

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2423	Press
	3-4	<u>Mis.</u>
Dated	1-10-1862	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
1st. October 1862.*

No. 3. Read the following Petition from GUNDU SUBHANADRY, the Proprietor of the village of Dayaladoss Pettah in the Mogultur Taluq, Godavery District, to His Excellency the Governor in Council, Fort Saint George, dated Madras, 28th August 1862.

MY LORD,

Dissatisfied with the decision of Government which on the 5th August 1862 they passed on his Petition No. 1,843 of 1862, your Petitioner submits herewith an Appeal Memorial therefrom to the address of the Right Honorable the Secretary of State for India (in triplicate), which it is respectfully solicited may be directed to be forwarded to the same noble authority, and prays that he may be apprized of its having been forwarded to its destination.
Shall every pray.

No. 4. ORDER THEREON, 1st October 1862, No. 2,123.

The Petitioner is informed that his Memorial was forwarded to the Right Honorable the Secretary of State for India with a despatch dated the 1st October 1862.

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

To His Excellency the Governor in Council
Fort Saint George.

The humble Petition of Goundoo Soobhanadry
the son's son of Venkatanarasimhan the vendor
of the Dayalocoolah Patta in the Taluk of Mogul
of the Godavery District.

My Lord Being aggrieved by the order passed by the Suam
Commissioner as contained in the accompanying sheet
A in imposing $\frac{1}{4}$ of the assessment on the land therein
mentioned in lieu of the rate of $\frac{1}{8}$ of the assessment as
recommended by the Deputy Collector, your Petitioner
respectfully appeals to your Excellency for redress.

The Suam Commissioner clearly admits that there is
no doubt about the whole extent being a Rent free Grant
it is needless for your Petitioner to dwell any more upon
the origin of the Grant and of its having been transferred
to your Lordship's Petitioner's ancestor, for the sheet A
under appeal shows the same at full length. But the
Special Assistant having differed with the rate of $\frac{1}{8}$
of the assessment proposed by the Deputy Collector and
fixed it as $\frac{1}{4}$ and the Suam Commissioner having con-
curred in opinion with his Special Assistant and confirmed
 $\frac{1}{4}$ of the assessment, it only remains for your Petitioner
to solicit your Lordship's interference with the rates in question
and affirm the $\frac{1}{8}$ of the assessment as fixed by the Deputy
Collector annulling the $\frac{1}{4}$ of the assessment as mentioned
in the Suam Commissioner's decision, on the following
among other grounds.

From the accompanying public Copy of the
original

original Grant B, it would appear that the lands therein mentioned had been alienated to the original grantee on free tax tenure - and that in 1786, being 24 years after the date of the grant, Mr Henry Morris, a member of the Circuit Committee, held enquiries as to the correctness of the alienation and made an endorsement on the 7th November 1786 as would be seen at the bottom of B on that subject. Thus the grantee and his heirs for 24 years and your Petitioner for 15 years, i.e. until he appeared before the Deputy Collector, respectively enjoyed the land free of all tax for 39 years. But as the Government has recently made it a rule that the Luam lands should be sold if old Luam, be assessed with $\frac{1}{8}$ th of the assessment and if otherwise, generally of $\frac{1}{4}$ of the assessment.

Your Petitioner has not any objection to pay the imposition, but the rate of $\frac{1}{8}$ th of the assessment as the Deputy Collector proposed in the sheet. To alter that rate and fix it as $\frac{1}{4}$, the Special Assistant enters into uncalled for remarks in the sheet, which in the mind of your Lordship will, it is hoped, appear nothing but of little weight, and increases the rate from $\frac{1}{8}$ th to $\frac{1}{4}$ and the Luam Commissioner approves and affirms it without going through the true bearing of the case.

So doing either the Special Assistant or the Luam Commissioner nowhere impugns the proceedings of the Deputy Collector who recommends $\frac{1}{8}$ th of the assessment but the cause upon which they found their decisions in increasing the rate as $\frac{1}{4}$ th of the assessment, is that "it was clearly more for the public purpose than for personal benefit" and not on any other equitable grounds.

Your Petitioner with due deference craves leave to assure your Lordship that the Luam Commissioner and his assistant have respectively fallen into error in using such impressive words as "for a public purpose" than for personal benefit" in support of their purpose. In proof of your Petitioner's assertion, he refers your Lordship to the original grant B which will convince it that the Commissioner's opinion is quite wrong, for it (B) clearly empowers the grantee to enjoy the lands free of tax for generation to generation - Your Petitioner must be permitted here to ask that, "can this passage of the grant be legally taken for public purpose, as the local authorities thought or for personal benefit, as your Petitioner contends. The latter being the literal meaning of the grant, your Lordship may be kindly disposed to think that the fixation only of the rate of $\frac{1}{8}$ of the assessment is most just and equitable with reference to the Luam Rules, which prescribe that the old Luam lands should be improved with $\frac{1}{8}$ th of the assessment, for, the lands now in question are clearly of too old Luam, dated so far back as 1762 vizt 100 years.

It is therefore prayed that your Lordship will take into its merciful consideration, the opinions of the three authorities (Deputy Collector, assistant and Head Commissioner) all which appear in the sheet A, as well as the strict letters of the grant B and decide whether the land therein mentioned

Madras }
July 1862 }

Shall ever pray

Copyright in Letters Copyright
27th Dec^r 1882 p. 170

13 Oct 1971

10.13.1861

The origin of the
 the foundation of the
 village of the Republic
 with the
 born in the
 Died in the
 1862

Yucca baccata 2883
A & B

A-1-B

We proposed to consider
 the question Sunday
 the 10th inst. (Monday)
 for fixing the date
 of the next meeting -
 and to adjourn -
 until 10 o'clock on Tuesday

1862

1862
By order
W. H. H. 1.

Copy of the same

Dec 1 1876

Odware Distich.

18.

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29

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27

[Handwritten signature]

From the Rutila produced it appears that Harichendra Razoo & Damsow, Secy of the Shore Croas came on the 27th Octr 1762 to Danaladops the land within the boundaries mentioned in it for building & for cultivation purposes.

This Rutila was endorsed on y^e November 1786 by one of the members of the Council Committee (Genl Henry Morris) that he enquired the Rights of Inquisition & found that there are no other claimants to this Rutila except Jwarhadop the nephew of the late Danaladops. Jwarhadop is the son of Bunkhadop who having died & his son Bunkhaladop being young, Genl Morris sent a Mr. Tonga over & sold the Rutila amounting to 36 Pooties to Bunkhadop for 1000 Rufus - father's brother of the 1st party on March 1846.

This village was entered in the Account for July 1210 and in the Ajumash Accounts for July 1262 but not in any other document.

The Manggai produces a number of Broschikhas to prove his enjoyment from the date of his purchase of Asachian the real extent of the village this was measured & reported to be Acres 25-40 of this 124 seems as irritable.

As this is so the Manggai is recommended to be conveyed subject to one eighth of the value of which I have taken them

of the Enam entered against their names

(Signed) Venkatachellam
Deputy Collector

Acres 2-10

recommended to be compensated
subject to one eighth of the
assessment, which is twenty Ropas -
(Signed) V. Venkatachellam
17 April 1861 Deputy Collector

Decision

As Apicdano maskhal	251-40
Deduct	
Gramamintuna	32 40
Channels	7 55
Pentao	3 55
Madugulgi	26 88
Roadabhoome	30
Lauks Rouds	75
	71-48
Remaining	179-92

1- The lands claimed as Dry Patta are held under a grant of the Government for the building a Patta & concludes by authorizing the grantee to build the Patta there to plant Sugarcane, in cultivation & enjoy free of Ancharama (ie Assessment) such lands as may become available in process thereof being enjoyed from posterity to posterity - The Grant also binds himself to continue unmolested such allotment as the grantee may make to others.

2- The Grant specifies only the boundaries of the land allotted with (vide Sub Collector's Endorsement) and at present according to the Nagildom alluded to only in the earliest & latest accounts - in the former Dayalad's Patta - Being usually known as Patta, it does not appear in any standard Gram Account. In the year 1786 Mr. Torris one of the members of the Committee of Circuit appears to have certified the grant to be Enam or otherwise - The Sub Collector enjoyed free of tax for 50 years. That officer in reply refers us to the fact of the Patta & the lands connected with it should have been on the death of the last holder entered in the Report of the Capted Sircar. From this and from the fact of the Patta & the lands being registered as assalamam in the account of July 1804 it may be inferred that the lands were all along enjoyed free of assessment.

3- The Patta has Paper as described by the Deputy Collector from the Pundue of arable lands appears to have been permitted to be enjoyed in Enam. The primary object of the grant was the Patta towards the promotion of which the grantee solely for personal benefit. I would recommend the confirmation of the usual Corruptive item being excluded from the Title deeds of 1/4 of the assessment - The valuation may be taken at Rs 200 -

No.	Putta an to be given	Extent acres	Total assessment	Rate
1	200 to 200	140 48	198 13	187 11
2	200 to 200	140 48	198 13	187 11
3	200 to 200	140 48	198 13	187 11
4	200 to 200	140 48	198 13	187 11
5	200 to 200	140 48	198 13	187 11
6	200 to 200	140 48	198 13	187 11
7	200 to 200	140 48	198 13	187 11
8	200 to 200	140 48	198 13	187 11
9	200 to 200	140 48	198 13	187 11
10	200 to 200	140 48	198 13	187 11
11	200 to 200	140 48	198 13	187 11
12	200 to 200	140 48	198 13	187 11
13	200 to 200	140 48	198 13	187 11
14	200 to 200	140 48	198 13	187 11
15	200 to 200	140 48	198 13	187 11
16	200 to 200	140 48	198 13	187 11
17	200 to 200	140 48	198 13	187 11
18	200 to 200	140 48	198 13	187 11
19	200 to 200	140 48	198 13	187 11
20	200 to 200	140 48	198 13	187 11
21	200 to 200	140 48	198 13	187 11
22	200 to 200	140 48	198 13	187 11
23	200 to 200	140 48	198 13	187 11
24	200 to 200	140 48	198 13	187 11
25	200 to 200	140 48	198 13	187 11
26	200 to 200	140 48	198 13	187 11
27	200 to 200	140 48	198 13	187 11
28	200 to 200	140 48	198 13	187 11
29	200 to 200	140 48	198 13	187 11
30	200 to 200	140 48	198 13	187 11
31	200 to 200	140 48	198 13	187 11
32	200 to 200	140 48	198 13	187 11
33	200 to 200	140 48	198 13	187 11
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37	200 to 200	140 48	198 13	187 11
38	200 to 200	140 48	198 13	187 11
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73	200 to 200	140 48	198 13	187 11
74	200 to 200	140 48	198 13	187 11
75	200 to 200	140 48	198 13	187 11
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77	200 to 200	140 48	198 13	187 11
78	200 to 200	140 48	198 13	187 11
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90	200 to 200	140 48	198 13	187 11
91	200 to 200	140 48	198 13	187 11
92	200 to 200	140 48	198 13	187 11
93	200 to 200	140 48	198 13	187 11
94	200 to 200	140 48	198 13	187 11
95	200 to 200	140 48	198 13	187 11
96	200 to 200	140 48	198 13	187 11
97	200 to 200	140 48	198 13	187 11
98	200 to 200	140 48	198 13	187 11
99	200 to 200	140 48	198 13	187 11
100	200 to 200	140 48	198 13	187 11

Enam Commission Office
Bellare 12 April 1861

Extent 98

to 200 to 200 in Col. 16

the revenue of the Patta is as marginally described. The Patta is described as a sum of 2-15-24 in the Patta, as Assalamam. It appears in no standard Gram Account. In the year 1786 Mr. Torris one of the members of the Committee of Circuit appears to have certified the grant to be Enam or otherwise. The Sub Collector enjoyed free of tax for 50 years. That officer in reply refers us to the fact of the Patta & the lands connected with it should have been on the death of the last holder entered in the Report of the Capted Sircar. From this and from the fact of the Patta & the lands being registered as assalamam in the account of July 1804 it may be inferred that the lands were all along enjoyed free of assessment.

The primary object of the grant was the Patta towards the promotion of which the grantee solely for personal benefit. I would recommend the confirmation of the usual Corruptive item being excluded from the Title deeds of 1/4 of the assessment - The valuation may be taken at Rs 200 -

2d March 1862

(Seal)

Approved & Confirmed as recommended there is no doubt about the whole extent being a rent free grant but it was clearly more for a public purpose than for personal benefit. Under these circumstances the intermediate rate of 1/4 is fair.

28 March 1862 (Signed) G. H. Taylor
Enam Commissioner

3152
3153
3154
3155
3156
3157
3158
3159

Copy in Letter to England
8/1st October 1862 p. 70

103rd 1862
No 1843-1882

Meet of the Annual
Commissioners Office
in the month of June
to Chaudry, Godavari
District

236100102

5
Putrika (Grant) executed to Dayab Dos Paridols
by Shree Rajah Warichendra Rao the Deshmukh
Circar Ellore, under date the 12th in crescent Month
Cartie year Chitrabano, corresponding with the
year Salivahanah 1885 or 27th October 1762.

You having disclosed your wish to
found a Pethak or village in the land of the
Ceshak of Mozulloor, which is my own land
and you and yourself being in
with each other, I have therefore granted to you
the lands situated within 4 limits (omitted)
on free hold tenure - You are hereby empowered
to form village, fruit gardens, Cultivate such
lands as may be fit for cultivate and enjoy
their produce without auehana or inspection
and estimation by Circar, for Oстерity to
Post. In the event of your having transferred
any or whole portion of the lands to any one
whosoever I or we will continue it to such
transferee for posterity to posterity agreeably
to the Putrika or Grant which may be by
you issued to them. (Signed) Rajah Rao

To The Honorable The Secretary of State
for India.

The humble Memorial of Goundoo Sobha-
nary, the son's son of Venkatanarasimha
the vendee of Dayaloodasapettah in the
Taluk of Mogulloor of the Godavery Dis-
trict under Madras Presidency.

Sheweth

Being aggrieved by the accompanying order
[N^o I] passed by the local Government of
Madras on his Petition N^o 1843 of 1862, dated 5th au-
gust 1862, declaring that "they consider the reasons
given by the Inam Commissioner for fixing the Rent
at $\frac{1}{4}$ to be satisfactory", your Memorialist res-
pectfully appeals to Her Majesty the Queen in Privy
Council against the same orders on the following
among other grounds, with firm hopes that the devia-
tion on the part of the Inam Commissioner & of
the local Government from the intent & meaning
of the Inam Rules of practice published in this
Presidency for the adjudication & settlement of the
Inams of the territories under her will be consider-
ed & their benefit kindly shown towards your
Memorialist under the strict letter of the Section
VII of the Rules adverted to.

As the Government Petition N^o 1843, the de-
cision whereof is now under appeal contains
the narratives or origins of the Inam Grant in
question, it is unnecessary to reiterate therein, but
succinctly only, complaining on the deviation on
the part

Copy in a letter to the Secretary
of the 1st October 1862 N^o 1

B

(3 notes)

Translation of the Inam
Memorial handed to the
= by the Inam Commissioner
Kasimabhai D^o & Co
Colone - dated
27th October 1862

In the 1843 of 1862

3 months less for some
that this Grant had
been executed by the
Original Grantee
of the original Inam
12
In the 23rd of 1862

the part of the local Government from the rules in force as regards this case.

On reference to the Inam Commissioners' sheet [A] it would appear that under the original Grant [B] the village therein mentioned had been alienated to the original grantee on free hold; that his son sold it to your Memorialist's Grand Mother; that the Deputy Collector in continuing to him the village on its original tenure, has fixed one eighth of the assessment; & that the Inam Commissioner unjustly increased the rate from $\frac{1}{8}$ to $\frac{1}{4}$ th.

The object of your Memorialist's appeal to the local Government by Petition No 1843 was to have the rate of the said Rent reduced to $\frac{1}{8}$ th as fixed by the Deputy Collector instead of $\frac{1}{4}$ th which was the discretionary imposition fixed by the Inam Commissioner; but the local Government stated that "the reasons given by the Inam Commissioner in support of his imposition at $\frac{1}{4}$ th appear to be satisfactory."

Your Memorialist begs to submit that the chief cause which the Inam Commissioner speaks in the sheet [A] for increasing the rate is no other than that "the free grant was clearly more for public purpose than for personal benefit," & under these circumstances the intermediate rate of $\frac{1}{4}$ is fair. To show that the Inam Commissioner has without referring to the strict letters of the original grant & asking himself whether his conclusion is or is not consistent with terms of grant, walked in wrong path, your Memorialist submitted the authenticated copy of the grant [B] which if

seen

seen clearly, allows the holder to enjoy the produce of the land by him, & by his heirs for posterity to ~~per~~ ^{truly}, but contains not a bit of clause or letters whereby the inferential reasons stated by the Inam Commissioner might be legally read or interpreted. But the local Government too do not appear to have read the grant B. Had they read it they would never have considered the said Commissioner's reasons to be satisfactory, but would, it is submitted, of course ^{and} ~~and~~ not have been disposed to increase the rate ($\frac{1}{4}$ th) but have affirmed that of $\frac{1}{8}$ th as the Deputy Collector fixed under the provisions of section VII of the Inam rules alluded to, above.

Hence the present appeal to Her Majesty the Queen is respectfully intended to be discussed with reference to the wordings contained in the original grant [B], whether the reasons given in the sheet [A] & considered by the local Government to be satisfactory, are or not the original intentions of the grantor & whether the Commissioner is justified to read his reasons as such ~~which is the absence of words in a page in evident in B~~, but on the contrary whilst the original grantee is clearly entitled to be entitled to the enjoyment of the ~~produce~~ of the land for generation to generation & that in addition the purchaser also will be treated as such.

Therefore your Memorialist respectfully prays that the decision of the local Government of Madras which declared Inam Commissioner's reasons as satisfactory may be ordered to be superseded & ~~and~~ instructions issued to that Government in order that $\frac{1}{8}$ th of the assessment might be fixed on land ^{the} in question

the question in view of the 1st for the following reasons.

I. Because the Inam Commissioners inferential reasons are not supported by the Original grant which creates exclusive title & authority to the original grantee & by his heirs to the purchaser (Memorialist).

II. Because the Inam Commissioner admits that there is no doubt of the whole land being free hold for a period of upwards of 50 years.

III. Because the rules of practice Sec I is to treat the Inam provided the holder is in an uninterrupted possession for a period of 50 years & because the Inam now in question is of 100 years standing.

IV. Because the section VIII of the said rules empowers the authorities to impose only 1/6 of the assessment for the old Inams of upwards of 50 years & not 1/4 as imposed in the matter now under appeal.

V. Because the reasons given by the Inam Commissioner are nowhere found in the record, as also are not supported by the original grant (B) which clearly goes to establish the personal benefit of the holder & contains not a single word to be signified as being for public purpose, a total ground which the Commissioner has to fix 1/6 of the assessment in supercession of the 1/4 of the rate which is the Inam lands, & which your Memorialist is now compelled to pay in opposition to the intent of the same section VII.

Madras
28 Aug 1842

For doing the act of indulgence your
Memorialist as in duty bound.

Shall Ever Pray
Signed by Subhanadri
MEX 22 22 22

Copy in a letter to England
24th October 1862 A. J. P.

(S. C. A. J.)

Manorial to the
copy of the House
the Secretary of State
for India
J. M. G. P. A. J. P.
Secretary, Secretary
District

Enclaves 3
Date 28th August 1862

2
In No 2344 of 1862

Ms-2123.

The Petitioner is informed
that his memorial was
forwarded to the B. H. the
22d Sept for action with
the Department dated the 1st Oct 62.

Chas W. Seay
103 Detroit 1862

ms

103 to General Secretary Department.

Copied in Letter Book
of 103rd Dec 1862 2030

Rev 1862 Oct 1st
No of 103rd Dec 1862
Ms-2556.

Now found as
testimony of the
General Secretary

Rated 28 Aug 62
Cred 8th Sept 1862

with 12 new copies
and in 103rd Dec 1862
in accordance with
to the Secretary of
the Secretary of
State for action

Ms-2556-103rd

Ms-2556-103rd

with an order

Ms-2556-103rd