M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 329 Press ~~Mis.~~

213 214

Dated 13 . 9 — ~~19~~ 1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 13*th February* 1863.

No. 213. Read the following Proceedings of the Board of Revenue, dated 7th January 1863, No. 35:—

Read again letter from the Collector of the Godavery District, dated 1st September 1862, No. 159.

(In Cons. 8th September 1862, No. 5,744.)

Read also the following letter from the Inám Commissioner, dated 13th December 1862, No. 27.

1. With reference to their Proceedings dated 19th September 1862, No. 6,283, I have the honor to state for the information of the Board of Revenue, that I have carefully re-considered the case of the Petitioner Vadarevu Senkarappa, and that I am unable to recommend any modification of the decision which I have already passed upon his claim.

2. For the reasons given at length on the Deputy Collector's Register the title of the Petitioner to the Inám in question was considered to be defective. He claims under a deed of sale executed to his father by a Mahomedan widow, and though the document is proved to be genuine, it never took effect, and the purchase of the Inám was not followed by possession. To all intents and purposes, the Inám was abandoned and was taken under the management of the Zemindar for the security of the Jodi, the non-payment of which even for a single year usually leads to resumption. Under the liberal spirit of the present settlement however, the Inám is now confirmed to the Petitioner, charged with a higher than the ordinary rate of Quit-rent, expressly in consideration of the defective title; and I have not deemed it necessary to entertain his claim to the proceeds of past years which, it will be observed, have accrued solely in consequence of the careful arrangements of the Revenue Officers for the cultivation of the Inám in order to secure the Jodi due to the Estate. Had the claim been admitted it would, even in that case, have been necessary to deduct the one-fourth Quit-rent now imposed in consequence of his defect of title.

3. As a general rule past proceeds are allowed in the present settlement only in the case of persons whose claims to succeed to an Inám are admitted to be unquestionable, and who are therefore allowed to enfranchise upon the lowest or ordinary rate of Quit-rent. But where there is a defect of title the claimant is simply admitted to an indulgent compromise, the Inám is confirmed to him for the future subject to the charge of a higher rate of Quit-rent, and the refusal of all intricate claims to past proceeds is usually made a part of the compromise.

4. In the case under notice the annual value of the Inám is 200 Rupees, and the new Quit-rent for the future payable to Government is 44 Rupees, in addition to the Jodi of 24 Rupees payable to the Pithapur Zemindary. The settlement was actually made in Fasli 1269, and the Title Deed delivered in the following year. For these two years the new Quit-rent has been collected, and the proceeds made over to the Inamdar, but I do not consider that he has a fair claim to any portion of the proceeds of the three previous years, and I beg to recommend that the amount* may be carried to the credit of the State.

* Rupees 254-12-0.

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1. Resolved that the foregoing papers be submitted to Government, with reference to their Endorsement dated 8th July 1862, on Government Petition No. 280 of 1862.

2. Under the circumstances stated by the Inám Commissioner, the Board recommend that Petitioner's Appeal be rejected, and that Rupees 254-12-0, now held in deposit, be carried to the credit of Government.

(A true Copy and Extract.)

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

No. 214. ORDER THEREON, 13th February 1863, No. 329.

1. The recommendation contained in the 2nd paragraph of the foregoing Proceedings is, under the circumstances, sanctioned.

2. The following Endorsement will be passed on Petition 1,677 of 1862:—

"The Government have received a report on this claim and decline to accede to Petitioner's "request for the payment to him of the proceeds referred to."

(Signed) C. G. MASTER,

Deputy Secretary to Government.

No. 6,283.

Proceedings of the Board of Revenue, dated 19th September 1862.

Read the following letter from A. PURVIS, Esq., Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Rajahmundry, 1st September 1862, No. 159 :—

1. I have the honor to report on Petition No. 1,677 of 1862 (herewith returned), bearing the endorsement of Government and the Board.

2. The Petitioner states that the Inam Commissioner granted him a Puttah for an Inam in the village of Bandanapudi attached to the Pittiapuram Zamindari, fixing one-fourth as quit-rent, but that the amount on account of past proceeds of the Inam was ordered to be paid to him for Faslis 1269 and 1270 only, while he is entitled to receive the same for the three preceding Faslis of 1266, 1267 and 1268 as well.

3. Petitioner's claim to the Inam in question was decided in his favor by the Inam Commissioner, but his claim to past proceeds was disallowed, on the ground that the previous enjoyment of the Inam by the Petitioner had not been established, a quit-rent of one-fourth having been fixed in consequence of his defective title.

4. The Petitioner again addressed the Commissioner, who on re-considering the matter, directed that as the newly fixed quit-rent had been taken for Faslis 1269 and 1270, the Petitioner might receive the proceeds in deposit on account of the Faslis named, he (the Petitioner) having a right to the Inam with its proceeds from the period from which the quit rent was levied according to the Puttah. The sum of Rupees 359-6-10, after deducting Jodi, quit rent, &c., for Faslis 1269 and 1270, was accordingly paid to the Petitioner.

Faslis.	Collections.			Deduct Jodi.			Remaining.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1266.....	82	12	0	24	0	0	58	12	0
1267.....	94	0	0	24	0	0	70	0	0
1268.....	150	0	0	24	0	0	126	0	0
Total....	326	12	0	72	0	0	254	12	0

5. A sum of Rupees 254-12-0 after deducting Jodi, is still in deposit on account of Faslis 1266, 1267 and 1268 as noted in the margin. It remains to be determined, whether the money shall be paid to Petitioner or carried to the credit of the State.

Enclosure No. 1.—Petition.

1. The Board resolve to refer the foregoing letter and its enclosure to the Inam Commissioner, and to request him to re-consider the question whether the whole proceeds in deposit should not be made over to the Petitioner.

2. It seems to the Board that the Petitioner's claim to receive these proceeds, now that his right to the Inam has been established, should not be denied. The fact that he failed to make any use of the land for a certain period, cannot, they think, after he has established his title, affect his right to the proceeds for the time during which it was productive. Nor can it be justly urged that this right is in any measure depreciated by the terms on which the Inam has been enfranchised.

(A true Copy and Extract.)

(Signed) C. G. MASTER,
Acting Sub-Secretary.

To W. T. Blair, Esq., Acting Inam Commissioner.

Copy to A. Purvis, Esq., Collector of the Godavery District.

Exd. J. Wright.

No. 35.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th January 1863.

Read again letter from the Collector of the Godavery District, dated 1st September 1862, No. 159.

(In Cons. 8th September 1862, No. 5,744.)

Read also the following letter from the Inam Commissioner, dated 13th December 1862, No. 27 :—

1. With reference to their Proceedings dated 19th September 1862, No. 6,283, I have the honor to state for the information of the Board of Revenue, that I have carefully re-considered the case of the Petitioner Vadarevu Senkarappa, and that I am unable to recommend any modification of the decision which I have already passed upon his claim.

2. For the reasons given at length on the Deputy Collector's Register the title of the Petitioner to the Inam in question was considered to be defective. He claims under a deed of sale executed to his father by a Mahomedan widow, and though the document is proved to be genuine, it never took effect, and the purchase of the Inam was not followed by possession. To all intents and purposes, the Inam was abandoned and was taken under the management of the Zemindar for the security of the Jodi, the non-payment of which even for a single year usually leads to resumption. Under the liberal spirit of the present settlement however, the Inam is now confirmed to the Petitioner, charged with a higher than the ordinary rate of quit-rent, expressly in consideration of the defective title; and I have not deemed it necessary to entertain his claim to the proceeds of past years which, it will be observed, have accrued solely in consequence of the careful arrangements of the Revenue Officers for the cultivation of the Inam in order to secure the Jodi due to the estate. Had the claim been admitted it would, even in that case, have been necessary to deduct the one-fourth quit-rent now imposed in consequence of his defect of title.

3. As a general rule past proceeds are allowed in the present settlement only in the case of persons whose claims to succeed to an Inam are admitted to be unquestionable, and who are therefore allowed to enfranchise upon the lowest or ordinary rate of quit-rent. But where there is a defect of title the claimant is simply admitted to an indulgent compromise, the Inam is confirmed to him for the future subject to the charge of a higher rate of quit-rent, and the refusal of all intricate claims to past proceeds is usually made a part of the compromise.

4. In the case under notice the annual value of the Inam is 200 Rupees, and the new quit-rent for the future payable to Government is 44 Rupees, in addition to the Jodi of 24 Rupees payable to the Pithapur Zemindary. The settlement was actually made in Fasli 1269, and the Title Deed delivered in the following year. For these two years the new quit-rent has been collected, and the proceeds made over to the Inamdar, but I do not consider that he has a fair claim to any portion of the proceeds of the three previous years, and I beg to recommend that the amount* may be carried to the credit of the State.

* Rupees 254-12-0.

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1. Resolved that the foregoing papers be submitted to Government with reference to their Endorsement dated 8th July 1862, on Government Petition No. 280 of 1862.

2. Under the circumstances stated by the Inam Commissioner, the Board recommend that Petitioner's appeal be rejected, and that Rupees 254-12-0, now held in deposit, be carried to the credit of Government.

(A true Copy and Extract)

Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D. with Petn. posted

Copy to A. Parvis, Esq., Collector of the Godavery District.

" to G. N. Taylor, Esq., Inam Commissioner, ~~with enclosure returned~~.

Exd. J. Wright.

Enclosure to the Abstract of Proceedings of the Board of Revenue, dated 7th January 1863, No. 35.

1862. Department.

No. 6,283.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 19th September 1862.

Referring to the Inam Commissioner a letter from the Collector of the Godavery District regarding an Inam in the Village of Bandapudi.

Rev.ue 1863. Department.

Proc.s of Govt for Feb.y

No. 294.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 7th January 1863.
Despatched. 10 Jan.y
Received.
2-1-63 Rec.d

No. 35.

Submitting letters from the Collector of the Godavery district and from the Inam Commissioner reporting on Petition No 280 of 1862 with the Board's recommendation that the Petitioners claim for the proceeds of certain Inam lands be rejected.

N 2184 214

Rec.d 5 Feby 63 Reg.d

to 28 Jany Rec.d 2 Feby

N 329. 13 Feby

With an Order

N. 329.

The recommendation contained in the 2d paragraph of the foregoing Proceedings is, under the circumstances, sanctioned.

The following endorsement will be passed on Petition 1677 of 1862.

"The government have received a report on this claim "and decline to accede to Petitioner's request for the payment "to him of the proceeds referred "to."

Fort St. George
13th Feby 63

To Collector of the Godavery Dist.t

3 — Acct.s Cert.d
1 Copy of the Petition
4 Papers