M. O. 14—18,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1670 Press ~~Mis~~

179–180

Dated 12-9- 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 12th September 1864.

No. 179. Read the following letter from W. T. BLAIR, Esq., Acting Inám Commissioner, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Coimbatore, 21st May 1864, No. 38 :—

SIR

1. In acknowledging the receipt of the Order of Government dated 23rd April 1864, No. 711, on the Petition of one Sulam Venkatramareddi of the Kurnool District, I have the honor to submit for their re-consideration a few points which seem to require their further instructions.

2. In paragraph 5 of the above order, it is observed that the late Inámdar having died before receiving the Title Deed, the enfranchisement was incomplete, and that the Inám held by her for life should, strictly speaking, revert to the State at her demise. Referring to the Inám Rule X it is further observed, that neither the Petitioner (the deceased widow's brother's son) nor Chinna Narsanna (the paternal uncle's grand-son of her husband) is within the line of her heirs, and that the Inám Department were not justified in entertaining any claims to succession. In the concluding paragraph, however, while the Government direct that the Title Deed already issued to Chinna Narsanna should be cancelled, they express their willingness to grant another in favor of the person who produces a Court certificate showing that he has inherited the property of the late Inámdar.

3. The order leaves me in some doubt as to the determination arrived at by Government upon the main point involved in the case, whether the enfranchisement made by the deceased Inámdar is to be considered final or not, a decision by which my future proceedings in similar cases will have to be regulated. The course hitherto pursued by this Department has been to consider the settlement once formally entered into before the Deputy Collector good and final to all intents and purposes, subject only to any rare alterations which the Commissioner may make on review, although it may not be strictly complete until the actual exchange of documents; and for many reasons, it appears to me desirable that this principle should be recognized as morally binding both upon the Government and the Inámdars. Long delays occur in the issue of the Title Deeds from various causes, quite independent of the Inámdars, and it would, I think, be a great hardship to visit upon them the contingencies of such delays. If, for the sake of the few cases of the kind under notice which are likely to occur, the settlement is to be considered not final until the issue of the Title Deeds, it would create a feeling of uncertainty in the minds of the Inámdars, and lead to attempts on their part to retract consent once given to the enfranchisement and to re-open the settlement. I would therefore beg to urge that no alteration be made in the practice of the Department in this respect.

4. If the above point is decided in the affirmative, the subsequent proceedings of the Commission in the case under notice are easily explained. They were not intended to ascertain the title of the parties to enfranchise an Inám, but to determine who was entitled to receive the Title Deed for an Inám already enfranchised. No alienation having been made during the lifetime of the deceased Inámdar, the Inám which became vacant by her demise was inheritable by her next heir, according to the same laws as regulate succession to all other property. Government observe that the deceased had no heirs according to Hindu Law; but I beg to point out that Chinna Narsanna, party to whom the Title Deed was issued by this Department, though not one of the nearer heirs or Sapindas; comes within the line of the remote Sapindas, who inherit according to the Hindu Law in default of nearer heirs. His title to receive the Title Deed was accordingly recognized, and if the Petitioner conceived that he had any claim under the alleged bequest by the deceased, it was open to him to establish the same by a Civil Suit. It is not usual for this Department to postpone its settlement pending the decision by a Court, nor can it compel parties to have recourse to Judicial proceedings if they delay or omit to do so. The settlement is made with the parties who upon a *prima facie* investigation of their claims appear to have the preferable right, leaving all other contending parties to have recourse to the ordinary Courts of Law. I venture to submit whether, in the event of the Government respecting the enfranchisement of the Inám and renouncing all claims to its resumption, the Petitioner may not be left to the usual course of establishing his title in a Court instead of re-calling the Title Deed already issued to the opposite party under the circumstances above explained.

5. If, on the other hand, Government consider that the enfranchisement is void so long as all the formalities were not completed, I beg to submit that the Ináms held by the deceased for life can be at once fully assessed. There is no occasion to go into the question of her heirs at all. The Rule X referred to in the Order of Government has reference only to Ináms held on *hereditary* terms, while those restricted to life under orders of Government are treated in strict accordance with such orders. If the holders of life Ináms are alive, they are allowed to enfranchise on half assessment under Rule XI. If they have demised, the Ináms are fully assessed, a course which can be at once and finally adopted in the case under notice.

No. 180. ORDER THEREON, 12th September 1864, No. 1,670.

Miscellaneous.

1. The foregoing letter relates to G. O. 23rd April last, No. 711.

2. The Government are not inclined to agree with the Officiating Inám Commissioner in imagining that a strict compliance with the provision of the Inám Rules would have the effect of enabling Inámdars to withdraw from engagements once entered into. The order adverted to gives no opening for anything of the kind; it refers only to a case where death has intervened to prevent the conclusion of the settlement.

3. But the Government are not unwilling on this account to acquiesce in the course which at the end of his third paragraph Mr. Blair declares has been hitherto observed, viz., "to "consider the settlement once formally entered into before the Deputy Collector good and final "to all intents and purposes." In many respects this is the most convenient as well as equitable course.

4. Even with this point "decided in the affirmative" the proceedings of the Inám Commissioner in the case in question are hardly consistent with the rules. It was no part of his duty to determine who should receive the Title Deed. The Inám was to all intents and purposes enfranchised. So far as the Commission were concerned it mattered not whether the Inámdar was alive or dead. The consent of the Inámdar having been obtained by the Deputy Collector and the necessary preliminaries gone through, the Title Deed would as a matter of course issue in the name of the original contracting party. Why this course was not followed does not appear. Instead of this an enquiry was made "to determine who was entitled to "receive the Title Deed." A search was commenced extending into all the intricacies of Hindu relationship to prove one man heir to the deceased in preference to another, an investigation in fact of a purely Judicial nature was begun and concluded.

5. To prove that some such decision was necessary, Mr. Blair proceeds to argue that it is not usual for his Department "to postpone its settlement pending a decision by a Court, nor "can it compel parties to have recourse to Judicial proceedings if they delay or omit to do so." But it is not possible to "postpone" a settlement which has just been shown to be complete barring the issue of a Title Deed, and it matters not to the Inám Commission whether the parties interested "delay or omit" to take the necessary steps to prove their rights at law.

6. The obvious course is to treat such cases exactly as those in which the original Inámdar comes forward to receive his Title Deed, with this difference that whereas the Title Deed cannot actually be delivered to the party it should be made over to the Revenue authority for safe custody pending the production of an authority from a Court of competent jurisdiction deciding who is the rightful heir to the property of the deceased.

7. Under this view of the case the Government see no reason for re-calling that part of their former order which directed that the Title Deed already issued should be cancelled. A fresh one should be made out in the name of Varipudikondamma and treated in the manner above described.

(True Extract.)

(Signed) C. G. MASTER,

Deputy Secretary to Government.

To the Officiating Inám Commissioner.
„ the Board of Revenue.

Exd. S. T. Augustin.

Proceedings of the
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Acknowledges the receipt of
Order of Government dated 23d April
1864 No. 711 and submits a few points
for further instructions.

Department
Government
the 12th Sept 1864
Read the following letter from
the Inam Commissioner

(Here enter 21st May 1864 No. 38

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dated 6 G. O. 23 April
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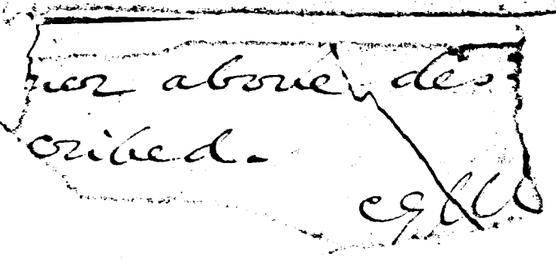
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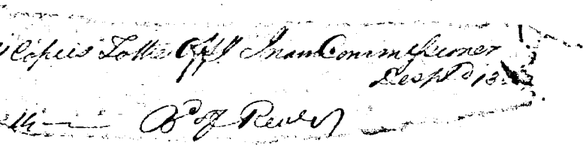
to the Indian Commission

land are come for
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rightful heir to
the property of the
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Under this view
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to recall their former order
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Revenue 1864 Depart.t
Pro: of Govt for September.

No. 1670.

Pro: of the Madras Govt
Dt 12 Sept.r 64

6 Pro. No. 395-396
23-4-64

Passing orders on the
claim of Loolam Venkata
Rama Reddy to inherit
certain Inam land of his
father's sister.

No. 179 to 180.