M.R.O. 14—10,000—21-4-32.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1986 Press Mis.

264. 265

Dated 13. 9. 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 13th September 1862.

No 234. Read the following Proceedings of the Board of Revenue, dated 23rd August 1862, No. 5,575 :—

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Chetterpore, 31st May 1862, No. 114.

SIR,

1. With reference to the Endorsements on Petitions Nos. 1,983 of 1860, and 1,371, and 3,304 of 1861, I have the honor to state that the Petitioner's father-in-law purchased an Inám land, situated in the village of Bavinpuram some 25 years ago from one Broondanana Satapasty, who had himself purchased it from the original grantee Ananda Satapasty. In the year 1858, one Gundum Ammy brought a complaint before the Tahsíldár of the late Mohery Táluq, to the effect that the Petitioner's relatives prevented her (complainant) from enjoying the produce of the Inám land purchased by her from the Petitioner's mother-in-law. The Tahsíldár on the strength of a Deed of sale, said to have been executed to (complainant) G. Ammy by the Petitioner's mother-in-law under date the 29th August 1852, in satisfaction of two Decrees passed by the District Moonsiff of Berhampore against the Petitioner, and in consideration of the land having been actually sold by order of the District Moonsiff (though that sale was subsequently cancelled by the Agent's Court), and relying on evidence given by some of the Ryots of the neighbouring villages, and on the Cuttubady receipt for Fasli 1266 produced by G. Ammy, decided that the produce then under zuft should be made over to G. Ammy. She subsequently again complained of the interference of the Petitioner's relative before another Tahsíldár, who sent the record connected with the case to the Hoozoor for orders, where, under some mis-apprehension which I have been unable to trace, an order was drafted directing that the land should be resumed on the ground that the sale took place subsequent to the passing of the rules regarding the lapses of Ináms, and a Jeroyety Puttah be given to Gundum Ammy. The real state of the case appears to be that the Petitioner suffered injustice from the orders of the Tahsíldár, as well as from the one last named, and which emanated from my own office.

2. For the extent of land entered in the Deed of sale produced by G. Ammy is 30 Burnums, whereas the Petitioner did not possess more than 20 Burnums in that village; besides in the inquiry concerning Ináms of the Mohery Táluq commenced in Fasli 1262, this Inám was confirmed to the father-in-law of the Petitioner, though the deed of sale would seem to have been executed as late as the 20th August 1852, or the early part of Fasli 1262.

3. The Petitioner and her mother-in-law hold receipts showing payment of Cuttubady for consecutive years up to Fasli 1265, and one for Fasli 1267, whereas G. Ammy holds receipt only for Fasli 1266. The circumstances under which G. Ammy came to obtain a receipt for Fasli 1266, are explained by the statement of the Curnum and Carzee to the effect that the produce of Fasli 1266, when under zuft for arrears of Cuttubady, was sold to G. Ammy and a receipt for the Cuttubady of that Fasli was consequently given her. The cultivating Ryot of the Inám land also states that the Inám land had been in the undisturbed enjoyment of the Petitioner and her mother-in-law.

4. But looking to the fact that G. Ammy has been in possession of the land since tha time, and that she held Decrees in the Berhampore District Moonsiff's Court against the Petitioner, which were to have been satisfied by the sale, though the sale was subsequently cancelled by the Agent's Court on the ground that the land was Inám, I think the Petitioner should be directed to sue G. Ammy for the recovery of the land, &c.

ENCLOSURES Nos.—1 to 3 Petitions.

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1. Ordered to be submitted to Government with reference to their Endorsements on the Petitions returned by the Collector.

2. Petitioner and her mother-in-law seem to have held the Inám in common, for though the Deed of sale executed in 1852 was in the name of her mother-in-law, the Decrees in satisfac-

tion of which the sale took place, were passed against the Petitioner in the District Moonsiff's Court.

3. This sale was subsequently cancelled by the Agent's Court on the ground that the land was Inám with which the Courts could not interfere and that the land was, subsequently to the sale, in the possession of Petitioner and her mother-in-law, is shown both by the Cuttubady receipts in their possession, as well as by the evidence of the cultivating Ryot.

4. It may be a question, it is true, whether Petitioner has a right to the Inám. The fact of the Deed of sale in 1852 having been executed in her mother-in-law's name would seem to show that Petitioner's husband pre-deceased his father: and if so, Petitioner has no claim to succeed to her father-in-law's property. If, on the other hand, Petitioner's husband survived his father, his widow (Petitioner), and not his mother, was the heir to the Inám (in default of sons) in which case Petitioner's mother-in-law was not competent to dispose of the Inám by Deed of sale.

5. But whether the right be with the Petitioner, or her mother-in-law does not affect the question. It is clear that the right is with their family, and not with Gundum Ammy the party now in possession, and in whose name a Jeroyety Puttah was issued under a mis-apprehension of the merits of the case.

6. The Board consider the Collector wrong in supposing that a Suit is necessary to correct the error into which he has fallen. The land being Inám the Courts could have no jurisdiction over it without the permission of Government; and such permission should not, in the Board's opinion, be granted. The Collector should be called upon to cancel his former order on the subject, eject Gundum Ammy, and restore the land to the party whose it legally is.

(A true Copy and Extract.)

(Signed) C. G. MASTER, *Acting Sub-Secretary.*

No. 265. ORDER THEREON, 13th September 1862, No. 1,986.

1. The Government approve of the course recommended by the Board, the land being Inám, and accordingly direct the Collector to restore the land to the Petitioner, Muktum Bhi, and her mother-in-law, in supersession of his former order on the subject.

2. Mr. Forbes grounds the view that he has adopted chiefly on the length of time that the Petitioner's opponent has been in possession. This, the Government must remark, is mainly owing to the inexcusable delay which he has permitted to occur in the submission of his Report. The original petition on the subject was referred to him nearly two years ago for "full and *early* "report," and if these instructions had received proper attention, Gundu Ammy's possession would have been so brief as to require little or no consideration.

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

Rev. Dept.
No. 1986.

Proceedings of the Madras Government
Under date the 13th Sept. 1862

Read the following Pro. of the Board of Revenue.

(Rec. enter 23d Augt./62 No. 5,575.)

ng a letter from the
J. Ganjam, reporting on
1983 of 1860, and 1,371 and
61, regarding Inam land in the
Berhampore, with the Board's
ereon.

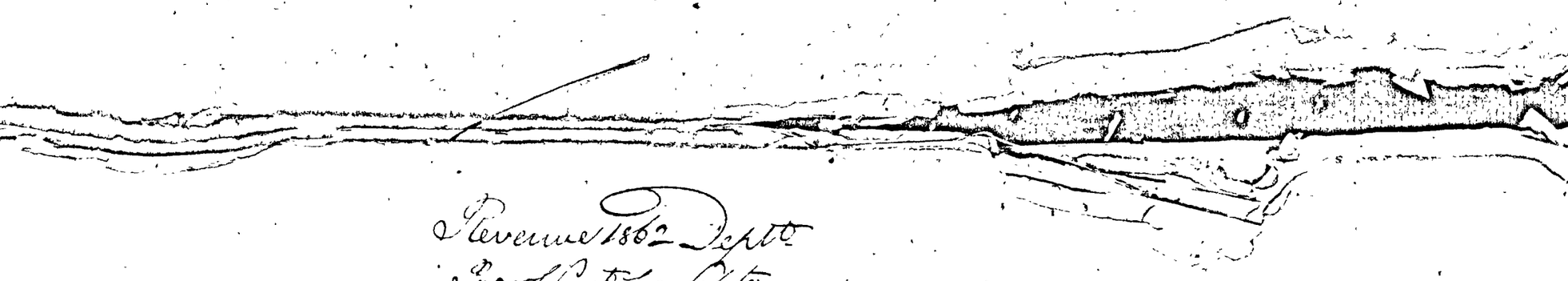
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DMA

14 Cpnes Late Brigd Rec'd Dec 15
1 Batr Dec 15
with 3 Batr



Revenue 1862 Septr.
Pro: of Govt for Septr

No 1986.

Pro: of the Madras Govt.
Dt 13th September 1862.

No 264 & 265.

(Approving) Course recommended by Revenue Board directing Ganjam Collector to restore the land to Petitioners Murkelum Bhi Dec^a, in supersession of his former order on the subject.