M.R.O. 14—13,000—27-9-34.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1395 Press ~~Mis.~~

Lgo. 491

Dated 27-7-~~11~~ 1865

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 27th July 1863.

No. 490. Read the following Proceedings of the Board of Revenue, dated 24th April 1863, No. 2,410:—

Read again letter from the Acting Collector of North Arcot, dated 27th November 1862, No. 244.
(In Cons. 1st December 1862, No. 7,616.)

Read also the following letter from the same Officer, dated 24th February 1863, No. 261.

No. 8,078, dated 11th December 1862.

1. With reference to the Proceedings noted in the margin, I have the honor to inform the Board that the Estate of Naraganti is one of the six unsequestered Chittoor Poliems. The particulars of the settlement thereof are given at full length in Mr. Robinson's letter to the Board, dated 13th September 1861, No. 228.

2. These Poliems have not been hitherto treated in this District as being within the jurisdiction of the ordinary Courts.

From the Acting Civil Judge, Chittoor, dated 2nd February 1863.

3. From the letter noted in the margin it would appear that the late proprietress Lutchmi Devi Ammal preferred an Appeal to the Privy Council from the Decree of the late Sudder Court against her; but that the Appeal was rejected.

ENCLOSURE No. 1.

From W. T. BLAIR, Esq., Acting Civil Judge of Chittoor, to J. FRASER, Esq., Acting Collector of North Arcot, dated 2nd February 1863.

In reply to your letter dated 23rd ultimo, I have the honor to inform you that Lutchmi Devi Ammal, the late Proprietress of Naraganti Poliem, preferred an Appeal to the Privy Council from the Decree of the Sudder Court, which was dismissed and the Sudder Court's Decree affirmed.

(True Copy.)

(Signed) J. FRASER, *Acting Collector.*

1. Ordered to be submitted to Government, with reference to their endorsement on Petitions Nos. 1,048 and 2,564 of 1863 and No. 257 of 1863.

2. The Estate for which Petitioner is anxious to sue is one of the six unsettled Poliems described in paragraph 15 of Board's Proceedings dated 14th January 1863, No. 210, for which no permanent Sunnud has been issued, and in which therefore under the rulings of the Sudder Adalut in the Decrees noted in the margin, the right of succession is not hereditary, but is determinable by Government, who in the exercise of their powers are competent to grant the Estate to whom they please.

13 of 1813
11 of 1816
14 of 1817 and
6 of 1818.

3. It appears that on a former occasion the right to succeed to the property has been made the subject of a suit in the ordinary Courts, but it is clear, from the decrees above quoted, that such claims can only become the subject of adjudication in the Courts by the direct permission and desire of the Executive Government. In this case it rests with Government to decide whether they will grant Petitioner the permission he solicits of carrying his claim into the Court, or whether they will exercise their prerogative, and retain the present proprietor in possession as the nominee of the Crown.

No. 491. ORDER THEREON, 27th July 1863, No. 1,395.

1. In the Petitions referred to in the foregoing Proceedings of the Board of Revenue, application is made for leave to bring a Suit for the Estate of Naraganti in the District of North Arcot.

2. The Estate is an "unsettled" Poliem, and the right of determining the succession vests in the Government as an act of State.

xd. J. Wright.

Proceedings of the Madras Government, Revenue Department, 27th July 1863.

3. In their Proceedings of the 27th October 1837, No. 1,502, the Government recognized one Lakshmi Davammal as the proprietor of the Estate, in preference to one Kuppy Naidu and another, who had respectively asserted their claims. It does not appear from those Proceedings that any specific permission was given to Kuppy Naidu to enable him to prosecute his claim in the Courts, but it is mentioned in the Decree of the Sudder Adalut in A. S. No. 64 of 1836, that Government had "referred him by endorsement for redress from the Civil Courts."

4. However that may be, Kuppy Naidu brought a Suit in *forma pauperis* against Lakshmi Davammal in 1850 and obtained a Decree in his favor in 1856. The Appeal Suit, No. 61 of 1856, was thereupon preferred by Lakshmi Davammal, and she subsequently presented a Special Appeal to the Privy Council, but both were unsuccessful. The Estate was put in Kuppy Naidu's possession in 1856, and on his demise in the following year, descended to his son, the present holder, whose succession, however, does not appear to have been formally recognized.

Ex. Mins. Cons. 1,186 of 20th November 1857, 203 of 16th February 1858, and 883 of 4th May 1858.

5. In the Suit decided in favor of Kuppy Naidu, the only Defendant was Lakshmi Davammal. The Petitioner claims as being the son of Kuppy Naidu's elder brother, named Ramasawmy Naidu. Incidental mention is made in the Decree of the Sudder Adalut of two elder brothers of the Plaintiff (Kuppy Naidu) named Krishnama Naidu and *Yudu Krishnama* Naidu, but nothing is said of the existence of any other brother called Ramasawmy Naidu. It is certain that no such person came forward during the six or seven years that the Estate was in litigation.

Section III of Judgment.

6. Assuming even that the facts are as stated by Petitioner, it is strange that neither his father nor he himself came forward in the long interval between 1836, when Government recognized Lakshmi Davammal and thereby (supposing them to have waived or been indifferent to their undoubted right of election) set aside his claims equally with those of Kuppy Naidu, and in 1857 when Kuppy Naidu died and was succeeded by his son, who has been in possession of the Polliem ever since.

7. The Government wish to exercise their right of election in the manner most likely to serve the interests of the family; and as Vengama Naidu the present holder is undoubtedly a very near, if not the nearest, heir; as Kuppy Naidu, his father, established his right after tedious litigation; as neither Petitioner nor his father made known the claims now advanced during an interval of upwards of twenty years, and as further litigation will only tend to impoverish the Estate, they resolve to recognize Vengama Naidu, as Poligar, leaving the claims of the Petitioner and his branch of the family for consideration on the occurrence of the next lapse.

8. This decision will be communicated to the Petitioner through the Petition Department.

(True Extract.)

Acting Deputy Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 8,075.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th December 1862.

Read the following letter from J. FRASER, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Chittoor, 27th November 1862, No. 244:—

* Government No. 1,018 of 1862.
Board No. Do. 2,564 / 438 } 1862.

1. I have the honor to acknowledge the receipt of the endorsed Petitions noted in the margin, calling upon me to submit a report with reference to paragraph 2 of the Order of Government dated 7th June 1859, No. 760.

2. In Original Suit No. 24 of 1850, on the file of the Civil Court of Chittoor the Plaintiff Cooppi Naidoo, the Petitioner's paternal uncle, instituted a Suit in *forma pauperis* against the Defendant Lutchmedaviummaul, the then Poligar of Narguntí in this District, for the recovery of the Poliem, and obtained a Decree in his favor on 4th March 1856.

3. A copy of this Decree having been received* from the Civil Judge under Section 11, Regulation III of 1802, Mr. Whittingham, the then Collector, forwarded† a transcript of it to the Board, and requested sanction for attaching the two villages of the Poliem noted in the margin in satisfaction of arrears of Peishcush due by Lutchmidaviummaul, and for putting the said Cooppi Naidoo in possession of the remainder of the Estate in pursuance of the decree.

* 12th March 1857.

† 17th March 1857.

Carichavedoo and Ramapooram.

4. In their Proceedings noted in the margin, the Board approved of the attachment and of the proposition to place the remaining portion of the Poliem in possession of the said individual in accordance with the requisition of the Civil Court, and stated that if he should discharge the arrears in question the entire Poliem would be delivered over to him.

27th March 1857, No. 966.

5. The whole Estate was subsequently placed in his possession, the Government demand having been made good partly from the collections of the attached villages and partly by him.

6. But this individual having died on 4th July 1857, the circumstance was brought to the notice of the Board in a communication dated the 6th of that month by Mr. Whittingham who stated that a son aged 30 years was left by Cooppi Naidoo, and that pending their final orders he had brought the Poliem under attachment.

7. In their Proceedings noted in the margin, the Board directed that the deceased's son named Vengama Naidoo, the present Poligar, be put in possession of the Poliem.

23rd July 1857, No. 2,483.

8. The Petitioner now represents that his deceased uncle Cooppi Naidoo and his son Vengama Naidoo fraudulently omitted to mention his (Petitioner's) name in their pleadings, with a view to deprive him of his right to the Poliem, while under the provisions of the Hindu Law, he is as son of Cooppi Naidoo's elder brother, the senior claimant to the Estate which is undivided patrimonial property, and prays that he may be furnished with an order under Regulation IV of 1831, directing the Civil Court to admit his suit for the recovery of the Poliem from the said Vengama Naidoo as was done in the case of Cooppi Naidoo on a similar application from him in 1848.

9. As under the circumstances above represented the right of Cooppi Naidoo to the Poliem appears to have been finally decided by the Civil Court, his son's right to succeed his father is unquestionable, and I do not consider that the question of right should be re-opened by appeal to a Civil Suit.

10. The Petitions under report are herewith returned.

ENCLOSURES Nos. 1 and 2.—Petitions.

1. The Board desire to know whether the estate of Naragunti is an *unsettled* Polliem; and if so, whether such Estates have been hitherto treated in the North Arcot District as being within the jurisdiction of the ordinary Courts.

2. The Acting Collector is also requested to report whether the late proprietress, Lutchmidaviummaul brought her case before the Privy Council, and with what result, as from the Board's records* she appears to have obtained copies of documents for the purpose of making such an appeal.

* Board's Proceedings 8th October 1858, No. 3,781.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Sub-Secretary.

To J. Fraser, Esq., Acting Collector of North Arcot.

Exd. J. Wright.

Enclosure in the Proceedings of the Board of Revenue to the Secretary to Govt. N.W.P. dated 24th April 1863 No 2480

1862. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 11th December 1862.

No. 8,075.

Requesting information on certain points respecting the Naraunti Estate.

assets in the Govt as
an act of State.-

3. In their Proceedings
of the 29th October 1867
No 1502, the Board requested
one Lakshmi Seshammal
as the proprietor of the Es-
tate, in preference to one
Kuppy Naidu and ano-
ther, who had respectively
asserted their claims.
It does not appear from
those Proceedings that
any specific permission
was given to Kuppy Nay
-du to enable him to
prosecute his claim in
the Civil Courts, but it
is mentioned in the de
-cree of the Sudr Adalt
in A.S. No 64 of 1856
that Govt had "refer
-red him by indorsement
for redress from the
Civil Courts."

4. However that may
be, Kuppy Naidu brought
a suit in forma pauperis
against Lakshmi Se
-shammal in 1860 main-
-tained

obtained a decree in
his favour in 1856. The
appeal suit, No 64 of 1856
was thereupon preferred
by Lakshmi Seshammal,
and she subsequently
presented a special ap-
peal to the Privy Council,
but both were unsuccess-
-ful. The Estate was
then in Kuppy Naidu's
possession in 1856, and
on his demise in the
following year, descended
to his son, the present
holder, whose succession,
however, does not appear
to have been formally
recognized.-

5. In the suit decided
in favor of Kuppy Naidu
the only defendant was
Lakshmi Seshammal. The
Petitioner claims as being
the son of Kuppy Naidu's
elder brother named
Ramaswamy Naidu. In-
cidental mention is made
in the decree of the Sudr
Adalut of two elder
brothers

E.M.C. 1186 of 20th Nov/57
205 of 16th Feby/58 pa-
682 of 4th May/58.

Section III of Judg-
-ment.-

brothers of the plaintiff (Kuppy Raidoo) named Krishnama Raidu, and Ruva Krishnama Raidu but nothing is said of the existence of any other brother called Ramadasamy Raidu. It is certain that no such person came forward during the 60 or 7 years that the estate was in litigation.

6. Assuming even that the facts are as stated by Petitioner, it is strange that neither his father nor he himself, came forward, in the long interval between 1836, when Govt recognised Lakshmidevamma and thereby (supposing them to have claimed or been indifferent to their undoubted right of election) set aside his claims equally with those of Kuppy Raidu and 1867 when Kuppy Raidu died and was succeeded by his son who has been in possession

of the Collium ever since.

7. The Govt wish to exercise their right of election in the manner most likely to serve the interests of the family; and as Vengama Raidoo the present holder is undoubtedly a very near, if not the nearest, heir to Kuppy Raidu, his father, established his right after a tedious and expensive litigation; as neither Petitioner nor his father made known the claims now advanced during an interval of upwards of 20 years, and as further litigation will only tend to impoverish the estate; they resolve to recognise Vengama Raidu as Poligar, having the claims of the Petitioner and his branch of the family for consideration on the occurrence of the

not lapse—

8. This decision will be communicated to the Petitioner through the Petition Department—

JMH

J P S

12 Copies Letters Pat Issued Dec 28 1869

1 Copy: Petitions Dept with the Petitions ~~Dec~~ Dec 28 1869
Nos 1048-2504-2162-1257-750-1010-1044-1029 of 1862 } JP

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Revenue 1863 Dep.t
No. of Govt for 4 July

c. 1. 1395

Pro: of Wm Wallace v Govt
Dep.t 4th July 1863.

Petition from the Cousins
of the present holders of the
Craigdarroch Estate in Strath
Dreel for permission to bring
a suit for the recovery of
that Estate disposed of.

491-491