M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2047 Press ~~Mis.~~

171—172

Dated 14—11- ~~19~~ 1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 14th November 1863.

No. 171. Read the following Proceedings of the Board of Revenue, dated 15th October 1863, No. 6,618 :—

Read again Proceedings of the Board, dated 5th March 1863, No. 1,342, and 22nd July 1863, No. 4,502.

Read also the following letters.

From H. MORRIS, Esq., Acting Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cocanada, 26th August 1863, No. 268.

SIR,

1. In accordance with the orders of the Board contained in their Proceedings of the 22nd ultimo, No. 4,502, I have the honor to forward copies and translations of all the documents regarding the allowance recommended to be granted to the Pagoda at Puttukonda in the resumed Estate of Peddapur.

2. The permanent assessment of the Zemindary was determined on the average collections of the eight years from A. D. 1777 to 1784. The Inám lands formerly set apart for the support of the Pagoda were resumed prior to 1777; and therefore they were included in the assets on which the Peshcush of the Zemindary was based.

3. The report to which the Board refer was struck off the list of arrears in September 1853, with the following remark by Mr. Prendergast :—"This subject will receive due consideration in the report of the survey of this District." No one in the Office knows why that report was not submitted.

4. Petitions Nos. 587 and 3,582 of 1862 and 576 of 1863 are herewith returned.

ENCLOSURE No. 1.

ABSTRACT.—Copies and translations of the documents regarding the Pagoda at Puttukonda.

ENCLOSURES Nos. 2 to 4.—Petitions.

From the same Officer, dated 9th September 1863, No. 285.

In returning the accompanying Petition No. 1,296 of 1863, addressed to Government by Parvastu Ananta Charlu of Puttukonda in the Talook of Ramachendrapuram, I have the honor to report that my answer to the Board's Proceedings of the 22nd July last, referred to in the Endorsement on the Petition in question, was submitted on the 26th ultimo.

ENCLOSURE No. 1.—Petition.

Board Petition	..	3,582 of 1862.
Do.	..	576 of 1863.
Government Petition	..	3,163 of 1862.
Do.	..	1,296 of 1863.

1. Resolved that the above recorded papers, together with the Petitions to which they refer, be submitted for the consideration and orders of His Excellency the Governor in Council.

2. Petitioner prays that an annual allowance of Rupees 300 may be continued to the Puttukonda Pagoda, and urges that the payment was invariably made while the village in which the Pagoda is situated was in the hands of the Zemindar; that it was also paid while the village was under attachment; and that it has never been formally discontinued though not paid since 1839.

3. It appears from the papers recorded above that the allowance was given as far back as 1758-9, when certain lands which had been alienated in favor of the Pagoda were resumed by the then Zemindar. The allowance was fixed at Rupees 300 per annum until 1805-6, when it was raised to Rupees 400, and was continued at that rate until 1817, when the Zemindar in possession reduced it to Rupees 100. This sum was paid when the estate was under attachment by Government in 1823, but on a complaint being made by the Trustee it was directed that the full rate of Rupees 300 should again be paid, and the allowance was disbursed at this rate until 1839. The Estate then came under temporary attachment and eventually reverted to Government for arrears of revenue, and nothing has been paid since.

4. Mr. Chase, the Acting Sub-Collector in charge, submits Petitioner's case for the favorable consideration of the Board and Government as the allowance was enjoyed for many years, as it was originally granted by the sovereign power in lieu of land, and as Mr. Prendergast gave the Petitioner an endorsement in 1848, which led him to expect a favorable settlement of his claim. The present Acting Collector, Mr. Morris, supports Mr. Chase's recommendation, being of opinion that as the allowance was granted more than a century ago in lieu of resumed lands, the Pagoda's right to it is unquestionable.

5. The Board cannot concur with these gentlemen in considering that the Petitioner is entitled to demand this payment as a right; for it is clear from the papers above recorded that the allowance, though granted in lieu of resumed lands, was deemed to be a voluntary contribution to the Pagoda from the Zemindar, as the amount was increased or decreased at will. It will also be observed from Mr. Morris' letter, dated 9th September 1863, No.—, that the allowance was not taken into account when the Peshcush of the estate was fixed. It certainly was paid during a part of the period during which the estate was under attachment by Government, but if the estate had been purchased by a private person, he would not have been bound to continue the payment, and the Board cannot consider that Government occupies a different position.

6. The Board do not understand why the report called for in 1846, and alluded to by Mr. Morris in paragraph 3 of his letter, dated 26th August 1863, has never been submitted; and they would suggest that an inquiry be now made into all claims of this description in view to their being finally settled.

No. 172.

ORDER THEREON, 14th November 1863, No. 2,047.

1. The Government concur with the Board in considering the Petitioner's claim inadmissible. The Petitions referred to in paragraph 1 of the foregoing Proceedings will be returned to them for disposal accordingly.

2. The suggestion made in paragraph 6 should be carried into effect.

(True Extract.)

(Signed) C. G. MASTER,
Deputy Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 1,342.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 5th March 1863.

Read the following Endorsement by the Acting Sub-Collector in charge of the Godavery District, dated 17th October 1862, on Petitions Nos. 1,110 of 1853, 824 and 2,172 of 1858, 3,780 of 1859, and 2,292 of 1862:—

1. The Petitioner complains that a sum of Rupees 300 which had been allowed in lieu of certain Inams for the celebration of daily, monthly, and annual ceremonies in the Pagoda of Stri Lutchminursima Sami in the village of Putakonda Agraharum, was discontinued in 1839, and prays for orders for its payment.

2. From inquiry, it appears that half a Putti of land in 44 villages was granted as Inam for the support of the Pagoda in question, besides four Kunchums of paddy in each village for the "Kalianum" ceremony by Gazapatti Purushottama Mahadevu, the ruling power. The truth of this is substantiated by an old engraving on a stone at present in the Pagoda. These grants were continued up to the year Pramadi or 1758-59, when in consequence of the lands not producing sufficient to cover the expenses, the Zemindar of Peddapur, Stri Rajah Vutchavai Timma Jagapatiraz, resumed the Inams, fixed a ready money annual allowance of Rupees 300, and executed a Puttah dated the 7th of the decreasing moon of Chaitram in the year Pramadi (A. D. 1758-59) in the name of the Petitioner's ancestors, and this sum was paid till the year Krodana (A. D. 1805-06). In Akshia, (A. D. 1806-7) the Zemindar, Vutchavai Lutchminursia, raised the allowance to Rupees 400, and executed a document to that effect dated the 10th decreasing moon of Jaistam of Akshia. This amount was paid annually till 1817, after which the Zemindar reduced it to Rupees 100. The Estate was attached, and the allowance of 100 Rupees according to the order passed by Mr. Robertson, the then Collector, was paid till the year 1823. The trustee complained to Mr. Kindersley, the Acting Collector, who, after referring to Mr. Hodgson's accounts, ordered Rupees 300 to be annually paid, which sum was regularly disbursed till 1839. In 1840, the Estate having been brought under temporary attachment, the allowance was withheld, and the trustee complained before the then Collector, Mr. Smith, on the 5th January 1842, who referred the matter to the Tahsildar for inquiry. The Tahsildar sent in his report on the 15th April 1842, after which no final orders have ever been issued. The Estate reverted to Government in Fasli 1256, and the matter has been left unsettled, though the trustee has continually presented Arzis to the Collector, Commissioner, and the Board of Revenue. An endorsement was passed* by the late Collector on Petition No. 1,981 of 1848 referred by the Board of Revenue is as follows:—

* On 6th March 1850.

"In the permanent accounts it appears that 300 Rupees were payable to the Pagoda from Faslis 1204 to 1208. In Fasli 1214 Mr. Hodgson's accounts shew that Rupees 400 were payable; when the Estate was zufted, Rupees 300 were given from Faslis 1242 to 1245. In Fasli 1251, when the Estate was again zufted, and when heavy balances were outstanding, the allowance was stopped, and it has never been paid since. According to the Board's orders under date the 7th September 1846, a proposition is to be made regarding the amount to be paid generally throughout the District to the Pagoda Establishments, and the allowance referred to by Petitioner will be included in that scheme.

3. This being an allowance given in lieu of the lands and grain originally granted by a former sovereign power, and enjoyed for many years without let or hinderance, and as the late Collector Mr. Prendergast's endorsement gave the Petitioner grounds for expecting some settlement of the matter, the Acting Sub-Collector in charge submits the case for the favorable consideration and orders of the Board of Revenue and Government.

* Not found.

Received in April* 1854 (No. 1,110 of 1853), 20th May and 23rd August 1858 (824 and 2,172 of 1858), 27th December 1859 (3,780 of 1859), and 21st August 1862 (2,292 of 1862).

ENCLOSURES Nos. 1 to 4.—Petitions.

1. It appears from the above endorsement that the allowance claimed by Petitioner on behalf of the Puttuconda Pagoda was regularly paid up to the period of the resumption of the Pudupur Estate in 1839.

2. In reviewing a general report on the Rajahmundry District, the Government observe in paragraph 12 of their Extract Minutes Consultation dated 14th April 1843, No. 1,217, "that the amount of all such allowances (to Pagodas) should be ascertained carefully and a Statement submitted to Government for sanction." The Board in transmitting a copy of these Proceedings to the Collector directed him to submit this list without delay.*

Board's Proceedings dated 7th September 1846, No. 1,909.

3. The Collector is requested to report what action has been taken on these orders as the allowance under notice appears to be precisely one of those which should have been then reported on.

4. Should the Pagoda for which the allowance is claimed be situated in one of those villages of the Peddapur Estate which is under control of the Zemindar, the Collector will be good enough to report whether there is any objection to Petitioner being referred to the Zemindar for redress. If in a village under Government he is requested to favor the Board with his opinion as to how the case should be disposed of.

(A true Copy and Extract.)

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

To A. Purvis, Esq., Collector of the Godavery District.

Exd. J. Wright.

No. 4,502.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd July 1863.

Read the following letter from H. MORRIS, Esq., Acting Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cocanada, 11th June 1863, No. 140:—

1. Referring to the Proceedings of the Board of Revenue of the 5th of March, No. 1,342, in which the Collector was requested to report again on the yearly allowance of Rupees 300, claimed by the Trustee of the Pagoda at Puttakonda in the former Zemindary of Peddapur, I have the honor to inform you that Puttakonda is at present in the possession of Government, and that the Zemindar has no authority over it whatever.

2. I refer the Board for the details of the case to the Acting Sub-Collector's letter of the 17th of October 1862, which was published with their Proceedings. I have read the letter carefully, and I am of opinion that the allowance ought to be continued. It was granted in lieu of land more than a century ago; and may, therefore, be regarded as a right which the Government, as the upholders of our national good faith, are bound to respect.

3. I have made inquiries regarding the orders of Government quoted in the Board's Proceedings, and find that no statement, such as was then required, has been prepared.

4. Petitions Nos. 3,163 and 3,582 of 1862 and 576 of 1863 are herewith returned.

ENCLOSURES Nos. 1 to 3.—Petitions.

1. In the foregoing letter the Acting Collector recommends that an allowance to a Pagoda in the resumed Estate of Peddapur be continued to the institution, though it has not been paid since the purchase of the estate by Government in 1846.

2. It appears by a reference to the statements made by the Acting Sub-Collector in charge in a former letter recorded in Board's Proceedings under date 5th March, No. 1,342, that this allowance was apparently entirely dependant upon the will of the Zemindar. It is true it was originally an allowance of grain, but it was commuted for a money payment during the first year of the grant, and this payment has varied in amount at different periods, Rupees 400 per annum being occasionally disbursed, and at other times only Rupees 100.

3. The Board cannot undertake to give a decision in the case of this allowance without being made aware on what terms the settlement of the Peddapur Estate was made. If at the permanent settlement the Peshcush was fixed irrespective of this allowance, it must be viewed as a voluntary contribution to the Pagoda by the Zemindar; if, on the other hand, it was taken into account as a charge against the estate, then it would probably be considered as binding upon the Zemindar's successors, whether hereditary or by purchase.

4. The Acting Collector will be requested to report on these points, but as the Board are averse to deciding single cases when a general question seems to be involved, he will be requested to inform the Board why the report on the Pagoda allowances called for in Board's Proceedings 7th September 1846, No. 1,909, has never been submitted, and when it was struck off the Arrear List.

5. Copies and translations of the documents referred to in the Acting Sub-Collector's endorsement dated 17th October 1862, in Board's Proceedings dated 5th March last, should also be submitted for the Board's inspection.

(A true Copy and Extract.)

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

To H. Morris, Esq., Acting Collector of the Godavery District.

Exd. J. Wright.

No. 2047. Revenue Depart.

Proceedings of the Madras Government
Under date the 11th November 1863.

Read the following
Proceedings of the Board of
Revenue -

Submitting with remarks letters from the acting Collector of the Godavery district regarding the allowance recommended to be granted to the Pagoda at Pallakonda in the resumed Estate of Peddapur.

(Here noted 15th Oct 1863 No. 6618)

The Government concur with the Board in considering the Petitioner's claim inadmissible. The Petitions referred to in para 1 of the foregoing proceedings will be returned to them for disposal accordingly.

2. The suggestion made in para 6 should be carried into effect.

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Recd in the Pro of the BR of Rev. to the Secy to Govt R.D. Dated 15 October 1863 No. 6618.

1863. Department.

Rev. 2671/63.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 22nd July 1863.

No. 4,502.

Requesting further information on certain points respecting a Pagoda Allowance in the resumed Estate of Peddapur.

Revenue 1862 Dept.
Pro: of Govt for Novr.

No. 2047.

Pro: of the Madras Govt.
D.f 14th Novr/63

Pro: of the Bd. of Revn. D.f 23d March
1864 C. No. 846

Pro: Board of Revenue
regarding the allowance
recommended to be
granted to Pullu Konda
Pagoda in Godavery
District with orders
thereon.

No. 171 & 172.

7 Nov/63 12 11