M.R.O. 14—18,000—27-8-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1688 Press ~~Mis.~~

216-217

Dated 13 – 9 – 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 13th September 1864.

No. 216. Read the following Proceedings of the Board of Revenue, dated 12th July 1864, No. 4,321.

Read again the following letters:—

From the Collector of the Godavery District, dated 8th January 1863, No. 3, recorded in the Board's Proceedings, under date 28th January 1863, No. 564.

From the same Officer, dated 29th June 1863, No. 170, recorded in the Board's Proceedings, under date 8th October 1863, No. 6,422.

From the same Officer, dated 28th October 1863, No. 359, recorded in the Board's Proceedings, under date 16th January 1864, No. 295.

Read also the following letter from the Acting Sub-Collector in charge of the Godavery District, dated Cocanada, 21st April 1864, No. 102.

1. With reference to the Board's Proceedings of the 16th January last, No. 295, I have the honor to state that the Petitioner Bollapragada Chinna Sattamma's claim to succeed to the estate of her mother Tolete Ramanamma is inadmissible.

2. Ramanamma sold the property long before her death to Agnigundala Venkata Nursimha Row, and after his death, the property was possessed by his widow, A. Sattamma, who transferred it to her sister, the Petitioner, by a Will on the 3rd June 1860, and requested the Collector on the same date to register it in her name.

3. After the death of Ramanamma's husband, it became the property of his son, Sundararamayya. He being a minor, his mother managed the affairs of the estate for him; while it was under her management she transferred it to her son-in-law, A. Venkata Nursimha Row, by sale. Had it not been sold, her son's wife Buchi Lachmamma would be a proper lineal heir to the property, but not her second daughter, the Petitioner, as alleged by her, nor is she (the Petitioner) entitled to inherit the property of her sister after her death as a lineal heir.

4. A Memorandum showing the dates and numbers of the former correspondence, and the full explanation of the shares in the various estates, and a genealogical table of the families, are herewith forwarded.

5. The two Petitions, Nos. 3,837 and 3,958 of 1863, are returned.

ENCLOSURE No. 1.

Memorandum with respect to the Estate of Nadavapalli in reply to the Board's Proceedings of the 16th January 1863.

1. permanent Cowle was given to Tolete Ramarazu under date the 29th July 1803, for the Mutta of Nilapalli which consisted of ten villages, viz., Nilapalli, Mallavaram, Guttanadivi, Nadavapalli, Policurru, Coringa, Sancarapallem, Brammasamideyem, Pattanalla and Gurrajanapalli.

	The Peshcush was	
	Assets.	Permanent assessment.
Rupees ...	7,004-10-0	6,067-7-9

2. On the death of Ramarazu (who managed the estate during his life), his daughter-in-law, *i. e.* his son's widow Ramanamma took possession of the estate, her son Sundarama Razoo

being a minor. Certain arrears having accrued, the Board ordered the sale of the landed property of the family of Ramarazu, in their letter of the 26th July 1821, but prior to the sale, the proprietor paid the arrears, and the sale of the estate relinquished. On the proposal of the widow to sub-divide the estates the accounts were sent* to and sanctioned by the Board.†

Paragraph 6.

* To Board, 19th January 1822.
† From do. 31st do.

	Assets.			Permanent assessment.		
	Rs.	A.	P.	Rs.	A.	P.
Nilapalli, Mallavaram, and Guttanadivi were retained by the original Proprietor Ramanamma	3,612	3	11	2,206	1	7
The remaining seven villages from Nos. 4 to 10 were transferred to Agnigundala Venkata Nursimma Row, called Nadavapalli estate, as per deed of sale executed by Ramanamma for Rupees 34,206-6-9, and to be enjoyed in perpetuity by the former	7,659	10	10	4,661	6	2
Total...	11,271	14	9	6,867	7	9

The above estates were accordingly registered in their names on 2nd April 1822. ●

3. Two villages in the Nadavapalli estate, named Pattavalla and Gurrajanapalli, were sold to one Yaga Pallaya for Rupees 8,500, and registered in his name on 25th July 1823. These were again transferred to Row Suramma by Y. Pallaya and registered on 6th November 1825 in her name. On her marriage her name was changed to Damera Suramma, the former being her husband Venkat Row's house-name.

To Board, 4th June 1823.
From do. 14th July „
To Board, 6th November 1825.

4. The remaining five villages forming Nadavapalli estate were retained in the possession of Agnigundala Venkata Nursimha Row till his death on 7th July 1825. Disputes then arose between his widow A. Sattamma and the other members of the family regarding the right of the estate, and finally, the widow being a minor, it was managed by the Court of Wards, as shown in the correspondence noted in the margin, and made over to A. Sattamma on her attaining her majority under orders of the Court of Wards of 10th July 1828. On this Sattamma's death in 1860, the estate was transferred to her sister Bollapragada Chinna Sattamma, and registered in her name as reported to the Board on 8th January 1863.

To Board, 16th October 1826.
From do. 11th December 1826.
To do. 23rd do. do.
From do. 19th March 1827.
To do. 23rd June do.
From do. 9th July do.
To do. 29th August do.
From do. 13th March 1828.
To do. 3rd April do.
From do. 24th do. do.
To do. 17th June do.
From do. 10th July do.
To Board, 8th January 1863, No. 3.
From do. 28th January 1863, No. 654.
To do. 29th June do. No. 170.
From do. 8th October do. „ 1,422.
To do. 28th do. do. „ 359.
From do. 16th January 1864. „ 295.

5. One village of the Nilapalli estate, named Guttanadivi, was again sub-divided from the estate, and sold to the aforesaid Agnigundala Nursimha Row for Rupees 5,000, and registered on 25th July 1823. On his death, it was retained under the Court of Wards in common with Nadavapalli estate, and made over to A. Sattamma in 1823 with the said Mutta. Half of Guttanadivi was transferred to one Tolete Buchi

To Board, 25th June 1823.
From do. 17th July do.

Latchmamma in accordance with a Razinama filed in the Civil Court at Rajahmundry, dated 18th April 1845, and the village registered on 28th May of that year in the names of A. Sattamma and T. Buchi Latchmamma jointly. The latter transferred three-fourths of her half share in the village to Bollapragada Chinna Sattamma under a Razinama filed in the Civil Court of Rajahmundry on 20th September 1859, received with the Court's Proceedings of the 11th October 1859, but the registry was not made owing to the non-attendance of the parties, and the death of A. Sattamma. This woman transferred her half share by sale, for Rupees 5,000 to B. Ramaswamy, the husband of Chinna Sattamma, when she transferred the Nadavapalli Mutta to her.

Vide letter to Board, 28th May 1845, No. 73.

6. Of the remaining two villages of the estate, one (Mallavaram) was sold for Rupees 5,000 to Rajah Row Vencata Niladri Row, Zemindar of Pittapur, and registered in his name on 9th April 1823; he transferred it by gift to his son-in-law Damera Venkat Row on 27th August 1827, and it was registered on 11th October 1827. This Venkat Row being indebted to the Minor Proprietor of Jaggampeta on account of the rent of a village in that estate, the village of Mallavaram was transferred to the Proprietor in consideration of the balance due to him, and registered on 24th December 1833. The Proprietor of Jaggampeta, on his attaining his majority, re-transferred this village to his brother-in-law Damera Vencata Row by gift on 19th November 1837. It was registered in the name of the latter on 28th December 1837. On the death of this man, his widow succeeded to the village, which was accordingly registered in her name on 1st June 1841.

To Board, 13th March 1823.
From do. 31st do.

To Board, 11th October 1827.

Vide paragraphs 8 and 9 of the letter to Board, 8th January 1833.
Board's Proceedings, 29th April 1833, paragraph 14.

To Board, 28th December 1837.

To Board, 26th February 1841, No. 21.
From do. 8th March do.

7. The remaining village of Nilapalli was sold to Mulavissala Jagannadham, for Rupees 5,000, on 5th October 1824, and registered in his name on 22nd November 1824. On his death, it was transferred by his son to Digumarti Ramaswamy and others, in whose names the village was registered in 1862.

To Board 26th October 1824.
From do. 4th November do.

Vide letter to Board, 16th June 1862, No. 86.

8. With regard to Cheyeru estate, a permanent Cowle was given in the name of Pusapati Narayana Gazapati Maharajah, who transferred it to one Agnigundala Venkat Row on 8th January 1805. Of this estate, one village, named Wappalaguptam, was transferred by sale by the said Venkat Row to T. Ramarazu on 25th June 1812, and was registered in his name. It was sold by Ramarazu to T. Venkanna for Rupees 3,000 on 12th November 1812, and registered on 11th February 1813, but it reverted to Government for arrears on the 15th September 1813.

From Board, 5th December 1811.

Vide Board's letter, 18th January 1813.

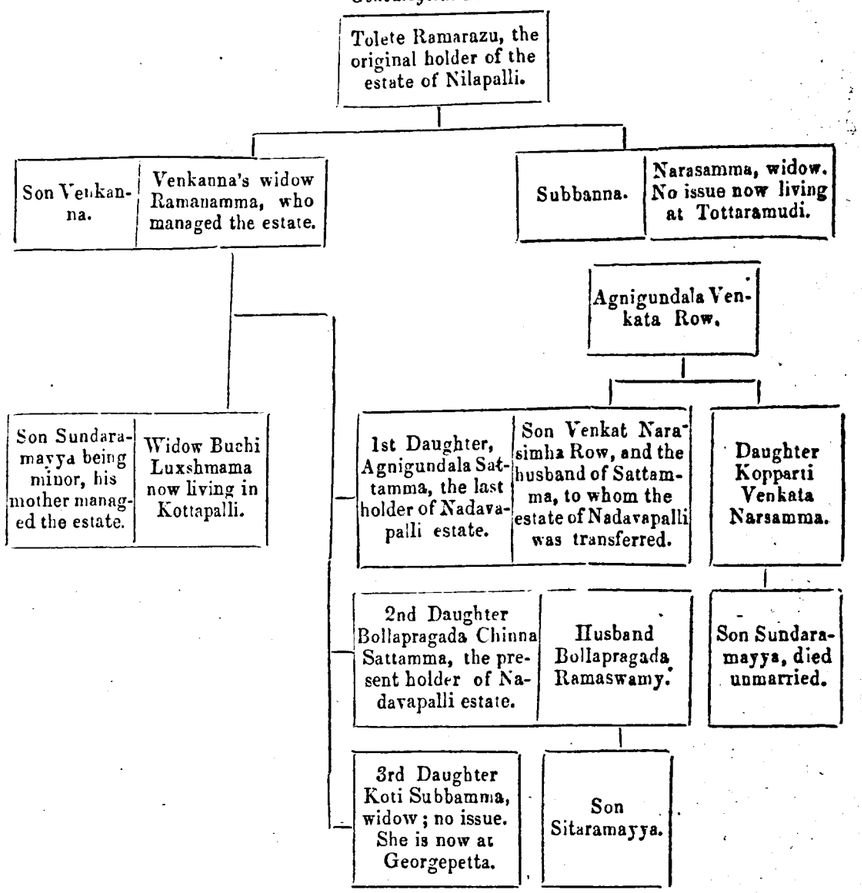
To Board, 20th September 1813.
From Board, 1st October do.

9. The remaining eight villages of the Cheyeru estate were enjoyed by the aforesaid Venkat Row during his life, and on his death his son Venkata Nursimha Row succeeded to the estate; he died in 1825, and the estate was retained under the management of the Court of Wards along with Nadavapalli estate as stated in paragraph 4, and made over to his widow Sattamma in 1828, as explained in that paragraph; and this was specified in the correspondence already noted in the same paragraph. This estate was sold for arrears, and purchased by Government for Rupees 9,000.

Collector's report, 19th September 1833, paragraph 4.
Vide Board's Proceedings, 20th February 1834, paragraphs 5 and 6, and Minutes of Consultation of Government, 11th March 1834, No. 228.

ENCLOSURE No. 2.

Genealogical Table.



(Signed) T. A. N. CHASE,
Acting Sub-Collector in charge.

COCANADA, 21st April 1864.

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1. Resolved that the papers above recorded be submitted for the consideration and orders of His Excellency the Governor in Council.

2. In the early part of last year, the Collector of the Godavery District reported that Agnigundala Sattamma, a childless widow had, in 1860, transferred her estate of Nadavapalli to her younger sister, Chinna Sattamma; that on the death of Agnigundala Sattamma in the same year, Chinna Sattamma had taken possession of the estate, and that the Collector had now registered her as the proprietrix of the estate.

3. The Board, in requesting a further report regarding this estate, pointed out to the Collector that, under the recent rulings of the Law Courts, a childless widow possesses but "a qualified proprietorship" in an estate, and has no power to alienate it, to the disadvantage of the next heir, which in this case might be the Government, if the husband of Agnigundala left no collateral heirs.

4. The Acting Collector, Mr. Morris, in reply, reported that the Nadavapalli estate was purchased by Agnigundala Sattamma's late husband in 1820, from his mother-in-law, Ramanamma, who was then in possession of it as a portion of the Nilapulli estate; and that on her husband's death, Agnigundala Sattamma was made a ward of the Court of Wards, who made over this estate to her on her attaining her majority in 1828. He added that his predecessor had sanctioned the transfer in accordance with the powers of transfer given to proprietors of estates by Section 8, Regulation XXV of 1802.

5. On referring to the correspondence which took place in 1828, the Board observed that Agnigundala Sattamma's husband died possessed of two other estates, Cheyur and Guttanadevi, and that both these estates, as well as that of Nadavapalli, were made over to his widow in 1828. They, accordingly, requested the Collector to report what had become of the two other estates, as the widow's "qualified proprietorship" would apply equally to them as to Nadavapalli. The Board, at the same time, pointed out to Mr. Morris that he had overlooked a very important proviso in the Regulation quoted by him, viz., that the transfer should not be repugnant to Hindoo Law.

6. The Acting Collector then reported that Cheyur was the ancestral property of Agnigundala Sattamma's late husband, who had no heirs now living, and that it had been sold for arrears and purchased by Government in 1847; that Guttanadevi, also a portion of the old Nilapulli estate, had been purchased like the estate of Nadavapalli, from Ramanamma; that Agnigundala Sattamma filed a Razinama before the Courts in 1845, agreeing to the registration of this property in the joint names of herself and another party, and that previous to her demise she transferred her own half share to Ballapragada Ramasawmi, her sister's husband, for Rupees 5,000.

7. Meantime, Chinna Sattamma having apparently become aware that the Board had doubts of the legality of her claims to the Nadavapalli estate, forwarded petitions putting forward her claims to it, as the heir of her brother, Ramanamma's son, pleading that the said Ramanamma had no power to alienate these estates during her son's life-time and minority.

8. The Board accordingly requested the Collector to report upon Chinna Sattamma's hereditary claims to the estate, if any. The letter recorded at the head of these Proceedings is the reply to this requisition. It will be observed from this report that Chinna Sattamma has no hereditary claims to the estate of Nadavapalli, even supposing its transfer by Ramanamma to have been illegal, as her deceased brother, Ramanamma's son, is reported to have left a widow, who would of course succeed to his property in preference to his sister.

9. It also appears that the Nilapulli estate was heavily indebted to Government for arrears of Peshcush; that Ramanamma had no option but to sell portions of it to meet the Government demand; and that in so doing she was not unmindful of the interests of her minor son. The sale of Nadavapalli and of Guttanadevi to Agnigundala Sattamma's husband was, moreover, approved by the Board of Revenue.

10. It now rests with Government to decide whether, as *ultimus hæres*, they will dispute Agnigundala Sattamma's right (1) to transfer her estate of Nadavapalli to her sister; and (2) to sell her remaining half share of Guttanadevi to her brother-in-law. The fact that Agnigundala Sattamma had transferred a half share of Guttanadevi, under a Court Razinama, to another party was reported by the Collector to the Board in 1845. The Board then* sanctioned an alteration in the registry, and in the same year they sanctioned† the sale of Nadavapalli under a precept of the Court to satisfy the Court's decree against Agnigundala Sattamma, though the sale did not take place, a private arrangement having been previously made.

* Board's Proceedings, 5th June 1845, No. 1,342.

† Letter to Collector, 27th February 1845, No. 538.

11. It thus appears that the Revenue authorities have hitherto treated these estates as the absolute property of the late Agnigundala Sattamma, and that her selling one and transferring the other in 1860 were sanctioned by the Collector. Under these circumstances the Board doubt the propriety of the Government putting forward any claim to either estate. At the same time

lest any omission on the part of the Government, to put in their claim in the present instance, might be converted into a precedent, the Board recommend that the claims of Government, as *ultimus hæres*, to the property of the late Agnigundala Sattamma, be formally waived in favor of Chinna Sattamma, in consideration of her relationship to the late holder, and of her being a descendant of the person who held the property previous to its purchase by Agnigundala Sattamma's husband.

No. 217. ORDER THEREON, 13th September 1864, No. 1,688.

Miscellaneous.

The recommendation made in the last paragraph of the foregoing Proceedings, is approved.

(True Extract.)

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

To the Board of Revenue.

Exd. T. O'Connor.

No. 564.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th January 1863.

Read the following letter from A. PURVIS, Esq., Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Rajahmundry, 8th January 1863, No. 3:—

I have the honor to report that Agnigundale Sattama, the late Proprietrix of the small Estate of Nadavapalli, paying an annual Peshkush of Rupees 3,190, died in 1860 leaving no issue. She transferred the Estate to her younger sister, Bollapregada Chinna Sattama, and executed a will to that effect, nominating her her heir. The aforesaid B. Chinna Sattama took possession of the Estate on the death of her elder sister, and obtained a certificate from the Civil Court at Rajahmundry under Act XXVII of 1860 on the 22nd March 1861. The Estate has this day been registered in the name of the aforementioned B. Chinna Sattama.

1. The Collector will submit a full report on this case.

2. Presuming that the late Proprietrix succeeded to the Estate as heir to her deceased husband, the Board are by no means satisfied of the legality of the Collector's proceedings. He is referred to the ruling of the Sudder Court in note 2 at page 239, volume I of the Board's Circular Order, and also to the decrees of the Privy Council in the Vissanapetta case circulated by the Board for the information and guidance of Collectors, under dates 12th March and 13th June 1862.

3. He will see from these decisions that the Estate of a Hindu widow inheriting from her husband, is a "qualified proprietorship." That she has "no power to alienate the property except for special purposes," and that in the absence of collateral heirs to her husband, the Government, as *ultimus hæres*, "have the same power which an heir would have of protecting "its interests by impeaching any unauthorized alienation by the widow."

4. It is for the Government to decide whether they shall assert their rights in such cases or not, and in the absence of any order from them on the subject, the recognition of the transfer by the Collector, and the registry of the Estate in the name of the widow's sister, appear to the Board, as at present informed, a sacrifice of the rights of Government, so far as the Collector's acts are of force in the matter.

5. The Board expect an early reply to these Proceedings, with full particulars of the origin of the Estate, and the subsequent succession to it, as well as of the family of the deceased widow and of her late husband.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

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

Exd. J. Wright.

PROCEEDINGS OF THE BOARD OF REVENUE.

No.

1863. Department.

Dated 28th January 1863.

Despatched

Received

No. 564.

Calling for full particulars of the origin of Nadavapalli Estate, and the subsequent succession to it, as well as of the family of the deceased widow, the Proprietrix, and of her late husband.

No. 6,422.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th October 1863.

Read again letter from the Collector of the Godavery District, dated 8th January 1863, No. 3, in Board's Proceedings 28th January 1863, No. 564.

Read also the following letter from the same Officer, dated 29th June 1863, No. 170 :—

1. In reply to the Board's Proceedings dated 28th January 1863, calling for further information regarding the Estate of Nadavapalli, I have the honor to forward the following report for the Board's consideration.

2. The Muta of Nadavapalli originally formed a portion of the Estate of Nilapalli. The permanent settlement of the whole Estate was determined on the average collections of thirteen years, commencing from Fasli 1196; and according to the Special Commissioner in A. D. 1803, amounted to 2,498 Pagodas.

3. A Permanent Cowle for the Estate was presented to Toleti Ramurazu on the 20th July 1803, and he executed an agreement in the following year. The Estate remained in his possession during his life-time; and on his death, passed into the hands of his daughter-in-law, Ramanamma.

4. At Ramanamma's request, it was sub-divided in A. D. 1820; and seven villages, which were formed into an Estate bearing the name of Nadavapalli, were sold to Agnigundala Venkata Narashima Row for Rupees 34,206, and were registered in his name. He subsequently sold two of the villages, the other five, still under the name of Nadavapalli remaining in his possession until his death in A. D. 1825.

5. His widow, Agnigundala Satamma, being a minor, the Estate was then placed under the management of the Court of Wards, until she became of age in A. D. 1828, when it was put into her possession, and remained in her enjoyment until her death in A. D. 1860.

6. The next owner of the Estate was her younger sister, Ballapragada Chinna Satamma, to whom she bequeathed it by a formally executed will. Chinna Satamma received a Certificate as her heir from the Civil Court, and her name was inserted in the Register by the late Collector.

7. A. Satamma left five relations, her sister, Chinna Satamma; Chinna Satamma's husband, Ballapragada Ramaswami; their son, Ballapragada Setaramudu; Kotti Subbamma, another sister; and a sister-in-law named Toleti Buchilakshmamma. Her husband had no relations.

8. My predecessor probably recommended the transfer of the Estate to B. Chinna Satamma, in accordance with the provisions of Section 8, Regulation XXV of 1802, where it is stated, that "Proprietors of land shall be at free liberty to transfer, without the previous consent of Govern-"ment, or of any other authority, to whomever they may think proper, by sale, gift, or otherwise, "their proprietary right in the whole or any part of their Zemindaries."

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1. The Acting Collector's neglect to give the dates of the former correspondence connected with this case (which should invariably be given), has greatly impeded the disposal of this matter.

2. From the papers which have been traced, the Board, however, find that Agnigundala Venkata Narasima Row left on his death landed property consisting of three Mootahs, viz., Cheyaru, Nadavapilly, and Guttanadevy, while the present correspondence mentions only the second of these Mootahs. By the Board's order as Court of Wards in July 1828, the widow (now deceased) was put in possession of the three properties. The Acting Collector will inquire and report what has become of the other two.

3. As regards the succession to the property, Mr. Morris, when quoting from Regulation XXV of 1802, fails to observe that the disposition made by a Proprietor of land must be "not repugnant to the Mahomedan or Hindu laws," and it has been already pointed out to him that the highest judicial tribunal has decided that a childless widow is not competent to dispose of landed property, except under those special circumstances which it is not pretended have any existence in the present case.

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4. The rightful heirs to the Estate on the widow's death were the heirs, if any, of her husband, and failing them, the property would escheat to Government as *ultimus hæres*. The widow was not competent to bequeath the estate to her sister.

5. Before addressing Government as to the propriety of asserting any claim to the Estate, the Board desire to be informed, after full inquiry, whether any legal heirs of A. Vencata Nursimha Row are forthcoming, and on this point Mr. Morris will please to report at an early date. It would appear from Mr. Collector Anstey's letter, dated 3rd April 1823, that A. Vencata Nursimha Row left a uterine sister surviving him. Her descendants, if living, would seem to have a claim to succeed.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

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

Exd. J. Wright.

1165-

Enquiries about Agnigundala Sattemma & Ballapragada Chinna Sattemma Estates

Rev. 1863 No. 6422

1863. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 8th October 1863.

No. 6,422.

Calling for information of the claims to the Nadavapilli Estate, and enquiring what has become of the Mutahs of Cheyaru and Guttanadevy.

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No. 295.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 16th January 1864.

Read the following letter from the Acting Collector of the Godavery District, dated Cocanada, 28th October 1863, No. 359:—

1. In reply to the Board's Proceedings, No. 6,422, dated 8th instant, I have the honor to state that by the Board's Order as Court of Wards under date the 10th July 1828, the three Muttahs of Cheyyeru, Naduvapalli, and Guttenadivi were placed in the possession of Agnigundala Sattemma, widow of Venkata Narasimha Row. The first Muttah was purchased on account of Government for Rupees 9,000 as reported to the Board on the 19th August 1817.

2. The Muttah of Guttenadivi consists of one village only of that name. It was formerly included in the entire Estate of Nilapalli, and the Sub-division of that Estate was sanctioned by the Board on the 31st January 1822. The village of Guttenadivi was sold by the original Zemindar to Agnigundala Venkata Narasimha Row, and was registered in his name on the 23rd July 1822.

3. While this village was in the possession of his widow Sattemma, it was again registered on the 25th May 1845 in the joint names of Agnigundala Sattemma and one Toleti Buchi Lakshmamma, in accordance with a Razinamah filed in the late Northern Provincial Court in Suit No. 25 of 1841 at the request of the parties; and this transaction was communicated to the Board on the 9th January 1845.

4. Toleti Buchi Lakshmamma, the joint Proprietor, transferred three-fourths of her half share in the village to one Ballapragada Chinna Sattemma, under a Razinamah filed in the Civil Court of Rajahmundry on the 20th September 1859, received with the Court's Proceedings of the 11th October 1859; but the registry was not made, owing to the non-attendance of the parties and the death of Agnigundala Sattemma.

5. Agnigundala Sattemma transferred her half share by sale for Rupees 5,000 to Ballapragada Ramaswami, Petitioner's husband, when she transferred the Nadavapalli Muttah to her.

6. A. Venkata Narasimha Row has no legal heirs: Venkata Narasimha Row's sister named Venkata Narasamma was married to Kappurti Keshavarayudu at Masulipatam, and both of them died long ago, leaving a son named Sundara Ramayya, who died lately in his boyhood. There are no other descendants.

Before submitting this case to Government, the Board resolve to request the Collector to report fully upon the *hereditary* claims set forth by Ballapragada Chinna Sattemma in her Petitions Nos. 3,837 and 3,958 of 1863. A Genealogical tree of the various families should be submitted with full explanation of the shares in the various Estates possessed by each, and of the mode in which those shares were acquired. All former correspondence should be carefully referred to by date and number.

(A true Copy and Extract.)

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

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

Exd. J. Wright.

12

Requesting a fuller report upon the hereditary claims set forth by B. Chinna Sattama in her Petitions Nos. 3,837 and 3,938 of 1863.

Dated 16th January 1864.

No. 296.

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

1864. Department.

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4. The Acting Collector, Mr. Morris, in reply, reported that the Nadavapalli estate was purchased by Agnigundala Sattama's late husband in 1820, from his mother-in-law, Ramanamma, who was then in possession of it as a portion of the Nilapulli estate; and that on her husband's death, Agnigundala Sattama was made a ward of the Court of Wards, who made over this estate to her on her attaining her majority in 1828. He added that his predecessor had sanctioned the transfer in accordance with the powers of transfer given to proprietors of estates by Section 8, Regulation XXV of 1802.

5. On referring to the correspondence which took place in 1828, the Board observed that Agnigundala Sattama's husband died possessed of two other estates, Cheyur and Guttanadevi, and that both these estates, as well as that of Nadavapalli, were made over to his widow in 1828. They, accordingly, requested the Collector to report what had become of the two other estates, as the widow's "qualified proprietorship" would apply equally to them as to Nadavapalli. The Board, at the same time, pointed out to Mr. Morris that he had overlooked a very important proviso in the Regulation quoted by him, viz., that the transfer should not be repugnant to Hindoo Law.

6. The Acting Collector then reported that Cheyur was the ancestral property of Agnigundala Sattama's late husband, who had no heirs now living, and that it had been sold for arrears and purchased by Government in 1817; that Guttanadevi, also a portion of the old Nilapulli estate, had been purchased like the estate of Nadavapalli, from Ramanamma; that Agnigundala Sattama filed a Razinama before the Courts in 1845, agreeing to the registration of this property in the joint names of herself and another party, and that previous to her demise she transferred her own half share to Ballapragada Ramasawmi, her sister's husband, for Rupees 5,000.

7. Meantime, Chinna Sattama having apparently become aware that the Board had doubts of the legality of her claims to the Nadavapalli estate, forwarded petitions putting forward her claims to it, as the heir of her brother, Ramanamma's son, pleading that the said Ramanamma had no power to alienate these estates during her son's life-time and minority.

8. The Board accordingly requested the Collector to report upon Chinna Sattama's hereditary claims to the estate, if any. The letter recorded at the head of these Proceedings is the reply to this requisition. It will be observed from this report that Chinna Sattama has no hereditary claims to the estate of Nadavapalli, even supposing its transfer by Ramanamma to have been illegal, as her deceased brother, Ramanamma's son, is reported to have left a widow, who would of course succeed to his property in preference to his sister.

9. It also appears that the Nilapulli estate was heavily indebted to Government for arrears of Peshkush; that Ramanamma had no option but to sell portions of it to meet the Government demands; and that in so doing she was not unmindful of the interests of her minor son. The sale of Nadavapalli and of Guttanadevi to Agnigundala Sattama's husband was, moreover, approved by the Board of Revenue.

10. It now rests with Government to decide whether, as *ultimus hæres*, they will dispute Agnigundiala Sattama's right (1) to transfer her estate of Nadavapalli to her sister; and (2) to sell her remaining half share of Guttanadevi to her brother-in-law. The fact that Agnigundala Sattama had transferred a half share of Guttanadevi, under a Court Razinama, to another party was reported by the Collector to the Board in 1845. The Board then* sanctioned an alteration in the registry, and in the same year they sanctioned† the sale of Nadavapalli under a precept of the Court to satisfy the Court's decree against Agnigundala Sattama, though the sale did not take place, a private arrangement having been previously made.

* Board's Proceedings 5th June 1845, No. 1,342.

† Letter to Collector 27th February 1845, No. 538.

11. It thus appears that the Revenue authorities have hitherto treated these estates as the absolute property of the late Agnigundala Sattama, and that her selling one and transferring the other in 1860 were sanctioned by the Collector. Under these circumstances the Board doubt the propriety of the Government putting forward any claim to either estate. At the same time, lest any omission on the part of the Government, to put in their claim in the present instance, might be converted into a precedent, the Board recommend that the claims of Government, as *ultimus hæres*, to the property of the late Agnigundala Sattama, be formally waived in favor of Chinna Sattama, in consideration of her relationship to the late holder, and of her being a descendant of the person who held the property previous to its purchase by Agnigundala Sattama's husband.

(True Copies and Extract.)

Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to J. Fraser, Esq., Officiating Collector of the Godavery District.

Exd. J. Wright.

Pers. 1864. Department.
Rlg Govt for Sept.

No. 1867.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 12*th July* 1864.

No. 4,321.

With an order

Submitting for consideration and orders letter from the Acting Sub Collector in charge of the Godavery District reporting on Petitions Nos 3837 and 3958 of 1863 regarding the claim to the Nadavapalli Estate.