29.6.83 RH

2752/RH 1863

M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1737 — Press / ~~Mis.~~

C/R — 200

Dated 15 — 8 — 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 15th August 1862.

No. 199. Read the following Petition from TIRUGUYANA SAMMANTHA PANDARAM at Madura, to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated Madura, 15th July 1862 :—

SIR,

Herewith I have the honor to send you a Memorial in triplicate to Her Most Gracious Majesty in Council, and beg you will transmit the same to England with the least possible delay.

No. 200. ORDER THEREON, 15th August 1862, No. 1,737.

The Petitioner is informed that his Memorial was despatched to the address of the Secretary of State for India on the 15th August 1862.

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

decisions

(Original)

To

The Right Honorable Sir Charles
Wood Baronet:
Her Majesty's Secretary of State for India

The humble Memorial of Theroogniyan
Soondaratha Pundara Sunnadhe, Manager of the Menan
-chee Soondaraiswerar and other Pagodas, in the
District of Madura, in the Presidency of
Madras.

Respectfully Sheweth,

I. That your Petitioner has repeated
-ly endeavoured to obtain from the Governmen
of Fort St. George, the transmission to Her
Majesty in Council of his Petition, having
the same object as that which he now does
himself the honour to lay before you, that is
to say, an order for the restitution to the
Pagodas of which he is the Manager, of
certain of lands with which they were endowe
previous to the Country passing to the British
Government.

II. On the 28th February 1861, your
Memorialist received from the Secretary to
the Government an intimation that a
decision

decision had been come to on the merits of his claim by the Government of Fort St George, and his Memorial to Her Majesty was thereupon returned to him with liberty to Appeal against the decision of the Government aforesaid, if he should be so disposed. He was further informed by the Collector of Madura that the Government had come to the conclusion that his claims were "wholly untenable."

III Upon what grounds the Government of Fort St George arrived at this conclusion your Memorialist was never informed, & the proceedings of Government [illegible] & exparte and behind your Memorialists back; nor has he been enenable to obtain from the Govt the reasons for their decision, though he has petitioned the Right Honorable the Governor in Council to be furnished with the same in order to avail himself of the liberty given him to appeal as above referred to.

IV He is at this disadvantage therefore that he is utterly unable to meet any statements or arguments on which the Government of Madras may have relied, & compelled to

content

content himself with a simple statement of the facts of his case, on which he humbly conceives he is entitled to the relief which he now prays for.

V The Villages the restitution of which is now prayed for were bestowed upon the Pagodas by the Pandian Kings, for the daily service of idols and for repairing and beautifying the Temples. In the time of the Nabob of the Carnatic, Officers called Amildars were appointed for the Pagoda Villages and the Villages were managed by them and their income duly appropriated to the Pagodas after deducting the charges of management and maramut.

VI Shortly after the assumption of the Country by the British Government Mr Hurdis the then Collector made a report, in which he traced the history of these Church lands. He shewed that they belonged to the Pagodas, but that they had been seized by one Yusuf Khan the Officer of the Nabob, and a Commutation made in the shape of a money payment

for

for the support of the Pagodas.

VII It is true that from that day to this these Pagoda lands have never been restored, and your Petitioner believes that the Government of the present day relies on this wrongful seizure of the lands as the foundation of its right, to resist the call now made for restitution. It is said that former Governments have always practiced the right of resumption of any lands, however solemnly and absolutely alienated in perpetuity and for whatsoever purpose.

VIII And the length of time which has elapsed since the resumption may also be vouched as giving a sanction to the claim on the part of the Government to retain these lands for their own use & benifit.

IX Your Memorialist will not stop to question how far a Christian Government is justified in basing its title upon the wrongful Act of its Heathen Predecessors. No doubt tho' time will never sanctify a positive fraud, it frequently avails to confirm a title whose commencement is to be

be traced to wrong or violence. Your Memorialist have ever been in the unfortunately weak position held by right against right; nor was it until the new Regime and the introduction of the principles on which Her Majesty's Government is now conducted in India, & the impression abroad that the Govt. desires entirely to disconnect itself with the administration of all Funds & lands appertaining to the Pagodas, that those whom your Petitioner represents plucked up heart to ask respectfully through him, for what they conceive to be their own.

X But your Memorialist is not driven to the necessity of combatting this argument derived from lapse of time, because he is in a condition to show that the British Govt upto this very day has always continued to treat these lands as Pagoda property, notwithstanding they have been never restored.

XI The Accounts of these lands have always been carried out under a distinct & separate heading just in the same manner, apart as they were before the British Govt assumed charge of them until the year 1842 when the Home Govt ordered the surplus Funds to be carried

carried to the credit of the Govt & the lands to be incorporated with the Govt lands. But up to that time the entire income of the Villages was kept in account separate from the Ain Villages & were carried to the account entitled the "Surplus Pagoda Funds."

XII And whenever there has been any necessity for an extraordinary outlay in repairing the Temples &c, it has always been defrayed out of the Revenues of these lands in excess of the ordinary income devoted annually to the Pagodas.

XIII Thus in the ~~year~~ 1819 Rs 15,203 5 were given for Ashtabundanum in four instalments from these Funds. In 1831 11,000 Rs were given for Jadabundanum and between 1834 1841 Rs 57055-10-7 were given at different times for repairing the Pagoda roofs &c from the same Funds. All these advances are in excess of the Funds set apart for the ordinary Padittharum or daily expenses.

XIV These facts, your Petr submits are totally inconsistant with the Govt ever having really conceived that the lands had ceased to be Pagoda

Pagoda property, or that they had become the bona fide property of Govt or held in any other way than in Trust for the Pagodas originally endowed with them, for otherwise is it credible that the Govt would out of its own Revenues have supplied Funds for the support of Temples of another faith? or would the accounts have been during so many years kept separate & distinct

XV But so satisfied was the British Govt of the title of the Pagodas to these lands, that in the year 1803 the Govt of the day actually ordered their unfettered restoration, & directed a public proclamation to be made to that effect. Although with a view to prevent abuses which had crept into the Pagoda management, the administration of the lands & Pagoda Funds was to be vested in the Collector.

XVI For some reasons unknown to your Petitioner this proclamation appears never to have been made, but he submits that he cannot be dammified by the neglect of the Subordinate Officers to carry out the express orders of the Govt and that whatever might have been the possible effect of relying on the resumption

(Original)

Copy in a Letter to England
of 15th August No. 82 of 62.

No 2078

No 15th Aug.t 62
DN. 1737
ID 199-200

of its Predecessors, the British Government immediately after its occupancy of the Kingdom voluntarily repudiated any title so founded, & that from the date of this determination these lands must in equity & good faith be deemed to have been the acknowledged property of the Pagodas; & that the Government from that date has held them impressed with a trust for the Pagodas, as indeed the treatment of the lands their accounts & surplus revenues above alluded to, shows that the Govt itself conceived that their tenure was in the Character of Trustees.

XVII Your Petitioner believes that several Collectors have from time to time taken the view which your Petitioner now submits of the Pagodas title, & that the Board of Revenue has recommended their restitution on much such reasoning as he has now the honour to submit.

And he prays that an order may be issued in accordance with the justice & equity of the case & that the lands may be declared to be Pagoda property, to have been held in trust by the British Govt for the Pagodas; and that now that a final severance of Govt management is to take place, the Pagoda property may be restored to its lawful owners.

And your Petitioner shall as in duty bound Ever pray

Madura
15th July 1862.

[illegible]

Rev. 1862 Pol. Dept.

Pro: of Govt for Aug.
No 2070.

No. 1737.

The Petitioner is informed that his Memorial was despatched to the address of the Secretary of State for India on the 15th Aug. 62

WRR

Jt. Sec. to Govr
15th augt 1862

To the Tiringuiyana
Canmantha Pandaram
Dept. 16th Augt

From

Theroogniyana Sum:
-mantha Pundaram
at Madura

Dated 15th July,
Received 21st 1862

E 3

Submits for transmission to Honble Govt a Memorial in triplicate praying for the restoration to the Pagodas of which he is the Manager, of certain lands with which they were endowed previous to the country passing to the British Govt

No. 1737. 15 Augt

With an Order

Mis: Pro. 4 March /62 No. 12-13
Mis: Pro. 4 May " " 158-159
Pro. 28 Feby /61 " 419-420
" — " — " — 421-422

Copy in a Letter to Ceylon
Dy 15th Augt No 320 of 1862

No. 199 & 200.

Augt /62 R 12