M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2106 Press Mis.

516.517

Dated 27. 9. 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 27th September 1862.

No. 516. Read the following Proceedings of the Board of Revenue, dated 8th July 1862, No. 4,389 :—

Read the following letter from G. THORNHILL, Esq., Collector of the Kistna District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Masulipatam, 11th April 1862, No. 69.

SIR,

1. With reference to the Board's Endorsement on Petition No. 451 of 1861 (herewith returned), from Rajah Vasereddy Bhavahy Mukteswara Prasada Naidu Bahadar Sur Desamakh Munnedar, ex-Zamíndár of Chintalapaty Vantu forming part of the Nandigamah Zamíndári, detailing the various circumstances which led to the sale of his Estate, and its purchase on account of Government, and praying for its restoration to him under the reasons therein stated, I have the honor to lay before the Board the accompanying Memorandum showing the origin of the Zamíndári, and its history down to the date of sale.

2. The history of the Estate being fully given in the Memorandum and in the correspondence referred to, it is only necessary here to notice the chief points on which the Zamíndár rests his claim.

3. These appear to me to be briefly as follows :—

First.—That the Estate was held as a dependent Táluq under the Vasereddy Zamíndár, and was therefore liable to attachment only in satisfaction of arrears due to the superior Zamíndár, and not in satisfaction of the arrears due by the superior Zamíndár to the Government.

* 1,82,288 12 7 — *Second.*—That the amount of arrears* due by the Chintalapaty Estate to the Vasereddy Zamíndár was more than covered by the sum† due by the Vasereddy Zamíndár under a Decree of the Sudder Adalat to the holder of the Chintalapaty Estate.

† 2,30,591 11 5

Third.—That by far the greater part of the arrears outstanding against the Estate was incurred under the management of the Officers of Government, and during a succession of seasons of famine, and extreme distress.

Fourth.—That the Peshkash fixed on the Estate was unduly high.

4. With regard to the first point, the fact that the Estate was a dependent Táluq, is fully established ; on this ground the Court of Wards declined to take charge of it, during the minority‡ of the Petitioner, and in ordering the sale of the entire Estate, the Government directed that the Chintalapaty Vantu should be sold with the rest of the Zamíndári as it was a dependent Táluq, and could not be sold separately.

‡ In 1827-28.

5. On this point then it would seem, that the Zamíndár has ground for complaint; the sale of the Vasereddy Zamíndári should not have affected his right as a sub-renter under the Zamíndár.

6. With regard to the second point the Decree of the Sudder, copy of which is enclosed and which was never reversed, is conclusive ; the sum due under this Decree by the Vasereddy Zamíndár to the Petitioner's father exceeds the amount of arrears due to the superior Zamíndár by the Chintalapaty Estate.

To Board 16th October 1846.

Faslis.	Collections. Rs.	A.	P.
1259	14,966	9	8
1260	14,197	13	8
1261	17,161	7	1
1262	17,300	3	10
1263	17,654	11	11
1264	17,726	15	10
1265	20,363	9	8
1266	20,641	10	8
1267	20,667	3	9
1268	21,676	13	2
1269	22,421	1	4
1270	24,355	5	7
	2,29,133	10	2

7. In the third point the Zamíndár is borne out by the Statement of Collections included in the Memorandum, and by the remarks of Mr. Porter, the Collector ; and with regard to the fourth point, it was shown by Mr. Porter in the same letter that with reference to the assessment of the rest of the Zamíndári the proper Peshkash would have been 17,499-14-10 instead of 19,868-4-0, the amount actually fixed upon it ; the annexed Memorandum of Collections for the last twelve years will show that it is only within the last six years that the entire Collections have equalled the Peshkash.

8. On consideration of all the above circumstances, I cannot but come to the conclusion that the Petitioner's case is deserving of the favorable consideration of Government, and it affords me pleasure to be able to add, that he is a man of high character, and held in much esteem throughout the country, and I feel assured that, should the Government think fit to place him again in possession of his Estate, that he will do credit to the position assigned to him.

9. In the event of the Government taking a favorable view of the case, I would earnestly recommend some revision of the former Peshkash, it is unknown on what data it was fixed, but it was undoubtedly higher than the Estate could bear.

ENCLOSURE No. 1.

Memorandum.

PEDIGREE.

Elder branch.

1. Ragaviah.
2. Peddapudmanaubhudu.
3. Naganah.
4. Ramanah.
5. Venkatadry Naidu.
6. Jagannadha Babu, Ramanadha Babu, adopted sons of Venkatadry Naidu.

Vasereddy Veerapah Naidu acquired the Nandigamah Purganah in Fasli 1080 (A. D. 1670-71).

1. Choudary Ramannah.

Chinna Pudmanabhudu, third son acquired the Purganahs of Panuguncheprole and Batavole, (which with that of Nandigamah acquired by his grandfather make up the whole Nandigamah Zamíndári), and Chintapally in Guntoor. This branch became extinct in Fasli 1270 (A.D. 1760-61).

Younger branch.

1. Chendra Mouly.
2. Ragaviah.
3. Atchennah, *alias* Lutchmeepaty.
4. Chendra Mouly.
5. Ramalinganah.
6. Raj Mouly.

Veerannah.

Lutchmeepaty.

Ragaviah.

Chendra Mouly.

1. Chinna Venkatadry Naidu.
2. R. V. Bhavany Mukteswara Prasada Naidu.

1. The foregoing genealogical statement of the Vasereddy family shows the actual line of descent (the collateral members being omitted), and the relationship in which the present Petitioner, and the deceased Ramanadha Babu and Jaggannadha Babu stood to each other, and to the original head of the family.

2. EARLY HISTORY OF THE FAMILY.—The original founder of the family, Vasereddy Veerapah Naidu acquired the Nandigamah Purganah in Fasli 1080, during the reign of Sultan Abdulla, and died leaving three sons, first, Ragaviah; second, Choudary Ramanah; and third, Chendra Mouly. The Nandigamah Purganah at that time consisted of 81 villages, of which five were retained by the Nizam, and of the remainder, five were alienated for the support of the Vasereddy's relations, and eleven as Shotrium to Daseeyapondeas, leaving 60 villages, which in Fasli 1096 were divided in equal portions between the three brothers as particularized below, who managed the affairs of their respective divisions, each paying his Beriz separately:—

Letter to Board 30th October 1824, paragraphs 63 to 68.

	No. of villages.
The 1st Division called the Magullu Vantu by Ragaviah	19
The 2nd do. called the Raghavapuram Vantu by Choudary Ramanah ...	20
The 3rd do. Chintalapad Vantu by Chendra Mouly...	20
The village of Nandigamah being divided between the three divisions... ...	1
Total ..	60

3. One Chinna Pudmanabudu, the third son of Choudary Ramanah of the second branch of the family, acquired by services rendered to the State, the Purganahs of Panuguncheprole and Balavole in the Masulipatam District, and likewise the Chintapally Táluq in the Guntoor District. This branch of the family became extinct by the death of Chinna Ramalingana, the grandson of the brother of Chinna Pudmanabudu in Fasli 1170.

4. In the following year the entire Zamíndári was divided equally between Naganah and Atchena, *alias* Lutchmeepaty, grandsons of Raghaviah, and Chendra Mouly, the heads of the two surviving branches. The Estates in Guntoor District were afterwards jointly managed by Juggannah, second son of Naganah and Veerannah, the grandson of the elder brother Lutchmeepaty; and younger brother of Ramalinganah (who was then in the management of a portion of the Nandigamah Zamíndári), till Jugganah put Veerannah to death in Fasli 1173, and obtained possession of the whole property including Chintapally Táluq in the Guntoor District; on the death of Jugganah, which occurred soon afterwards, he was succeeded in the management by Ramanah his elder brother, consequent on the non-age of his son Venkatadry Naidu; but in Fasli 1181, Rajah Mouly, eldest son of Ramalinganah, and nephew of Veeranah, was installed by Basalut Jung, the then Nabob, as the Zamíndár of Chintapally in Guntoor District, and received the title of Rajah.

5. On the death of Rajah Mouly, which occurred before that of his father Ramalinganah, the abovenamed Ramanah resumed the management of the Eastes in Guntoor, and on the death of Ramalinganah dispossessed Lutchmeepaty his second son of his share of that part of the Estate which belonged to the extinct branch, leaving him only the Estate which his ancestors had originally enjoyed, viz., the Chintalapaty Vantu.*

* Now claimed by the Petitioner.

6. Ramanah was succeeded by the famous Venkatadry Naidu, son of Juggannah, who deprived the abovementioned Lutchmeepaty Naidu of the Chintalapaty Vantu by exacting a larger tribute than he was to have paid by agreement for his division.

7. Lutchmeepaty Naidu represented his case to the Chief and Council at Masulipatam, who in a letter to the Governor in Council, entered at length on the claims of the two surviving branches of the family, to an equal division of the property, founded on the fact of a partition having been formerly made in the Masulipatam and Guntoor Districts, and recommended that the

To Government 16th December 1785, No. 211.

Nandigamah Zamíndári should be put in possession of Lutchmeepaty Naidu leaving the Estates in the Guntoor District to Venkatadry Naidu; but this proposition was not acceded to.

From Government to Chief, 24th December 1785.

8. On the death of Lutchmeepaty Naidu, his brother Raghaviah succeeded in recovering the Chintalapaty Vantu, but was not able to obtain the restoration of the other Estates to which he laid claim.

9. Raghaviah was succeeded by his younger brother Chendra Mouly Naidu, who managed the affairs of the Vantu uninterruptedly up to Fasli 1208 (A. D. 1799), paying the Peiz to the Circar through the Vakil of Venkatadry Naidu, who at that time being most powerful, and influential, sought to deprive Chendra Mouly Naidu of his right, and with that view brought forward charges against him, which he was unable to prove. Mr. Collector Read, in his letter to Board, recommended that a temporary allowance of 60 Pagodas per month should be allowed to Chendra Mouly Naidu by Government. To this arrangement the Board declined to accede, but directed that Vasereddy Venkatadry Naidu should be called upon to enter into an amicable settlement regarding the claims of Chendra Mouly. In reply to the above, Mr. Read reported that Vasereddy Venkatadry Naidu agreed to give Chendra Mouly either a Jahgir of three villages valued at 1 200 Pagodas a year, or a pension in money of equal amount. The Board directed Mr. Read to accept the offer of the three villages but to warn Chendra Mouly, that if he interfered in the general management of the Zamíndári, the villages would be at once resumed, and a pension only granted. Chendra Mouly outwardly consented to this arrangement, and proceeded to reside in his villages; but shortly absconded and proceeded to the Nizam's Territories. He was, however, shortly apprehended by the Nizam's servants, and sent to Masulipatam, where he was confined by orders of the Board until his death in June 1802.

17th June 1800, paragraphs 2 to 14.

From Board, 19th July 1800.

To Board, 25th April 1801.

To Board, 25th August 1801.
To Board, 16th September 1801.
From Board, 29th September 1801.
To Board, 21st June 1802.

Letter from the Special Commissioner to Government, 27th September 1802.

10. The permanent Cowle was afterwards granted in the name of Venkatadry Naidu for the whole Estate.

To Board, 21st June 1802.
* Mookata's Chinna Venkatadry Naidu.
From Board, 14th August 1802.

11. Mr. Read, in reporting the death of Chendra Mouly, recommended that the pension of 100 Pagodas sanctioned for him should be paid to his son* with arrears; a monthly allowance of 50 Pagodas only, however, was granted to him. He finding no other way to recover his ancestral right than by a recourse to legal proceedings, instituted a Suit against Venkatadry Naidu in the year 1805, which was decided in appeal by the Sudder Adalat in his favor, and he was awarded the Chintalapaty Vantu, together with its profits, subject to the assessment of two-ninths of the revenue of the Nandigamah Zamíndári, as also one-third of the profits of the five villages originally alienated for the support of the relations, but resumed by the elder branch of the family, with a reservation of the option of bringing a separate Suit for the remaining portion of the moiety of the whole Estate.

In No. 9 of 1813, Decree of the Sudder Adalat, 29th February 1816.

† Father of petitioner.
Precept from the Zillah Court of Masulipatam, 15th May 1817.

12. The said Chinna Venkatadry Naidu† was put in charge of the Chintalapaty Vantu in the year 1817, under the Decree of the Sudder Court above quoted. Vasereddy Venkatadry Naidu, the Defendant in that Suit, on his death, which occurred about the same time, was succeeded by his eldest adopted son Jaganadha Babu, who managed the Estate exclusive of the Chintalapaty Vantu till Fasli 1235, when he died. This event was followed by the attachment of the Vasereddy Estates excluding Chintalapaty Vantu, consequent on rival claims to the succession preferred in the Provincial Court. Chinna Venkatadry Naidu, however, remained in undisturbed possession of Chentalapaty Vantu paying the Peshkash thereof direct into the Government Treasury till Fasli 1238, when he died, leaving three sons under age. This

was reported to the Board by the then Collector, Mr. Dent, who questioned the Board as to the propriety of his taking charge of that Estate, the Peshkash of which had been paid to the Zamíndár of Nandigamah up to the date of the attachment in Fasli 1235 of the rest of the Nandigamah Zamíndári, but which had subsequently been paid direct into the Collector's hands. In reply, the Board said that, as the Estate was not charged with a rent or revenue payable direct to Government, it was not liable to be taken under the charge of the Court of Wards during the minority of the heir; and that it was therefore unnecessary for the Collector to interfere in the management of it, which would devolve on the natural guardians of the Minor. Under the above circumstances, the Estate was managed by the Petitioner's mother, who paid the Peshkash direct to Government, until Fasli 1243, when it was taken under attachment for arrears of revenue, and continued so till the close of Fasli 1245.

To Board, 20th September 1828, No. 57.

From Board, 29th September 1828.

13. In Fasli 1246, when Ramanadha Babu was placed in charge of the Vasereddy Estates as manager, the Petitioner Bhavany Mukteswara Prasada Naidu presented a petition to the then Collector, Mr. Blane, praying to be placed in possession of that portion of the property (Chintalapaty Vantu) formerly under the direct control of his mother. He also tendered an agreement to pay in Fasli 1248 Rupees 8,000, in Fasli 1249 Rupees 11,000, in 1250 Rupees 14,000, and in 1251 the full Peshkash of Rupees 19,868-4-0, and the arrears then due by 15 annual instalments. Mr. Blane sent this petition to Board with a letter* stating that the portion of the Nandigamah Purganah claimed by the Petitioner was a dependency of the Vasereddy Zamíndári, the Peshkash being paid through the Proprietor of that Zamíndári, and for which he is responsible; and pointing out that the division in question, was always managed on behalf of the petitioner himself by his mother till Fasli 1242; when falling into arrear from the adversity of the seasons, it was attached for a balance, and had since, with the entire Vasereddy property, been placed in possession of Ramanadha Babu, whom he represented as, strictly speaking, entitled to possession, inasmuch as the portion of the Estate claimed by the Petitioner, was a dependency of the Vasereddy Zamíndári, and had been taken possession of for arrears of Peshkash due to Zamíndár.

* To Board, 23rd May 1838.

From Board, 4th June 1838.

It was also at the same time reported by Mr. Blane that Ramanadha Babu had mismanaged the Estates entrusted to him. To this, the Board replied that they were inclined to concur with the Collector that the claims of the Petitioner were deserving of consideration; that the Government demand against the Vasereddy Zamíndár himself having been permitted to stand over for the present, there seemed no just ground for refusing alike indulgence to the dependent Zamíndár as regarded his arrear to his principal; and that this consideration was supported by the fact stated, that the parties had been at enmity with each other; and that in the present condition of the Estate, the interests of that portion might be neglected, with a view to its retention by Ramanadha Babu. The Board therefore directed the Collector to place himself in communication with Ramanadha Babu with a view to putting the Petitioner in possession of that portion of the Zamíndári formerly administered by him direct. As regards the offer made by the Petitioner to pay a gradually increasing Peshkash in each year, until the maximum reached in Fasli 1251, the Board said that they had no means of judging how far this was practicable in the present condition of the Nundigamah Purganah, but they would desire to impress on the Collector the necessity of treating the parties with consideration, and not requiring terms from them, which they could not afterwards fulfil.

Enoyetnamah, 18th June 1838, No. 27.

Arzi from Ramnadha Babu, 30th June 1838.

14. The orders in question were communicated to Ramanadha Babu by Mr. Grant, then Collector, with a desire to deliver Chintalapaty Vantu to Bhavany Mukteswara Prasada Naidu. Ramanadha Babu, however, declined to do so on the ground of Bhavany Muteswara Prasada Naidu never having held the Chintalapaty Vantu as a dependency during the *time* of his father and grandfather, and of an appeal having been made from the decision of the Sudder Adalat on the subject to the King in Council.

To Board, 7th July 1838.

15. The Petition in question was sent to Board by Mr. Grant. As regards the objections raised by the Zamíndár Mr. Grant stated that they were quite unworthy of notice, for though it might be true that the dependency was not recognized as such by his ancestors, yet the Decree of the Court of Sudder Adalat, which had never been appealed from respecting the right of Rajah Vasereddy Bhavany Mukteswara Prasada Naidu's father to enjoy it as a dependency, and *determining* the amount of revenue which it was *thenceforth to pay* had for ever set that question at rest, and that the appeal to the King in Council related to quite a different decision of the Sudder Court, in regard to the amount adjudicated as damages during the time that the dependent Zamíndár was kept out of possession of his portion of the Zamíndári. Mr. Grant further added that the only ground upon which Ramanadha Babu could claim to interfere in the concerns of Chintalapaty Vantu, was that it had not been formerly recognized by the Special Commission, or by the Board as a separate portion of the Nandigamah Zamíndári, or assessed with its due proportion of the Peshkash, while in effect and in practice that recognition had been rendered almost *complete*, not only by the decision of the Sudder Adalat above referred to, but by the circumstances of the revenue having for many years been paid directly into the Company's Treasury, and of its having been attached separately for arrears; and that in fact it was only by a fiction of law that the nominal superiority existed while all its essential properties had been vested in other hands, and all that was necessary to render it an entire and independent Zamíndári was its formal recognition as such by the Board of Revenue on ascertaining that it bore its due proportion of the public assessment. Under the above circumstances Mr. Grant recommended that Bhavany Mukteswara Prasada Naidu should be allowed to be placed in possession of Chintalapaty Vantu.

From Board, 19th July 1838.

16. In reply to the above the Board wrote as follows:—"If "there is actually a Decree of the Sudder Adalat affirming the "right of Bhavany Mukteswara Prasada Naidu's father to the "possession of the portion of the Estate as a dependency, and fixing the Peshkash thereon, there "can be no doubt of the propriety of placing him in possession, more especially as he was "actually in the enjoyment of the property at the period when the Estate was attached and up "to Fasli 1243," and observing that the ground on which Ramanadha Babu's refusal was based should be no impediment to the restoration of the property to the individual in question, the Board directed the restoration of the Estate of Chintalapaty Vantu to Bhavany Mukteswara Prasada Naidu.

17. The Chintalapaty Vantu was accordingly made over to Bhavany Mukteswara Prasada Naidu in August 1838, on the same terms on which Ramanadha Babu was placed in possession of Vasereddy Estates; and it was continued under him till December 1844, when it was attached together with the Vasereddy Estates for arrears of revenue, the particulars of which are shown below:—

Ex. Mins. Cons. 17th December 1844, No. 1341, paragraph 5.

Arrears on Chintalapaty Vantu.

	Faslis.		Amount. Rs.	A.	P.
Circar management	1243	.....	5,841	3	9
	1244	.....	15,632	9	7
	1245	.....	17,768	4	0
			33,400	13	7
Ramanadha Babu's management	1246	.....	15,568	9	2
	1247	.....	15,510	8	0
			31,079	1	2

	Faslis.		Amount. Rs.	A.	P.
Bhavany Mukteswara Prasada Naidu's management.	1,248	.....	14,904	14	2
	1,249	.....	15,032	6	5
	1,250	.....	13,520	10	0
	1,251	.....	13,483	15	6
	1,252	.....	13,466	12	0
	1,253	.....	13,454	4	0
			83,862	14	1
Circar management	1,254	.....	9,168	4	0
	1,255	.....	.....	...	...
	1,256	.....	7,668	4	0
	1,257	.....	11,268	4	0
			28,104	12	0
Grand Total arrears of Peshkash.....			1,82,288	12	7
Interest on the above arrears up to 10th October 1848.....			1,84,798	10	11
Grand Total.....			3,67,087	7	6

	Rs.	A.	P.
1 Original arrears	5,841	3	9
2 Arrears of Circar management.	61,505	9	7
	67,346	13	4

Up to the date of the original attachment of this Estate, the amount of arrears was only Rupees 5,841-3-9. This increased during the Circar management on two occasions to Rupees 67,346-13-4. As regards the second item, Mr. Porter explains that it occurred in a great measure by the unexampled distress which prevailed some years since among the agricultural classes, from which the Nandigamah Estates suffered more than any part of the late Masulipatam District. He adds that the arrears which accrued during the time that Ramanadha Babu had charge, cannot of course be attributed to mismanagement on the part of Bhavany Mukteswara Prasada Naidu. With respect to the arrear of Rupees 83,862-14-1 of Bhavany Mukteswara Prasada Naidu's own management in the six years above detailed, "Mr. Porter states that it is ascribed, as in the Nandigamah Estates, "almost entirely to bad seasons and low prices."

Paragraph 22 of letter to Board, 16th October 1846.

18. PESHKASH.—The proportion of Peshkash, which, according to the Decree of the Sudder Adalat, is chargeable on Chintalapaty Vantu with reference to the total demand of Rupees 1,05,000 on the Nandigamah Zamíndári, is Rupees 23,333-4-0, from which Rupees 3,465 on account of one-third of the profits of the five villages referred to in paragraph 11, being deducted according to the above Decree, the Peshkash payable on account of Chintalapaty Vantu amounted to Rupees 19,868-4-0.

Letter to Board 16th October 1846, paragraphs 14 to 16.

19. It is probable, as shown by Mr. Porter, that the principle of two-ninths of assessment above referred to, as borne by Chintalapaty Vantu had been agreed to by a private arrangement between the parties concerned long before the permanent settlement; and that the Court merely adopted that proportion as the existing rate instead of directing a Sub-division by which a fair assessment, with reference to the actual value of the Estate would have been determined; but the cause of this agreement, and the data on which the rate of two-ninths was adopted, are no where discoverable. It is, Mr. Porter observes, worthy of remark that while the Estate in question is only one-third of the Nandigamah *Purganah*, it has been charged with two-ninths of the assessment on the entire *Nandigamah Zamíndári* comprising the three Purganahs of Nandigamah Panuguncheprole and Batavole.

20. If a fair assessment were determined on the actual value, as estimated by the Circuit Committee, including the increase which was made at the permanent settlement, it would appear that as one-third of the Nandigamah Purganah, the Chintalapaty Vantu should bear a proportionate assess-

	Rs.	A.	P.
Average collections of nine years from A. D. 1776 to 1784 on the Nandigamah Zamíndári including Panuguncheprole and Batavole..	1,39,893	2	7
Two-thirds of the above.....	93,261	0	0
Added to the Peshkash.....	11,739	0	0
Total.....	1,05,000	0	0

16th October 1846. ment of Rupees 17,199-14-10, instead of Rupees 19,868-4-0 at present payable. This is illustrated in the following abstract taken from Mr. Porter's report:—

	Rs.	A.	P.	Rs.	A.	P.
Average collections of Chintalapaty Vantu according to the Circuit Committee's account from A. D. 1776 to 1784, Madras Pagodas, or Rupees 25,342-9-6, two-thirds of which amounts to				16,894	13	0
Proportion of increase of Rupees 11,739, above two-thirds of the average collections, as per Circuit Committees' accounts, charged on the whole Zamíndári at the permanent settlement, and chargeable to the Chintalapaty Vantu, being one-third of the Nandigamah Purganah in the same ratio as the total Peshkash of Rupees 1,05,000 determined by that settlement, bears to the remaining portion of the Nandigamah Zamíndári consisting of two-thirds of the Purganah of Nandigamah, as well as the Panuguncheprole and Batavole Purganahs				2,125	9	0
				19,021	6	0
Deduct						
One-third of the profits of the five villages resumed by Vasereddy Venkatadry Naidu, to which the Zamíndár of Chintalapaty Vantu is entitled	720	4	10			
One-third of profits claimed by the Zamíndár of Chintalapaty Vantu on account of the villages originally alienated to Despondias, but resumed by Vasereddy Venkatadry Naidu, and retained under his exclusive management	801	2	4			
				1,521	7	2
			Remainder...	17,199	14	10
Present Peshkash				19,868	4	0
Amount of annual increase charged on the Vantu				2,668	5	2

21. Sale of the Estate.—On perusing the Settlement Report of the attached Estate for Fasli 1256, the Board* considered it expedient to order the sale of the Vasereddy Estates for arrears of revenue amounting to Rupees 10,63,868-4-8, together with Chintalapaty Vantu, the arrears due from which, exclusive of interest, was Rupees 1,82,238-12-7. As directed by the Board, Mr. Porter forwarded two advertisements† one for the sale of the Estates under the management of Rammadha Babu, and the other for Chintalapaty Vantu. The Proceedings of the Board, 21st September, referred to above, was sent to Government, whereupon the Government§ said that "referring however to the Decree of the Sudder "Adalat, it would appear that this property‖ is held "as a dependent Táluq of the Nandigamah Estate paying annually to the Zamíndár a certain "proportion of the assessment on the whole Zamíndári for which the Zamíndár was left responsible; and that it would seem therefore to require consideration whether it can be disposed of "as a separate property without sub-division of the permanent Jumma in the mode prescribed "by law."

* To Board, 8th May 1848, paragraphs 8 to 24, Chintalapaty Vantu, paragraphs 22 to 31.

† Proceedings of the Board of 21st September 1848, paragraphs 15 to 21.

‡ To Board, 16th October 1848.

§ E. M. C., 25th November 1848, No. 1,298, paragraphs 5 and 6.

‖ Chintalapaty.

Board, 11th December 1848. 22. Adverting to the above observations of Government, the Board directed Mr. Porter to advertise the sale of the Nandigamah Zamíndári inclusive of Chintalapaty Vantu, as it did not appear that a separate Jumma had been fixed upon it in the manner prescribed by Sections 7 and 8 Regulation XXVI of 1802.

To Board, 21st December 1848
From Board, 11th January 1849,
To Board, 20th February 1849,

23. A fresh advertisement was sent accordingly fixing the day of sale as 5th February 1849. The Board altered the day of sale to 12th February. The Estates were accordingly put up to sale, and purchased on account of Government for a sum of

14,700 Rupees, inclusive of 5,000 Rupees for which the Nandigamah Zamíndári, including Chintalapaty Vantu, was sold. The Government confirmed the sale, and authorized the Collector to take credit in his accounts for that amount.

From Board, 30th April 1849.
Ex. Mins. Cons. 18th April 1849, No. 392.

24. Allowance.—When the Chintalapaty Vantu was attached in 1844 along with the rest of the Vasereddy Estates for arrears of revenue, Bhavany Mukteswara Prasada Naidu presented a petition for allowance. Mr. Porter sent that application to Board with his recommendation in the Zamíndár's favor; but the Board wanted some further information as to the history of the Zamíndári, and as to how the Decree of the Sudder Adalat could determine the amount of Peshkash on Chintalapaty Vantu. Mr. Porter, in furnishing the required information, forwarded to the Board a petition from Bhavany Mukteswara Prasada Naidu, in which he prayed that the arrears due might be remitted or allowed to lie over; and that he might be placed in charge of the Estate on condition of his paying the full Peshkash until a fair assessment should have been determined, with reference to its capabilities. On this occasion Mr. Porter said that it would be for the Board to consider this proposition of the Zamíndár, unless it should appear to them that the affairs of the Zamíndári were so irretrievably involved, that it only remained to pursue the same course in regard to it as had been followed in the case of Charmall and Bezoarah, viz., to put it up to sale for arrears, and purchase it on account of Government. Mr. Porter also recommended the grant of an allowance of 200 Rupees a month. This the Government sanctioned to be paid from the proceeds of Nandigamah Zamíndári, subject to subsequent revision. After the Estate was purchased by Government, Mr. Porter made a reference to Government through the Commissioner regarding the allowance of Bhavany Mukteswara Prasada Naidu, and the Government on the recommendation of the Commissioner, reduced the monthly allowance of 200 Rupees heretofore received by him to Rupees 66-10-8, or one-third of the same. This they authorized to be paid to him during the period of his natural life.

To Board; 18th March 1846.

From Board, 23rd April 1846.

To Board, 16th October 1846, paragraph 23.

From Board to Government, 14th December 1846.
Ex. Mins. Cons. 27th January 1847, No. 116.

To Commissioner, 14th August 1849.

Ex. Mins. Cons. 20th February 1850, No. 191.

Commissioner's Proceedings, 1st March 1850.

11th April 1862. (Signed) G. THORNHILL, *Collector*.

Enclosure No. 2.

Abstract.—Copy of the Decree of Sudder Adalat in No. 9 of 1813.

Enclosure No. 3.

Abstract.—Copy of the Decree of the Court of Sudder Adalat in Suit No. 6 of 1822.

1. Ordered that the above papers be submitted to Government, with reference to their Endorsement on Petition No. 2,204 of 1861, claiming restoration of the Chintalapad *Vantu*, which formed part of the Nandigamah Zamíndári included in the Vasereddy Estates in the Masulipatam District, which were purchased on account of Government for arrears of public revenue in 1849.

Ex. Mins. Cons., dated 18th April 1849, No. 392, R. D.

2. The facts of the case so far as they affect the present application are simple.

3. Petitioner's father Mustula Vasereddy Vencatadry Naidu, who was a member of a younger branch of the Vasereddy family of Guntoor and Masulipatam, sued the head of the family and holder of the Istimrar Sanad "for the recovery of a "division of the Nandigama Zamíndári called the "Chintalapaty Vantu" and was adjudged to hold the same "as a dependent Táluq," "paying to "the Zamíndár two-ninths of the Jumma assessed by Government on the Zamíndári,"

Special Appeal Suit No 9 of 1813, page 74, Volume 1. Select Decrees of the Court of Sudder Adalat.

He was accordingly put in possession of the *Vantu* in 1817, and so continued until his death in Fasli 1238 (A. D. 1828-29) when, his sons being under age, the Estate, which was not charged with a rent or revenue payable direct to Government, and was therefore not liable to come under the Court of Wards, was left under the management of the deceased's widow.

4. Meanwhile, in consequence of the death in February 1825 of Jugganadha Babu, one of the adopted sons of the deceased Istimrar Sanad holder, who himself died in 1816, the whole of the Vasereddy Estates were taken under management by the Collectors of the Districts in which they were situated pending the decision of the Courts as to the disputed right of inheritance, and thenceforward for some years the assessment on the Chintalapad *Vantu* was paid direct into the Government Treasury to the credit of the Zamíndári account.

5. The net assessment charged on the Vantu and due to the Zamíndár, amounted to Rupees 19,868-4-0, being as already stated two-ninths of the Jumma assessed on the Nandigama Zamíndári less one-third of the profits of five villages originally alienated for the support of the several members of the family, but resumed by the head of the senior branch, which share of these profits had been awarded to Petitioner's father together with the Vantu in the abovementioned Suit, and this assessment continued to be regularly paid into the Government Treasury to the credit of the Zamíndári account by Petitioner's mother until Fasli 1213, when in consequence of her falling into arrears to the extent of Rupees 5,841, the Collector attached the Vantu by way of enforcing the rights of the Zamíndár in whose stead he was acting.

6. It must be observed here that this attachment of the Vantu, which was the origin of all the subsequent complications in Petitioner's case, was altogether illegal, and it may be questioned whether under the principle laid down in Clause 5th, Section 4, Regulation V of 1822, this illegal course of procedure did not of itself cancel the arrear. Regulation XXVIII of 1802, lays down the course to be observed by Zamíndárs for the realization of arrears due to them by dependent Tahsildárs and other under-tenants of whatever denomination, and the Collecter, under the circumstances of the case, was not competent to exercise any other powers than such as would have belonged to the Zamíndár had he been in possession of the Zamíndári.

7. The course laid down is, first, distraint and sale of the personal property of the defaulter and his surety; secondly, arrest of such defaulter and his surety; thirdly, attachment and management of the sub-tenure; and lastly, if the arrears be not liquidated within the current revenue year, ousting of the defaulter if he be only possessed of a right of occupancy in the land, or sale of the sub-tenure if transferable by sale, according to the Title Deeds or established usage of the country, and it has been ruled by the Court of Sudder Adalat that attachment in such cases prior to arrest of the defaulter is an illegal act, and unwarranted by the Regulations.

See Arrear Suit No. 4 of 1822 page 337, Vol. 1 of the Select Decrees.

Fasli.	Arrears.	
1243 ...	Rs. 5,841	under Petitioner's mother.
1244 ...	Rs. 15,632	
1245 ...	„ 17,268	
	33,440	under Collector's management.

8. The *Vantu* thus illegally taken under attachment, remained in the Collector's hands during Faslis 1244 and 1245, and while in his management the arrears largely increased.

9. In Fasli 1246, the Vasereddy Zamíndári Estates were given over to the charge of Ramanadha Babu, one of the parties litigating the inheritance in the Court, and with the Zamíndári the Collector relinquished to him the illegally attached *Vantu*.

Fasli.	Arrears
1246 ..	Rs. 15,569
1247 ..	„ 15,510
	31,079

10. Ramanadha Babu retained possession of the *Vantu* during Faslis 1246 and 1247, in which time he notoriously mismanaged all the Estates entrusted to him, and in the case of the particular property now in question added upwards of Rupees 30,000 to the outstanding arrear.

11. In Fasli 1248, the present Petitioner having satisfied the Collector that he was rightful owner of the *Vantu* under the Decree of the Sudder Adalat already referred to, obtained again possession of the property under orders of the Board, and the *Vantu*, which had been illegally

Fasli.	Arrears.
1248 ...	Rs 14,904
1249 ..	„ 15,032
1250 ..	„ 13,520
1251 ..	„ 13,483
1252 ...	„ 13,466
1253 ..	„ 13,454
	83,862

attached for an arrear of Rupees 5,841, was thus after four years interval restored to Petitioner burdened with an additional arrear of Rupees 64,478, the result of the management of the Officers of Government and of the party whom he had illegally put in possession. Under the depressing influence of this encumbrance combined with bad seasons and the effects of the recent famine and consequent depopulation, it is not to be wondered at that in the succeeding years of the Petitioner's management the arrears continued to increase, as shown in the margin.

12. In December 1844, the Vasereddy Estates in the Masulipatam District were attached for arrears of revenue, and again losing sight of the fact that Chintalapad *Vantu* was a dependent Táluq, not directly liable to Government, the old illegal course was followed, and it was attached with the Zamíndári.

Fasli.	Arrears.
1254... ..	Rs. 9,168
1255.. ..	„ .....
1256.. ..	„ 7,668
1257.. ..	„ 11,268
	28,104

13. It remained under the management of the Government Officers for some three years with the results shown in the margin, and eventually, (although it had been detected, when it was proposed to sell the *Vantu* separately from the Vasereddy Estate, the Nandigama Zamíndári, of which it formed part, that such could not legally be done, as no separate Jumma had been fixed upon it) it was purchased by Government as part and parcel of the Vasereddy Estates, and has since been dealt with as if Government had thereby acquired the rights possessed by Petitioner, when, in point of fact, they had only acquired the right of the Vasereddy Zamíndár to receive a certain assessment from the Petitioner, and to recover such arrears as on a settlement of accounts might be found due.

The sale was confirmed in April 1849, and in February 1850 an allowance of Rupees 66-10-8 per mensem was granted to Petitioner for maintenance as *ex-Zamíndár* of Chintalapaty *Vantu*.

14. The Board do not doubt that the foregoing narrative of the origin and increase of the error in regard to Petitioner's position will satisfy Government of the illegality of the course that was pursued in connection with his case.

15. The assessment charged on this portion of the Nandigama Zamíndári, was, as already stated, two-ninths of the Peshkash on the whole Zamíndári, while it formed only about one-third of one of the three Purganahs of which the Zamíndári was composed, and had its net assessment been fairly calculated it would have been Rupees 17,499, instead of Rupees 19,868, at which it was fixed. The data on which this last amount was determined cannot now be ascertained, but it is presumed to have been a family arrangement of old standing, long prior to the date of the permanent settlement. That this assessment was not only comparatively but positively excessive may be deduced from the fact that in the last twelve years when the *whole* collections from the Ryots have been received by the Government, the average revenue has been below the amount assessed on the *Vantu* as a dependent Táluq, and only in the last five years has that assessment been reached, and exceeded.

16. But irrespectively of this it has been already pointed out that all that the Government could by the most liberal interpretation be said to have acquired at the sale of the Zamíndári in 1849 was the Zamíndár's right to receive the assessment on the *Vantu*, and to realize arrears found to be outstanding on an adjustment of accounts.

17. These arrears, according to the results already shown, amounted to Rupees 1,82,288, exclusive of interest. From this total might not unfairly be excluded a sum of Rupees 92,583, which accrued during the illegal sequestration of the *Vantu* on two occasions by Government, and the equally illegal transfer of it made by them to Ramanadha Babu, but more than this, Petitioner's father had obtained a Decree against the Zamíndár for Rupees 2,30,000 in 1822, being the profits of the *Vantu* while illegally detained from his possession by the Zamíndár prior to the Decree of the Sudder Adalat abovementioned, and this last Decree, the Board understand, has never been satisfied in any way whatever, nor has it been reversed.

See S. A. S. U. No. 6 of 1822, Select Decrees, page 343. Volume 1.

18. It is thus evident that in any adjustment of accounts, the Zamíndár's claim for arrears of assessment on the *Vantu*, would have been more than counter-balanced by the set off of the judgment debt, and thus at the sale of the Zamíndári, the Government purchased no good claim whatever against the Petitioner as regards previous years.

19. Under these circumstances, the Board recommend that the Collector be instructed to restore possession of the *Vantu* to Petitioner, and to submit a statement of collections made since the date of sale, taking credit for the amount of assessment due on the *Vantu*, and for the personal

allowance made to Petitioner, and crediting him with the difference towards payment of the current year's demand, and in consideration of the illegality of the proceeding that led to his present position, the Board would strongly recommend that in this settlement of accounts since the purchase of the Vasereddy Estates and henceforward for ever the assessment of the Chintalapad *Vantu* be assumed at Rupees 17,500 its fair proportion, instead of Rupees 19,868 the excessive amount hitherto demanded, and that an Istimrar Sanad be issued to Petitioner on these terms.

20. It is asserted in the Government Petition No. 1,015 of 1862 from Lutchmepaty Naidu, in whose favor the Privy Council decided the Suit for succession to the Vasereddy Estates, that the question of restoration is about to be again discussed in the Privy Council, and that as he entertains hopes of success, no change should be permitted in the *status* of the owner of the Chintalapad *Vantu*, but it is scarcely necessary for the Board to point out that only as an act of grace could any restoration of the Vasereddy Zamíndári be made, and under these circumstances the Board see no reason to admit the objection.

(True Copies and Extract.)
(Signed) W. HUDLESTON, *Secretary.*

No. 517. ORDER THEREON, 27th September 1862, No. 2,106.

1. The foregoing papers contain a history of the Chintalapad Vantu, a portion of the Nandigáma Estates, which was formerly enjoyed by a younger branch of the Vasereddy family as a dependant Táluq, paying rent to the head of the family as Zamíndár of Nandigáma. The present representative of the younger branch is the Petitioner, who himself was in possession of the Estate from 1817 to 1849 subject to various interruptions.

2. In 1849 the Nandigáma Zamíndári was purchased on account of Government for arrears of revenue, and the Chintalapad Vantu, though forming a dependant Estate, not directly liable to Government, was bought in as part and parcel of that Zamíndári. It has since been dealt with as if Government had by their purchase of the Zamíndári acquired an absolute proprietary right over the Vantu, whereas they only purchased the right of the Zamíndár to receive a certain assessment from the Petitioner, his sub-tenant and the rightful owner, and to recover such arrears as on a settlement of accounts might be found due. In point of fact the rights and title of the sub-tenant were not affected by the sale, and the subsequent Proceedings of Government in assuming possession of his Estate appear to have been irregular and illegal. Under this view its immediate restoration, as recommended by the Board, is but an act of justice.

3. The Chintalapad Vantu being thus finally separated from the old Nandigáma Zamíndári, it becomes necessary to assign to it a proportion of the Peshkash on the principle laid down in Section IX, Regulation XXV of 1802. The assessment formerly paid on account of it to the superior Zamíndár, amounted to Rupees 19,868, but this is shown to have been an exorbitant demand, disproportionate either to the size or resources of the Estate. In paragraph 20 of his Memorandum the Collector enters into a calculation on the principle laid down in the Regulation above quoted, showing that, as one-third of the Nandigáma Parguna, the Vantu should bear an assessment of Rupees 17,500 only. Accordingly, and as recommended by the Board of Revenue, the Government resolve to fix the separate Peshkash of the Vantu at that amount.

4. They would however remark that during the last six years of the sub-tenant's management the actual average payments fell short of 6,000 Rupees, or less than one-third of the Peshkash even as now revised. Probably one reason of this was that the rent was then payable to the superior Zamíndár on whose side there was an unadjusted debt of upwards of two lacs in the Petitioner's favor. But the Petitioner must be informed that, the Estate being now restored to him under a moderate assessment, he will not be permitted again to fall into arrears.

5. It remains for the Government to settle the principle upon which the account of the proceeds of the Estate, while in their possession, should be adjusted. The Board propose to commence the account from the day of sale, and that Government should forego all claim to arrears previously contracted. Looking to the fact that the arrears were due, not to them, but to the superior landlord, who himself was considerably indebted to his sub-tenant, the Government approve this course.

6. The Board further recommend that in the settlement of accounts with the Petitioner the Government should take credit for the assessment due since the sale only at the reduced rate of Peshkash, thus antedating its reduction to the time of the sale. The Vantu ought then to have been separated from the rest of the Estates, and its just proportion of Peshkash ought at once to have been settled. On these grounds the Government approve of the Board's proposal. Under these concessions a small balance will appear in the Petitioner's favor, and he may be credited with it towards payment of the current year's demand.

7. The Government agree with the Board that Latchmipaty Naidu has not shown any sufficient reason why the settlement of this question should be delayed on his account.

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

Northern Division.

Zilla Court of Masulipatam — No. 2201 of 1805
Provincial Court — No. 77 of 1810
Sudr Adalut — No. 9 of 1813.

Appellant — Respondent

Rója Vásireddi Venkatasi Naidu. — Veerasa Naidu. Rója Mustafa Vásireddi & Venkatadri Naidu

A. A. Scott

Present Judges
Signed Tod & Greenway
Present Judges
& Sc Stratton
3d Judge.

L. S.

Decree of the Sudr Adalut

Mustafa Vásireddi Venkata-dri Naidu versus Rója Vásireddi Venkatadri Naidu in the Zilla Court of Masulipatam for the Recovery of a division of the Nandigáma Zamindari called the Chintalapaty Vantu

and

and of the sum of Madras Pagodas
16,219 or Sicca Rupees 47,663-7 on
account of the following items Viz.t

1st Annual Revenue of the Chintalapalli Vantu for four years from Fasli 1211 to Fasli 1214 ..... } Madras Pgs 5,899--"

2d Arrears annexed by the Collector Mr Read to be due for a moiety of Komiconeley and other Joint villages for five years from Fasli 1210 to Fasli 1214 } 1,500---

3d Amount & value of horses, Cattle &c alleged to have been removed by the Defendant ..... } 2,520---

4th Balances of Collections made from the Chintalapalli Vantu in Fasli 1210 } 3,000---

Total Madras Pagodas } 11,219---

2 The Sessional Judges by decree dated the 17th August 1810 disallowed all the claims of the Plaintiff except the 3d Madras Pagodas 2,520, the amount value of property alleged to have been plundered by the Defendant

From this decision Muklala Vasireddy Venkatadri Naidu appealed to the Provincial Court for the Northern Division by petition, dated the 29th October 1810, and that Court by a decree dated the 31st December 1811, reversing the decree of the Assistant Judge awarded to Muklala Vasireddi Venkatadri Naidu as follows Viz.t

1st Net produce of the Chintalapalli Vantu for 7 years from Fasli 1211 to Fasli 1220, deducting an allowance of 600 Pagodas per annum paid to Appellant by Respondent ..... } Madras Pagodas 11,305---

2d Share of the profit of the Joint Village Komiconeley &ca for 7 years ..... } 6,300---

3d Balances of Collections made from the Chintalapalli Vantu in Fasli 1210 ... } 3,000---

4th Amount of Value of Cattle &ca ... 2,800---

Total Madras Pagodas 23,425---

or Sicca Rupees 9,186-4-"

3 Dissatisfied with this decision, Raja Venkatadri Naidu appealed therefrom to

to the Court of Sudr established by
Regulation dated the 2d. March 1802. The
Vakil Narain Vaidy appeared for
the said appellant, and the Vakil
Calum Nasrul for the Respondent
Muttala Venkatadri Naidu;
and the pleadings of the parties have
been heard and filed of record.

Muttala Venkatadri Venkatadri
Naidu, the Plaintiff, in this cause
claimed to hold the Chintalapali
Vantu, as a dependant Talúk, by right
of inheritance, & dependant Talúks are
known & expressly recognized in the
Regulations, and like any other species
of property, it may be hereditary. There
is nothing in the claim itself to bar it
from adjudication by the Courts, and
it is in no respect incompatible
with the rights conferred by the Sunnud
i Milkeut i Inamaree.

The

to The Zilla and Provincial Courts
erred in considering that the Sunnud i
Milkeyet i Inamaree granted to Rájah
Vasireddi Venkatadri Naidu for the
Nandigáma Zemindari annulled the
claims which the other party might
have had upon that Zemindari. Those
claims could not be affected by the
Sunnud, and that such was the opinion
at the time appears clear from the
correspondence between the Collector and
the Board of Revenue, in which it
is expressed that the claims in question might
become the subjects of adjudication in
the Courts then about to be established.

5 The first question for consideration
is whether Muttala Vasireddi Venkatadri
Naidu has established his claim to hold
the Chintalapalli Vantu of the Nandigam
Zemindari as a dependant Talúk; and
it appears to the Court that his right

is

is clearly recognized in the several representations marked (J) (K) (N) (O) and (V) assessed by Rájah Vásireddi Venkatádri Náidu to the Collector: Mr. John Read. Urged by the Collector to satisfy the claims of Mocatála Moulina, the father of the Plaintiff, the defendant did not pretend that those claims were unfounded, but he accused Moulina of having absconded without paying Peishcush due on his villages, of disregarding his subsidies to return and of inviting upon Extraordinary terms, among which, as it would appear from the document marked (R), was a claim to a remission. The assessment payable by the holder of the Chintalapati Vanda stipulated to be one tenth of the public Peishcush assessed on the Nandigáma Zemindari, of which it formed a dependency, and Rájah Vásireddi Venkatádri Náidu, in the several representations above mentioned, expressed his readiness to allow Moulina to take charge of the Vanda meaning the Chintalapati Vanda upon his agreeing either to pay the revenue into the hands of the Naick in charge of the Nandigáma Purgunna or to remit it to the Tahsíl attending at the Aagár, and this, he appears to have looked upon as a concession to Moulina in respect to the mode in which he was bound to pay the revenue of the Tálúka to the superior Zemindar.

6 The Court, therefore, considers Mukkala Vásireddi Venkatádri Náidu to claim to hold the Chintalapati Vanda as a dependent Tálúk to be established upon grounds altogether distinct from the Document marked [X] upon which in his pleadings both in the Provincial Court and in this Court, he chiefly relies, but which Rájah Vásireddi Venkatádri Náidu asserts to be a forgery.

7 The document is dated the 3d day of decreasing Moon Visaka of the year Rakhásha corresponding with the 17th May 1804

and purports to be a Kararnamah executed by Rája Váisiredi Venkatadri Náida agreeing to put Mukkála Varisai Venkatádri Náida in possession of the Chintalapálly Caudu; which is stated to be his paternal right from the beginning of Fasli 1216 to reimburse him for the loss he had sustained in houses, cattle, and other property, conformably to the order issued by Mr Read on the 8th November 1806; and to allow a exemption from the revenue payable for the Chintalapálly Caudu of Mannem Rázagopaul, on account of certain joint villages as settled by Mr Read. The Kararnamah is stated to have been drawn out in the hand writing of Adiráza Venkáya and is witnessed by Vakkámmiri Venkámma and Mukkámmidi Jógaya one of the two subscribing witnesses, Vakkámmiri Venkámma, is reported to be dead. That the other subscribing witness Mukkámmidi Jógaya and the writer of the instrument

Audirázu Venkáya, together with Pallimbakà Pápaya, whose depositions are marked [illegible] and [illegible] were called to prove it in the Zilla Court, and no attempt was made on the part of Rája Váisiredi Venkátádri Náidu to impeach it until after the Assistant Judge had delivered his decree on the case.—

On the other hand however, the Execution & delivery of the Karárnamah is not so full as might be desired. The witness Pallimbakà Papaya proves that it was executed in the Nabobs garden at Chintagunta Pallem, but Adiraza Venkáya and Mukkámmidi Jógaya are silent upon this point. It would have been satisfactory to have ascertained the circumstances which led to the execution of the Karárnamah the terms of which are evidently disadvantageous to Mukkála Váisiredi Venkatadri Náidu, in as much as the Chintalapalli Caudu though

though acknowledged to be his seal and right, is granted to him only from
April 1814 and no compensation is
promised for the time during which
the Vantu was with-held from him.
It would also have been satisfactory
to have ascertained how it happened
that no act whatever was done in
performance of the engagements which the
Rarárnamah contains.

¶ But though information on
these points would have been satisfactory
it cannot be considered indispensable
to the admission of the Rasarnámah,
The simple fact of the execution
and delivery of the document in
question is proved by competent witnesses,
and their evidence can be invalidated
only by other evidence. The principal
arguments upon which Rája Váginti
Venkatádri Náidu grounds his
assertion that the Rarárnamah is a forgery

are

12

are first the improbability of his
executing such an instrument, and secondly
the omission of the Plaintiff to notice it in
his bill of plaint. It is obvious that
any reasoning with respect to the improba-
bility of a fact can have very little
weight in opposition to direct evidence of the
fact; and with respect to the second
argument, it must be observed that
although the Plaintiff omitted to notice
the Rarárnamah in his bill of plaint
filed on the 15th November 1805, he alluded
to it in his supplemental reply filed
the 21st December 1808, and that it was filed
with the other documents produced by
the parties in this suit on the 7th August
1810. The allusion to it in the supple-
mental reply is however stated to have
been inserted after that document was filed,
and this allegation derives some slight
support from the appearance of the
writing, but the words in question might
have been added after the paper had

been

been drawn out and before it was
filed, and no inference materially
affecting the authenticity of the Karárnamah
could be drawn from this irregularity,
even if it had been established or
because the Plaintiff's claim was not,
and could not be founded upon this
document, and it would be referred to
merely as corroborative of the claim.

10 The next point for consideration
is the amount to which Mukhtála
Vásireddi Venkatáyi Náicken is entitled,
as the net income of the Chintalapáli
Vantu from fasli 1911 to fasli 1916 inclusive
There is no evidence on this point, but
Mukhtála Vásireddi Venkatáyi Náicken
states the net income of the Vantu for
the four years to amount to Pagodas
5,899, and as the correctness of this
statement was not impeached by the
Defendant in his pleadings in the Zilla
Court, the amount stated must be
taken to be admitted -

The

11 The next point for consider-
ation is the claim of Madras Pagodas
900 per annum on account of the
Konikhanchery and other joint village.
This claim rests upon the alleged
decision of Mr. John Read, and it is
established by the document marked (V) being
an Extract from Mr. Read's report to
the Board of Revenue dated the ____
that the Plaintiff's father originally
claimed a remission from the Revenue,
payable for the Chintalapálivantu, of
Madras Pagodas 1,417 of which as
appears by the Exhibit marked Z, the
sum of 917 — Pagodas was on account
of Konicencery and four other Joint
Villages, and that Mr. Read had en-
deavoured to prevail upon the
Zemindar "to promise a reduction
rather a gratuity, of Madras Pagodas
915 - provided his relation acted in
Conformity with his wishes" That

Mr.

Note
So in the original.

Mr. Read considered the Plaintiff's father entitled to a shares of Komitiendy and the four other joint villages appears clearly from the exhibit marked (I) as well as the 8th Paragraph of his report, marked (V), and as the witnesses Adiraja Venkaya Vaireddi Venkaya (E), and Medichandla Jogaya (J) severally depose that Mr. Read actually settled at Gollapúdi that an annual remission of 900 Madras Pagodas on account of the Joint Villages should be made from the revenue payable by the Plaintiff's father on account of the Kunkalapaty Vantu; and as an additional document to the same effect was made by Rája Vásireddi Venkatadri Naidu in the Karoonénnah marked [X], the Court see not any grounds upon which the Plaintiff's claim on this account can be disallowed. Rája Vásireddi Venkatádri Naidú's witnesses, Lakkuniry Adisammah and

and Gollamúdi Viraya (L) and (M) do. indeed depose that no such settlement was made by Mr. Read at Gollapúdy, but their evidence seems not entitled to much credit.

12 The fourth point for consideration is the claim for the recovery of Madras Pagodas 2,870, the amount value of property alleged to have been plundered and destroyed by the Defendants Miscellaneous rests on the alleged decision of Mr. Read. In the Plaint claim endorsed by Rája Vásireddi Venkatádri Naidu to Mr. Read marked (K) in this passage. "With respect to the effects, I agree to return them according to the list drawn out in the hand writing of the Karoonens of Mogitala with exception of those that are worn out." There is a similar passage in the representation marked (V)

Mr.

The lists marked [K] and [L] state the value of the property to have amounted to Madras Pagodas 7,870, the sum claimed, but these are represented to be only Copies of the lists produced to Mr. Read, and as no reason is assigned why the original lists are not forthcoming, these copies cannot be admitted. The witness Chana Nayanna [H] deposes, however, that the value of the property in question according to a list furnished by the Plaintiff's father to the Defendant amounted to Madras Pagodas 1775- See clauses of the Decree, which several of the witnesses state to have been worth near 1,000 Pagodas, and in the absence of all evidence tending to impeach the correctness of the Estimate thus made of the property which Raja Vavineddi Venkatadry Naidu agreed to receive, and thereby acknowledged his acquisition of it, the Sum claimed by the Plaintiff on this account must be admitted.

13 The remaining point for consideration is the claim for the balance of collections alleged to have been made by Raja Vavineddi Venkatadri Naidu from the Chintalapalliamulu in Fasli 1210. The Plaintiffs father was put in possession of the Talu in the Fasli year last mentioned, and that he paid six of the lists for that year is distinctly proved. The only question then is as to the amount collected by Raja Vavineddi Venkatadri Naidu after he ousted the Plaintiffs father. The sum claimed is Madras Pagodas 3,000- being the balance of the alleged collections, after deducting the amount of three lists Madras Pagodas 1,809-15 paid by Raja Vavineddi Venkatadri Naidu. The claim is unsupported by the evidence of Kadiraya Linganna whose deposition is marked [K] and it is not assisted by any evidence on the part

of Rája Vasireddi Venkatádri Náidu

The claim is therefore considered to be established.

14 The Court considers it to be distinctly understood that they consider the Karanámah (X) to be necessary to the establishment of only one of the claims advanced by Mukkála Vásireddi Venkatádri Náidu, viz. that which relates to the Ronnicamsby and other Joint villages all the other claims are established on grounds altogether independent of the document above mentioned.

15 The Court therefore setting aside the decrees of the lower Courts respectively, do adjudge that Mukkála Vásireddi Venkatádri Náidu is entitled to hold that division of the Sandigamah Zemindari called the Vellalapátiamah as a permanent talukh, his paying annually to the Zemindar by established kists a sum equal to two ninths of the Public assessment fixed on the Zemindari of Nandigáma

Nandigáma aforesaid.

16 The Court further adjudges that the appellant Rája Vásireddi Venkatádri Náidu do pay to the Respondent Mukkála Vásireddi Venkatádri Náidu the sum of Madras Pagodas 16,219 or Arcot Rupees 67,463, 2. on account of the following items viz.ª

1st. The net revenue of the Vellalapátiamah for four years from fasli 1211 to fasli 1215 inclusive	Madras Pagodas	5,899
2d. Arrears due for a moiety of Ronnicamsby and the other Joint Villages for five years from fasli 1210 to fasli 1214 at the rate of Pagodas 900 per annum		4,500
3d. Value of houses, cattle, &c. taken possession of by the Appellant		1,870
4th. Balance of collections made from the Vellalapatiamah in fasli 1210		3,000

Total Madras Pagodas 16,219

or Arcot Rupees 67,463-2

and

And the Court also adjudges that the said appellant Rája Váireádi Vanhálúri Náicu do pay all costs of suit.

Fee of the Appellant's pleader Náraina Sastry on Rupees 9,158 being the amount appealed for according to Clause 2nd Section VIII Regulation X of A.D. 1809 as follows.

On Rupees 1,000 at 5 per cent	50	- -
On Do ... 4,000 at 4 per cent	160	- -
On Do ... 5,000 at 3 per cent	150	- -
On Do. 15,000 at 2 per cent	300	- -
On Do 25,000 at 1 per cent	250	- -
On Do. 40,186 at 12 annas per Do	301	5-3
		1,211-5-3

Fee of the Respondent's pleader Gulam Nasool as above. 1,211-5-3

Value of stamps filed by the Respondents

One roll for Vakálatnáma	2	- -
Five Do for Copy of Appeal Petition	5	- -
Four Do for Answer	8	- -
Two Do for Copy of reply	2	- -
One Do for Rejoinder	2	- -
Twenty six Do for two Copies of this decree	26	- -
		45 - -

Total Rupees two thousand four hundred and sixty 2,467-10-6

17

Given under our hands and the seal of the Court this twenty ninth day of February in the year of our Lord 1816.

By order of the Court of Sudr Adalut

(Signed) W. Oliver
Register

(True Copy)
By order of the Court
(Signed) A. Wells
1st Judges for the
Register

(True Copy)
(Signed) H. Ind
Judge.

(True Copy)
J. Blundell
Collector

Compd. J. B. Lawrence
&C

Copy in a Letter to England
Dated 27th September No. 690/62

No. 7

1862 Dept

In a letter from
the Collector of Jaffna
Dated Kalee 11th
April 1862
No. 69

R 1989 4/62

Copy of the
Decree of Sudr
Udalut in No. 9
of 1813.

In R. 2320 of 1862
Jaffna 23 April

The Decree of the Court of Sudder Udalut;

Provincial Court in the Northern Division.

Original suit No. 249 of 1815. Court of Sudder Udalut No. 6 of 1822.

Appellant

Vegiah Vasseredy Mahyala Ellia Vinkalady Pandaru Bahadur Talukdar of Chinnalapoute Pandu under the Zemindar of Nandeiyama in the Pirivu of Mandatapannagam in the Tirikk of Mavuliputtam.

Vakeels
Srinivasa Chetty.

Respondent

Vegiah Vasseredy Pagamada Lauda Bahadur Rumna Cultan deceased, late Zemindar of the Nandeiyama Zemindary.

Vakeels
Explorte

[Signed] G. A. L. Ogilvie
F. A. Grant
G. Gowan

On the 3rd of October 1817, the Appellant instituted a suit in the Provincial Court for the Northern Division against Vegiah Vasseredy

Lugamanda Bauboo Bahadur, now deceased, to recover the sum of Rupees 395568-3-8. The Final Decree dated the 31st of August 1822, dismissed the Claim with Costs.

2 From this decision Rajah Vassereddy Venkatadry Naidu appealed by Petition dated the 7th November 1822, the special grounds of appeal have been heard & filed against the late Respondent Rajah Vassereddy Lugamanda Bauboo Bahadur having failed to attend within the time limited for the appearance, he was not permitted to file an answer to the Petition of Appeal.

3. The Court of Sudder Adaulut having considered the record of this Appeal, gave judgment on 21st of April 1825, reversing the Decree of the Provincial Court, & adjudging to the Appellant the sum of Rupees 23,919-9-11. with Costs against the Respondent amounting to Rs 8229-12-

4 The Respondent before named it may be observed, died on or about the 28th

28th of February 1825, but as the Court had previous to their knowledge of this event, formed their opinion upon the merits of the question before them, & as the subject of dispute did not involve a point of law as to who might be the heir of the deceased Respondent, it was resolved that a declaration of the Judgment should not be postponed, & that the Decree should be satisfied from the property of the said Respondent without respect to whoever might be possessed of it.

5. Upon the demise of the Respondent aforesaid, it appears that Rajah Vassereddy Lugamanda Bauboo Bahadur took possession of his Estates by virtue, as he alleges, of a Will executed by the deceased Zemindar in his favour, & on the occasion of the above decision being about to be enforced, he on the 21st of July 1825, submitted a Motion soliciting a review of Judgment for various reasons, and this Court having maturely considered the subject, resolved on the 18th of August 1825 to permit the review for two reasons, the first was that in passing Judgment, they did not contemplate the charge for Armed Sibbandy claimed as a credit on the part of the Respondent

Respondent as connected with the financial management of the Estate in the realization of the assets, & secondly that a sum was adjudged against the Respondent in Appeal No 2 of 1813, part of which he is entitled to receive credit for, as having been retained out of the rents collected from the Chintalapad Vantu Zeloven Sixes 1215 & 1220, from 12th July 1805 to 11th July 1813.

6. The Court having resumed consideration of the record in this appeal, it appears that sometime in the years 1801 or Fasly 1211, the late Respondent's adoptive father Rajah Vasireddy Venkatadry Naidu Bahadur Ramanadhan restored possession of the Appellant's hereditary Estate of Chintalapad dependent on the Nundigama Zemindary, and in remuneration gave a monthly allowance of 50 Madras Pagodas to the Appellant, who dissatisfied with the injustice of this act preferred an original suit in the Zillah Court of Masulipatam on 15th November 1805,

which

which was numbered 2201, claiming the recovery of the aforenamed Vantu together with four years' profits for Faslies 1211-12-13-& 14 or from the 12th July 1801 to 11th July 1805, amounting to 5899 Madras Pagodas. A Decree having been given against the Appellant on 17th August 1810, in the above suit, he appealed therefrom in No 77 of 1810. to the Provincial Court for the Northern Division which on 31st December 1811 gave judgment in his favor, and the aforesaid Rajah Vasireddy Venkatadry Naidu Bahadur being dissatisfied with the first judgment, appealed in No 9 of 1813 to the Court of Sudder Adalut, which on 29th of February 1816, adjudged the Vantu in dispute to the present Appellant with profits to the Fasly year 1214 inclusive.

7. The Appellant having conformably with the above decree, regained possession of the Vantu before named consisting of 28 villages together with the estimated profits thereof, until the close of Fasly 1214 or 11th July 1805, represents in his petition of Plaint that, during the interval the claim respecting the right of property in the above Vantu was pending, his opponent retained possession thereof, until the final decree of the Court

of

of Sudder Adalut was enforced or from
July 1215 to July 1225, both included being from
12th July 1805 to 11th July 1816; that the accounts he
has been enabled to procure from the Village Curnums
for those eleven years show that the clear profits
amount to the sum of Pr. Pr 233139-5-v-v that the
interest on these profits calculated at the rate of
12 p.c. per annum amounts to Co.rs 102,578-14-8-
being in all a sum of Rupees 2,95,668-3-3- with
accruing interest pending the investigation of the
claim forms the subject of the present suit.

8. In the original answer, the
Respondents, after advancing some irrelevant
matter, questioning the justice of the decisions
passed in R.o 7 of 1810 and R.o 9 of 1813, aforesaid, & which
have been enforced, & finally determined, denied
the correctness of the account upon which the
claim is founded, pleading that the total amount
collected during the eleven years in question from the
Chintalapaty Vuttu came to To 3581. Madras Pagodas
7 Dooglums & 6½ Vissums instead of 129941-Madras
Pagodas, 13 Dooglums & 2½ Vissums as stated in
the Petition of Plaint, that the Berizor Jumbelie
assessment rendered to the Government during the
above period, came to 56,66. Madras Pagodas
D.V. 10-9. the monthly allowances to the Appellants
amounted to 6,600. Madras Pagodas, the expences
of Sibandy Tanadars &c — amounted to

Madras

Madras Pagodas 5931-12-3 D.V., the expences
attendant on account of a Cutwall & Establishment
amounted to Madras Pagodas 1173-4-14 D.S., and the
charge of Armed Sibandy for protecting the above
Talug from Freebooters and Pendaries amounted
to Madras Pagodas 30746-13-14- making in all
a sum to be deducted from the above collections
of M. Pags 101218-9-8 D.V. in lieu of M.P. 68866-10-9
as alleged in the Petition of Plaint & thus leaving
a clear profit of M. Pags 2332-12-14½ or Co.rs 8981-
8-9 D.V. instead of M.P. 61075-2-9½ or Co.rs 233129-5-v
the principal amount claimed; he finally contended
that as the Appellants had contentedly received his
annual allowances of 500 Pagodas until the decision
was enforced in Appeal R.o 9 of 1813, & as the right
to the property therein disputed was not determined
until that decision was passed, the Appellant's
present claim was unjust & litigious.

9. In his reply, the Appellant maintained
that the accounts rendered to him by the Curnums of
his Talug under the provisions of Regulation XXIX of
1802, are correct, & entitled to respect; that the
Respondent's late Father collected the sum alleged
in the Petition of Plaint or M. Pags 129941-13-2½ D.V.
he proved; that no Cutwall & his Establishment
were employed involving a charge of M.P. 1173-4-9¼ D.V.
in the Chintalapaty Vuttu; & if there had been, that

he

he is not bound to defray the expences, that the Respondent's late Father was not authorized to employ an armed Libbandy in incurring in the eleven years aforesaid an expence of M Pagd 30746-13-14- but that contrary to the Council of Government, he invited the Madura Cheema in the Nizam's Territory which brought upon him the hostility of Ramaraze & others, & obliged him to maintain some armed Libbandy to protect himself from them as well as for purposes of grandeur, that no Libbandy was employed to oppose the Defendants, & that for the charge of Invaders and Libbandy, no more should be allowed than M.P. 500. yearly or 5500 M.P. for the eleven years being the sum fixed by the Court of Sudder Udalut in their Decree N.° 9 of 1813.

10. In his Rejoinder, the late Respondent repeats the pleas offered in his answer against the corrections of the accounts of his opponent, & in affirmation of the truth of his own

Statements

Statements, adding that the expence incurred on account of armed Libbandy & a Cutwallé Establishment originated in orders from the Magistrate for the protection of the Talúk against incursions of Freebooters &c. as also for the convenience of Travellers in procuring provisions for them.

11. In support of his claim, the original Plaintiff (Appellant) filed an authenticated copy of the Decree of the Sudder Udalut in Appeal N.° 9 of 1813, passed on 29th February 1816, & unstamped copies of the accounts Particular of 19 of the 23 Villages forming the Punta or Talúk of Chittalapád. He produced four other accounts for the remaining four Villages but the Provincial Court on 18th June 1821, rejected them in consequence of containing erasures & interlineations. — On this part 23 Witnesses who were Curnums of 22 of the Villages in question were examined.

12. On the part of original Defendant (late Respondent), an abstract account of the 23 Villages aforesaid was exhibited shewing the yearly collections, charges, profit or loss during the eleven Faslies in dispute. He also filed eleven

Accounts

accounts Particular detailing the annual transactions of those Villages, year by year. 62 Cubjects or receipts given by Cutwallo, Commandants, Subadars & Vayakis, and other Sibbandy alleged to have been employed by the Defendants adoptive father were likewise filed as were six original orders from Messrs Read, Thackeray, Byng, and Lod respectively Magistrates of the Zillah of Masulipatam, issued between 25th August 1801 & 5th July 1814. On his behalf 15 Witnesses were examined.

13. The Provincial Court for the Northern Division rejected the claim and adjudged the Plaintiff in addition to his own costs not enumerated in the Decree, to sustain the costs of the Defendant amounting to Rupees 1,769-- --

14. From this Decree, the Appellant appealed on the ground that the allegations set forth in his original Petition of complaint had been proved by competent & sufficient evidence, that the respondent admitted in his pleadings that the Collections amounted to Rs. 1,03,551-6-6½, & that a profit had been derived by his late father even after deducting unauthorised & exorbitant charges for Cutwallo & armed Sibbandy he further contended that as the Government had charged itself under Regulation XXV of 1802, generally with the maintenance & support of such Establishments as may be required, for the better Keeping of the Police, any charge of this description should be rejected as illegal.

15 The Court of Sudder Adalut as already observed in the Judgment, pronounced by them on 21st of April 1825, since set aside, that this Review of the case might be considered, feel not the least hesitation in declaring that a Judgment must be passed in favor of the Appellant, & the only point for determination is the exact sum that should be awarded to him as the amount of the mesne profits he is entitled to during the period his Estate was unlawfully occupied & enjoyed by the late Respondents adoptive father.

16. The record connected with this case abundantly proves that the Appellant has received the computed value of four years profits of the Taluq in question which were estimated at the sum of Rs 1,474-12-- per

per annum: they further show that the late Respondent's adoptive father enjoyed the profits of this Talluk until the Decree in Appeal No. 9 of 1813 was enforced on 31st January 1817 - they also show that when the Petition of Appeal No. 9 of 1813 was preferred on 26th March 1812, the Appellant therein retained possession of the said Talug under the provisions of Clause 2nd, Section XI Regulation XII of 1809, upon his furnishing the prescribed security under an order of the Court of Sudder Adalut dated 28th April 1812, & they show that the gross collections made by the late Rajah Vasereddi Venkatadry Raidu amounted at the lowest calculations to the sum of Md Pags 10,955/-6.6½ which is the amount the Court adopts as the sum to be accounted for.

17. In determining the amount that should be charged for the expences attending the management of the Estate the Court will adopt those claimed by the late Respondent as far as they regard the amount of Public assessment, monthly allowance to the Appellant, & the ordinary expences of Sibbandy & Tanadars being for these three items: Md Pags 6298-6-12.

18. With respect to the credit claimed for the charge of Gr. Rs. 1178-4-14- on account of a Cutwall and his Establishment, the Court entirely concur with the Appellant on the inadmissability of such a charge as it is expressly declared in Section V Regulation XXV of 1802 that the Government has charged itself generally with the maintenance & support of such Establishments as may be requisite in the several Provinces, Cities, Towns for the better keeping of the Police, & all that Zemindars are required to do as good & loyal subjects, is declared in Section XV of the same Regulation, whereby they are expected to assist the Magistrates in apprehending & securing offenders, and giving notice of robbers or other delinquents seeking refuge within their Zemindaries. As it has not been proved on the part of the Zemindar of Nandigama that the Saundi Mukkut Istemrar or Deed of Permanent Settlement for that Zemindari stipulates or the the Zemindar of that Estate to maintain the Police necessary for the preservation of the peace therein, the Court determine to reject this item of charge on the part of the Respondent.

26

The

19. The next charge for consideration is the sum of Pr. Rs. 30,746-13-11 D.V. claimed on the part of the Respondent on account of Extra Sibbundy which in the Petition for a review of Judgment presented on behalf of Rajah Ramanadabauboo Bahadur, it is averred were necessarily employed to protect the Talukh of Pyatte of the Nandigama Zemindaree from being injured by freebooters from the adjoining territory of the Nizam's Government, & from the incursions of Pendaries, & which it is added alone enabled the late Rajah Vasireddy Venkatadry Naidu to realize produce during the 11 years in dispute, whereas the assessment fixed by the Honorable Company was regularly discharged leaving a profit after deducting every charge, & he contends that if this extra Sibbundy had not been entertained in lieu of any profit being derived, the appellant would on his part have to make good to the Nandigama Zemindar a yearly loss upon the Chintalapaty Pintu.

The

20. The yearly sums claimed on behalf of the Respondent during the 11 years in dispute on account of this Extra Sibbundy charge exhibit varying sums per each year being.

	Pr.	D.V.
For the first year or Fusly 1216	1926 -	10 - 12
For the second year or Fusly 1216	3040 -	10 - 11
For the third year or Fusly 1217	3199 -	5 - 4
For the fourth year or Fusly 1218	2270 -	10 - 10
For the fifth year or Fusly 1219	1821 -	5 - 4 -
For the sixth year or Fusly 1220	2011 -	5 - 4 -
For the seventh year or Fusly 1221	3225 -	5 - 4 -
For the eighth year or Fusly 1222	3322 -	10 - 8 -
For the ninth year or Fusly 1223	3350	15 - 10
For the tenth year or Fusly 1224	3045 -	15 - 11
For the eleventh year or Fusly 1225	3589 -	9 - 0
Making in all Madras Pags	30746 -	13 - 11 -

21. Previous to deciding on the motion of admitting any of those charges, the Court consider it due to the Appellant to record the objections he has offered against the admission of any one of them contained in his Motion No. 54 of 1825. soliciting a rejection of the prayer for a review of Judgment.

O. In

22. In this Motion, the Appellant has represented that the annual charge according to Mamool, as adopted in the Decree in Appeal No. 9 of 1813 for the Sibbandy regularly employed to collect the rents of the Chintalapaly Vuntu amounted to 500 Cuckoo Pagodas & an amount exceeding this sum was credited to the Respondent in the cancelled Decree, that during the 11 years in dispute, the Revenues of the Vuntu were farmed out; & that the expenses connected with the protection of the crops, & the realization of the rents, would naturally devolve upon the renters & not upon the Zemindar, so that the charge for the ordinary Sibbandy would appear to be a gratuity on the part of the Appellant, & he avers that the sum of M. P. 5931-12-3. allowed in the cancelled Judgment was more than ample for the payment of all the requisite Sibbandy employed for the realization of the Revenues.

23. In the consideration of these charges, they should be regarded in two points of view, one as being incurred on account of Police

25

Police expenditure, & one as being connected with the protection of the crops & the country against the Pendary freebooters. The late Respondent in his answer pleaded that considerable expenses had been incurred on account of Sibbandy employed agreeably to orders from the Magistrate for the protection of the Estate, when Canadian VenKatarayo, Pamaraju, Yellerajulu, Chilamakuri Naick & other freebooters attacked the villages of the Zemindary, & also on account of the salaries of the Sibbandy employed in Fasly 1225 (1815) to guard against the Pendary Incursions.

24. The Court having given much attention to this subject, & altho' they are of opinion that the late Rajah Vasireddy VenKatadry Naidu did incur a heavy expence on account of the protection of his Zemindary, and to prevent the incursions of freebooters; yet they are unable to come to any conclusion, but that the expenses was a voluntary one on his part, & that he was not bound to provide any Sibbandy at all for police purposes, much less that he could have been expected to entertain a force sufficient to consume the whole resources of his estate, after discharging the annual assessment payable to the Government, & which the Respondent's accounts show to have

Chappened

happened in Fasli 1217. 1218 1219. 1224 & 1225. The Court therefore under the conviction that the Zemindar voluntarily employed armed Sibbendy within his Zemindary, in order partly to aid the Police in suppressing disorders, & partly for purposes of show & Grandeur, which it is notorious all Zemindars affect & indulge in; that he was under no positive obligation to entertain such a Sibbendy; & that the record does not contain proof of this Sibbendy having contributed to the realization of the revenues, resolve to reject such part of the aforesaid charges as are considered inapplicable to the resistance of the Pindary incursions in 1815. In so far however as the charges of Fasly 1225 may be considered as applicable to aid in resisting a desultory horde, such as the Pindaries are described to be, the Courts are prepared to admit that every person was justified in doing his utmost to repel these barbarians, & that every

Landlord

landlords and Zemindars in the country merit fair & compensation for the exertions they may have made to meet the extraordinary exigency. The Courts therefore in furtherance of this sentiment determine to allow the Respondent credit in the sum of Rs. 216-14-3. out of the charges which the Respondent claimed credit for being the amount of the extra expenses incurred for the expelling of the Pindaries as described in the Respondent's own account No. 53.

25. The Courts in this review of their Judgment, as it regards the charges claimed credit for by the party in possession of the property of the late Respondent, have not disturbed their previous decision to any important point, it therefore becomes unnecessary to discuss the objections offered by the Appellant, further than to remark that the evidence of the case has not clearly made it to appear that the whole of the Chittalahaly Mutta was farmed out during the years in dispute.

26. The last item for consideration is the new charge claimed credit for by Ramanadha Bauboo, the person

claiming

obtaining possession of the late Jagannadha Bauboo's property on his demise, consisting of the greater part of the sum of 6,563-6-3 paid by the late Jagannadha Bauboo in satisfaction of a Decree of the Sudr Adalut in Appeal No. 8 of 1819; this sum being alleged to form part of the receipts described in the 23rd paragraph of this decree as amounting to M. P. D. 103551-7-6½.

27. To explain the nature of this charge, a reference to the record of Appeal No. 8 of 1819 has been made, whereby it appears that Chatoorvedula Rama Dogee Somayajooloo and the late Vasireddi Venkatadry Rauden, to recover possession of two Ryempullee Cuchellas of Lakhiraj Maunium Land situate in the village of Chintalapaundoo together with the value of the produce thereof from 1st July 1214 to 31st July 1222 inclusive, or from 12th July 1804 to 11th July 1813, at the rate of Madras Pagodas 128 per annum making a total for the nine years of 1152 Madras Pagodas, or as calculated by the Plaintiff at 410 Arcot Rupees per 100 Madras

Madras Pagodas, 4723-3-9. The Provincial Court for the Northern Division gave judgment in favor of the Plaintiff on 29th April 1819, adjudging restitution of the Land and Pagodas 9,952 or Rupees 4435-3-9 calculated at the rate of Rupees 385 per 100 Pagodas. This Decree was confirmed in Appeal No. 8 of 1819 by the Court of Sudr Adalut passed on 17th June 1821 with interest at nine per cent per annum on the sum adjudged viz Rupees 1031-0-10 making in all Rupees 5526-4-7. The above claim regarded also some other Land, but as it is not situated within the Chintalapaunty Mootah, it is unnecessary to explain it.

28. The Appellant in his Motion No. 54 of 1825 aforementioned contends against allowing credit to this Charge, on the ground that the amount claimed in Appeal No. 8 of 1819 did not constitute any part of the assets that the late Respondent's adoptive Father realized from the Village of Chintalapaundoo, which

Comprizes

comprizes an extent of 200 Cachells of Land,
the argues, that if 2 Cachells yield a
yearly produce of 128 Pagodas Candies
of Grain worth 128 Pagodas, the late
Respondent in his account for the Fly 1215,
A.D. 43. could not have included the
produce of the said two Cachells in his
Statement for that year, which exhibits
the entire net produce of the same of
180 Pagodas for the whole 200 Cachells.

29. The records of the above appeal
clearly proves that the produce of the Mannium
Lands therein disputed was appropriated by the
late Vassereddy Venkatadry Naidoo, & that
the yearly profit arising to the Proprietors
was adjudged to be repaid at the yearly
sum of 128 Madras Pagodas equivalent at
385 Rupees per 100 Madras Pagodas to the
sum of Rs. 492-12-9. No account for the
village of Chintalapandoo, considered as
distinct & separate from the remaining
22 villages of the Union have been produced,
& no account that has been produced
shews that the 2 Cachells of Land

aforesaid

aforesaid were regarded as Mannium Lands
during the aforenamed nine years. The Court
therefore consider it proper to allow credit
for the yearly sum of 128 Madras Pagodas
in favor of the Respondent from the Fly
year 1215 to 1223 both inclusive, under the
authority of the Decree passed in Appeal
No. 8 of 1819, amounting for those eight years to
1024 Madras Pagodas. The ninth year of the
above claim is excluded from this Decree as
it refers to a period not contemplated in
the present claim.

30. The aggregate of the Charges which
the Court have determined to allow credit for
to the Respondent as exemplified in the 17th, 24th &
29th paragraphs, amounts to M.P. 705-4-15. which
being deducted from the sum of M.P. 10355-7-6½
collected by the late Respondent's adoptive
Father, leaves a clear profit of M.P. 3,012-2-7½,
& this profit with 6 per Cent per Annum
Interest, the Court consider the Appellant
justly entitled to.

31. The Court therefore setting
aside the Judgment of the Provincial Court,
adjudge that Mactala Vassereddy

Chinna

China Om Kaberdy, Naicka shall recover from the Estates of the late Tagunna Ba. Bamboo, the sum of Pardons 3,30,12-2-7½ D.S. or Arcot Rupees 1,7,199-v-o at the rate of 385 Rupees per 100 Pardons together with 1,03,894-11-5 Sum of interest on the yearly profits of the Lands as may become due calculated from the date of this Decree at the rate of 6 per cent per annum, and the Court also adjudge that the costs and charges incurred by the Appellant shall be reimbursed to him, & that the Estates aforesaid shall be charged with the payment of every cost attending the original suit & present appeal as hereunder enumerated:

Amount adjudged by this Court 3,30,12-2-7½ 1,7,199-0-0
Add Interest at 6 per Cent per Annum 1,03,894-11-5
3,30,94-11-5

This payable to the Appellant in Pardes Rupees was charged on 3,95,662 calculated according to the latter part of Clause first Section XXV Regulation XIV of 1816 100-0-0

Values of Stampt Paper filed by the Appellant. Viz.
1 Roll for Vakalutnamah 2-v-v
1 Roll for Appeal Petition 2000-v-v
4 Do for special grounds of appeal Petition 16-v-v
8 Do for Motions 26-v-v 2038 3038-v-v

To be incurred in the Provincial Court

Plaintiff

Pleaders fees 1,000:
Stampt Paper &c 2434-12- 3,434-12-v

Defendant

Pleaders fees 1,000.
Stampt Paper 769 1769-v-v 5203-12-v

Total Rupees Two Lacs, thirty eight Thousand Eight hundred, and thirty three, & annas seven and pice five 2,38,833-7-5

Tamana the Bamboo not being a party in this cause, his Vakeel Sirmul Row is not entitled to the usual fees payable on Decision, but in consideration of the trouble he has taken, and thereby procured a sum of Pd 7327-14-6- to the Estate

Estate of the late Ragamadin Bamboo,
the Court receive under the provisions
of Section XXXV Regulation XIV of 1816,
to award to him Rupees 125 being one
eighth of the established fee that
he would have received had he been
originally entertained by the Respondent,
to be paid by his Client Ramanadh
Bamboo, who upon ultimate Judgment
being given in his dispute with Waseeradey
Achemma, will either be reimbursed
by her, or enjoy himself the benefit
accruing from his application for a
review of Judgment.

Given under our Hand & the Seal
of the Court this twenty Ninth Day of
September in the year of our Lord A.D.
1825.

By order of the Court of Inferior Adalut.

(Signed) J. D. Thomas Register
(A true Copy) Deputy Register
(Signed) J. D. Thomas
Deputy Reg.r
Ernie Espin
C. Mumtuck
Collector

Exd. J. D. Coombe
N.C.

Copy on a Letter to England
dated 27th September 1862

Encl 3 C

1862 Def 6

In a Letter from
the Collector of Tinnevelly
Dated 11th April
1862

No 69.

R 1989 8/62

Copy of the
Decree of the Court
of Sub-Judge
in Suit No 6 of 1822.

In No 2320 of 1862
Decree 23 April

Memorandum

Proc^ds of the Board of Rev:
No 4389 of the 8th July 62

In these Proceedings the
Board submit the
following proposals for
orders :-

(1) that the Chintalapad
Pantu should be restored
to V. B. Mukteswara Pradada
Naidu as an act of
justice on the ground
that it was a dependant
Zillah, not directly liable
to Govt; & that therefore
its attachment & sale
by Govt was illegal
and opposed to Regs.
XXVIII of 1802 & V of 1822,
and to a ruling of the Sadr
that attachment of
a sub-tenure prior to the
arrest of the defaulter is
not warranted by the
Regulations -

2. That Govt should forego all claim to arrears contracted prior to the sale because they were cancelled under Cl. 5, Sec IV Regn of 22 by the illegal sale and attachment of the Estate, because more than one half the total ~~Contracted~~ accrued while the Estate was in the illegal possession of Govt & Ramanadha Baker, and because at the time of the sale the arrears due from the Vanta to the Zamindar were more than counter-balanced by the amount owed by the Zamindar under a decree in S.A.S.C. 206 of 1822.

3. That by the purchase of the Zamindary the Govt acquired the right to receive the assessment on the Vanta, & to realize arrears, if any, that might have been previously

vested in the Zamindar -

(4). That if the Vanta be restored, the assessment should be revised, and be fixed at 17,500. -

If the peshkash were fixed at 18,000 the Petr's share, taking the assets at 24,000, would be exactly one quarter, which was the proportion allowed in the recent Sudir case -

The Amount realized last year i.e. (1850-61 or Fasly 1271) was 24,500 nearly, so that on those terms the Petr's share would be 7000 Rs. or between $\frac{1}{3}$ & $\frac{1}{4}$, about 28½ per cent.

The present assessment (4,868 Rs) is presumed to have been determined on a family arrangement of old standing. It was fixed by the Sadr Court, in the decree already referred to, at $\frac{2}{9}$ of the Peshkash of the whole Zamindary, altho' the assets formed only about one-third of one of the 3 Estates of which the Zamindary was composed. The average Revenue during the 12 years since the sale has been

below the amounts assessed & it is only in the last six years that that assessment has been reached.

(5). That the Collector be instructed to ~~make~~ submit a ~~statement~~ Balance Sheet showing the Govt in account with the Petitioner, who will be debited with the assessment on the Vanta & with his personal allowances, while the collections made since the sale will be carried to his credit - the balance in his favor to be credited to him towards payment of the current year's demand.

X It has however already been shown that the collection of the 12 years 1258-1270 fall short of twelve times the assessment, & tho' the revenue of 1271 may show an increase on 1270, the allowances drawn since 1847

amount to Rs 16400 & will more than counterbalance this accession. The account will therefore in all probability show a balance in favor of, not against Government.

It must of course be distinctly determined that Govt did acquire at the Zamindar's rights at the sale which is now pronounced to be illegal, for otherwise the Govt are powerless to alter the assessment or to adjust accounts with the Petitioner. This leads to the last remark of the Board re-

(5) That Latchimpaty Raiah, the adopted son of Jagganadha Baboo, in whose favor the Privy Council gave a decision in 1848, has no claim of right to either the Vanta or the Zamindary, & that therefore is no reason to delay the question of restoration on his account.

Jan/47 - Dec/49 at 200 a month 7,200
Jan/50 - June/52 at 200 for 3 months 9,200
16,400
9,285
25,685

Precisely meant that the sale of the estate being illegal & inoperative, it is easy to understand; & easy to understand what is meant by the Govt having received any sum since the sale. Govt collected the rents & still continues to collect them, & has a claim with the Zamindar for the amount so collected.

- I am not certain that I understand the meaning of this remark - The legality of the sale of the Zemindary is not called in question - the only alleged illegality is that the Govt has acted as if had purchased the proprietary right to the Zemindary & all the Vanta whereas it should only have purchased the right of the Zemindar to collect the Peishcush of the Vanta from its proprietor, the present Petitioner.

- Govt being trustees in the place of the superior Zemindar could agree to the Vanta being separated from the Zemindary & made into a distinct Estate a suitable portion of the Peishcush of the Zemindary being assigned to it. - If there is no doubt

of Govt having legally purchased the superior Zemindar's rights and I myself feel none the coarse recommended by the Board in Pg of their Pro seems just & advisable - As a Zemindary being subdivided it is important that a fair proportion of the Beriz assessment be imposed to each part, and the Collector shows that in P 20 of his Reports that Rs 17499 is a proper assessment for the Pantas valued at Rs 19868 at present Rates.

- But if the superior Zemindar had been still in possession of the Zemindary, I doubt whether the Petitioner could have demanded that the Pantas should be formed into a separate estate and a proportionate assessment imposed to it thus entailing upon the Zemindar a heavier payment to Govt - The decree of the Sudr as I read it gave the Pantas to the Petitioner, not because he proved an absolute proprietary right but because he proved an hereditary right to hold it on paying 2/9 of the Beriz of the Zemindary - If therefore these terms were found to be unprofitable, the Petitioners course would be to induce the Zemindar to modify them or else resign the Pantas to him.

Govt being now in the Zemindar's place would hardly restore the Pantas to Petr without correcting the original payment to be made by them for it. Otherwise every such appeal would open the property and leave the appeal just up to sale but in leave the appeal just up to sale but in a more regular manner.-

- Pll of the Bd Pro seems to require some notice. - No circumstances of such have been justified Petr in incurring an arrear for six consecutive years.

Ellen

I agree in all they have pointed out by Mr Ellen in para 19 of their proceedings -

I see no objection to any enquiry - provided on Behalf of the G. B. proceedings - but I see no reason to expect any thing satisfactory as the result - Were the Pantas

to take no notice of it as the Govt. Judiciary —

Wells

5 Sept. 1832

Gentlemen:

I am not disposed to accede to the recommendation of the Revenue Board that appeal to me to be based upon a mixture of legal and Equitable grounds upon which the Govt. ought not to be called upon to act —

In the first place as regards the alleged illegality of the action of the Government I cannot admit the Revenue Board to be a competent judge — the Collectors — that the attachment of the whole Zemindary for the debt of the Zemindar was an accordance with regulation - at all events this question is so very doubtful that we ought to have proper legal opinion to guide us before we appeal from a former Govt. to have acted illegally should however it be the case, the conduct of the Govt. in attaching the Rajah Salah, be proved to be illegal then must I suppose be a proper legal remedy open to the Petitioner who would evidently restore him that provided he has been unjustly deprived but pecuniary compensation for loss — merited however

when the Revenue Board recommended that, instead of reckoning with the Petrs according to the letter of the agreement by which each probably he would be found to be largely indebted to the Govt, a deduction of 2368 R annually should be made entirely in the prospective expenses to be paid from henceforward but in that of past years from 1877. upto the present time. —

Upon full consideration I cannot say that I am satisfied with the proof that the matter has been unfairly dealt with. I do not think the decision of the Revenue Board is sufficient to establish the illegality of the former proceedings of Govt and of them have not been illegal I do not see that the Petitioner can be properly treated as suspended by the Board, whose recommendation would, I carried out, place the Petition on the footing of a separate Petition praying an assessment not less than he was formerly called upon to contribute — I think it would be better for the Royal

[illegible] to remain as they now are entirely but subject to the control of the Govt. I have no will of the Govt. I have no desire to [illegible]

[illegible]

— I have nothing to add to what I wrote before — It seems to me that wrong has been done, and in selling the entire Zamindary, but in failing to recognize the right of the Subtenant, the Zemindar of the estate Govt had become the owner of the Zamindary by purchase — It may be that the Statute of limitations would bar the claim of Petitioner before the occasion of the last sale of the Zamindary but in my mind the proper course for the Govt is to do what is right of its own accord and the Revenue Board, the advisers of Govt on questions of this nature have shown (& I think with reason) that justice is due to the Petitioner —

[illegible]

I am sorry that I cannot concur with the majority of myself to [illegible] is the legal & [illegible] — It is not [illegible]

Rev Dept.

№ 206

Proceedings of the Madras Government
Under date the 27th April 1862 —
Read the following
Pro of the Board of Revr.

Submitting a letter
from the Collector of the
Vizagapatam District reporting
on Petition № 457 of 1861,
with the Board's remarks (Here enter 8 July /62 № 4889)
and their recommendation
that the Collector be instructed
to perform the Petitioners
the Boundary of Chinta
-lapad Vanilu -

The foregoing pro
-ceedings & Letter
of the Collector of
Vizagapatam, a portion of the
Nandigama estate
which was formerly
enjoyed by a younger
branch of the Vasareddy
family as a dependency
Tallukh, paying rent to
the heads of the family
as Zamindar of Vizagapatam.

Nor is it the duty
Inclination or Interest
of the Govt. to force a
Party - who does not
wish to submit to be
Arbitrated, to
seek redress in
the Courts —
If the Party filed
his application, his
defence could be
ascertained —
I think the order
of Govt should be
based as advised
by the Collector
self - Will

Nandajama. The pres-
-ent representative of
the younger branch is
the Petitioner who him-
-self was in ~~possession~~
of the Estate from 1817
to 1849 subject to various
interruptions.

2 In 1849 the Zam-
-indary, Zamindarjamee
purchased on account
of Government for arrears
of Revenue, and the
Chintalapad Vauty,
thus forming a dependant
Estate, not directly liable
to Government, was bought
in as part and parcel
of that Zamindarij-
It has since been dealt
with as if Government
by their purchase of the Zamindary
had acquired an ab-
-solute proprietary right
over

the Vauty
over it, ~~equally with the~~
~~other portions of the~~
~~Zamindary~~, whereas
they only purchased
the right of the Zamin-
-dar to receive a certain
assessment from the
Petitioner, his sub-tenants
and the rightful owners
such arrears
and to recover us on a
settlement of accounts
might be found due.
In point of fact the
rights and title of the
sub-tenants were not
affected by the sale,
and the subsequent
proceedings of Govt. in
assuming possession
of this Estate appear
to have been irregular
and illegal. Under these
circumstances immediate
restoration

restoration, as recommended by the Board, is but an act of justice.

3. The Chuntalupad Vauttu being thus finally separated from the old Nandigama Zamindary, it becomes necessary to assign to it a proportion of the Peshkush on the principle laid down in section IX Reg XXV of 1802. The assessment formerly paid on XVs of it account to the superior Zamindar, amounted to Rupees 19,868, but this is shown to have been an exorbitant demand, ~~out of all~~ disproportionate either to the size or resources of the Estate. In paragraph 20 of his Memorandum the Collector enters into a calculation on the principle laid down in the Regulation above quoted, shewing that, as one-third of the Nandigama Pargana, the Vauttu should bear an assessment of Rupees 17,500 and as recommended by the Board of Revenue, the Government resolve to fix the separate Peshkush of the Vauttu at that amount.

4. They would however remark that during the last six years of the sub-Amani Management the actual average realized has been to fall short of 6000 Rupees, or less than one third of the Peshkush

over

were no more provided. ✕
Probably
~~Could~~ one reason of
this was that the rent was
then payable to the
superior Zamindar
on whose side there was
an unadjusted debt of
upwards of two lacs in
the Petitioners favor.
But the Petitioner must
be informed that, the
Estate being now restored
to him under a moderate
assessment, he will not
be permitted again to fall
into arrears.

5 It remains for
the Government to settle
the principles upon
which the account of the
proceeds of the Estate
while in their possession
shall be adjusted. The

The Board propose to
commence the account
from the day of sale
and that Govt. should
forego all claim to ar-
rears previously con-
tracted. Looking to the
fact that the arrears
were due, not to them,
but to the superior land-
lord, who himself was
considerably indebted
to his sub-tenant, the
Government approve
course
this ~~could not be adopted~~
~~advisable~~.

6 The Board fur-
ther recommend that
in this settlement
with the Petitioner
of accounts the Govt.
should take credit for
the assessment due
since the sale only
as

at the reduced rate of Peshkash, thus entitling it to reduction to the time of the sale. The Vaidin ought then to have been separated from the rest of the Estates, and its just proportion of Peshkash ought at once to have been settled. ~~For~~ On these grounds ~~the reasons~~ and in order to enable the Petitioner to commence his administration of the Estate free of embarrassment the Government approve of the Board's proposal. Under these concessions a small balance will appear in the Petitioners favour, and he may be credited with it

towards payment of the current years demand.

The Government agree with the Board that Lakshmipathy Iyengar has not shown sufficient reason why the retainment of this question should be delayed on his account.

MM.

Copies to Bd of Rev.
2. Accountant
3 — Civil Paym.
1 — Govt Copy with 2 Petitions. SJr

Copy in a Letter to England
dated 27th September No 69 of 62

28-7-62

To Calcutta Vizagapatam

Revenue 1862 Sept. 27
Pro. of Govt. for Sept.

No 2106.

Copy to the Madras Govt.
27th September 1862.

From Bof Revy. 21 March/63
C 2704-

8/4/63

Passing orders on
Board's Proceedings relative
to the restoration
to Zamindari of Chintalo
Vizagapatam

No 516 & 517.