M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2119	Press / Mis.
561 562	
Dated 30. 9. 1862.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 30th September 1862.

No. 541. Read the following Proceedings of the B d of Revenue, dated 19th September 1862, No. 6,287 :—

Read the following letter from H. S. THOMAS, Esq., Acting Sub-Collector of Salem, to the Honorable D. ARBUTHNOT, Collector of Salem, dated Usur, 7th August 1862.

SIR,

1. With reference to the endorsement of the Board on the accompanying Petition, No. 382 of 1862, received with your predecessor's letter, dated the 1st March last, No. 94, I have the honor to submit the following report.

2. Petitioner states that he rented out certain Inám land to one Sumpangee Ramien of Bericay for cultivation on condition that the renter should pay to the Petitioner a sum of Rupees 9 annually, and in default of his paying the rental amount in any one year, the Inám land should revert to the Petitioner. He also states that the Defendant Sumpangee Ramien has withheld the payment of the rental amount for the last two years, and thus infringed the terms of the rental deed. He therefore solicits the sanction of the Government to enable him to institute Civil Proceedings against the Defendant for the enforcement of the terms of the rental deed.

3. From the report of the Usur Tahsíldár it appears that the claim of the Petitioner relates to a piece of Inám land situated in the Jodighy Agraharum of Madivalum in the Usur Táluq, and assessed at Rupees 3-8-0.

4. The Agraharum was originally granted to one Kristnamacharloo by the ancient Poligar of Soolagherry. It now stands registered in the names of Vurdachary (Petitioner) and his two brothers Streenevasachary and Narasimmachary, the grandsons of the original grantee: Somacharloo, the father of the Petitioner, previous to his death divided the Agraharum lands into four shares, of which he reserved to himself one share, gave the remaining three shares one to each of his three sons of whom Petitioner was one; and it appears that the land, the possession of which Petitioner now seeks to obtain, is a portion of the share which fell to Narasimmachary.

5. Petitioner states that Narasimmachary his brother executed a document in his favor in the year 1858, in which it was stipulated that the Petitioner should enjoy all the lands which constituted Narasimmachary's share in satisfaction of certain private debts which the latter contracted from the former, and that in making over the lands to the Petitioner Narasimmachary failed to put him in possession of the disputed land which was already in the possession of one Sumpangee Ramien, who was holding it from Narasimmacharloo on a permanent lease. Petitioner produces a copy of the document alleged to have been given him by his brother Narasimmachary, and argues that according to the tenor of the rental deed he is entitled to receive the rental amount from the Defendant Sumpangee Ramien, and that Sumpangee Ramien having declined to pay the rental amount to the Petitioner for the last two years, though for the first two he did so without any objection, he wishes to prosecute his claims in the Civil Court to recover possession of the disputed land.

6. Narasimmachary denies having given the document referred to by the Petitioner, or having made over his share. He declares that the land claimed by the Petitioner forms a part of his own share, and that he gave the land to the Defendant Sumpangee Ramien on a permanent lease, and that the Petitioner has nothing to do with the land. He admits that Sumpangee Ramien paid the rental amount to the Petitioner for two years; but that the former did so with his own consent during his temporary absence from the village.

7. Sumpangee Ramien (Defendant) also states that the Petitioner never had anything to do with the land in question, and that his father and he have had possession of the land for a series of years past (about 60) on a permanent rental deed executed by Narasimmacharloo in favor of his (Defendant's) father, and therefore declines to pay the rental amount, or to give up the land to the Petitioner.

8. From the foregoing facts it appears that the Petitioner seeks to obtain possession of an Inám land on the strength of a document executed in his favor by his brother Narasimmachary in the year 1858, though that very land, according to the Petitioner's own showing,

has been, and is still in the possession of the Defendant on another document of prior date, and though there is really nothing in the document produced by the Petitioner to show definitely that the proprietary right of the disputed land is, as he says, also included in the quarter share therein referred to.

9. Under these circumstances, and in the face of Narasimmachary's own testimony as to the invalidity of the document said to have been given by him, and on which the Petitioner bases his claim, I very much doubt the validity of the Petitioner's right to the Inám land. However as it in no way concerns the interests of Government, I consider that the sanction to sue in Court may be granted.

Endorsement.

It appears from a letter received from the Deputy Collector of Inám Commission, that he has not yet settled the claims to the Ináms referred to herein. The Collector is of opinion that the required sanction may be given.

SALEM, 9th September 1862. (Signed) D. ARBUTHNOTT, *Collector.*

To the Secretary to the Board of Revenue.

Ordered to be submitted to Government, with the Board's recommendation that the request preferred to them in Petition 382 of 1862 may be granted.

(A true Copy and Extract.)

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

No. 542. ORDER THEREON, 30th September 1862, No. 2,119.

Under Section 2, Regulation IV of 1831, the Government permit Varada Chariar to sue in the established Courts for a piece of Inám land situated in the Jodighy Agraharum of Madwalum in the Usur Táluq, Salem District, and assessed at Rupees 3-8-0.

(Signed) P. P. HUTCHINS,

Acting Deputy Secretary to Government

No. 6,287.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th September 1862.

Read the following letter from H. S. THOMAS, Esq., Acting Sub-Collector of Salem, to the Honorable D. ARBUTHNOTT, Collector of Salem, dated Usur, 7th August 1862:—

1. With reference to the endorsement of the Board on the accompanying Petition, No. 382 of 1862, received with your predecessor's letter dated the 1st March last, No. 94, I have the honor to submit the following report.

2. Petitioner states that he rented out certain Inam land to one Sumpangee Ramien of Bericay for cultivation on condition that the renter should pay to the Petitioner a sum of Rupees 9 annually, and in default of his paying the rental amount in any one year, the Inam land should revert to the Petitioner. He also states that the Defendant Sumpangee Ramien has withheld the payment of the rental amount for the last two years, and thus infringed the terms of the rental deed. He therefore solicits the sanction of the Government to enable him to institute Civil proceedings against the Defendant for the enforcement of the terms of the rental deed.

3. From the report of the Usur Tahsildar it appears that the claim of the Petitioner relates to a piece of Inam land situated in the Jodighy Agraharum of Madivalum in the Usur Táluk, and assessed at Rupees 3-8-0.

4. The Agraharum was originally granted to one Kristnamacharloo by the ancient Poligar of Soolagherry. It now stands registered in the names of Vurdachary (Petitioner) and his two brothers Streenevasachary and Narasimmachary, the grandsons of the original grantee. Somacharloo, the father of the Petitioner, previous to his death divided the Agraharum lands into four shares, of which he reserved to himself one share, gave the remaining three shares one to each of his three sons of whom Petitioner was one; and it appears that the land the possession of which Petitioner now seeks to obtain is a portion of the share which fell to Narasimmachary.

5. Petitioner states that Narasimmachary his brother executed a document in his favor in the year 1858, in which it was stipulated that the Petitioner should enjoy all the lands which constituted Narasimmachary's share in satisfaction of certain private debts which the latter contracted from the former, and that in making over the lands to the Petitioner Narasimmachary failed to put him in possession of the disputed land which was already in the possession of one Sumpangee Ramien, who was holding it from Narasimmacharloo on a permanent lease. Petitioner produces a copy of the document alleged to have been given him by his brother Narasimmachary, and argues that according to the tenor of the rental deed he is entitled to receive the rental amount from the Defendant Sumpangee Ramien, and that Sumpangee Ramien having declined to pay the rental amount to the Petitioner for the last two years, though for the first two he did so without any objection, he wishes to prosecute his claims in the Civil Court to recover possession of the disputed land.

6. Narasimmachary denies having given the document referred to by the Petitioner, or having made over his share. He declares that the land claimed by the Petitioner forms a part of his own share, and that he gave the land to the Defendant Sumpangee Ramien on a permanent lease, and that the Petitioner has nothing to do with the land. He admits that Sumpangee Ramien paid the rental amount to the Petitioner for two years; but that the former did so with his own consent during his temporary absence from the village.

7. Sumpangee Ramien (Defendant) also states that the Petitioner never had any thing to do with the land in question, and that his father and he have had possession of the land for a series of years past (about 60) on a permanent rental deed executed by Narasimmacharloo in favor of his (Defendant's) father, and therefore declines to pay the rental amount, or to give up the land to the Petitioner.

8. From the foregoing facts it appears that the Petitioner seeks to obtain possession of an Inam land on the strength of a document executed in his favor by his brother Narasimmachary in the year 1858, though that very land according to the Petitioner's own showing has been, and is still in the possession of the Defendant on another document of prior date, and though there is really nothing in the document produced by the Petitioner to show definitely that the proprietary right of the disputed land is, as he says, also included in the quarter share therein referred to.

9. Under these circumstances, and in the face of Narasimmachary's own testimony as to the invalidity of the document said to have been given by him, and on which the Petitioner bases his claim, I very much doubt the validity of the Petitioner's right to the Inam land. However as it in no way concerns the interests of Government, I consider that the sanction to sue in Court may be granted.

Endorsement.

It appears from a letter received from the Deputy Collector of Inam Commission, that he has not yet settled the claims to the Inams referred to herein. The Collector is of opinion that the required sanction may be given.

SALEM, 9th September 1862.

(Signed) D. ARBUTHNOTT, Collector.

To the Secretary to the Board of Revenue.

Ordered to be submitted to Government with the Board's recommendation that the request preferred to them in Petition 382 of 1862 may be granted.

(A true Copy and Extract.)

Acting Sub-Secretary.

To Honorable T. Pycroft, Chief Secretary to Government.

Copy to Honorable D. Arbuthnott, Collector of Salem.

Exd. J. Wright.

No. 2119 Under Section 2, Regulation IV of 1831 the Government submit to Baronda Colastur to sue in the established Courts for a piece of Nunjah land situated in the Jurisdiction of Kadeveltum in Chellum-Taluq, Salem district and assessed at Rs. 3.

Fort St. George
30th September 1862

Under Secretary to Government

Board of Revenue with the Petition

Dated 19th September 1862.

Despatched, 22 ——

Received, 23 ——

PROCEEDINGS OF THE BOARD OF REVENUE.

No. 2119

Dated 19th September 1862. Department.

Submitting a report from the Acting Sub-Collector of Salem on Petition No 382 of 1862, with the Board's recommendation that the Petitioner's request to sue for recovery of certain Inam land may be granted.

No. 6,237.