

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 711

Press
~~Mis.~~

395.396

Dated

23 - 4 - 1864

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
23rd April 1864.*

No. 395. Read the following Petition from SOOLAM VENKATARAMA REDDI of the village of Alamúr in the Seroovalli Talook of the Kurnool District, to His Excellency the Governor in Council, Fort Saint George, dated 1st March 1864:—

My Lord,

1. This is an appeal against the Sheet and Endorsement (A and B) of the Acting Inám Commissioner, dated 15th and 20th February 1864, refusing the grant of the Puttah to him for the Inám lands which are mentioned in the Petition No. 418 of 1864, and for which your Petitioner has superior right than that of the one referred to in the same Endorsement.

2. Varipudi Kondamma, referred to in the Endorsement, being issueless, and being the sister of your Petitioner's father, and having been anxious to treat him as her son from his infancy, he (Petitioner) accordingly managed her affairs of her Inám lands in the villages of Alamúr in Kurnool Zillah, Polúru, Chinnayelatula and Peddapasupula, in the Talook of Jummalamadoogoo in Cuddapah District. While so, she was attacked with cholera these two years, and having had no Stamp ready in the night time, she sent for Caupors and Curnums and about twenty respectable persons and declared her wish to them that she bequeathed the whole of her property, viz., the Inám lands of the several villages alluded to above and the personal things, and that if she were alive till next morning would pass a Puttah in his name on Stamp for the same, but she died instantly without passing such document. The Petitioner performed her funeral rites and continues to enjoy the said land to this month.

3. Thus being, Varipudi Chinna Narasana, who is said to be her distant kin, has presented Petition to the Deputy Collector, claiming the registry of the lands in his name. The case having been referred to the Tahsildar for enquiry, it was fully proved that his claim is of no weight, and that my lieu is strong as the witnesses spoke, the Tahsildar reported to the Deputy Collector that the Petitioner should be recognized as having good title, and that, that of the said distant kin is of little good. Whereupon the Puttahs issued to the Petitioner's aunt's name were since delivered to him. The Inám Commissioner since re-called those Puttahs from the Petitioner and granted them to the said Narasana the distant kin. Hence, it is requested that your Excellency will call for the records and do me justice by ordering that the same Puttahs be ratified in my name in reference to the arrangement made by his aunt in the presence of the villagers and Curnums, &c.

4. Your Petitioner further begs to bring to your Excellency's notice that the Inám lands of the said Kondamma in the village of Peddapasupula have been ordered to be joined with the Jeroyette land, nobody having appeared and assented to pay the quit-rent. With regard to this land the Deputy Collector neither sent for him to demand the quit-rent nor did the Petitioner refuse to pay it. Now your Petitioner being ready to pay the quit-rent, orders are requested to be given in order that that land too may be continued to the Petitioner on paying the quit-rent.

Shall ever pray.

No. 396.

ORDER THEREON, 23rd April 1864, No. 711.

1. In this Petition one Soolam Venkatarama Reddi appeals against the decision of the Inám Commissioner in regard to certain Inám lands late the property of his father's sister Varipudi Kondamma deceased.

Districts.	Villages.
Kurnool ..	1 Alamur.
Cuddapah ..	1 Polúru.
	2 Chinnayelatula.
	3 Peddapasupula.

2. Petitioner states that his late aunt enjoyed Ináms in the localities marginally indicated; that she suddenly died without being able, as she intended, to convey them to him in a formal manner; that the Title Deeds for these Ináms were upon enquiry made over to him, but subsequently

re-called by the Inám Commissioner and given to Varipudi Chinna Narasana, a distant relative of the deceased, and that the Inám in Peddapasupula has been included in the Circar lands because no one appeared and agreed to pay the quit-rent. Petitioner therefore prays that the Title Deeds may be restored, and the last mentioned Inám be made over to him.

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Proceedings of the Madras Government
Under date the 23rd April 1864.

Proceedings of the Madras Government, Revenue Department,
23rd April 1864.

3. The Endorsement granted to Petitioner by the Inam Commissioner shows that the Inam in Poddapasupula reverted to Government in pursuance of an Order passed previous to the death of the late Inamdar and because she declined to enfranchise it, and that Inams in Poluru and Chinnayelutula which she had agreed to enfranchise were continued to Chinnana Narasima because he appeared to have a better claim to them than Petitioner.

4. Petitioner also produces an authenticated extract from the Inam Register relative to the Inam in Poluru, which it appears was on a former lease confirmed to the deceased for life; under

* Rule XI.

the new rules however she had agreed to convert it into freehold at the rate allowed in such cases, viz., one-half assessment. After registration and before receiving the Title Deed she died, and the Inam Department (having in a similar case in Nellore where an Inam had been enfranchised before the Deputy Collector, given the Title Deed to the next heir proceeded to investigate the claims of the two persons, Petitioner and his opponent, and decided in favor of the latter. Petitioner, the son of the brother of the deceased, claimed on the strength of an alleged verbal declaration on her death bed in the presence of witnesses. Chinnana Narasima, the successful party, grandson of a brother of the father of the husband of deceased was, in the opinion of the Inam Commissioner, "undoubtedly the next of kin."

5. In this case the enfranchisement was incomplete, and the Inam having been held by the deceased at the time of her death under the condition that it should revert to the State at her demise, it should, strictly speaking, be treated in conformity with that condition. Rule X prescribes the course to be followed by the Inam Department in the case of lapsed Inams pending at the time of enquiry, and it is there expressly stated that "if the last incumbent left no heirs of any kind the Inam will be fully assessed." Had the deceased lived to complete the enfranchisement she could have left the property to any one she chose, but as she had no heirs according to Hindu Law, the Inam Department were not justified in entertaining any claims to succession. They can take such steps only where such heirs do exist.

6. Neither Petitioner nor Chinnana Narasima have any legal claim. Of the two the latter is the nearest of kin, but he is out of the line of heirs to the deceased Kondamma's husband, as under the Hindu Law descent of property stops at paternal uncle's son and does not go further in the uncle's line.

7. Under these circumstances the decision of the Inam Commissioner cannot be upheld. The Poddapasupula Inam has reverted to Government and the lapsed will not be disturbed, but as regards the other Inams which the deceased had agreed to enfranchise, the Title Deed already issued must be cancelled, though the Government will have no objection to authorize the grant of another in favor of the person who produces a Court Certificate showing that he has inherited the property of the late Inamdar.

(True Extract)

(Signed) C. G. MASILR,

Deputy Secretary to Government

To the Board of Revenue,
the Inam Commissioner.

Exd. S. T. Augustin.

Read the following
Petition from Soolam Venkata
- ramreddy of Alamin tating
Serousulli of the Kurunool
Zillah.

Appeals against the
Endorsement of the Inam
Commissioner making over
certain Inam lands descended
to him from his late aunt to
situated in the Districts of
Cuddapah and Kurunool. —

(Hereafter 7th March 1864)

1. In this Petition one
Soolam Venkatarama Reddi
appeals against the decision
of the Inam Commissioner
in regard to certain Inam
lands late the property of
his father's Sister Venkudai
Kondamma deceased.

2. Petitioner states
that his late aunt enjoyed
Inams in the localities
marginally indicated: that
she suddenly died without
being

District	Villages.
Kurunool	1. Alamin
Cuddapah	1. Poluru
	2. Chinnayelutula
	3. Poddapasupula

being able, as she intended
to convey them to him in a
formal manner: that the
title deeds for these Inams
were again requiring records
over to him, but subse-
quently recalled by the
Inam Commissioners
and given to Varipudi
Chinna Narsana, a distant
relative of the deceased:
and that the inam in
Poddapampala has been
included in the Circar
lands because no one
appeared and agreed to pay
the quitrent. Petitioner
therefore prays that the
title deeds may be restored
and the last mentioned
inam be made over to him.

3. The endorsement
granted to Petitioner by the
Inam Commissioners shows
that the inam in Poddap-
pampala reverted to -

Government

Rule XI.

Government in pursuance
of an order passed previous
to the death of the late
Mandari and because she
declined to enfranchise it
and that inams in Poluru
and Chinnayelatala which
she had agreed to enfran-
chise were continued to
Chinna Narsana because
he appeared to have a better
claim to them than Peti-
tioner -

4. Petitioner also pro-
duces an authenticated ex-
tract from the Inam
Register relative to the
inam in Poluru which it
appears was on a former
lease confirmed to the
deceased for life; under
the new rules however
she had agreed to convert
it into free hold at the
rate allowed in such
cases

cases vizt one-half of the
assessment - After the
registration and before
receiving the title deed
she died, and the Income
Department, (having in
a similar case in Vellore
where an Income had been
enfranchised before the
Deputy Collector, given
the title deed to the next
heir) proceeded to investi-
-gate the claims of the
two persons, Petitioner
and his opponent, and
decided in favor of the
latter - Petitioner the son
of the brother of the deceased
claimed on the strength
of an alleged verbal decla-
-ration on her deathbed
in the presence of Uthma
Chinna Narasimha the
successful party, grandson

of a brother of the father
of the husband of deceased.
was in the opinion of
the Income Commission
"undoubtedly the next
of kin".

5. In this case the
enfranchisement was
incomplete and the
Income having been
held by the deceased
at the time of her
death under the condi-
-tion that it should
revert to the state at
her demise, it should,
strictly speaking, be
treated in conformity
with that condition.
Rule X prescribes the
course to be followed
by the Income Depart-
-ment in the case of
Lapse.

Lapsed Inams pending
at the time of enquiry,
and it is there expressly
stated that "if the last
"incumbent left no heir
'of any kind the Inam
'will be fully assessed
Had the deceased lived
to complete the en-
-franchisement she
could have left the
property to any one
she chose but as she
had no heirs according
to Hindu law, the
Inam Department
were not justified in
entertaining any claims
to succession. They
can take such steps
only where such heirs
do exist.

Neither

6. Neither Petitioner
nor Chinna Narasana
have any legal claim.
Of the two the latter is
the nearest of kin but
he is out of the line of
heirs to the deceased ~~and~~
Kondamma's husband
as under the Hindu
Law descent of property
stops at Paternal Uncle's
son and does not go
further in the uncle's
line.

7. Under these ~~to~~
circumstances the deci-
sion of the Inam
Commissioners cannot
be upheld. The Peddu-
rasupula Inam has
reverted to Government
and the lapsed will not
be disturbed, but as re-
-gards the other Inams
which

which the deceased had
agreed to enfranchise, the
title deed already issued
must be cancelled though
the Government will
have no objection to
authorize the grant
of another in favor of
the person who produces
a Court Certificate shew-
ing that he has inherited
the property of the late
Grantor.

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Revenue 1864 Dep't.
Pro. of Govt. for April.

No 711.

Pro. of the Madras Govt.
Dd 23rd April 1864.

From the Acting Sudder Comm.
21st May 1864.

Petition from one
Soolam Venkatarama
Reddi of Turmoor
district regarding an
Swar land disposed of.

No 395 + 396.