M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 753 Press ~~Mis.~~

1—2.

Dated 1—5—~~19~~1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
1st May 1863.

No. 1. Read the following Petition from CAROONALIAH VALANGAPOOLY TAVER, Zamindar of Chocumputty in the District of Tinnevelly, to the Right Honorable the Governor in Council, Fort Saint George, dated Tinnevelly, 11th December 1862:—

RESPECTFULLY SHEWETH,

That your Petitioner submits herewith a Memorial in triplicate to the address of Home Government, claiming the surplus collections of his Zamindary which accrued during the period it remained under Circar management, and which were not paid over to him at the time of the restoration of the Estate under the orders of Home Government, dated the 11th November 1858, which, though not expressly stated, necessarily imply the refund of the surplus proceeds agreeably to the provisions of Clause V, Section XIII, Regulation XXVII of 1802, and Section XI, Regulation II of 1819; and request that the above Memorial may be forwarded to Home Government, by first opportunity, should there be any objection on the part of Local Government to satisfy the just and legal claims of your Petitioner.

Shall ever pray.

No. 2. ORDER THEREON, 1st May 1863, No. 753.

Ordered that the Memorial received with the foregoing letter be forwarded to the Home Authorities, and that an intimation of the same be given to the Memorialist.

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

Duplicate

To

The Right Honorable Sir Charles Wood
Secretary of the State for India.
London

The humble Memorial of
Carvonalinh Vellangadoo by
Javer Zemmendar of Chokumpully
in the District of Tinnevelly.

Respectfully Sheweth.

1. That your Memorialist's late father, who was the proprietor of an ancient and hereditary Zemindary, paying an annual Peshcush of Rupees 25,550 to Government, was wrongfully disposed in 1834.

2. The fact of the above case being well known to Home Government, your Memorialist refrains from recapitulating the illegality and impropriety of the Proceedings of the local authorities which are evident from the correspondence previously taken place on the Subject of the assumption of the Estate and incarceration of the Ex-Zemindar.

3. Suffice it therefore to surmise that the Peshcush of the Zemindary was regularly paid to Government from Fusly

1212 to 1239, but owing to an adverse Season that prevailed in Fusly 1240, the Estate fell in arrears to a Small Sum of Rupees 6,278 Compared with the heavy balance that was outstanding against the neighbouring Zemmdaries of Pothoomalay and Shevagherry, the former to a Sum of two lacs, and the latter to about one lac, which was eventually remitted in favor of the proprietors thereof; whereas the Estate of your Memorialist was attached on account of the said trivial balance, which was subsequently increased to about Rupees 74,000 including interest, in consequence of the mismanagement of the local Subordinate Officers of Government.

4. Whereupon the Estate in question Capable of yielding an annual Revenue of 63,000 Rupees was nominally purchased on account of Government for a depriciated price of Rupees 8000, notwithstanding your Memorialist had offered to pay portion of the arrears in ready Cash and the remainder by instalments.

5. That your Memorialist's father was also committed to the Custody of the Zillah Judge under Section III Regulation II of 1822, and eventually confined in the Fort of Goody as a State Prisoner under Regulation II of 1819, while in fact he had not rebelled against Government, nor was he guilty of any other Specific Crime.

6 The Supreme Government, however, soon set him at liberty remarking that they are unable to approve the proceedings of the local Government; that they do not consider the provisions of Regulation II of 1819 are applicable to his case and that even under that Regulation the proceedings are irregular.

7 Mr. Eden the then Collector States in one of his letters addressed on the subject to the Board of Revenue that the Estate should be nominally Sold without depriving an ancient family of its long established inheritance for the Crime of one of its members, an act extremely unpopula

and which should have never been re-
sorted to an old hereditary profession
except in cases of extreme necessity-
The Sale recommended to the Board
by Mr. Eden was not at all intended
to be a bonâfide Sale, because no
advertizement of it was made in open
Cutcherry, no public notice was given,
nor any bidders appeared-

8 The former proceedings
Revenue, as well as Judicial, which had
led to the Sale of the Estate and its
purchase on account of Government,
have been at last condemned and
quashed by Home Government, and
your Memorialist ultimately restored
to his hereditary Estate towards the
end of 1859 under the final orders of
Home Government dated the 11th November
1858-

9 Under these circum-
stances, your Memorialist begs to
lay his just and legal claims to
the Surplus Collections of his hereditary
Estate which have accrued during the
period it was under the management

of the Officers of Government-

and which should have never been re-

of the Officers of Government-

10 Your Memorialist was in no Shape a partaker of his father's Conduct for which he was dealt with more severity than he had deserved- It would be therefore hard to Subject Your Memorialist for no fault of his own, to the forfeiture of the Surplus Collections of his ancestral Estate-

11 The main points to be determin-ed in this case are-

1st. Whether the Estate was formally Sold by public auction ~~on~~ an account of arrears, and whether it was purchased by Government for a Reasonable price, and whether the Sale was a bonâfide one and ratified by Home Government-

2nd. Whether the Exc Jemmadar was convicted on a Judicial enquiry of

any

any Crime-

3d Whether the Estate had formally escheated to Government under Regulation II of 1819. Whether this Regulation was applicable to the Esoteric and whether there is at present any old balance still due to Government-

12- None of the above causes exist to the prejudice of your Memorialists' claim to the Surplus Revenue of his hereditary Estate.

13. The same principle of right and privilege, and the same grounds on which an ancient and ancestral Estate has been mercifully restored to your Memorialist, are also applicable to his present claim to the surplus proceeds thereof, which are inseparably connected with it, and which, but for his fathers wrongfull dispossession and illegal assumption of the Estate,

would

would have been enjoyed by your
Memorialist. The relinquish=
=ment of Nadathavalor in the
Zillah of Rajamundry and several
other Zemindary, together with
the surplus Revenue after such
had been sequestered for a long
period, is an ample precident
in support of your Memorialists
present Claim. In short the res=
=toration of the Estate to your
Memorialist, necessarily in=
=volves also the restoration of
the surplus proceeds thereof;
but the local authorities have
omitted to notice this point.

11.. For the foregoing reasons
your Memorialist prays that an
account be furnished to him of
the receipts and disburse=
=ments

ments of his Zemindary and that the surplus Collections, if any, beyond all Charges incurred on the Estate, be mercifully restored to him under Section XI Regulation II of 1819, if the Estate had been originally assumed by Government under the provisions of that Regulation, or if it had been attached and placed under Circar management on account of arrears under Regulation XXVII of 1802, even then Your Memorialist is entitled to the surplus Collections thereof under Clause V Section XIII of that Regulation, inasmuch as the old balance has been fully liquidated from the resources of the Estate. Under the above mentioned Regulations, your Memorialist is clearly entitled to the surplus proceeds

proceeds of his hereditary Estate

15. To facilitate reference
the authority above quoted in
support of the Claim of your Memo
rialist is hereunto annexed.

Tinnevelly
11th December 1862

Shall ever pray

[illegible]
Clause 5th Section XIII Regulation
XXVII of 1802.

After the attachment of
the lands of defaulting proprietors
or of the farms of defaulting farmers
where the arrear due, together with
the further arrear which may become
due from the same proprietor or
farmer and with interest thereon
at the rate of one per Cent per Men
sem may be discharged at any perio

of

of the then current year including the expenses of attachment undefrayed from the income of the Estate or farm; the attachment shall be forthwith withdrawn and a due account rendered of all receipts and disbursements during the Continuance of it. All monies received from the Estate or farm attached after paying the salaries or wages of the officers required to collect the rents shall be carried to the credit of the proprietor or farmer during the current year in discharge of the arrears and interest due from him.

Section XI Regulation II of 1819.

Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such Estate necessary have ceased to operate and the management of the Estate can be committed to the hands of the proprietor without public hazard or inconvenience the

the revenue authorities will be Directed to release the Estate from attachment to adjust the accounts of the collections during the period in which they may have been superintended by the Officers of Government and to pay over to the proprietor the profits from the Estate which may have accumulated during the attachment.

1st. The Memorialist Venkatachalam Vellangapoorly Venkatadry Zamindar of Chocanimpatty in the District of Tinnevelly, prays the Govt. in possession of the surplus proceeds of his Estate during the time that it was held by Govt. i.e. from 1834 to 1859.

2. The Memorialist urges that the same reasons which influenced the Home Govt in directing the restoration of the Estate hold equally good in support of his present claim; and he cites as a precedent in his favor the case of the Nedadavole Zamindary in the Godavery District, on the restoration of which to the former owner, the Govt made good the surplus revenue intermediately received. He further contends that if the Estate was originally assumed by Government under Reg II of 1879 in consequence of the alleged misconduct of

Copy in a Letter to Govt
Dated Aug 18. 38 of 1860

Inam No 2481 of 62

R 35/13/62

... his father, he is entitled to the
benefit of the Rules contained in
section XI of that Regulation
in regard to the adjustment of ac-
counts; while, on the other hand
should the attachment have
been on account of arrears
of Revenue under Regulation
XXVII of 1802, he is entitled under
clause 5 section XIII of that
Reg: to a refund of the surplus
collections, "inasmuch as the
"old balance has been fully
"liquidated from the resources
"of the Estate."

3rd. The Chowdhry Zamindary
"was restored to Memorialists
"under orders from the Right
Honble the Secretary of State
dated 11th November 1855. 2nd.
3rd. Revenue Department ex-
pressed in the following terms
"as you have again referred the para 11
"case for final decision, I wish
"direct you to restore the Cho-
"wdhry Zamindary to the
"family by conferring it on
"Carnatic Vakeel as a only Zamin
"on the same terms on which it
"was originally enjoyed by his an-

"Collector, taking such measures as
"may be requisite to secure for the
"Ryots any rights and benefits
"acquired by them under any
"settlement during the time the
"Zamindary has been under
"the management of Govt &c &c"

The necessary arrangements
having been made thereupon
such was put in possession
with effect from 1 July 1859.
He has now after the lapse of
three years and a half brought
forward his present claims

"4. The correspondence which
has taken place relative to the
Choultry Estate is very
voluminous both in the Ju-
dicial and Revenue Depart-
ments.

"5. In December 1834 the Govt
issued orders to the Collector of
Tinnevelly to sell, in accordance
with the proposals already
made by that Officer, and
on account of the large balan-
ces outstanding against it,
(Rupees 74000), the Zamindary
in question
which, notwithstanding
the opinion the Council was
of opinion should not, with
reference to the public, inter-
ests, be concurred in be allowed

G.O. 1 August 1859. No. 1040.

G.O. 1 Dec 1834 No. 1246.

... to pass into the possession of
any private person. To this end
the Collector was authorized to
bid if necessary as far as the
amount due, it being consider-
ed "of the greatest misfortune
"with a view to the welfare of
"the inhabitants that the Za-
"mindary should be brought
"under the direct manage-
"ment of the officers of Govt"
"The Estate was eventually bought
"in account of Govt for Rs. 8000. From Bd of Rev 15 Jan/35. 21. 16

b..... The reason why this course
was pursued is explained in
a general letter subsequently * 18 Sept. 35. 20. Jan 36 Judicial Dept
addressed to the Court of
Directors, in which the emin-
"practices and attempts to thwart
"the operations of justice" on
"the part of the Chocumpully
Zamindar are assigned as the * French Memorialist further
causes for his prosecution as
a person of notoriously bad
character, and subsequent im-
"carceration as a state prisoner
"under Regn II of 1819: advantage
"was taken" of his embarrassed
circumstances, to deprive him
"of that power and influence
"which he had so often and so
"cruelly abused" by selling his
estate in the manner already described.

From Collector
B.B.d. of Rev:
20 Sept/34

7. The resources of the Zamindary were estimated at Rs. 46,665-8-0 and the Peshcush payable had been permanently fixed at Rupees 25,500-0-0 leaving the Zamindar a clear profit of Rs. 21165-8-0. The Zamindar however had fallen in to large arrears, and not only declined to take any steps to liquidate the demands against him but by his influence hindered the collection of the current revenue, misappropriating large portions of it for his own use, and under these circumstances preferred, as long as he obtained sufficient for his own want, to leave the Estate under Government management (thus saving himself the trouble of paying current Kists,) under the impression that no steps could ever be taken to bring one such Estate to the hammer.

8. The Zamindar who had been removed as a State Prisoner

to the Hill Fort of Gooty in the Bellary District petitioned Government in 1836 for his liberty. His request, after communications with the Magistrate of Guinevelly, was refused. An attempt was then made by the friends of the Prisoner to obtain a writ of Habeas Corpus from the Supreme Court at Madras for his liberation. This measure also proved unsuccessful.

In 1837 however the Supreme Government to whom the circumstances of the case had been reported disapproved of the course which had been pursued by the Govt of Madras in treating the Zamindar as a State Prisoner under Reg II of 1819 - and recommended his release on security for good behaviour, being furnished. He was accordingly left at liberty on moderate security and on the condition that he would reside out of the District of Guinevelly. He finally settled at Cuddalore receiving an allowance from Govt of Rs. 200 per mensem for his subsistence.

vide General Letter to the Honble Court 8 November 1836, para 35 236. Judicial Dept

23 Jan/37 No. 7

To Board. 29 April 1837 No. 464.
From Do. 22 May/37 No. 248
To Do - 30 May/37. No. 716
From Do. - 13 July/37. No. 362
To Do - 24 July/37. No. 984
From Do. 21 Dec/37. No. 936
To Do. 16 Jan/38 No. 85
From Do 14 May/38. No. 211
To Do. 22 May/38. No. 782
From Govt of India. 9 July/38 No. 1870
To Do. 23 Aug./38. No. 1162
From Do. 24 Sept./38. No. 286.

10. The circumstances of the
known above
case when, ~~reported~~ Lowrie mis-
duced so much very strong com-
ments on the part of the Hon'ble
Court. The imprisonment of the
Zamindar was treated of in
the Judicial Department and
emphatically condemned.
As to the Revenue part of the
subject, further proceedings in
which had been reported to the
Court of Directors in 1836, the
remarked upon the recommen-
dation of the Collector, sup-
ported by the Board of Revenue
for the transfer of the Estate
to the son of the ex-Zamindar
and the subsequent refusal of
Govt to accede to this proposal
& they expressed their opinion
in the following terms. "We

† Gen: Letter from England 6th January 1838. paras. 37-50 Judicial Dept

para 29. "are very doubtful of the correct-
"ness of the policy which you
"have pursued in this instance
"and we desire that on the re-
"ceipt of this despatch the sub-
"ject may be again taken un-
"der your consideration ——

* Gen: Letters dt. 9 August and 15 Nov: 1836 Nos. 9 and 11. Revenue Dept

para 30. "the dispossession from their
"estates of an ancient family
"is a course at all times to be
"deprecated, except under cir-
"cumstances of the greatest

§ Gen: Letter from England 9 March 1838. Nos. Rev. Dept. paras. 25-31.

emergency which appear to have no
existence in the present case. The
Claims of the ex-Zamindar are
legally extinguished by the sale
of the estate and it is therefore
open to you to dispose of it in
whatever manner you may
deem desirable ——— The Ex- para 31.
Zamindar is stiled by the Col-
lector to have been so dreaded
and disliked by the followers
and adherents of the family
that all parties without ex-
ception have transferred
their allegiance to the son.
It is therefore extremely im-
probable, even if it should be
deemed right to relieve the old
Zamindar from the confine-
ment to which he is now sub-
jected that any influence
which he might be disposed
to exert for the purpose of dis-
turbing his son in the peaceable
possession of the Zamindary
would be attended with suc-
cess. Unless, therefore, there
should be any considerations
of which we are not now aware
which may render a continuance
of the present arrangement
desirable, we shall be glad to
learn that the family have
been reinstated in the possession
of their ancestral property, on
such terms & course as you may

"Consideration both to the advantage
"of all the parties concerned."

E.B.C.
9 Oct/38.
No. 1384
Rev Dept
para 1

11. These remarks were communicated to the Board of Revenue with the intimation that the Govt would be prepared to authorize the restoration of the Estate to the son of the Ex-Zamindar on the Board stating their sentiments as to terms &c-

† 4 Nov/39.
No. 493

12. From the Board's reply it appears that Mr Thompson the Acting Collector of Tinnevelly, who reported upon the subject in consequence of the Govt order abovementioned, was very much opposed to the measure and that others, not withstanding, the Board, desired this successor, Mr Eden, to carry out the Hon'ble Court's intention unless "new matter should be forthcoming which should cause "the question to be reconsidered." His officer also wrote fully corroborating the views of his predecessor- the Board therefore submitted the matter for the further consideration of Govt observing, at the same time, that the Hon'ble Court had somewhat misunderstood their opinion, as it was in favor of uncompromising the Zamindary with the Govt dam

thought out of deference to the judgment of the local authorities they had supported the proposal for the restoration of the Estate. They further pointed out that these officers had now seen cause for arriving at a very different conclusion "chiefly from the circumstance of the magnitude of the interest that have sprung up under the belief that the Estate had been permanently assumed, in addition to the reasons formerly urged viz- the bad character of the ex-zamindar and the questionable capacity of his son."

13. The Government upon this resolved to make a further reference home and the Hon'ble Court then "in consideration of the very strong opinions now expressed by the local officers and concurred in by your Govt as to the impolicy of restoring this Zamindary to the son of the ex-Zamindar" authorized the annexation of the Circar Lands.

14. Nothing further occurred till 1856 when the present Memorialist petitioned the Home Govt for the restoration of the Estate. In reply the Hon'ble Court, after reviewing the history of the claim, expressed their surprise that

× 3 Dec/39 No. 1529

* Gen Letter 15 July 1840 No. 6. Rev Dept Para. 44.

× Forwarded with Gen Letter to England 24 Dec/56. No. 42 Jud. Dept p. 68

$ 5 August 1857. No. 7. Rev Dept

offered no opinion on the prayer of the Memorial. They further observed that as one of the main grounds for their former decision had been the representation of the local authorities that it would be an act of injustice to the tenants to place them again under the control of the Zamindar, it became necessary to enquire into the genuineness of an address (purporting to be signed by 1500 tenants on the Estate and advocating the restoration of the Zamindary) which accompanied the Memorial. They further left it to the discretion of this Govt whether the Estate or not should be again determined on further enquiry.

15. The investigation was accordingly ordered. The Collector was of opinion that the ryots on the Estate really wished its restoration to the old family. The Board of Revenue and the Govt thought with him and the Govt recommended strongly that the Memorial should not be complied with. Further Memorials on the subject were subsequently forwarded, and also a petition from certain ryots on the Estate opposing the restoration.

* Despatch to England 19 April 1858. No 15. Jud. Dept

× 3 June/58. No. 26 21 June/58 No. 30

to Mr Kerrigan to these Despatches is contained in the Secretary of State's letter referred to in para 3 of the Memorandum.

17. Such is the history of the case. It remains now to be determined what orders should be passed on the present Memorial.

18. If the Govt decide in favor of Memorialists there will be no necessity to forward the address to the Secretary of State. but it would be necessary to ascertain from the Board of Revenue the amount which would have to be refunded

19. On the other hand the Memorial is forwarded for disposition with a recommendation opposed to the prayer. It may be noticed that the case of the Nedadavole Zamindary, which is put forward by Memorialists has similar to his own, has in reality no features in common with it. The Nedadavole Estate was restored because it was decided that its sale was illegal. The Chocumpally Zamindary was given back as a matter of pure grace, in regard also to Memorialists remarks in respect to Reg II of 1819. and Reg XXVII of 1802

(vide para 2 of this Memo) it is sufficient to observe that as the Estate was not originally assumed under the Irish-named Regulation, no adjustment of accounts cannot be carried out under any of its provisions; and that section XIII of the other Regulation quoted refers to cases where an Estate is under attachment for arrears of Revenue, and not (as a matter like the present) where a property has been actually sold.

cgw

The Estate was sold in due course of Law for arrears of Rent in 1835 - After consideration there was no recovery of the arrears as Govt. influenced the first that the legality of the Sale cannot be questioned. The Estate 23 years afterwards was granted to Petr as an act of grace & policy - It is clearly a fresh point

and Petn Claim Chicacumputty
for mesne profts Zamindar's
of the pltf had Memorial
been merely made
for the Estate
in the interval
since to the Suit
in terrorem

L. D. S

& points noted at
end of Memo — pl 19 — Should
be clear & short — and
petition & fact expressed
strongly against the
admission of the Claim

J. P.

do. When the Memorial
is filed home, his second
I do not think that
this present man can
substantiate any claim
for arrears. — the estate
was not his but was
Govt property & then the
balance accrued —
Decision does not much
prejudice restoration
of Estate

W. D.

c 10 April 1803. R 22d

1853.

Ordered that the Memorial received with the foregoing letter be forwarded to the Home Authorities, and that an intimation of the same be given to the Memorialist.

E J W

First Wednesday
1st. May 1853.

Rec:d 11th January 1864

No 39.

Copy in a Letter to England
D/ 1st May N:o 38 of 1863

Rec:d 1863 Oct.r
Pro: of Govt. for May
N:o 3481 of 1863.
2 Encl.s 3573

From Karunalia
Vellingapooly Tever
Zemindar of Chockum
-pitty in the district
of Tinnevelly—

Dated 11th
Rec:d XXth } Dec.r
20 &c.
with 3 enclosures

Submitting for
despatch to Home
Govt.s a Memorial in
Triplicate claiming
the Surplus Collection
of his Zemindary which
accrued during the
period it remained under
the Court Management
2nd 753 1 May
With an Order

No 142.

C of 4 April 1865 Acd