

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1704

Press
~~Mis.~~

248-249

Dated

17-9-1864.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
17th September 1864.*

No. 248. Read the following letter from JUMMAUL BI, Widow of SYED SUBDAR ALI, late Jaghirdar of Valoonur in the District of North Arcot, to J. D. SIM, Esq., Secretary to Government, dated 26th July 1864 :—

HONORED SIR,

In forwarding triplicate copies of my Memorial to his Excellency, the Secretary of State for India, relative to my claims to the Jaghire of Valvanur, permit me most respectfully to state that I have adduced fresh points with regard to my claims to the Jaghire, and that it was not at all justifiable on the part of Government to refer me to the Civil Courts. With the utmost deference, I would humbly submit, that under all the circumstances of the case, as submitted by me, the Jaghire should be restored to me. Accordingly, therefore, I humbly solicit that you will be graciously pleased to forward my Memorial with your favorable recommendation that my prayer may be complied with.

No. 249.

ORDER THEREON, 17th September 1864, No. 1,704.

Miscellaneous.

Ordered that the Memorial received with this letter be forwarded to the Secretary of State, and that intimation of the same be given to the Memorialist.

(True Extract.)

(Signed) C. G. MASTER,

Deputy Secretary to Government,

Exd. S. T. Augustin.

To

His Excellency,

The Right Honorable

The Secretary of State for India.

East India House

London.

The humble petition of Summaul
Bi, Widow of Syed Subdur Ali, late
Saghir-dar of Valnampur, in the
District of North Arcot.

Most humbly Sheweth,

That in reference to her Memorial of the
3rd February, 1862, submitted for the favorable
consideration of your high Authority, soliciting the
restoration and registering in the name of your Memorialist
of the Saghir of Valnampur, she would most humbly
and respectfully ask your Excellency's attention to
the following fresh points, whereby it will be
seen that a great and gross injustice has been
inflicted on her.

2. In said Memorial, it was represented that in April
1821, the local Government, from an appreciation of the
distinguished services of Subadar Syed Hossain
of the Governor's Body Guard. Memorialists father-in-law
heretofore on him and his two next heirs in succession
the village of Valnampur as a Saghir; that said Grantee
died in 1831, leaving behind him his youngest Son,
Syed Subdur Ali. Memorialists' husband, his
eldest son having predeceased him without issue,
in consequence of which the Saghir reverted to
Memorialists' husband, who enjoyed it up to 1857,
when he also died without issue; that on his death
(the 2nd holder) the Saghir devolved on Memorialists
as the next heir, and she held it for 6 months, when
from a misapprehension of the terms of the Grant
it

it was sequestered; that 3 years afterwards the Saghir was restored to Memoriatist after due and careful enquiry into her claims - agreeably to the instructions of the Board of Revenue under date the 25th November 1859; that 3 months after its restoration, the local Government, contrary to all right and justice, dispossessed Memoriatist and placed the Saghir in the possession of Syed Ahmed, the son of the sister of Memoriatist's husband. This they did on the mere opinion expressed by the Mahomedan Law Officers of the late Sudr Court. Your Excellency will be pleased to observe that the said Mahomedan Law Officers merely gave their opinion - but not any point of Law. Were they asked who was the rightful heir to the property of Memoriatist's deceased husband, they would have declared at once that according to the Mahomedan Law, the Widow is heir to the property of her deceased husband. Their opinion, and not the point of Law was taken in Memoriatist's case. The Mahomedan Law Officers of Vellore, to whom the question of kinship was submitted by Memoriatist gave it that according to Law, the Widow and further more the heirs of the deceased. A Translation of their Futuaah is herewith enclosed.

3. In appealing from that Order, Memoriatist submitted to Your Excellency in Council several points, showing the very great injustice done her by Government in dispossessing her of the Saghir, and in doing so, she distinctly proved that by no Mahomedan Law should the Sisters' sons take preference to the Widow of the last holder and she adduced several cases to show that Females, who cannot appear in public and possess Estates far more extensive and valuable than hers, are entrusted with their management - she was dispossessed on the single ground of being a female. Memoriatist also submitted that her claim was far superior to that of her Nephews, who further have no right to a participation in the Saghir consequent on the forfeiture in behalf of themselves and their descendants by an agreement entered into by the two Sisters of Memoriatist's husband in 1842, for certain considerations received by them. This Agreement is lodged in the Zillah Court of

of Chingliput, according to which for full 18 years they enjoyed no portion of the Saghir. Besides, in a petition addressed to the Chingliput District Munsiff's Court, Syed Ahmed under date 15th February 1862, disavowed his being the heir of Memoriatist's deceased husband, and stated the property devolved on the Widow (Memoriatist) of his deceased uncle.

4. In forwarding this Memorial to your Excellency, the local Government was pleased to state in their Order of the 16th June, 1861, No 1039 that the Memoriatist has made out a prima facie case, sufficient to entitle her to a Judicial decision, and as the Government have no interest in keeping either party in possession preferentially to the other, H.E. the Governor in Council resolves to make the following declaration.

"Under Section 2 Reg. of 1831, the Governor in Council is pleased to permit Simmaul Di, widow of Syed Sukkur Ali, late Saghiradar of Valanum in North Arcot to sue in the established Courts for the recovery of the said Saghir or of any rights which she may claim in the said Saghir."

5. In reference to this Order, Memoriatist would most respectfully observe that from the force of the facts brought forward by her - proved to be facts by the enquiry instituted by the Board of Revenue through the Collector - Government admit that there is prima facie proof of her rightful title and claim to the registry of the Saghir. How then in the face of such a declaration can Memoriatist be directed to prosecute her claims in the Courts? As shown above, she is fully and solely entitled to the enjoyment of the Saghir, of the possession of which she was most unjustly, and without the slightest consideration, dispossessed by an Order of the local Government. Memoriatist would then humbly ask, why should she, who was unjustly dispossessed of her Estate by the misapprehension of the terms of the Grant given to Memoriatist's father in law, brought down thereby to a state of utter destitution and poverty, by the untoward Order to prosecute a second party? Who perverted the meaning of

of the Grant? and who placed the opposite party in
possession of the Jaghir? Was it not Government? It is
for Your Excellency to decide whether instead of putting
Memorialist in possession of the Jaghir, it is just and
right to refer her to the Courts, when Government themselves
do know & ledge that there is sufficient proof that
Memorialist has every right to the Estate. Government
themselves dispossessed Memorialist whilst she was in
possession, and delivered it over to an individual who
had not the smallest right there to, and now from above
inquiry through the Board of Revenue that they are
convinced off her legal right to the Jaghir, what precludes
them from reinstating Memorialist? Wrongfully and
summarily they dispossessed her, why not rightfully,
and as summarily dispossessed the party who held the
Jaghir on no tenable grounds? She more especially,
as she was forcibly dispossessed of the Jaghir whilst
she laid in her enjoyment, and reduced to want and
poverty by Government who placed the property
in the hands of an individual who is known not to be
the heir according to Mahomedan Law, and who himself
admits that he is not the heir of the lately deceased
Jaghirdar.

6. A fraction of the arrears of Rs. 2,688, 15, 4
which the present illegal incumbent drew was
given to Memorialist, nor has she received a single
pie from him, from that day to this towards her maintenance.
Now then is it possible for one who is reduced to so
low a pitch of misery to undertake litigation?
Memorialist can never hope to recover anything from
the present possessor, since he is a most extravagant
character, and is in fact reckless as to what he
does with the property, his payments of the Circar
Chiefto being very irregular, and is constantly in
arrears. Government acknowledge placing the
wrong individual in possession of the Jaghir, and
still they insist on Memorialist recovering her
just rights by proceedings in the Courts.

Your Excellency cannot but perceive
that

that a great injustice has been done to Memorialist,
and she therefore most respectfully solicits your
Excellency to take her hapless case into kind and
favorable consideration and pass an order can-
celling that of the local Government, and directing
that the Jaghir may be registered in her sole name,
and that the amount of arrears due to her may be
recovered from Syed Ahmed, the present wrongful
holder.

And Memorialist as in duty bound
Shall ever pray:-

6th July
1864

بسم الله الرحمن الرحيم

Pro. 16 June / 64 No 209 - 210
- 21 July / 63 - 401 - 402.

By memo letter to C. G.
14 September / 64 No 34 Mm

10/10/64
11/10/64
12/10/64

Ordered that the Memorial received with this letter
be forwarded to the Secretary of State, and that
information of the same be given to the Members of the
Council.

10/10/64

10/10/64
11/10/64
12/10/64

Rev. 1864. 2158.
From Summary

Be. Widow of Eyed Subda
Ali, late Saghir dar
of Valvanur in the
District of North Arcot.

Dated 26 July 1864.

Re. 1864. 2158.

With three enclosures

28. 10. 64
Forwarding a memorial
in triplicate addressed
to the Right Honorable
the Secretary of State for
India touching her
claim to the jaghire
of Valvanur, &c. &c.
for the transmission
of the same to the said
authority.

10/10/64 17 Sept
With an Order