

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1061

Press

~~1015~~

268-269

Dated 16. 6. 19-1862

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
16th June 1863.*

No. 268. Read the following Proceedings of the Board of Revenue, dated 12th June 1863:—
Read letter from the Collector of Madura, dated 23rd May 1863, No. 96.
(In Cons. 1st June 1863, No. 3,370.)

Ordered to be submitted for the information of Government with the Board's recommendation, that Mr. Dale's opinion be obtained as to the course to be pursued in this case, and that if possible, the opinion of Mr. Norton, the Acting Advocate General, be conjointly taken. This may perhaps not be feasible as he has been engaged on the other side in the litigation relating to the Zemindary of Ramnad, but if free, his opinion would be very valuable.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 269. ORDER THEREON, 16th June 1863, No. 1,061.

The papers will be forwarded to Mr. Dale for his advice.

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

No. 3,475.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th June 1863.

Read the following letter from V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Kodaikanel, 23rd May 1863, No. 96:—

1. I have the honor to submit for the consideration and orders of the Board, the accompanying translation of a plaint in O. S. No. 4 of 1863 on the file of the Civil Court of Madura, and the Notice served on me.

2. The plaint is filed on behalf of Muttu Vizia Riganatha Mutturamalinga Taver, the alleged adopted son of the Zemindarni of Ramnad, in which he prays that his name may be registered, as owner of the Ramnad Zemindary under Section 8, Regulation XXV of 1802, and the Kist received from, and receipts granted to, him by the Collector, and that the interference of the Collector with the Estate on the part of Government be prohibited till the final disposal of the Suit.

3. The Plaintiff grounds his Suit on the alleged gift of the Estate in his favor by his so-called adoptive mother Parvatha Vaidani Natchyar, the present Zemindarni, in accordance with the consent of her kindred and other relatives, as well as her future heirs.

To Board,	21th Feb.	1862,	No. 34.
To do.	27th do.	do.	
From do.	11th March	do.	No. 1,636.
Do. do.	21st do.	do.	" 1,891.
Do. do.	25th do.	do.	" 1,976.
Do. do.	16th April	do.	" 253.
To do.	17th do.	do.	" 23.
From do.	17th do.	do.	" 2,553.
Do. do.	28th do.	do.	" 2,691.
To do.	27th Sept.	do.	" 212.
From do.	8th October	do.	" 6,723.
Do. do.	22nd do.	do.	" 7,029.
Do do.	5th Nov.	do.	" 7,305.
Do. do.	20th Dec.	do.	

4. The circumstances of this claim are so fully set forth in the marginal correspondence, that I do not appear called on to do more than to refer the Board to it, and to observe that this action is apparently intended to meet the difficulty created in the way of his purpose by the recent decrees of the Privy Council in the Vissanapetta case, and to prevent Government interference, with the Zemindary on the plea of a Suit thus pending against the Government, in case the Government appeal in the High Court be disposed of favorably to them.

5. The Board will see that this Suit is on its very face utterly unsustainable, inasmuch as it has been based on a gift not formally registered, and consequently having no legal force or effect, and that it is not even cognizable by the Court as it has been repeatedly ruled by the late Court of Sudder Adalat at Madras, that it is not in the power of any Court of Judicature to interfere with the registry of lands, and that the provisions of the Regulations do not render it obligatory on a Collector to register a transfer made by a person who may not appear entitled to make it.

6. It will be seen from the plaint that the Estate is now in possession not of its proprietrix, but of a stranger, the Plaintiff. I fear that it will be taken for acquiescence of the Government in the enjoyment of the Estate thus by a stranger, should they now pass over the act in silence. I, therefore, request the early and explicit instructions of the Board for my guidance in the matter.

7. The Board will further see that the Plaintiff now maintains that he was adopted by the present Rani by the order of her late husband, and the consent of her relatives, whereas he stated before, that the adoption was made not at the desire of the husband, but with the consent of the relatives of the Rani, as will be seen from the accompaniment of my letter to the Board dated the 21st December 1860.

8. The time for answering the plaint allowed in the notice will expire on the 27th July next. I purpose to apply for an extension of two months on the opening of the Court, which will be on the 12th July 1863.

ENCLOSURE No. 1.
(Translation.)

Original Suit No. 4 of 1863 on the file of the Civil Court of Madura.
Plaint preferred under Section 26, Act VIII of 1859, to the Civil Court of Madura, by
Goorooiswamy Sasriy and Naraina Row, Vakeels on behalf of
Plaintiff
Streemadoo Hiravinger Bijjee Ravigula Vegia
Ragoonada Rajah Moottooramalinga Saithoopady, the present Zemindar of Ramnad,
Defendant.
V. H. LIVINGE, Esq., Collector of Madura.

Plaintiff prays for orders to register the said Zemindary of Ramnad, which yields annually an out-turn of Rupees 5,57,000, and pays a Kist of Rupees 3,21,111 in his name, to require of the Collector to receive the Peshkush of the Zemindary in his (Plaintiff's) name; and to prohibit the Government, as well as its officers from interfering with the Zemindary till this Suit is decided.

1. After Moottooramalinga Saithoopady had, in 1795, forfeited the said Zemindary of Ramnad, the Government in 1803 bestowed it on his sister Rani Mangaladevi Natchiyar, under an Istimrar Sunnah, fully authorizing her hereinafter to enjoy it, and to dispose of it as she thought proper. Thus the Zemindary passed from her paternal line to the line of her husband. Subsequently the said Mangaladevi Natchiyar adopted an Annaswamy Saithoopady, who stood in such a relation to her husband as a nephew in the line of his kindred, and in 1807, made out a will in his name, which will, as well as adoption, the Government confirmed. Annaswamy Saithoopady afterwards adopted as his son, one Ramasawmy Saithoopady, who was his brother-in-law, and who also stood in such a relation as a nephew in the line of his co-partners. On the eve of the said Ramasawmy Saithoopady's death, in 1839, he proposed that his two elder daughters should succeed to the Zemindary, and that, in case they have no issue, his wife Rani Parvadaverthany Natchiyar should adopt a son. After the demise of one of the two elder daughters, Rani Moottooverayee Natchiyar (the mother of Ramasawmy Saithoopady) instituted a Suit in 1843 against the above-mentioned Rani Parvadaverthany Natchiyar; whilst that Suit was pending before the Court the other minor also died. In the meantime Parvadaverthany Natchiyar pleaded that it was her intention to make the adoption as had been proposed by her late husband. Moreover, Moottooverayee Natchiyar (Plaintiff in the above-mentioned Suit, and mother-in-law of Parvadaverthany Natchiyar in the Razinama), filed by her jointly with Parvadaverthany Natchiyar adopted her sister's son, this Plaintiff, as her's and her husband's son, after performing the necessary ceremonies according to the Shasters; and she also immediately reported the circumstance to the Collector and other authorities. Subsequently, the Government, who were first of opinion that this Plaintiff alone was lawful heir to the said Zemindary, afterwards changed their opinion and sent instructions to the Collector to take possession of the Zemindary on the death of the Rani Parvadaverthany Natchiyar. On his having attained his proper age, this Plaintiff in O. S. No. 1 of 1860 on the file of this Court, claimed to be put in possession of the Zemindary, and the Government appealed against it to the Court of Sudder Adalat, and the case is still pending.

2. As it was not certain the case in question would be decided without great delay the Rani Parvadaverthany Natchiyar, who had felt desirous to remove the objection entertained by Government in the matter of the adoption of this Plaintiff, and to place him in possession of the Zemindary, established the adoption in question, and with the consent of her relatives of the co-partners, and other future heirs, as well as through affection for this Plaintiff bestowed in

donation the said Zemindary together with all its appurtenances on the Plaintiff, on the 21st February 1862, after performing the ceremony called *Sakiruni jathagathapuram* (an offering of money and water together) according to the Shasters, and then executed to him a deed of donation. She, moreover, placed this Plaintiff in immediate possession of the whole of them which the Plaintiff is now enjoying.

3. On the same date, viz., the 21st February 1862, both the Rani Parvadaverthany Natchiyar, as well as this Plaintiff, submitted two Arzies to the Defendant setting forth the above particulars, and requesting him (the Defendant) to register the said Zemindary in the name of the Plaintiff according to Section 8 Regulation XXV of 1802. The Defendant stated that such registry cannot be made without the permission of higher authorities, who will be written to, and their opinion ascertained. The Defendant did accordingly write to the Board of Revenue on the subject.

4. Finally on the 15th of December 1862, the Government ordered that the Deed of Donation ought neither to be recognized nor registered by the Collector.

5. As under the foregoing circumstances the Zemindary has passed from the Rani to this Plaintiff, it is nothing but proper that its Peshkush should be received by the Defendant from the Plaintiff, and a receipt granted in Plaintiff's name; but this was not done. As the Defendant refused to receive the Peshkush even when it was accompanied by a protest, and as, therefore, the Kist is entered, not in any body's name, but merely as the "Zemindary Kist," this procedure affects the rights of the Plaintiff in an unfavorable manner.

6. As the Rani has several heirs to succeed her, the Zemindary will never lapse to Government. The refusal of Government to register the deed of gift, whilst they have no right to the Estate, is improper.

Plaintiff, therefore, prays that orders may be issued to the following effect:—

1st.—That the above-mentioned Zemindary may be registered in Plaintiff's name according to Section 8, Regulation XXV of 1802.

2ndly.—That the Collector may, in the regular way, receive the Peshkush in the name of the Plaintiff, and grant a receipt also in his name; and

3rdly.—That Government be not allowed to interfere with the Zemindary till a decision shall have been passed in the present Suit.

(True Translation.)

(Signed) V. H. LEVINGE, Collector.

16th March 1863.

ENCLOSURE No. 2.

SUMMONS.

Under Sections 41 and 43, Civil Court at Madura.

Original Suit No. 4 of 1863.

Plaintiff.

versus

Defendant.

Streemadoo Hiravinger Bijjee Ravigula Vegia
Ragoonada Rajah Moottooramalinga Saithoopady, Zemindar of Ramnad,
To V. H. LEVINGE, Esq., Defendant.

V. H. LIVINGE, Esq., Collector of Madura.

Whereas the above-named Plaintiff has instituted a Suit in this Court against you, of which the particulars are hereunder specified, you are hereby summoned to appear in this Court on the 27th day of July next, at 10 o'clock in the forenoon, in person or by a Pleader of the Court duly instructed and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions to answer the said Plaintiff and for the settlement of issues, and you are hereby required to take notice; that in default of your

appearance on the day before-mentioned, the suit will be heard and determined in your absence, and you will bring with you, or send by your agent any document on which you intend to rely in support of your defence.

MADURA, Civil Court, 21st March 1863.

(Signed) R. R. COTTON, Civil Judge.

Particulars of the claim.

- 1st. To have his (Plaintiff's) name registered for the Ramnad Zemindary, under Section 8 of Regulation XXV of 1802.
- 2nd. That the Collector receive the Kist from the Plaintiff and grant him receipts.
- 3rd. That the Collector on the part of Government be prohibited from interfering with the Zemindary till the final disposal of this suit.

(Signed) R. R. COTTON, Civil Judge.

(") V. H. LEVINGE, Collector.

(True Copy.)

(Signed) V. H. LEVINGE, Collector.

Ordered to be submitted for the information of Government, with the Board's recommendation that Mr. Dale's opinion be obtained as to the course to be pursued in this case, and that if possible the opinion of Mr. Norton, the Acting Advocate General, be conjointly taken. This may perhaps not be feasible, as he has been engaged on the other side in the litigation relating to the Zemindary of Ramnad, but if free, his opinion would be very valuable.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.
Copy to V. H. Levinge, Esq., Collector of Madura.

Exd. J. Wright.

PROCEEDINGS OF THE BOARD OF REVENUE.

No.

1863.

Department.

Res. 5500/15-16-1863/15-16-1863

Dated 12th June 1863.

Despatched

Received

No. 3,475.

Submitting for information a letter from the Collector of Madura, relative to Ramnad Suit with the Board's recommendation that Mr. Dale's opinion be obtained as to the course to be pursued in this case, and if possible the opinion of Mr. Norton be conjointly taken.

HT. 1061-

The paper will be forwarded to Mr. Dale for his advice -

Port George J.D.S.
Mr. Dale's opinion is required.

I have said nothing about Mr. Norton partly for the difficulty mentioned by the H.C. & partly for because the case will not come before the High Court on its original side - and I conclude that Mr. Norton's services only on that side - I do not see any thing in the case to puzzle Mr. Dale - in answer to the answer - J.D.S.

30 April/62 - 8 in 12.427.
 6 May/62 - 127-128
 16 July - 211-212
 24 October - 260-261
 15 Dec/62 - 216-217
 11 June/63 - 221-222

Reported to England
 27th March 1865 No 21
 Mrs

Rev = 1853 De laud
 Pro: of Govt for James
 13/5

Proceedings of the
 Society of Friends

Dated 12th
 Dec 12 1865
 11th
 Ex of
 3. 1865
 1865

Submitting for
 information a letter from
 the Collector of Madras
 relative to Remuneration
 sent with the 3rd re-
 commendation that
 Mr Dale's opinion be
 obtained as to the course
 to be pursued in this
 case, and if possible
 the opinion of Mr Norton
 be conjointly taken.

With Order
 of the Committee

No 268 & 269.

13th June/63. 1865