

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1634	Press
70-71	~~Mis.~~
Dated	5-9-1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
5th September 1863.*

No. 70. Read the following Proceedings of the Board of Revenue, dated 20th August 1863, No. 5,178:—

Read the following letter from the Honorable R. S. ELLIS, C. B., Collector of Madras, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Tinnanore, 1st August 1863, No. 296.

SIR,

1. I have the honor, with reference to the Board's Proceedings under date 29th September 1862, No. 5,554, to report that it does not appear from the records of this Office that my predecessor, Mr. Cunliffe, entered the name of Savitri Ummal as entitled to one share of the Shrotriem village of Sayanapuram. I have no means of explaining the reason of the delay in carrying out the orders of the Board, except that which is given in the office, viz., that as the Inám Commission was at work in the District, Mr. Cunliffe left the registration of the shares, and the issue of Title Deed to be made by the Inám Commissioner.

2. From the inquiry held by Mr. Cunliffe, it would appear that the lands of the Shrotriem village are divided into thirteen shares among eleven Mirasidars, and that at present the *Jodi rent* of the whole Shrotriem is paid by these eleven persons in proportion to their holdings.

3. The land belonging to the disputed share, to which Savitri Ummal has been declared entitled, is at present in the possession of Lutchmana Sastry, and amounts to 10½ Cawnies, which can be identified. Of this land, ¾ Cawny is cultivated by Sukavasi Ryots who pay Tundu and Swatuntrum, and the usual Melvarum to Lutchmana Sastry on behalf of his minor son Vencata Subbaya. Lutchmana Sastry refuses to give up the land; he pays the Jodi rent, and enjoys the Melvarum, *minus* the said Jodi.

4. In the time of Sheshadri Sastry, Savitri Ummal's father-in-law, the land was enjoyed in the same manner as far as can be ascertained. The whole of the eleven Mirasidars, among whom the thirteen shares of the Shrotriem village of Sayanapuram are at present divided, declare themselves to be descendants of the original grantees, said to be named Seshachella Sastry and Narraina Sastry. None of their names are entered in the Register of this Office, the names of Kalastri Sastry and Subba Sastry, recognized by Messrs. Dighton and Clarke, A. D. 1786, as Shrotriemdars, being still borne on the registry. These sub-divisions have never been recognized by authority, and it remains to be determined by the Board what entries should be made in the Register, and in what manner the orders of the Board in favor of Savitri Ummal should be carried into effect.

5. As the registration has been so long delayed, and as an Inám Deputy is now engaged in this District, I would suggest that his attention should be directed at once to the Shrotriem village of Sayanapuram, and that the Board's decision regarding the registration of Savitri Ummal's name, as entitled to the one share erroneously entered by the Curnums in the name of Vencata Subbaya, should be communicated to the Deputy Collector.

6. It will not be very easy to oust Lutchmana Sastry from the land in his possession, which represents the one share claimed by Savitri Ummal as heir to her husband Ramasawmy Iyer; but as his right to a share in the Shrotriem is not recognized by the Board or Government, the full Melvarum on this land may be collected and paid over, *minus* the Jodi to Savitri Ummal, until any adverse decision is obtained in a Civil Court. I would also recommend that the parties concerned should be allowed to seek the establishment of their rights before a Civil tribunal, permission to that effect being granted to them under regulation IV of 1831.

7. I beg to return Petitions noted in the margin, presented to the Board by Jagannadier on behalf of Savitri Ummal, and Lutchmana Sastry on behalf of Vencata Subbaya, the minor grand-son of Sheshadri Sastry for disposal by the Board.

No. 993 of 1862, received	23rd April 1862.
" 2,296 of "	25th Aug. "
" 1,259 of 1863, "	4th May 1863.
" 3,640 of 1862, "	13th Dec. 1862.
" 294 of 1863, "	11th Feb. 1863.
Returned 31st July 1863.	

ENCLOSURE Nos. 1 to 5.—Petitions.

*Proceedings of the Madras Government, Revenue Department,
5th September 1863.*

17th February 1860, No. 247.
7th May " " 722.

1. Resolved that the above letter be submitted to Government, with reference to the Government orders quoted in the margin.

2. The Board would solicit a re-consideration of the first of these orders. In their Proceedings dated 25th January 1860, No. 421, the Board recommended that Savitri Ammal should be registered as the holder of one share in the Sayanapuram Shrotriem; that she should be put in possession of this one share; and that permission should be given her under Regulation IV of 1831 to sue for her alleged rights in two other shares. The Government considered that her right to possess these two shares was also good, and required further information as to the actual possession.

* Board's Proceedings 14th April 1860,
No. 1,792.

3. The Board then reported* that the evidence seemed to prove that the two shares were enjoyed by Kuppamal, Petitioner's opponent, Seshadri Sastri (Kuppamal's son-in-law, and Petitioner's father-in-law) having managed the shares on Kuppamal's account. They also reported that Petitioner's husband had pre-deceased his father. On this the Government granted permission to Petitioner to sue for the two shares, but did not modify their former orders in regard to her being put in possession of the other share.

4. The Board are of opinion that the fact of Petitioner's husband having died before his father raises a doubt whether she has any right to succeed to property possessed by her father-in-law. Possibly her sister-in-law's son, on whose behalf Lutchmana Sastri is apparently now in possession, is the proper person to inherit such property. It is true that a registry unauthorised by the authorities of all three shares had been made in Petitioner's husband's name during his father's life-time, but such may not perhaps be considered to deprive his father's heirs of any rights.

5. Under these circumstances, the Board would suggest that Petitioner be granted permission to sue for any rights she may have in this third share, and that the former orders in regard to her being put in possession of that share be cancelled. They would also propose that the Inám Deputy Collector be directed to turn his attention to this village at once, in view to a proper registration of the various shares.

No. 71. ORDER THEREON, 5th September 1863, No. 1,634.

1. Under the circumstances stated by the Board of Revenue the Government resolve to cancel the order given in paragraph 2 of their Proceedings dated 17th February 1860, No. 247, and to permit Savitri Ummal, under the provisions of Section II, Regulation IV of 1831, to sue for a share in the Shotriam village of Sayanapuram in the Chingleput District, stated to have been purchased by her father-in-law Sheshadri Sastri.

2. A copy of the Board's Proceedings will be furnished to the Acting Inám Commissioner, and his attention requested to the latter part of paragraph 5.

(True Extract.)

Secretary to Government.

To the Board of Revenue with copy of paragraph 1, to be delivered to Savitri Ummal.
" Acting Inám Commissioner.

Exd. S. T. Augustin.

Rev. Dept.

Memorandum.

No. 2014.

The question now before Government, is in regard to the one share in the Shrotriem purchased by Sheshadri Sastri; the parties having been referred to the Courts about the two shares inherited by him (Order of Govt. dated 7th May 1860, No. 722)

2. The Board in para 8 of their Proceedings dated 25th January 1860 directed the Collector to put Savitri Ummal in possession of the purchased share as heir to her husband Rama Sanyal, son of Sheshadri Sastri the purchaser. The Government approved this

this order (para 2 Page 17th February 1860) are now asked to cancel and refer the parties to the Court in regard to this share on the ground chief of Savitri Uminak's husband having died before his father.

3 The order of Govt. of 17 February 1860 para 2 appears to deserve reconsideration on the ground stated. The proper time for the inheritance of the son does not arrive till after the death of the father and the share of a son does not become due before the inheritance takes place, as not kept alive for his widow. In the case now before Government the son (Savitri Uminak's husband) having died before

Princ. Manual para 29.

Stanges Manual para 319

before the father his share is not kept alive for his widow Savitri Uminak in whose favor the order of February 1860 was given. The registry (unauthorized) of the share in the Shrotrian is the name of the son during the life time of his father cannot be a legal or sufficient renunciation on the part of the father of his right in the property even if the Law gave him power to renounce his claim in a manner which would affect the interests of other heirs.

4 The party now in possession is the daughter ^{the} son of Sheshadri Sakti, the purchaser and receiver of the death

of Ramaswamy Iyer
(Sheshadri's son) before
his father has decided by
a better heir than Savitri & Strangor Unnath
Unnath. Under these
Para 309.

circumstances the Court
will probably agree to the
recommendation of the
Board to refer the parties
to the Court. The party
to be so referred to the Court
will be Savitri Unnath.

Orders are requested

11/11/1885

11/11/1885

Revenue Department

N. 1634-1052

Proceedings of the Madras Government
Under date the 5th September 1863.

Read the following Pro-
ceedings of the Board of Revenue

Submitting with remarks letter
from the Collector of Madras ex-
plaining the disputes between two
claimants to the same share of the
Shrotriem Village of Layanapuram

(Here enter 20th August 1863
N. 5178)

Under the circumstances
stated by the Board of Revenue
the Gov^t resolve to cancel the
order given in para 2 of their
Proceedings dated 17th February
1860, N. 247 and to permit Savitri
Ummal under the provisions of
Section II Regulation IV of 1831 to
see for a share in the Shro-
triem village of Layanapuram
in the Chingleput District
stated to have been purchased

by

For orders
CJH

Dr at 6-1
acca 5/6

20th Aug 1863 N. 5178

by her father-in-law Sheshadri
Lastly.

A copy of the Board's
Proceedings will be furnished
to the A^o Inam Commissioner
and his attention requested to the
latter part of para 5.

M
2/2/53 187

14 B^o of Rev: with copy of paras to be
delivered to Savitri Ammal. *Respt of 2/2/53*
with enclosure
5 A^o Inam Commissioner

52
5

Pro No. 72-73
7-5-60

" 71-72
17-2-60

Revenue 1863 Sept
Pro: of Govt for Sept.

N^o 1634.

Pro: of the Madras Govt.
D^y 5th September 1863.

Report of the Collector
of Madras on the disputes
that exist between two
claimants for a share of
Shiotrem village of
Sayanapooram, with orders
thereon.

N^o 70 & 71.