M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2038 — Press ~~Mis.~~

372-373

Dated 19 — 9 — 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
19th September 1862.

No. 372. Read the following Petition from MAHOMED FAKROODIN, son of MAHOMED MUSA, late Jaghiredar of Bellagunta in the Tripatore Táluq, Salem District, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 13th August 1862 :—

RESPECTED SIR,

I respectfully beg to submit triplicate copies of my Memorial for transmission to the Right Honorable the Secretary of State for India, and humbly solicit that your Honor will forward the same with your favorable recommendation. A perusal of the Memorial will convince your Honor that Memorialist and his co-heirs have been most unjustly dealt with in being precluded from their shares of two out of four villages of the Jaghire, which was granted to his father Mahomed Musa in lieu of the 60 Pagodas pension bestowed on him for his distinguished service, and he looks up to your Honor with confidence to have justice rendered him and his co-heirs.

No. 373. ORDER THEREON, 19th September 1862, No. 2,035.

The Petitioner is informed that his Memorial was despatched to the address of the Secretary of State for India on the 19th September 1862, No. 65.

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

To,

The Right Honorable
The Secretary of State for India
East India Office
London

The humble Memorial of Mahomed Fakrudin, son of Mahomed Musa late Jaghiredar of Bellagunta in the Tripatore Talug, District of Salem: — On behalf of himself and other members of the family. —

Most humbly Sheweth,

That being unjustly dispossessed of their respective hereditary shares of 2 out of the 4 Villages of which the Bellagunta Jaghire is composed, Memorialists on behalf of himself and other members of the family, begs most respectfully to submit the following facts for the just and impartial consideration of your Excellency. —

2 Mahomed Musa, Memorialists father was the Peshkar of the then Collector Colonel Alexander Read, and for his long faithful and distinguished services, the British Government bestowed on him and his heirs for 3 generations a pension of Star Pagodas 60 per Mensem. After being pensioned, Mahomed Musa solicited the commutation of his pension into Lands; but Government under an order of the 16th February 1821 only partially complied with his request and gave him an equivalent in lands for 40 out of the 60 Star Pagodas. Subsequently he again applied for the commutation of the remaining balance of 20 Pagodas into lands, and sanction to that effect was granted by

by Government in 1832. He died in 1833, up to which time no effect was given to said sanction. On the death of Mahomed Musa, the 2 Villages of Bellagunta and Gollagunta which were given in lieu of 40 Pagodas of the pension, were registered in the name of his Eldest son Gulam Nuthud, and on the 4th April 1834 Government further authorized the two Villages of Vapal Nuthum and Ummanan Covil selected by Mahomed Musa to be given to his said Eldest son Gulam Nuthud.—

3 It is to be here particularly noticed that the Bellagunta Jaghire was thus composed of 4 Villages. viz^t. Bellagunta, Gollagunta, Vapal Nuthum and Ummanan Covil together with 2 hamlets; that the whole of the 4 Villages &c were given in lieu of the 60 Pagodas pension enjoyed by Mahomed Musa and that the first two only were placed in his possession, whilst from the delay occasioned by the District Authorities, the 3rd & 4 Villages were not made over until after his death in 1833 though sanction had been given by Government in 1832 (& to Government 10th March 1834.)—

4 On the Registry of the 4 Villages in Gulam Nuthuds name he as the chief representative of the family and in accordance with the principles and practice obtaining throughout Southern India, gave Memorialists their due shares of the whole of the 4 Villages.—

5 After the decease of Gulam Nuthud Government passed an order under date the 2nd August 1845, granting "sanction for registering the "Jaghire late in the enjoyment of Gulam Nuthud "in the name of his Eldest son Mahomed Gapur, "and for taking from him an agreement binding "him to afford support to the other Members of the family

family. This order is plain and clear: it was evidently the intention of Government that all the heirs of Mahomed Musa, the original grantee should be allowed their proportionate shares of the 4 Villages and hamlets of the Jaghire, in the same manner as was done previously ever since the demise of Mahomed Musa in 1833. And in fact this intention was carried out from 1845 to 1851 by Mahomed Gapur the present incumbent, when by some unaccountable mistake or oversight, Government excluded Memorialists from holding any shares of the 2 Villages Vapal Nuthum and Ummanan Covil on the ground that they were granted to Gulam Nuthud and his children only.* Memorialists would here respectfully enquire,— By whom were these 2 Villages made a personal grant to Gulam Nuthud? For what reason were they so bestowed? What peculiar right had he, in preference to all the other descendants of Mahomed Musa, to the exclusive enjoyment of them? A perusal of the Boards letter to Government of the 10th March 1834 will plainly show that the whole of the 4 Villages were given in Commutation of the 60 Pagodas pension of Mahomed Musa the first 2 in lieu of 40 Pagodas and the other 2 in lieu of 20 Pagodas— though the latter 2 were only made over after his death to his Eldest son though not his only heir.—

6 Being unjustly dispossessed of their shares of 2 out of the 4 Villages of which the Jaghire consists and to which they were entitled according to the Ruling of Sudr Court to whom the matter was referred by Government. Memorialists addressed Government respecting their claim, when the Endorsement noted in the margin 3rd July 1862. was passed on their petition.—

In

* V. P. Registrar Sudr Court 8th August 1851.

* No. 1120 of 1862 to for back as the 2nd September 1851 Government decided that the two Villages in question had

In reference to this Endorsement Memorialists would humbly and respectfully solicit your Excellency's attention to the following considerations. —

been granted to Ghoolam Nuthud and his children to the exclusion of any Co-heirs of Mahomed Mouzo, and this is in strict accordance with the original Sanad. The Govt. cannot now consent to reopen the case. — Sgd/ P. P. Hutchins Ag. Dr. Secy to Govt.

That the whole of the 4 Villages were granted in lieu of the 60 Pagodas pension enjoyed by Mahomed Musa for the services rendered by him to the State. —

That none of the 4 Villages were self acquired by Gulam Nuthud.

III That according to the ruling of the Sudr Court all the descendants of Mahomed Musa have a right to enjoy their due shares in the Jaghire and that therefore Gulam Nuthud or his children can have no exclusive claim thereto. —

That as Memorialists are allowed shares in 2 Villages of the Jaghire, they should in like manner be allowed shares in the other 2 Villages of which it is composed. —

V That if the claims of Memorialists to the latter Villages be disallowed by Government then they can have no claim to the other 2 Villages. and if Memorialists have no right, it follows that neither Gulam Nuthud nor his son have also no right to the Jaghire, inasmuch as the whole of the 4 Villages were granted to Mahomed Musa and his heirs for 3 generations on account of his meritorious services. —

VI That if the sanction of Government in 1832 with respect to the Villages of Vapal Nuthum and Ummanan Covil had been carried into effect without delay by the District Authorities, and Mahomed Musa had been placed in possession of them during his life time, or if the 20 Pagodas, in lieu of which these Villages were given, were continued to be paid, - then there would have been no question as to Memorialists' rights, nor would there have been such a blunder perpetrated as to constitute Gulam Nuthud instead of Mahomed Musa the original grantee. —

8 A reference to the records of Government of this case will, Memorialists feel humbly assured, convince your Excellency of the truth of the foregoing statements and of their having a rightful title to a participation in the whole of the 4 Villages of the Jaghire. Gulam Nuthud or his son Mahomed Gapoor are not the only heirs of Mahomed Musa; Memorialists are also his heirs, and they would humbly plead whether it is just and fair to exclude them from the enjoyment of their shares of the munificent reward bestowed on their father by a bounteous and generous Government for his services to the State? —

9 Notwithstanding the validity of their claim, the present Government have thought proper to set them aside, because it was so decided in 1851. There is no consideration as to what whether that decision was right or wrong, just or unjust. It suffices that because, from mistake or oversight, an injustice was done to Memorialists in 1801, that injustice should be perpetuated and the mistake should not be rectified. —

10 Let it be enquired on what grounds and under what title the 2 Villages in question were given over to the exclusive enjoyment of Mahomed Gapoor, the eldest son of Gulam

Nuthud

Ruthud, and the injustice done to Memorialists will at once be seen, as also the strangely contradictory nature of the Order of Government in 1861 with all the previous orders issued on the subject.— In all probability the misapprehension arose from the 2 Villages in question having been first registered in Gulam Ruthuds name, not as having been acquired by him but as having been sanctioned to Mahomed Musa in 1832.—

The whole question resolves itself on two points.—

I Were or were not the 4 Villages given in Commutation of the 60 Pagodas pension bestowed on Mahomed Musa - 2 Villages Bellagunta and Gollagunta in lieu of 40 Pagodas and other 2 Villages Vapal Ruthim & Ummanani Covil in lieu of 20 Pagodas

II And are not all the descendants of Mahomed Musa entitled to participate in the whole of 4 Villages?

Under these circumstances Memorialists humbly solicit your Excellency to take their case into just and Merciful consideration and after reviewing the whole of the records bearing thereon, be graciously pleased to pass an order reversing the decision of the local Government and directing Memorialists to be allowed to participate in the 2 Villages of Vapal Ruthim and Ummanan Covil in common with the other 2 Villages Bellagunta and Gollagunta all 4 of which constitute the Jaghire bestowed on their ancestor Mahomed Musa.—

And Memorialists as in duty bound
Shall Ever Pray.

13th August 1862.

with confidence to have justice rendered
him and his Co-heirs. —

I beg to remain,
Respected Sir,
Your most obedt. Servant

13th August 1862.

Wo

Copy in a letter to Colonel
Dy Commr Applin No. 83 of 1862.

Ans. 2175 of 1862
No 2358/62

No 2035

The Petitioner is informed that his Memorial was despatched to the address of the Secretary of State for India on the 1st September 1854

Lt. St. George
19th Regt. Bo. N.I.

Copy to the National Jackroad Dec 20th

Copy in a Letter to England
of 19th September N.65 of 1862

Revenue 1862 Despt
Pro: of Govt Nos 2 & 3 Sept
Nos 2 & 3 of 1862.

No 2357.

From Mahummed
Fakrooddin Son of Ma-
homed Moosa late
Inspector of Police
Gunjam to Inspector Ganjam
Station Dickrah -

Dated 13th August
Rec'd 19th August
Date of enclosure

No 2035. 19th Sept

Submitting for transmission to England triplicate copies of a memorial complaining that they have been unjustly precluded from their shares of 4 out of 4 Villages of the Jaghire, & praying for a reversion of the decision of the Local Govt.

Certain order

No 372 & 373

Rec'd 12 Sept 1862 No 15