M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1573 Press ~~Mis.~~

299-3 ~~0~~

Dated 22 - 7 - 1862.

Not to be folded or roughly handled

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

No. 299. Read the following Petition from VENKAT AMMÁL, widow of the late Kullamma Náikar of Neckarapatty Village, in Palny Táluq, Madura, to His Excellency the Governor in Council, Fort Saint George, &c., &c., &c., dated 25th May 1862.

RESPECTFULLY SHEWETH,

That your Petitioner on the 1st of October 1861, presented a Petition to your Lordship in Council, representing the great injustice done to your Petitioner in placing her minor son's property which is not a Zamíndári but the property of a private Mirásidár, under the management of the Court of Wards, and praying that the villages, &c., may not be taken away from her management, but the Government without considering the arbitrary injustice of such a measure, and the losses she would thereby entail, endorsed on the said petition that "Petitioner should address the Court of Wards on the subject," whilst the said Petition was strictly an appeal *against* the said Court of Wards' interference in the Estate of her minor son.

Your Petitioner finding no alternative, but in re-appealing to the mercy and justice of Government for redress of her grievance, is therefore compelled to present this Petition in order to represent that your Petitioner, the landlord of the said property, is quite competent to manage the whole of the affairs appertaining to her minor son's property, and as the first Petition fully sets forth her rights and claims as well as all the merit of her claims, and it being needless to reiterate those claims, she therefore only states succinctly all the losses she has experienced in the Circar's management of her son's estate, and if no orders were passed on this appeal to place the Estate forthwith under the management of your Petitioner, these losses will eventually result in her son's (the minor's) irremediable ruin.

That in the first place it should be remembered by your Lordship in Council that the villages and other lands of the Estate were taken first of all by the Civil Court, and then by the Court of Wards. Managers were appointed to superintend the affairs of the estate, during Faslis 1269, 1270 and 1271. Your Petitioner thereby became a heavy loser of the profits which otherwise she would have unquestionably derived.

These losses your Petitioner begs to particularize hereunder:—

(1.) The breach in the tank called Coomalumpara Colum formed by your Petitioner's late husband, Coolama Náikar in the village of Ummanputty, instead of at a cost of Rupees 1,500, which could have been repaired at a trifling expense was not done as it should have been by the Superintendent or Manager.

(2.) The supplying Canal or Reservoir which forms a connection with the Coomalumpara Colum should have been excavated at a trifling expense and the Annay or Dam, said to be raised by an outlay of Rupees 2,000 fell soon out of repair, consequently about 400 Goolies or Cawnies of Nanja land, irrigated by the said Tank and also by the water of the Tank called Alamurthu Colum, which is in good order and which was neglected to be done, were laid waste, and the loss sustained by the minor for two Faslis is Rupees 6,000 being the value of 1,200 Selagays of grain, each Selagay containing 120 Measures at the rate of Rupees 5 per Selagay.

(3.) In the said village there is about 90 or 100 Goolies or Cawnies of dry land belonging to the minor, which had hitherto been cultivated and the profits derived therefrom amounted to per annum Rupees 450 at the rate of 20 Fanams per Gooly. This land before the management of the Estate fell into the hands of the Circar servants, yielded as above stated Rupees 450, but through the neglect of the Manager or Superintendent the Royahvoycal Channel wherefrom the said land was irrigated, not having been repaired as usual on emergent estimate by the Circar at a slight expense, the supply of water fell short, thus only 40 out of the said 90 or 100 Goolies were cultivated and the rest lay waste for the whole three years, whereby the minor sustained a loss of 250 Rupees per annum or Rupees 750 for three years.

(4.) Out of 7,000 Goolies or Cawnies of Punja land for which a Putta is issued in the name of the minor 4,000 or 5,000 Goolies were usually cultivated every year, and the profits derived therefrom amounted to Rupees 1,500 per annum, but during the years of the Circar management, the Manager interested by bribes for his own benefit, purposely neglected to

engage cultivators at a proper and a seasonable time, so that in consequence only 1,500 or 1,600 Goolies fell under cultivation, and the remainder 2,500 or 3,000 Goolies lay waste, hence the minor became a loser of Rupees 1,000 per annum or 3,000 Rupees for three years.

(5.) Your Petitioner's husband held about 140 Goolies of wet land termed "Punjamtangee," "Coomara Samoodram" and "Oonoopacooly" which the Manager, Krisnasawmy Náik, appointed by the Civil Court, most flagrantly made away with by receiving bribes and most corruptly allowing your Petitioner's adversary Poosary Gooroovah Náiken to join or attach to his own lands as Maniem to Otta Gooroovoo Boyen, and others, whilst your Petitioner's husband never made such alienations. As your Petitioner has accounts in her possession to prove, and the loss by this false alienation amounts to Rupees 3,150. A complaint was preferred to the Collector, and the case is now being investigated by that authority.

(6.) Another Manager one Gopalookristna Royer contrived craftily to get his son appointed by the Civil Court his Sumprathy and his son-in-law Royasum under him, and embezzled produce to the amount of Rupees 1,500 as will be seen by his own accounts. This case is also under investigation before the Collector.

(7.) The vast extent of Cocoanut and Plantain Gardens or Topes, and the fishery not having been as they should be, leased out in Faslis 1269 and 1270, the produce was carelessly allowed to be plundered by strangers, whereby the minor sustained a loss in the said two Faslis of Rupees 150 and the wages of the servants said to be employed on those Topes and fishery were liquidated from other incomes of the minor.

Upon your Petitioner's appealing to the Sudder Court against the Civil Judge's interference, as illegal, that Court upon a series of correspondence with the Civil Judge, washed their hands of the matter, declaring, that as the villages were the private property of the owner the Civil Judge was not authorized to place them under his control, and directed him to make over the said Estate to the Collector, in order that the affair might be treated in the Revenue Department, and upon being transferred to the Collector, that authority, Mr. Levinge, twice reported to the Board of Revenue that your Petitioner was quite competent to undertake the management of the property on behalf of her minor son, and that the taking the Estate under his management was quite unnecessary and uncalled for, as the property was not a Zamíndári, but purely a private Mirásidár's. The Board of Revenue, without a proper consideration of the intrinsic merits of the correspondence on the subject, at once, and regardless of justice and equity, ordered that the property be placed under the control of the Court of Wards. Thus, the Estate came into the hands of the Court of Wards and the Manager Soondrasawmy Iyer was appointed, and thus the following abuses occurred under his supervision, for the Manager Soondrasawmy Iyer failed at proper times and seasons for agriculture to supply the field servants with money to furnish themselves with agricultural implements, but wilfully retarded their labours; he also neglected to see whether the lands were regularly irrigated, as the neighbouring fields, and his culpability is enormous for when brought to his notice by the subordinates, he failed to adopt the necessary and simple means of seeing it done, and thus the lands, through the wilful neglect of a hireling, were suffered to run waste and thus entailed upon the Estate heavy losses.

Again, the Manager delayed the due reaping of the harvest and took no precautionary measures with the produce, and wantonly allowed the grain to remain exposed for two or three months to the vicissitudes of the weather, and thus caused a great sacrifice of property to the detriment of the minor.

He, the Manager, also neglected to collect the money from the Ryots to whom the lands were leased out, and for reasons best known to himself wantonly allowed a remission of 30 Goolies, thereby entailing a loss to the minor in grain amounting to upwards of Rupees 400.

Again, the Manager for reasons unknown and unexplained, caused the produce to be reaped during the absence of the Sumprathy and other servants, who are held, or should be held responsible for the correctness of the accounts, only entering into the accounts a certain quantity of the produce and omitting the remainder—and as that Officer personally and without any

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assigned reason, himself superintended the reaping, it is impossible for your Petitioner to ascertain and prove the loss entailed upon the minor.

It is customary to realize the full amount of Revenue from the cultivators of the Mittah Villages and lands belonging to the minor, but large amounts of arrears of rent are allowed to stand against them for Faslis 1269 and 1270, and what is more flagrant is, that the amount payable to the Zamíndár is paid from out of the minor's own funds.

Moreover, the existence of a great number of Bullocks lately enabled the cultivation to progress to a great extent of the Nunja and Punja lands—but no attention being paid to the care of the live stock, as the owner would very naturally exercise, their numbers are greatly diminished. Hence, and also in consequence of the young Calves produced from the Cows belonging to the Estate not being accounted for and want of care reducing the number of the Cows, the cultivation fell short to the detriment of the minor, and the Estate sustains an immense loss by letting out the lands to others for cultivation.

About fifty or sixty Goolies of Punja land which was under the minor's own cultivation was unlawfully usurped by your Petitioner's adversary Gooroovapah and with the most gross impunity attached to his own Garden from Fasli 1269 at the time the management of the Court commenced, and thus the minor is made a loser by the barefaced usurpation of this land.

The amount of wages, &c., of servants entertained for the management of the landed Estate of the minor from 1859 is Rupees 1,000 or Rupees 3,000 for three years. This wanton expenditure of money is quite unnecessary, and quite uncalled for, inasmuch as the minor loses this enormous sum from the income derived from the other portion of his lands.

About Rupees 5,000 due to the minor on account of monies lent to individuals by his late father on bonds. This money the Manager to secure a corrupt benefit from the debtors on those Bonds—actually instigated those parties, and encouraged them to plead as if they had already paid up their respective liabilities, and advised them to suborn false witnesses to prove their allegations, and thus he purposes to cancel these bonds to the detriment of the minor.

A Garden belonging to the minor called "Ilamtopoo" was leased out to Ryots for Fasli 1270, and the lessee enjoyed the produce thereof for that Fasli, but the amount of the lease still due by him has not been recovered from the lessee although two years have since elapsed.

Thus, your Lordship in Council is now clearly made aware by your Petitioner of the corruption and fraud practised by a set of hirelings who, from time to time, have been placed in power and control over the Estate, by the authority of the Circar, and that there is not one single individual who is worthy of trust and confidence, and the result has been that the minor has been wickedly robbed to the extent of 19,000 Rupees, and yet your Lordship refers her to the Court of Wards for redress. How, your Petitioner begs leave to ask, can she hope to obtain redress from the Court of Wards, when they have unjustly and most illegally deprived her of her rights who is the only deeply interested Guardian in the welfare of her only son the minor.

While the Collector who is on the spot unhesitatingly gives his opinion that your Petitioner is quite competent to undertake the management of her minor son's Estate, and the late Collector Mr. Parker submits his opinion that the property being that of private Mirásidár cannot be placed under the Circar management—still the Board of Revenue in the face of justice and equity have thought proper to order it to be placed most arbitrarily under the Court of Wards, and the result has been to your Petitioner and the minor, that they have been made to suffer a loss amounting to 19,000 Rupees. At this rate the Estate will in three or four years more, become a total ruin and the minor when he grows up to man's Estate will be a ruined beggar.

Under these unhappy circumstances your Petitioner implores your Lordship in Council to grant her case, and that of her minor son, a just consideration and after deliberating on the illegality of the order of the Board of Revenue in placing her minor son's Estate under the controlling power of the Court of Wards when that property is not a Zamíndári, but a private Mirásidár. Your Petitioner prays your Lordship in Council will graciously grant her that amends which the merits of her case deserves by ordering the Board of Revenue to withdraw

the Estate from the Court and with true British justice and integrity, kindly ordering your Petitioner to be placed in control over the Estate of her minor son and your Petitioner as in duty bound, will ever pray.

No. 300.

ORDER THEREON, 22nd July 1862, No. 1,573.

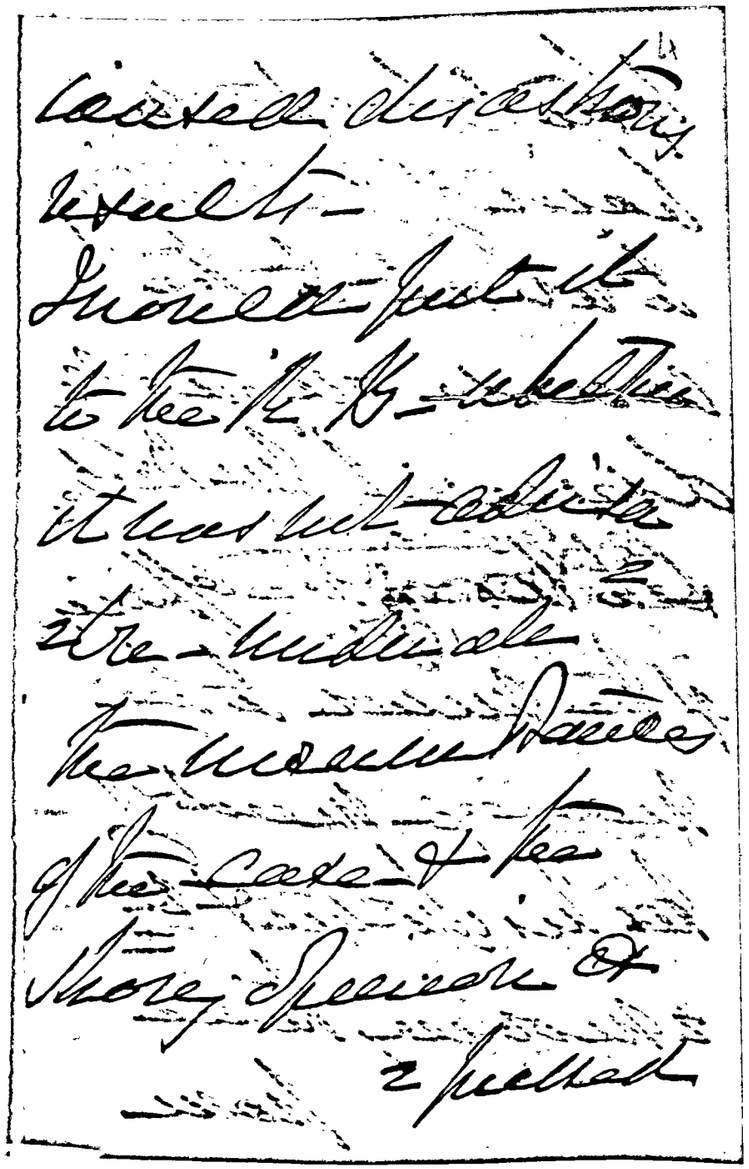
Resolved that this petition be referred to the Court of Wards, with a request that they will re-consider the steps that they have taken in the case. There seems reason to doubt the legality of their interference, which moreover appears to have produced disastrous consequences. After re-consideration the Court will submit their opinion whether, under the circumstances set forth by the petitioner and the strong views expressed by the Collector in her favor, it is not advisable to revert to the course originally observed by Mr. Parker, by removing the affairs of the Minor from their own control and leaving them to the managment of his mother.

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

I would refer
this petition to
the Revenue Board
I doubt the legality
of the late Court of Wards
the estate is not
a Jemindary &
consequently not
chargeable to the

No 1573.

Read the following petition from Venkat Ammâl, Widow of the late Kallamma Naikar of Peckanpatty



Resolved that this petition be referred to the

No 1573.

Read the following petition from Venkat Ammâl, Widow of the late Kallamma Vâitar of Neckarapatty Village in Paluy Taluk, Madura

Submitting an appeal against the decision of Govt. in endorsing Ltr

order thereon:

Resolved that this petition be referred to the

Court of Wards with a request that they will reconsider the steps that they have taken in the case. There seems reason to doubt the legality of their interference which moreover appears to have produced disastrous consequences. After reconsideration the Court will submit their opinion whether, under the circumstances set forth by the petitioner and the strong views expressed by the Collector in her favor, it is not advisable to revert to the course originally observed by Mr Parker, by removing the affairs of the Minor from their own control, & leaving them to the management of his mother.

WMK

Front-St George
22d July 1852

15 Chas S. No Court of Wards
Wills Estates & Guardianships

615 July 22 / 18 July

Revenue 1862 Septr.
Pro: of Govt for July
No 1573.

Copy in a letter to Govt
D/ 11 July No 16 of 1864
Mis

Pro: of the Madras Govt
D/ 22d July 1862.

From B of Revd 4th March/63
No 535

Nos 299 & 300.

Passing Orders on
Petition from Venkat
Ammal of Neakaren.
: patty village, Madura
praying to be appointed to
manage the affairs of
her Minor Son's Estate.