31-5-38 II

M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 223	Press ~~Mis.~~
122-123	
Dated 7. 2 - 1862.	

Not to be folded or roughly handled

No. 122. Read the following Proceedings of the Board of Revenue, dated 16th December 1861, No. 7,018:—

Read again letter, dated 9th August 1861, No. 200, from the Acting Collector of the Kistna District.

(In Cons. 15th August 1861, No. 5,197.)

Read also the following letter from the same Officer, dated 8th November 1861, No. 277.

(In Cons. 15th November 1861, No. 7,253.)

1. In acknowledging the receipt of the Board's Proceedings of the 6th September last, No. 4,851, calling for further information relative to the claim advanced by the proprietor of Devarapalli village, in the Bandar Táluq, for compensation on account of the restoration of certain Inám land, situated within it, to the Pagoda of Stree Vencatachella* Swami at Gudur village, I have the honor to submit the following explanation.

* The Pagoda is also styled "Venkatesweraswami," and it escaped notice that the same nomenclature had not been preserved in my letter of 9th August last.

2. The Inám land in question consisting of A. 19, G. 9 was, as observed by the Board, as Lakiraji Inám, and excluded from the assets of the Gudur Zamíndári at the time of the Permanent Settlement, and continued to be held as such till Fasli 1219, in which year the Zamíndár rented the 5½ Kattis for Rupees 120 per annum, and from that time the land has been cultivated as Seri and has paid cist.

3. Matters stood thus when the Gudur Estate fell to Government by purchase, and with it the liability to pay the Trustees of the Pagoda the yearly sum of Rupees 120, for which the lands had been rented by the Zamíndár.

4. When the money payment was ordered† to be commuted by an assignment of land, the Trustees refused to accept simply the equivalent of Rupees 120 in land; but demanded either the continuance of the money payment, or the restoration of the actual lands which had been rented by them to the Zamíndár.

† Extract Minutes Consultation, dated 30th November 1855, No. 1,308.

From Commissioner N. C., 31st August 1853.
To do. 23rd September 1853, No. 73.
From do. 6th October 1853.
To do. 28th September 1854, No. 93.
From do. 12th October 1854.
From do. 22nd November 1854.

	Collection. Rs.	A.	P.
Fasli 1260.	702	0	0
1261.	443	13	8
1262.	483	13	5
Total..	1,629	11	1
Average...	543	3	8
Peshkash as per apportionment.....	541	1	1

5. The Board will observe, from the correspondence bearing on the subject of the transfer in Fasli 1264, of five villages by the Gudur Zamíndár to others, that the Peshkash on Devarapalli village which is one of them was fixed on an average of three years actual collections, from Fasli 1260 to 1262 as detailed in the margin, and that it was confirmed by the late Commissioner Northern Circars, and sanctioned by the Government.

6. Out of the Peshkash Rupeees 541-1-1 on this village, Rupees 2 were subsequently permanently remitted on account of cattle fines under Act III of 1857, agreeably to the sanction of Government, dated 9th January 1859, No. 77, and the net amount now paid by the proprietor is Rupees 539.

7. On examining the accounts in possession of the Curnums, of the cultivation and collections of revenue of Devarapalli village for the three Faslis taken into account in fixing the Peshkash, it is seen that the average collection of cist on the cultivated portion of the Inám land now made over to the Pagoda during that period was Rupees 77-7-10, as particularized in the margin, and that Rupees 77-3-0 was the share of the Peshkash of the village apportioned to the Inám in question, and this nearly corresponds with the average outturn of the Inám land for the last eight years as shown in the margin of paragraph 2 of my letter, viz.,* Rupees 77-9-9.

	Cultivation. K.	V.	P.	Cist. RS.	A.	P.
Fasli 1260	0	14	7	117	9	4
,, 1261	0	12	8	59	4	2
,, 1262	0	10	14	56	10	0
Total...				233	7	6
Average...				77	7	10

The assessment of the Inám included in the Peshkash of the village according to apportionment 77 3 0

* 9th August 1861, No. 200.

8. As a further proof that the Ináms in question were included in the assets of the village, a Statement of the entire collections of the village for six years is given in the margin. The average is Rupees 552-9-10. The Peshkash being Rupees 539, the proprietor only derived a profit of Rupees 13-9-10 per annum, including the produce of the Ináms. Had that item been excluded, he would have sustained an average loss of Rupees 63-9-2 per annum.

	Cist. RS.	A.	P.
Fasli 1264	573	8	4
,, 1265	581	12	1
,, 1266	560	10	11
,, 1267	524	1	8
,, 1268	676	4	10
,, 1269	399	5	2
Total....	3,315	11	0
Average.....	552	9	10

9. The proprietor requests that the value of the whole land including Banjer may be remitted to him which amounts to Rupees 113. As, however, the cultivated portion alone, valued at Rupees 78, was entered in the assets on which the Peshkash was fixed, he can only claim remission to that extent, which was exactly what was recommended.

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1. Resolved that the letters above recorded be submitted for the orders of Government.

Board's Proceedings, 12th January 1860, No. 157.

2. The Trustee of the Venkatachella Swami Pagoda having instituted a Suit against the Collector of the Kistna District for the restoration of 5½ Kattis of land (=83·78 acres) claimed as the endowment of the Pagoda, and Rupees 1,556-12-11 as the mesne profits of the same with the interest, the Government, on a consideration of the circumstances of the case, directed the concession of the Plaintiff's demand.

19th January 1860, No. 93, R. D.

3. In making over the lands, however, which were situated in six different villages, it was ascertained that the Katty (or more correctly K. 1, V. 2, P. 2) situated in the Devarapalli village had been included in the assets on which its share of the Peshkash of the Gudur Zamíndári was apportioned on this village when transferred by the Zamíndár to another owner in Fasli 1264, which apportionment was confirmed by the late Commissioner of the Northern Circars, and in due course sanctioned by Government.

4. The average revenue derived from the cultivated portion of the above land is reported to be Rupees 77-8-7. The proprietor of the village, K. Seetaya Nayudu, therefore claims a remission from the Peshkash payable by him, equal to the above amount.

5. The Board were at first disposed to doubt the admissibility of the demand, especially as it appeared that in the plaint filed by the Trustees of the Pagoda, the whole annual value of the 5½ Kattis claimed by them was entered as Rupees 120, but the explanation afforded by the Acting Collector in the second of the letters recorded at the head of these Proceedings, has satisfied them that the assessment of the land has been correctly stated, and that the claim is equitable.

Proceedings of the Madras Government, Revenue Department, 7th February 1862.

6. Under these circumstances, the Board recommend that sanction be granted for remitting to the proprietor of the Devarapalli village, the sum of Rupees 78 in round numbers on account of the assessment of Fasli 1270, and for making a similar deduction from the Peshkash for the future.

7. In making his proposals for the future Peshkash of the Gudur Zamíndári which has been restored to the former proprietor, the Acting Collector will bear in mind that an undue share of the original Peshkash was apportioned on the transferred Devarapalli village, inasmuch as the profits derivable from this Inám land was erroneously included in its assets. The consideration is, however, not likely to affect the question in Gudur Peshkash to any perceptible extent, in the altered circumstances of the irrigation of the lands of the Zamíndári.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 223. ORDER THEREON, 7th February 1862, No. 223.

1. In Order of 19th January 1860, No. 93, the Government permitted the restoration of 5½ Kattis of land claimed as the endowment of the Vencatachella Swami Pagoda in the Kistna District.

2. The Board of Revenue now report that in making over the lands which were situated in six different villages, it was ascertained that the portion in the Devarapalli village had been included in the assets on which the Peshkash of that village was fixed. The average revenue derived from the cultivated extent of this portion is given as Rupees 77-8-7; and the proprietor requests a remission from the Peshkash equal to that amount; a claim which the Board consider to be equitable.

3. Under the circumstances represented, and agreeably to the Board's recommendation, the Government grant sanction for remitting to the proprietor of the Devarapalli village the sum of Rupees (78) seventy-eight in round numbers on account of the assessment of the land or Fasli 1270, and for making a similar deduction from the Peshkash of the village for the future.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

No. 4,851.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th September 1861.

Read the following letter from the Acting Collector of the Kistna District, dated Masulipatam, 9th August 1861, No. 200:—

From Collector to Board, 24th October 1859, No. 189.
From Board to Government, 12th January 1860, No. 157.
Proceedings of Government to Board, 19th January 1860, No. 93.
From Board to Collector, 29th January 1860, No. 339.

1. With reference to the correspondence noted marginally, sanctioning the concession of the Plantiff's demand in Original Suit No. 86 of 1859, on the file of the Civil Court of Masulipatam, I have the honor to report that the 5½* Kutties of Inam land pertaining to the Pagoda of Venkatesweraswamy at Gudur in the Bandar Taluq being situated in six villages as detailed in the plaint forwarded to the Board with letter No. 189 referred to above, were made over to the Trustee of the Pagoda T. Gopaya.

Acres.	G.
93	14

		Kutties.
1.	Kudur	1
2.	Devarapalli	1
3.	Mukkollu	1
4.	Munupalli	1
5.	Mallavol	1¼
6.	Gandram	¼
	Total..	5½

2. Devarapalli, one of the above, is a proprietary village belonging to Koppula Seetaya Naidu, Trustee to the Pagoda of Sree Runga Naik Swamy at Robertson's Petta in the town of Masulipatam, and the extent of Inam land belonging to Venkatachellaswamy Pagoda in that village is one Kutty;* on measuring it according to the boundaries in the Chekunamah, in possession of the Trustee, it was found to consist of K. 1, V. 2, P. 2. The proprietor requests that the Cist on the said land may be remitted to him from the Peishcush of his village. The average revenue derived from the cultivated portion of this land is, as shown in the margin, Rupees 77-0-9, and the Visabadi assessment on the dry P. (4) is Rupee 0-7-10, making a total of Rupees 77-8-7. In the first two years (Fasli 1262-63) of the average, the village was under Government management, and Rupees 56 was the Visabadi Cist of the whole land, of which V. 10, P. 14† only was cultivated in each year; subsequently the village has been under Asara tenure, and the rise in the revenue is attributable not only to increase in the area cultivated, but also to increased profits in the proprietor's share by the division of produce. However the whole income derived from the land now alienated has been taken into calculation, and as the proprietor got nothing from the waste land, no compensation need be made for it.

* Acres G.
16 39

	K.	V.	P.	A.	G.	V.
Wet	1	1	14	18	39	0
Dry	0	0	4	0	10	0
	1	2	2	19	9	0

Faslis.	Land. K.	V.	P.	Cist. Rs.	A.	P.
1262	0	10	14	56	10	0
1263	0	10	14	56	10	0
1264	0	12	12	126	11	0
1265	0	12	15	86	8	0
1266	0	14	7	63	0	0
1267	0	14	8	91	14	0
1268	0	14	8	111	12	0
1269	0	7	0	23	5	0
	6	1	14	616	6	0
Average of 8 years				77	0	9

† Acres 11 G. 22.

3. Under the above circumstances, I request the Board will be pleased to obtain the sanction of Government, for remitting to the proprietor K. Seetaya Naidu, the sum of Rupees 78 in round numbers on account of the Cist of the Inam in question, for Fasli 1270, and for making a similar deduction from the Peshcush* of the village for the future.

* Rupees 539.

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1. The Board observe that the whole of the correspondence quoted by the Acting Collector has reference to the claim on behalf of the Vencatachellaswami Pagoda.

2. He will please to explain his allusion to the Venkatiswaraswami Pagoda in paragraph 1 of the above letter.

3. Supposing that there is an error in the name, and that Mr. Thornhill intended to report that the whole 5½ Kutties of land claimed for the Vencatachellaswami Pagoda have been made over to the Trustees as directed by Government, it would appear that he proposes to make compensation at the annual rate of Rupees 70 by a remission of Peshcush to the Proprietor of the village in which one small portion of the lands claimed as one Kutty or Acres 16-39, but measuring on actual survey of the area within the expressed boundaries Kutties 1, V. 2, P. 2, or Acres 19-9 is situated.

In Cons. 28th October 1859, No. 5,332.

4. The Board observe that in the plaint as submitted to them by the Collector in his letter of 24th October 1859, the whole annual value of the entire 5½ Kutties, or Acres 93-14 claimed by the Pagoda Trustees is entered as Rupees 120.

5. It does not, therefore, appear reasonable that Government should make a permanent annual remission of Rupees 78 on account of little more than one-fifth part of the whole extent.

6. But it also appears doubtful whether the Proprietor of the village is entitled to any remission at all. The village was included in the Gudur Zemindary which was purchased by Government in Fasli 1261, and the Board do not clearly understand what the Peshcush of the village mentioned by the Collector can under these circumstances be. If properly styled Peshcush some statement of the assets on which it was calculated should be forthcoming, and it remains to be seen whether the land in question is included in, or exempted from them. Mr. Knox distinctly states in his letter above quoted that "the Curnum's accounts show that from Fasli 1207 to some years "subsequent to the permanent settlement, the produce of the Inams in question was deducted "from the dowle, that is exempted from assessment."

7. Thus it seems clear that they could not have been included in the assets of the Zemindar of Gudur, for further on the Collector stated that the sub-division accounts show the Inams to have existed before the permanent settlement and Lakhiraj lands were excluded from the assets in the gross.

8. The Board must have more definite information before them, before they can admit the claim of the Proprietor of the village to any compensation on account of the restoration of the Inam land situated within it, as they do not understand, as at present informed, how he can have had any good right to receive any profit from this land although he may have irregularly done so, since the Zemindar resumed the Inams in paragraph 19 on condition of paying a money allowance in lieu of them, which payments were discontinued since Fasli 1261, when the Zemindary fell into the hands of Government.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To G. Thornhill, Esq., Acting Collector of the Kistna District.

Exd. J. Wright.

PROCEEDINGS of the BOARD of REVENUE,

Dated 6th September 1861.

No. 4,851.

Calling for further information on the subject of the claim preferred by the Proprietor of the village of Devarapalli in the Bandar Taluk for compensation on account of the restoration of the Inam land situated within it.

R 30 Novmr/55 Nos 19-20
R 19 January/59 — 1-2
R 19 January/60 — 68-69

Rev 1862 Department
Pro: of Govt for Feby: /62
No. 3040

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 16th December 1861.
Despatched, 21 Do —
Received. 2320 —
C.I-

Pro: of the Bd of Rev. 4th Feby
1862 - C Nos 318 -
No. 7018.

Submitting with remarks a letter from the Collector of Kistna forwarding further information regarding the claim for compensation advanced by the proprietor of Devarapalli village.

Nos 122 & 123 -

G. 223 — 7 Feb.

Withdrawn Order

Q 31 January R 8 Feby

Nos 213

1 — In Order of 19th January 1860
93, the Govt permitted the restoration
5½ Kattis of land claimed as the En-
dowment of the Kunatachella Swamy
Pagoda in the Kistna district. —
2 — The Board of Revenue now re-
-port that in making over the lands
which were situated in six different
villages, it was ascertained that the por-
-tion in the Devarapilli village had been
included in the assets on which the
Peishcash of that village was fixed. The
average revenue derived from the settle-
-d extent of this portion is given as
Rs. 778-7; and the Proprietor requests a
remission from the Peishcash equal to
that amount; a claim which the
Board consider to be equitable.
3 — Under the circumstances pre-
-sented, and agreeably to the Board's
Recommendation