M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 845	Press ~~Mis.~~
253-257	
Dated 15 — 4 — 1862.	

Not to be folded or roughly handled

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

No. 253. Read the following Proceedings of the Board of Revenue, dated 19th February 1862, No. 1,203:—

Read the following letter from H. A. BRETT, Esq., Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 17th February 1862, No. 29.

SIR,

1. I have the honor to acknowledge the receipt of the Board's Proceedings, dated the 10th instant, No. 948, forwarding the copy of a letter, with enclosure, from the Acting Government Solicitor, relative to a Suit in equity commenced in the Supreme Court of Judicature at Madras, at the instance of Ukkachi Ummani Garu, against the Secretary of State, in the matter of the Estate of the late Ankusagiri Poligar, and calling upon me to report on the Collector's proceedings, *ab initio*, in respect to the private lands, and private property of the deceased Poligar, Vira Ummani.

2. In order to show, as accurately as possible, the grounds which induced Mr. Knox to take charge of the entire property belonging to the late Poligar, I give below a brief precis of the official papers that passed between the Collector, the Tahsildár of Usur, and the parties interested in the property, both before and after Vira Ummani's death.

No. 1.—A Petition from Ludanapully Gounden, dated 6th of January 1860, stating that Vira Ummani, the Poligar of Ankusagiri, was very ill; and that certain parties were making away with the property belonging to the Poliput. The Petitioner, therefore, prayed the Collector to take measures for securing the property till the recovery of Vira Ummani; or, in the event of her death, till a successor should be appointed. (The name of Sadanapulli Gounden will be found in the genealogical table as one of the descendants of Kareapa Gounden.)

No. 2.—An order from Mr. Knox to the Tahsildár of Usur, dated 11th January, directing him to take measures in the event of the Poligar's death for securing the property, and to inform all persons claiming the property that the heir should apply to the Civil Court for a certificate giving him a right to possession.

No. 3.—An Urzi from the Tahsildar, dated the 20th January, recommending that an inventory should be made at once.

No. 4.—An order from Mr. Knox, dated 6th of February, stating that no list should be taken; but directing the Tahsildár to advise the Poligar that she should make a will, in order to prevent any dispute regarding the property after her death.

No. 5.—An Urzi from the Tahsildár, dated 15th February, reporting Vira Ummani's death on that date, and suggesting that the Poliput should be taken under Circar management till the right of succession should be ascertained.

No. 6.—An Urzi from Ukkachi Ummani, dated the 16th of February, forwarding a will and an Urzi, both dated the 13th February, and purporting to be an Urzi and a will written by Vira Ummani.

No. 7.—An order from Mr. Knox, dated the 20th of February, directing the Tahsildár to take temporary charge of the Poliput, and to confine his inquiries as to the right of succession or claims regarding the Pollium only (*i. e.* he was not to concern himself with rival claims to any private property belonging to Vira Ummani).

No. 8.—An Urzi from the Tahsildar, dated 21st of February, stating that he had made an inventory of all the property and taken charge of the same, in compliance both with the Collector's order, and with a request made by the parties, expressing their wish that he would secure the property in consequence of their disputes regarding it. The Tahsildár also sent lists containing particulars of the property, and explained that he had consented to Chenna Ummani, the deceased's sister, appropriating for purposes connected with the funeral 350 Rupees, some grain, and some clothes, which, it was said, had been left by Vira Ummani in charge of her sister

expressly for use at the funeral. He also requested instructions in respect to a request made by the parties, that they might be allowed more money to meet the funeral expenses.

No. 9.—An Urzi from the Tahsíldár, dated the 28th of February, reporting further regarding the deceased's heirs, their rival claims to the estate, and the evidence in support of the will; and secondly, expressing an opinion that Ukkachi Ummani had the best claim to the Poliput; and was also the rightful claimant to all the other property, on the ground that the right to it belonged to the family in common. He further remarked that if the other property (besides the Poliput) should be considered the private property of Vira Ummani, it ought to go to her sister Chenna Ummani, and that, whatever the Collector's decision might be on that point, there was nothing to prevent the rival claimants bringing their claims before the Civil Court. He added that, on his communicating to the parties Mr. Knox's order, notifying that the property would be given up to any one who should produce a certificate from the Court, all the parties concerned stated that they were unable to go to the Court.

No. 10.—An order from the Collector, dated the 9th of March, giving certain instructions about the management of the Poliput, and replying to the Tahsíldár on the following points:—

First. With reference to the objections made by the parties that they could not go to the Court, directing the Tahsíldár again to inform them that no one could be allowed to have possession of the personal property who did not first produce a certificate.

Second. With reference to the Tahsíldár's recommendation that the personal property should be made over either to Ukkachi Ummani or Chenna Ummani, informing him that it was necessary only in respect to the Poliput, and the right of succession thereto, to report to the Board and obtain their orders; and that, in regard to the movable property and the private lands, it was not necessary for the Collector to pass any order till the required certificate should be produced. He, therefore, desired that in whatever state the property in question then was, it should be so kept; and secondly, that no more money should be given for funeral expenses.

3. The above-mentioned orders and Urzis are all that passed between Mr. Knox and the Tahsíldár on the subject of the Poliput and the private property. A considerable number of petitions were presented to Mr. Knox, and subsequently to myself (after I took charge on the 1st of May 1860), by the several persons concerned; but it is not, I consider, necessary to give any account of these petitions in detail. In their general purport they referred to the grounds on which the parties respectively claimed either the Poliput or the other property.

4. I exhibit in the margin the dates respectively of the Collector's letters to the Board, of the Board's Proceedings, and of the Government Orders on the two subjects the Poliput and the other property.

1. From Collector, 22nd February 1860, No. 45.
2. „ Board, 5th March 1860, „ 1196.
3. „ Collector, 8th August 1860, „ 2364.
4. „ Board, 22nd September 1860, „ 4491.
5. „ Collector, 3rd November 1860, „ 2935.
6. Board's Proceedings, 20th February 1861, No. 955.
7. From Collector to Government, 14th March 1861, No. 41.
(In answer to Telegram.)
8. Government Proceedings, 9th April 1861, No. 794.
9. From Collector, 15th November 1861, „ 225.
10. „ Board, 19th November 1861, No. 6341.
11. „ Collector, 15th „ „ 226.
12. „ Board, 26th November „ „ 6490.
13. „ „ 12th December „ „ 6612.
14. „ Collector, 13th „ „ 239.
Correspondence relating to a Suit filed by Ukkachi Ummani in the Supreme Court, for the recovery of the Poliput.
15. From Board, 11th December 1861, No. 6459.
16. „ Collector, 13th „ „ 239.

5. The first document on this list, that relates to the private property is my letter to the Board, dated the 15th November 1861, No. 225, in which I explained what had passed in regard to that property subsequent to the decision of Government (dated the 9th of April 1861, No. 794), that the Pollam should be made over to Dubvoy Appa Ráu. In this letter I forwarded an abstract list of the property in question, and requested the Board to obtain the opinion of the Government Pleader, as to the course I ought to follow in regard to the private property, real and personal. My next communication was on a petition addressed to the Board by D. Appa Ráu, No. 239, dated 13th December, further explaining the circumstances under which possession had been retained by myself from the time I resumed charge of the District to the date of my letter.

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

6. In reply to my reference, the Board forwarded the copy of a letter from Mr. Dole, Government Pleader, advising that all personal private property of the deceased Vira Ummani in the Collector's possession should be delivered to Ukkachi Ummani, provided she satisfied the Collector that probate of the deceased's will had been granted to her, by producing the probate under seal of the Supreme Court.

7. On receipt of this advice, I wrote to Mr. G. Branson (under date the 6th December 1861), who had previously applied to me in behalf of Ukkachi Ummani to deliver up the property, informing him that I was prepared to make over all personal private property in charge to his client, on her producing before me the probate to the will; and sending him an abstract list of the property (Mr. Branson having previously applied for a list).

8. In consequence of this letter, a Sura Subbi Chetty, Vakíl on behalf of Ukkachi Ummani, produced before me the probate in question, with a petition from Ukkachi Ummani, applying for the property; but before my reply was given to this petition, I received a letter from the Civil Court of Salem, dated the 19th of December 1861, requesting me to retain possession of the property until I should hear further from the Court. I therefore, gave the Vakíl an endorsement, stating that in consequence of the Court's instructions, I was unable to make over the property to the Petitioner.

9. On the 24th of December I wrote to the Civil Judge of Salem, explaining that Mr. Knox, late Collector, had only assumed charge of the property for safe custody till the rightful claimant should produce a certificate under Act XIX of 1841, and requesting that, if the Court objected to my making over the property to the claimants, the Court would relieve me from possession of it.

10. Having received no answer to this letter, I directed the Government Vakíl on the 31st January to remind the Civil Court that no answer had been made to my letter. The Government Vakíl applied by petition to the Court on this subject, and on the 15th instant, the Court passed the order entered in the margin. It appears, therefore, that the Civil Court is prepared to relieve me from possession, and has ordered a receiver to be appointed for that purpose.

Miscellaneous Petition 22.
Under the order of the Court, dated 6th February 1862, the Collector will be relieved of the charge of the property which will be put into the custody of the Court as soon as the Court can procure a receiver suited for the responsibility, and agreeable to all parties.
(Signed) J. W. CHERRY,
15th February 1862. Civil Judge.

11. With regard to the concluding paragraph in Mr. Miller's letter, requesting to be informed under what authority, and why the Collector took possession of the private property and private lands of the deceased Poligar, it is sufficiently clear from the correspondence that passed between Mr. Knox and the Tahsíldár of Usur, that he took charge of the private lands and the private property on the death of Vira Ummani, simply to protect the property from depredation while the different parties claiming an interest in it disputed the right of possession; and that the property remained under his charge, and subsequently under mine, because none of the claimants produced any authority under which the Collector could properly relinquish possession.

12. With reference to paragraph 5 of the Bill filed in the Supreme Court, I should mention that the lands remaining under my charge consist of dry and wet lands, amounting to about acres 184-21-18, assessed at Rupees 731-13-7. The rents received from these lands from the cultivators are kept in deposit, and will be at any time available for payment to the party entitled to receive the same, *minus* the public revenue payable to the Poligar, and the expenses of management. It is also proper for me to explain that since the Pollam was made over to D. Appa Ráu, I have ordered at different times certain property to be delivered to him, on my finding that it belonged either to him as Poligar, or to the Pagodas in his Pollam, viz., certain records, arms, and seals; with a sum of money, certain jewels, and other paraphernalia, the property of the Pagodas, of which the Poligar is trustee. It appeared that some of this property was not included in the lists, and that in other cases there was no question as to the right of the Poligar to have possession of the things claimed by him.

13. I beg to return the Bill.

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

1. Ordered to be communicated to the Acting Government Solicitor, with reference to his letter, dated 4th February 1862.

2. The Board expect a further report from the Collector on the subject of the Civil Suit now pending in the Civil Court of Salem, copy of which will also be furnished to Mr. Miller when received.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 254. ORDER THEREON, 15th April 1862, No. 845.

Ordered to be recorded, with reference to Government Order dated 26th February 1862, No. 423.

(Signed) C. G. MASTER,

Deputy Secretary to Government.

6. In reply to my reference, the Board forwarded the copy of a letter from Mr. Dale, Government Pleader, advising that all personal private property of the deceased Vira Ummani in the Collector's possession should be delivered to Ukkachi Ummani, provided she satisfied the Collector that probate of the deceased's will had been granted to her, by producing the probate under seal of the Supreme Court.

7. On receipt of this advice, I wrote to Mr. G. Branson (under date the 6th December 1861), who had previously applied to me in behalf of Ukkachi Ummani to deliver up the property, informing him that I was prepared to make over all personal private property in my charge to his client, on her producing before me the probate to the will; and sending him an abstract list of the property (Mr. Branson having previously applied for a list).

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Miscellaneous Petition 22.

Under the order of the Court, dated 8th February 1862, the Collector will be relieved of the charge of the property which will be put into the custody of the Court as soon as the Court can secure a receiver suited for the responsibility, and agreeable to all parties.

(Signed) J. W. CHERRY,
15th February 1862. Civil Judge.

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the Poligar is trustee. It appeared that some of this property was not included in the lists, and that in other cases there was no question as to the right of the Poligar to have possession of the things claimed by him.

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ENCLOSURE No. 1.

ABSTRACT.—Bill of complaint filed in the Supreme Court of Judicature, Madras.

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2. The Board expect a further report from the Collector on the subject of the Civil Suit now pending in the Civil Court of Salem, copy of which will also be furnished to Mr. Miller when received.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. Miller, Esq., Acting Government Solicitor.

Copy to H. A. Brett, Esq., Collector of Salem.
,, to J. D. Sim, Esq., Secretary to Government, R. D.

Exd. J. Wright.