M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2608	Press Mis.
203—204	
Dated 15—12—1862	

Not to be folded or roughly handled

No. 203. Read the following Proceedings of the Board of Revenue, dated 14th November 1862, No. 7,505 :—

Read the following letter from J. SILVER, Esq., Collector of Tinnevelly, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 31st October 1862, No. 459.

SIR,

1. Referring to my letter of 30th August last, No. 376, regarding the death of Kotilinga Sethurayer the Zamindar of Oorkad in this District, paying an annual Peshcush of Rupees 12,911-1-6 to Government, I have the honor to report as follows.

2. The Estate is held under a Sunnud-i-Mulkeat Istmerar, and is capable of yielding a revenue of Rupees 23,241-13-5 per annum. There is no demand in this office against it.

3. The family left by the deceased is exhibited in the accompanying Genealogical Tree forwarded by the Tahsildar of Ambasamudram in whose Talook the Estate is situated.

4. The deceased Zamindar had married three wives of whom the first died without issue, during the life-time of the Zamindar. Of the remaining two wives now surviving him, Ramalatchmi Ammal marked B in the accompanying Genealogical Tree has three sons and two daughters, names and ages as per margin, and the other by name Vellyammal *alias* Sivanananjapermal Ammal marked E, has two sons, one* aged twenty-five years and the other† nineteen years.

1st son. Mutturamalinga Sethurayer aged twelve years and eight months.
2nd do. Sendrathesavendra Jagaveerarama Dikvejiapandia Sethurayer aged 7 years and two months.
3rd do. Sivanananjah Permal Sethurayer aged four years and eight months.
4th do. Daughter Athilatchmi Ammal aged fourteen years and ten months.
5th do. Meenatche Ammal aged eleven years and one month.
* Sivanananjapermal Sethurayer.
† Sivan Sethurayer

5. The deceased Zamindar previous to his demise addressed an Arzi to me under date the 8th August 1862, stating that being dangerously ill, he entertained no hopes of recovery and requesting that on his death Mutturamalinga Sethurayer marked C his son by his 2nd wife, might be recognized as heir to the Estate agreeably to a decree passed by the Civil Court of Tinnevelly in Original Suit No. 3 of 1861, and that during his minority, the Estate should be left to the management of his second wife Ramalatchmi Ammal marked B.

6. On the demise of the Zamindar, which took place on the 25th August 1862, his son Sivanananjapermal Sethurayer marked D, addressed an Arzi to me on the same date, requesting that pending the passing of a Decree in the Appeal Suit instituted by him in the High Court at Madras, against the Decree of the lower Court at Tinnevelly, in which Mutturamalinga Sethurayer one of his half brothers has been pronounced the lawful heir, the Zamindari might be taken under the management of Government.

7. Ramalatchmi Ammal one of the two surviving wives and marked B in the accompanying Genealogical Table addressed an Arzi to me on the 26th August 1862, requesting that her eldest son Mutturamalinga Sethurayer marked C might be recognized as heir to the Estate, in pursuance of the Decree passed by the Civil Court in Original Suit No 3 of 1861, and that she might be ordered to manage the affairs of the Estate during the minority of her son, agreeably to the Arzi addressed by her late husband during his life-time, and on the 1st September 1862 she presented a Petition by her Vakeel giving cover to a copy of the Court's Decree, and again on the 22nd idem, she sent another Arzi enclosing copy of an Extract from the Proceedings of the Civil Court of Tinnevelly under date the 10th September 1862, which states that the Court having pronounced a declaratory Decree respecting the minor's right to hold the Zamindari of Oorkad, she should address the Revenue authorities if she wishes to obtain possession of the Estate, and requesting that in accordance with the above Decree and Extract, the Estate might be made over to her management.

8. Sivanananjapermal Sethurayer marked D, addressed two Arzis on the 6th and 8th September 1862, protesting against the Estate being made over to Ramalatchmi Ammal as requested by her, on the ground that as she is in a state of seclusion, and that as her son is a minor, the compliance with her request would entail a loss to the Estate, and praying that the Estate might

be made over to him or that it might be taken under Circar management pending the decision of the High Court.

9. In 1861, or during the life-time of the deceased Zamindar Ramalatchmi Ammal one of the two surviving widows marked B, instituted a suit in the Civil Court of Tinnevelly in Original Suit No. 3 of 1861, on behalf of her son Mutturamalinga Sethurayer marked C, to obtain a declaratory Decree of the Court establishing her son's right to succeed on the death of his father the late Zamindar to the Estate of Oorkad, and the Court decreed on the 21st February 1862, that Muttutramalinga Sethurayer the son of the second wife is the lawful heir, and is entitled on the demise of the Zamindar, to inherit the Zamindari of Oorkad, on the ground that the marriage of Ramalatchmi Ammal with the Zamindar, appears from the evidence of witnesses to have been celebrated early in the morning of the 30th May 1836 at the Zamindar's house at Oorkad, while that of Vellayammal mother of Sivanananjapermal Sethurayer marked D was performed at the village of Kakanelloor where her parents resided, at 12 o'clock the same day; that the majority of the Zamindars of Tinnevelly in answer to a question put to them by the Collector in 1849, gave it as their opinion, that the issue of the first wife, first succeeded, and that in the event of the first wife having no issue, the issue of the other wives according to the order in which they were married, succeeded, and not according to the age of the children; that the point in dispute should be decided by the usage prevailing amongst the Zamindars in that part of the country in which the Estate in dispute is situated, and that the opinion expressed by the Zamindars as above adverted to, is, in the opinion of the Court, conformable to justice, and has been adopted by Government in the case of the succession to the Estate of the late Zamindar of Parayoor.

10. On the death of the Zamindar of Parayoor in the year 1849, the opinion of the several ancient Zamindars and Poliagars in this District was obtained by the then Collector Mr. Bird, on the subject of the rule of succession among the children of several wives, when the Zamindar of Oorkad stated that the rule for the Zamindars of his caste (Semboonatoomaravers) was, that the son of the first wife if he survives is rightful heir; failing a son by his first wife, the first born among the sons by all other wives, has right to succeed his father—*vide* Mr. Bird's letter to the Board of Revenue dated 24th August 1849, No. 166.

11. In January 1861, Sivanananjapermal Sethurayer marked D complained to me, that his father the Zamindar caused an Arzi regarding the usage in his family with respect to the right of succession to his Zamindari, and addressed by him to the Collector in 1849, to be fraudulently abstracted from the record room, and another Arzi signed also by him put in its place, differing entirely in its purport, with a view to defraud him of his rightful inheritance.

12. A copy of the original Arzi addressed by the Zamindar in 1849, having been forwarded to the Board, it was sent for from the Board's Office, and sent to the Deputy Collector in charge of the Treasury together with the complaint for inquiry. The Deputy Collector reported that there could not be the slightest doubt of the fraud having been committed at the instance of the Zamindar, and that the fraudulent Arzi was written by the Zamindar's servant Kallaperan Pillay. Thereupon all the papers connected with the case were sent to the Acting Joint Magistrate, with directions to institute Criminal proceedings on a Government prosecution against the Zamindar of Oorkad. The Acting Joint Magistrate instituted the necessary inquiries, and the Zamindar having denied his signature to the spurious Arzi, and as there was strong suspicion that the false Arzi was written by the Zamindar's servant Kallaperan Pillay, he was held to security on strong suspicions of having forged the spurious Arzi, purporting to be the Arzi addressed by the Zamindar.

13. Under the foregoing circumstances, I have the honor to forward copies of the Court's Decree and Extract, and of the Acting Joint Magistrate's two decisions referred to above, and request the Board's early instructions on the subject, as to whether the Estate should be made over to the management of Ramalatchmi Ammal in trust for her son Muthuramalinga Sethurayer, or kept under Circar management pending a decision in the appeal now before the High Court, preferred by Sivanananjapermal Sethurayer.

14. In the event of the Board being of opinion that the Estate should be held under Circar management pending the decision of the High Court, a separate Establishment will be necessary,

Proceedings of the Madras Government, Revenue Department,
15th December 1862.

and a statement for the same, and for the subsistence of the minor and other relations, will be forwarded.

15. The personal property left by the deceased is valued by the Tahsildar at Rupees 12,284-10-6, as per accompanying List No. 2.

16. Enclosure No. 3 exhibits the debts due to the Estate, to the extent of Rupees 64,826.

17. Pending the orders of the Board I have placed the Estate under the temporary charge of the Tahsildar.

18. The Tahsildar reports that the Zamindar's widow, Ramalatchmi Ammal is able to read and write Tamil.

ENCLOSURE No. 1.

ABSTRACT.—Genealogical Tree No. 1 referred to in the above letter.

ENCLOSURE No. 2.

ABSTRACT.—Decree of the Civil Court of Tinnevelly in Original Suit No. 3 of 1861.

ENCLOSURE No. 3.

ABSTRACT.—Copy of an Extract from the Proceedings of the Civil Court of Tinnevelly, under date the 10th September 1862.

ENCLOSURE No. 4.

ABSTRACT.—Decision of the Acting Joint Magistrate of Tinnevelly referred to in the above letter.

ENCLOSURE No. 5.

ABSTRACT.—Decision of the Acting Joint Magistrate of Tinnevelly referred to in the above letter.

ENCLOSURE No. 6.

ABSTRACT.—Detailed List No. 2 of the personal property left by the deceased Zamindar of Oorkad in the District of Tinnevelly.

ENCLOSURE No. 7.

ABSTRACT.—List No. 3 showing the amount of debts due to the Estate of Oorkad in the District of Tinnevelly.

1. The Board are decidedly of opinion that in the present state of affairs it would be highly improper to leave the Estate under the management of the widow, and as the minor son of the late Zamindar by his second wife is declared to be heir to his father's Estate in the Decree of Court, which though under appeal has not yet been set aside, the Board resolve to submit the papers to Government, with their recommendation that the Collector as local agent for the Court of Wards be authorized to assume charge of the Estate, and to take the necessary measures under the Regulation for its due administration.

2. The interests of all parties will be most effectually guarded by this arrangement.

(A true Copy and Extract.)

(Signed.) W. HUDLESTON, *Secretary.*

No. 204. ORDER THEREON, 15th December 1862, No. 2,608.

Under the circumstances stated His Excellency the Governor in Council authorizes the Court of Wards to take charge of the Zamindari of Oorkad under Regulation V of 1804. The Board will make the necessary arrangements for the charge of the Estate and the care of the minor.

(Signed) J. D. SIM,
Secretary to Government.

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2. The interests of all parties will be most effectually guarded by this arrangement.

(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D., with 7 enclosures.

Copy to J. Silver, Esq., Collector of Tinnevelly.

Exd. J. Wright.

2d October 1849 No 9.10

Rev. 1862. Department.
Pro: of Govt for Decr

No. 3182.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 14th November 1862.
Despatched. 18
Received. 20
C.J. Oct & 62. Rec'd

No. 7,505.

Withdrawn order

Submitting a letter from the Collector of Tinnevelly, reporting on the present state of affairs of the Zemindary of Oorkad in his district, with the Board's recommendation that the Collector be authorized to assume charge of the Estate as local Agent for the Court of Wards.

No 2608. 15 Decr
From Sec: to B of Rev: dated
22 March 1862 No 807.

No 203 & 204.

2d Decr 62 Rec'd

No 2608.

Under the circumstances stated His Excellency the Governor in Council authorizes the Court of Wards to take charge of the Zemindary of Oorkad under Reg: V of 1804. The Board will make the necessary arrangements for the charge of the Estate and the care of the minor

From Sec: to Govt
15 December 62
to Secy to B of Rev: & Com: No 45
with 7 Enclosures