by public auction.

2. The said Padamattur Poliaput was granted for the support of the family of the Zemindar by the Carnatic Government, and continued by the British. In the Istimrari accounts, the villages composing it are entered as Jevitams or grant for maintenance on a light quit rent.

3. The individuals holding such villages are entitled merely to the hereditary enjoyment of the income of those villages which fall clearly within the scope of Regulation IV of 1831, and Act XXXI of 1836, and their sale by the Court is barred by Act XXIII of 1838.

4. The late Government Vakeel Suba Row presented a motion to the Civil Court in Miscellaneous Petition No. 294 of 1854 to the effect that Wutamanur held under attachment in satisfaction of a Decree in Suit No. 222 of 1852, of Shevagunga Moonsiff's Court, cannot be alienated by sale on the ground that it is entered as Jevitam in the Istimrari accounts. The Court thereupon has passed a Diary Order on the 18th instant, that the said village should be released from attachment.

5. The Collector, therefore, requests the Court will, on consideration of the foregoing reasons, be pleased to suspend the execution of the process of the sale on the said village of Kannariruppu now under attachment, and order its release.

6. The Collector further desires that if the Principal Sudder Amin resolve to disregard this protest, parties be informed that under the provisions of Section 6, Regulation XXXI of 1802, these lands are liable to be assessed the full revenue due on such lands, and will be dealt with as laid down in the above Section, and that parties now purchasing the lands do so at the risk of Government fully assessing them.

(True Copy.)

(Signed) V. H. LEVINGE,
Collector.

The Board see nothing to object to the motion which they presume has been presented, and they request the Collector to inform them of the result. Assuming that Mr. Levinge is able to substantiate the allegations of facts contained in it, it seems likely that he can supply the Board with the information regarding Puvandi, and the other Pudmattur villages, called for in the Board's Proceedings dated 9th January 1861, No. 115, and the Board request that he will do this without further delay.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To V. H. Levinge, Esq., Collector of Madura.

Ixd. J. Wright.

1861 Department.

No.

PROCEEDINGS of the BOARD of REVENUE,

Dated 13th August 1861.

No. 4,393.

Approving of the Collector's motion to the Sub-Court of Madura, protesting against the sale of a portion of the Kannariruppa village belonging to the Padamattur Poliaput, and calling for the information regarding Purandi and and the other Padamuttur villages required in Board's Proceedings of 9th January 1861, No 151

1861 Departt.

Rec^d 23-9-61

Enclosure in Proceedings of the Board of Revenue to the Secretary to Govt R. D. dated 21st Sept 1861. № 5719.

Rec^d 550/61.

Letter from the Coll^r of Madura to the Board of Revenue dated 24th July 1861. № 186. regarding certain Suits and B^d Proceedings dated 13th August 1861 № 4398.

Rec^d 22 July 1861

№ 2611

554

Sudr Appeal

No. 23 of 1860.

Petitioner

Ramasawmy Iyen

Acting Government

Pleader.

With reference to the

Hoozoor's Order under date

the 13th Instant No. 76,

Petitioner states as follows.

1 In satisfaction of the Judgment debt in the Suit (noted marginally) 3/8 of Canasungody Village, attached to the Padamattoor Paliyapat was sufled upon this Court's Precept for sale in public Auction.

2 The Padamattoor Paliyapat in question was granted for the maintenance of a Class of the ancient family of the Shevagunga Zemindar. In the Istemirarce account, Villages attached thereto are said to be the "Jeevathoo" paying "Porasoo" or tax to the Zemindar of Shevagunga.

3. The possessors of such Villages have rights only to enjoy the produce thereof for generations; and as the Villages in question were never separated from the Shevagunga Zemindary under Section VIII Regulation XXV of 1802. they cannot be sold on account of the debts due by them (possessors).

The

a Diary Order dated the 29th December 1858. that only the right & title of the possessors will be sold; that such a Sale will not affect the Minor Zemindar's Claim; & that due notice of the same will be given at the time of Sale. The Petitioners therefore request the Court that that part of the Village under the attachment of this Court be sold in the manner indicated in the Civil Courts order above referred to. As the Vakeel has hitherto received no order from the Collector to say if there are any encumbrances of Risk, he will make a Separate motion on the Subject.

Order

The right & title of the Zemindar to be sold on the 27th Instant.

20th January 1859.

do. do. do. do. 77 1853 C.S. No. 71

Order

do. do.

(Signed) A. W. Phillips

Sub Judge

20th January 1859.

(True Copy)

(Signed) W. A. Deuinge

Collector.

4 The late Government Vakeel having by his motion No. 794 of 1854 objected to the Sale of Padamattoor Village attached in O.S. Shevagunga No 111 No. 777 of 1857 on the ground that it is entered in the Istemirarec account as "Jeevatteam" an Order was passed on the 18th. August 1854 to the effect that the said Village should be released from the attachment.

5. Whereupon the aforesaid Kumaraswamy Village was attached on account of the Rajeenamah debt in O.S. No. 1 of 1857 on the file of this Court the late Government Vakeel made a motion in No. 436 of 1854 setting forth among others, the above particulars, Whereupon the Court passed an Order on the 18th. October 1854 observing that at the time of Sale, due notice would be given regarding the objections of the Shevagunga Zemindar as to the effect of the Sale.

6 Petitioner prays therefore that the Court will be pleased to order notice to be given at the Sale of the said 3/8 Villages of Kumaraswamy. As soon as the Hoozoor sends an answer as to the List thereon Petitioner will represent the same to the

C - 12

to the Court.

27-12-58

Order

The Acting Civil Judge is of opinion that no valid objection to the Sale of the property has been brought forward; by Sale it is understood that the purchaser will only obtain the same right and title to the land which the present possessors enjoy and that the rights of the Shevagunga Zemindar will not be affected by the Sale.

Due notice will be given that the rights and title of the present possessors alone will be sold.

/Signed/ R. R. Cotton
Acting Civil Judge

29-12-58

/True Copy/
/Signed/ T. H. Levinge
Collector

/True Copy/

H Dalgell
Sub Secretary

Exh 16

Bearer Cert: dated 21st Sept 1861

No 5120, 5121 & 5122

No 6549

Encl: Proceedings of the Bd of Revenue recommending Rent abolition to be suspended in favour of Purunder Narayanpurkar and Narayanpurkar

Encl: Letter from Govt to Collr Chingleput dated 15th Novr 1861 No 2286

Encl: Proceedings of the Board of Revenue to the Secretary to Govt R.D. dated 21st Sept 1861. No. 5121.

Rec = 550/61.

Copy of the motions presented to the Court and its orders thereon in Original Suit No 49 of 1854.

No 2286 dated 15th Novr 1861

B 286.

was advertized for sale in 1860, when the Collector appeared on the ground that the said village formed portion of an Inam granted for Service or Maintenance, & as such fell under the provisions of Reg. IX of 1831 and Act XXXI of 1836. The Bd of Rev upheld the Collr objection: but as the information furnished by the Collr as to the nature of the tenure on which the village was held was extremely scanty the Govt observed that they were unable to form a decided opinion on the case, and called upon the Bd to Explain by whom the village was granted and on what terms.—

This information the Board supplied in their Proc. No 5120, in which they observe that the Pudmatoor family of long standing and local eminence obtained from the Hindoo Govt, the grant of 9 or 10 villages for Jaudhan or maintenance and light Dustoor, which was subsequently confirmed by the Mahomedan Govt, that the estate was at times termed a Polliat, at times a Zemindary, it was in fact merely a large grant, which had existed prior to the creation of the Chinglepat Zemindary within the limits of which the said Jaudhan villages

was advertized for sale in 1860, when the Collector appeared on the ground that the said village formed portion of an Inam granted for Service or Maintenance, & as such fell under the provisions of Reg. IX of 1831 and Act XXXI of 1836. The Bd of Rev upheld the Collr objection: but as the information furnished by the Collr as to the nature of the tenure on which the village was held was extremely scanty the Govt observed that they were unable to form a decided opinion on the case, and called upon the Bd to Explain by whom the village

are situated; that the
Mc Quit Rent due on the
village is included
in the assets of said
Zamindary; the differ-
ence between it and the full
assessment has
the Profit of the franter
and that the ultimate
reversion any right
to this difference (be-
tween the favorable
fixt Rent and the
full assessment) is
vested in the Govt
with whom, they
also rest the Decision
as to the continuance
of the favorable ter-
mine.

With reference to
the alleged attach-
ment of the new village
by the Civil Courts, the
Bd report that
it has since been
removed; that the
village itself had
subsequently been trans-
ferred by private sale
to Ponnuswamy Tevar
of Ramnad for the sum
of one lac of Rupees.

The fact of the Estate
of Padmanaboram being
an Inam held on fa-
vorable terms is in
the opinion of the Bd
fully established by
the Settlement Accts
of the Shevagunga Za-
mindary, certain
Takeeds, Sanads, Per-
wanas and Pottahs
dated ~~respectively~~ of A.D.
1729, 1749, 1781, 1773
and 1807. as well as by
the Pleadings and Pages
rama in O.S. No 49 of
1823

under these circumstances the Bd recommend that "the Papers "be placed in the hands "of the Dewan Canoy "that he be instructed "to dispose of the Estate "under the rules laid "down for his guidance"

This seems the correct course.

Wdl

Kanakengoy

The village of Kanakengoy was sold in 1860 in satisfaction of certain decrees of the Sub Court of Madura. It was purchased by Mr Fenton of Salem and by him presented to Kasa Sarampilley, then Curtadar of the Court under whose order it was sold. This sale was however objected to by the Collector on behalf of Govt. suit of the Shevagunga Zamindar than a Minor in ward. The objections were however over-ruled by the Court, which observed "that only "the right and Title "of the actual Possessor "were sold and that "no injury was thereby "inflicted on the re- "versionary right "of the Zamindar "others". The Board question the correctness of this ruling as the Shivagunga Zamindar will himself succeed to the Estate on payment of the favourable

Bd Pro: No 5721

able Tenure as the death of the present holder of the Padmasan grant, they recommend that the full assessment be levied on the village of Kanakagedda so long as it remains out of the Enjoyment of the family for whose benefit the grant was originally made

Adverting to the acquisition of this village by the Sheristadar, the Bd remarks that his conduct in obtaining possession of it is very reprehensible in as much as he was employed in the Court which ordered the unauthorized sale, and therefore they suggest that the said individual

I do not see why this alienation should be treated differently from the other - No fraud is alleged - The Court had no business to sell the Tenure but this should not be visited on the proprietor per-chaser - I think the Tenure Comr should deal with the case - but would not have attached it in full under the rules, on account of the antiquity of the grant - but would have commuted their tenure into any rights -

Dist Southern

to deal with the Tenure accordingly

This should be done through the Judicial Dept.

W. M

who has since retired from the public service should be called upon to explain his conduct and his pension discontinued should the explanation be not satisfactory. —

11 Kanaririppu — A portion of this village was placed under attachment in 1861, against which the Collector protested but his objections were set aside by the Principal Sadr Ameen who remarked that the village in question being included in the Inhuminai Tenure was saleable under Regn. XXV of 1802

13 Bom. Pro: Rec 5119

and according[ly] or-
dered the sale of the
lands subject to the
"reversionary right
"of Govt. over them"
The Board of Rev
consider that the Sub
Assistant has clearly
exceeded his jurisdic-
tion in this decision
inasmuch as only
the Pandharpoor In-
dam Rent is includ-
ed in the assets of the
Shevagunga Zamin
dary, the proprietor
of which is a mem-
ber of the Padamalay
family and as such
possesses a rever-
sionary interest
in the grant of the con-
firmance of the
[illegible]
[illegible]

reduced assessment
or dram tenure is ab-
solutely dependant
on the will of the
Govt. — The Bd
therefore requested
the opinion of the
Govt Pleader as to
the steps to be taken
to set matters right
and to assert the
rights of Govt. They
also instructed
the Collector of Madura
to report fully upon
the resources of these
Javeithan villages, as
prior to the sale of
a portion of a zemin
dary, it is essen-
tial under the Regu
that the assessment
on the portion to be

"Cold and the pro-
portion of the Price
cash to be borne by
it should be fixed
by the Colle and con-
firmed by the Bd
and as an opportu-
nity will thus be
afforded of deter-
mining the full
assessment to be
charged to the Pur-
chaser, if no means
be available for
preventing the sale.
The great variet
in Italy reported
that from the pa
pers furnished to
him he is unable
to form any opinion
as to what rights are
possessed by Govt in
the matter. If as ob-
served by the Board
the Pl. Lab. Amend has ex-
cluded his jurisdiction
he points out that
the only course open
for ascertaining the
rights of Govt is by
instituting a Regn
Can suit.

The Bd & Rev doubt
the correctness of
this interpretation
of the Law; for as long
as if such was the
correct construction
of the Law the rights
and authority of
Govt can only be

indicated by the expensive and tedious method of a Regular Suit when any judicial officer, shall in despite of motion to the contrary by the Collr, take upon himself to direct the sale in satisfaction of Judgment debts of lands which are essentially Crown and are exempted by Reg IV of 1831 Sch XXXI of 1836 and XXIII of 1838 from the Jurisdiction of the Courts. — They also draw attention to C. O. 30 April 1853 which requires that where it is notified

to the Court by the Revr authorities that land attached under Civil process is held as Crown the Court shall stay Proceedings & remove its attachment forthwith.

Being of opinion that the Interpretation may be extended to apply to cases in which the Crown postpones the subject matter of suit in which the decree was passed the Bd have again requested the Govt Pleader to furnish them with his opinion

on the above points
as affecting orders
for executing Decree
in the cases wherein
the Inam was not
in litigation but
was ordered to be
attached & held in
liquidation of the
debts of the Inamdar
&c
&c and also to in-
form them whether
he considers the
P.C. direction do
not exceed his juris-
diction

Revenue Depart.
No. 1568

Proceedings of the Madras Government
Under date the 22d July 1862

Read the following
Proceedings of the Board
of Revenue.

Requesting the opinion of the Government Pleader as to the steps to be taken in the matter of the "Sevathan" Villages of Kunnaiyanpuram the Shivagunga Zemindary mortgaged & ordered to be sold under a Decree of the Principal Sudder Ameen's Court at Madura; and requesting the Collector to report what steps the Court has taken to enforce the Decree, and whether, if the sale cannot be prevented, there will be means available to determine the assignment chargeable to the purchaser.

Recommending that the papers connected with the "Sevathan" Villages in the Shivagunga Zemindari be referred to the Inam Commissioner for disposal, with reference to the question raised as to their being inalienable and unsaleable property.

Submitting correspondence regarding the sale of the "Sevathan" villages of Ramakangunde in the Zemindary of Shivagunga, with the Board's remarks thereon.

Submitting with remarks a letter from the Government Pleader forwarding his opinion regarding the decree passed by the Principal Sudder Ameen in the suit regarding Sevathan Villages of the Shivagunga Zemindary.

Requesting the Collector of Madura to report whether any further action

Here enter 21st September 1861 No. 5119

Here enter 21st September 1861 No. 5120

Here enter 21st September 1861 No. 5121

Here enter 5th November 1861 No. 6049

Here enter 7th July 62 No. 4369

The Proceedings of the

the Board of Revenue above recorded relate to the villages of Puvandi, Kanakagundy and Kamaiseppu, all forming parts of the Padmalaiyr estate in the Madura District, and which were at different periods ordered by the Subordinate Court to be sold in satisfaction of certain Decrees, passed against the holder of the said estate

2 Puvandy - This village was was advertized for sale in 1860, when the Collector objected that the said village formed a portion of an Inam granted for Jeivitham or maintenance, and as such fell under the provisions of Reg: IX of 1831 and Act XXXI of 1836. The Board of Revenue upheld the Collectors objection, but the Govt observed that they were unable from the scanty information then before them to form a decided opinion on the case, and called upon the Board to explain by whom the village was granted and on what terms.

3 In reply the Board explain that the Padmalaiyr family of long standing

been taken in the matter of the Principal Sudder Amins order directing the sale of the so called "Jeivitham" or maintenance Inam land, and calling for certain information from the Government Pleader on the subject.

standing and local eminence, obtained from the Hindoo Govt, the grant of 8 or 10 villages for ~~Jeivitham~~ maintenance or a light Quit-Rent, which was subsequently confirmed by the Mahomedan Govt, that tho' the estate was at times termed a Polipat, at times a Zamindary, it was in fact merely a large grant, which had existed prior to the creation of the Shivagunga Zamindary within the limits of which the said Jeivitham villages are situated, that tho' the Quit Rent due on the villages is included in the assessments of the said Zamindary, the difference between it and the full assessment has formed the Profit of the grantee, and ~~that~~ the ultimate reversionary right to this difference is vested in the Government with whom, also rests the Decision as to the continuance of the favorable tenure.

4 With reference to the alleged attachment of the said village by the Subordinate Court the Board report that it has since been removed; but the village itself has subsequently been

been transferred by private sale to Ponnuswamy Tever of Ramnad for the sum of one lac of Rupees.

5 The fact of the estate of Padmatsur being an Inam held on favorable terms is in the opinion of the Board fully established by the Istimirari accounts of the Shivaganga Zamindary, by certain Sakids, Sanads, Parwanas and Pattas dated A.D. 1729. 1749. 1781. 1773 and 1807. as well as by the Pleadings and Rajinama in O.S. No. 1 of 1828.

6 Under these circumstances the Board recommend that "the Papers be placed in the hands of "the Inam Commissioner and that "he be instructed to dispose of the "village under the Rules laid down "for his guidance." This seems to be the best arrangement and is accordingly approved.

7 Kanakangudy. The village of Kanakangudy was sold in 1810 in satisfaction of certain Decrees of the Sub Court of Madura.

It

It was purchased by Mr. Sischel of Salem and by him presented to Kosalarampillay, Sheristadar of the Court under whose orders it was sold. This sale was likewise opposed by the Collr. on behalf not of Govt. but of the Shivaganga Zamindar then a minor in ward. The objections were however overruled by the Court, which observed "that as by "the right and Title of the actual "possessor were established there "no injury was thereby inflicted "on the Reversionary right of the "Zamindar and others."

8 The Board question the correctness of this ruling, but as the Shivaganga Zamindar will himself succeed to the enjoyment of the favorable tenure on the death of the present holder of the Padmatsur grant, they recommend that the full assessment be levied on the village of Kanakangudy so long as it remains out of the enjoyment of the family for whose benefit the grant was originally made.

The

9 The Govt. do not agree with the Board in this respect, and they see no reason why this alienation should be treated differently from the other - No fraud is alleged on the part of the Court was wrong in ordering the Sanad, this should not be visited on the purchaser. Govt. would not have enforced it in full on account of the antiquity of the grant but would have commuted their reversionary rights. This village will therefore be released like that of Dhuriwy for the disposal of the Inam Commissioner under the Rules laid down.

10. Adverting to the acquisition of this village by the Resident, the Bd. remark that his conduct in obtaining possession of it is very reprehensible inasmuch as he was at the time employed in this Court, which ordered the sale. He has since retired from the public service and the Board suggest that he should be called upon to explain his conduct and his pension discontinued -

discontinued in absence of the explanation promising inquiry for. This will accordingly be done and the Govt. in Department.

11 Kanarianpur - A portion of this village was placed under attachment in 1861 - The Collector protested but his objections were set aside by the Principal Sudr Ameen - who remarks that the village in question being included in the Sherinar Sanad was saleable under Sec 9 Reg XXV of 1802 and accordingly ordered its sale subject to the reversionary rights of Government.

12. The Board of Revenue considered that the Sudr Ameen had clearly exceeded his jurisdiction in this decision and ~~accordingly the Collector of Rent~~ Rent is included in the assessed - ~~sale~~ of this Shivaganga Zamindary, the proprietor of which is a member of the Rajah's family and as such professes a reversionary interest in the grant, and because the

continuance

B.R. Pro: 5th Aug.

continuance of the reduced assessment or Inam tenure is ultimately dependant on the will of the Government.

18 The Board then requested the opinion of the Govt. Pleader as to the steps to be taken to set matters right and to report the claims of Govt. They also instructed the Collr. of Madura to report fully upon the resources of these Jeweillam villages, with a view to determine the fair assessment to be charged to the Purchasers in the event of it being impossible to prevail upon the Inamdars for preventing the sale.

1873 The Govt. Pleader in reply reports that from the papers furnished to him he is unable to form any opinion as

to what rights are possessed by Govt in the matter. If as observed by the Board the Principal Sudder Ameen has exceeded his jurisdiction he points out that the only course open for asserting the rights of Govt is by instituting a regular suit.

1873 The Board of Revenue doubt the correctness of this interpretation of the Law, but being of opinion that it may be intended to apply to cases in which the Inam forms the subject matter of the suit they have again requested the Government Pleader to furnish them with his opinion on the point as affecting orders for executing decrees in

in cases where in the Judgment was not in liquidation, but was ordered to be attached and sold in liquidation of the debts of the Judgment-debtor and also to inform them whether he considers the Principal Sudder Ameen did or did not exceed his jurisdiction.

15. Mr. Dale has since reported his opinion that, if the lands in question be held under Inam tenure the Principal Sudder Ameen has exceeded his powers. He Board remark that it has already been decided that the tenure is Inam, and that therefore it is clear that the Principal Sudder Ameen has gone beyond his jurisdiction, but they have found it necessary to ask Mr. Dale again whether in that event the rights and authority of Government can only be vindicated by the tedious and expensive process of a Regular Suit-

16. The Board consider that this case also should be treated under the Inam Rules, and they resolve accordingly to forward the whole of the papers now received to the Commissioner, with a view to the institution of

to dispose of the [illegible] by commutation of their reversionary rights of Government.

MR.

4 Copies to the Bd of Rev. Despt 26.
5 Inam Comm.r with 4 Enclosures
Judl Dep.r with Refce to B. of R.

Sale of Jeevitam village
& Kavarimpha, Shevagun
ga Zamindary.—

Rev. No 144-145
9-11-60

~ 2378-2379
21-9-61

Revenue 1862 Deptt.
Pro: of Govt for July
No 1568.
Pro: of the Madras Govt
Dt 22d July 1862.

Pro of the Board of Revenue
of 11 December 1861 A 3261

Passing orders on
Board's Proceedings relating
to the villages of Pwandi,
Kanackangudy and Kanari
ruppoo of the Padmatoor
Estate, in Madura.—

No 284 at 289.

18-7/62

C 16 Dec 61 R 17th