

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1152	~~Press~~ ~~Mis.~~
533.537	
Dated	30 - 5 - 1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
30th May 1865.*

Read the following:—

No. 533. Proceedings of the Board of Revenue, dated 22nd August 1863, No. 5,243.

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Chatterpoor, 1st July 1863, No. 120.

SIR,

1. I have the honor to submit Extract from the Proceedings of the late Commissioner Northern Circars, together with copies of original and appeal judgments, viz., Nos. 83 and 84 of 1856, on the file of the Agent's Court in Ganjam, and Nos. 1 and 2 of 1862 on that of the High Court. The Board will gather from the Commissioner's Proceedings that the title to the villages of Ratipad and Cumberiganno was in dispute between the Zemindar of Turlah and one Nundesam Chowdry, and that the question at issue was referred to the decision of the Courts. They will also observe that a third village named Rajam was similarly circumstanced with the two villages above-named, and that it was held under Government management till the title to Ratipad and Cumberiganno should be judicially settled, when, as argued by the Commissioner, the ownership of Rajam would determine on the precedent thus given.

2. The judgments in original and appeal now forwarded will shew how the case has gone with reference to Ratipad and Cumberiganno, and it now remains to take action in the matter of Rajam by handing over to Nundesam Chowdry this village with its accumulated proceeds amounting to Rupees 4,642-14-3, subject to a deduction of Rupees 1,128-10-4 on account of Cuttoobady due to the Zemindar of Turlah.

3. It is necessary however that I should obtain the sanction of the Board and Government before taking this step, and I have therefore stated the case as above for their decision.

ENCLOSURE No. 1.

ABSTRACT.—Copy of an extract from the Proceedings of the Commissioner for the Northern Circars, dated Vizagapatam, 1st May 1864.

ENCLOSURE No. 2

ABSTRACT.—Copy of a Decree of the Court of the Agent to the Governor of Fort Saint George, in the Zillah of Ganjam, in the Original Suit No. 83 of 1856.

ENCLOSURE No. 3.

ABSTRACT.—Copy of a Decree of the Court of the Agent to the Governor of Fort Saint George, in the Zillah of Ganjam, in the Original Suit No. 84 of 1856.

ENCLOSURE No. 4.

ABSTRACT.—Copies of the High Court's Judgment on the Regular Appeal from the decision of Agent to the Governor of Fort Saint George in Ganjam, in Original Suits Nos. 83 and 84 of 1856.

1. Resolved that the above letter with its enclosures be submitted for the consideration of His Excellency the Governor in Council, with reference to the Proceedings quoted by the Collector, of the late Commissioner of the Northern Circars, and to the Extract from Minutes of Consultation, under date 24th April 1854, No. 482.

The Board do not find that the case is as stated by Mr. Forbes, but that the point at issue in regard to the village of Rajam is whether the Zemindar is entitled to the *whole* revenues of the village on the lapse of the Mukhassa tenure, or only to the Cuttoobady which was collected on it at the time of the permanent settlement, in which latter case the balance of the revenues would belong to the State, Nundesam

Chowdry's claim to the Mukhassa having been distinctly and finally rejected. The facts of the case are as follows:—

On the death of the Zemindar of Turlah in 1847, his Estate was taken charge of by the then Collector of Ganjam, Mr. Bannerman, on behalf of the Zemindar's Minor successor. The three villages noted in the margin were sold by the late Zemindar to one Nundesam Chowdry, but the Collector considered it his duty to attach them on behalf of the Minor.

2. The alleged purchaser appealed against the attachment to Mr. Collector Onslow, who submitted the case for the orders of the Commissioner for the Northern Circars, and the orders of Government.
* Ex. Mins. Cons. 9th November 1850, No. 1,047. The Government* then ruled that, as the full assessment of the villages in question had not been taken into account in fixing the Peshkash on the Estate, the question was not between the Minor Zemindar and the purchaser, but between Government and the purchaser, and directed that a careful inquiry should be made regarding the fairness of the transactions by which the purchaser obtained the villages, in view to deciding whether or not the undoubted right of Government to resume should be exercised.

† From Commissioner for Northern Circars, to the Chief Secretary to Government, 14th June 1863, No. 58.

improper manner, but that there was every reason to believe that the village of Rajam had been extorted from the late Zemindar.
‡ Ex. Mins. Cons. 26th July 1853, No. 855.

be put in possession, for his life, of the two former villages, together with the net collections from the date of attachment, but ruled that his claim to the village of Rajam was inadmissible, and requested the Commissioner to consider whether this village should be transferred to the Zemindar with a proportionate increase of Peshkash, or whether it should be managed under Amani, subject to the payment of the fixed Kuttubadi (quit-rent) to the Zemindar.

4. The decision of Government was communicated by the Commissioner to Mr. Onslow, § and in the same Proceedings the Commissioner stated his opinion that if the Agent saw no objections, the village of Rajam should be managed by Government during the minority of the Zemindar, and be handed over to him at his majority; subject to the payment of the usual Kuttubadi. Mr. Onslow in reply again raised the question of the tenure of these villages, stating that, in his opinion, the villages were included in the assets of the Estate when the Peshkash was fixed, and that, therefore, Government had no right of resumption, on which the Commissioner again addressed Government on the subject, in his letter dated 27th March 1854.

5. In this letter Mr. Elliott recapitulated the correspondence which had passed between Mr. Onslow and himself, and stated that it was impossible to determine what constituted the assets on which the Peshkash of the Estate had been fixed, but that no doubt existed as to the three villages referred to having been held on Mokhassa tenure anterior to the permanent settlement. He added that the villages of Rittapadu and Cumbarigum were in the possession of Nandesam Chowdry, the purchaser, but that the Zemindar intended to contest his right in the Agent's Court, and suggested that, pending the decision of this suit, no further orders should be passed touching the village of Rajam. In the Extract from Minutes of Consultation quoted in the margin, the Government sanctioned the adoption of this course.

Under date 24th April 1854, No. 482.

6. It will be observed from the foregoing brief narrative that the letter recorded at the head of these Proceedings does not correctly represent the facts of the case. Mr. Forbes seems to be under the impression that Government are uninterested in the disposal of this village and of its mesne profits, and that, as a matter of course, it is to be handed over to the alleged purchaser, though the Proceedings which form an enclosure of his letter do not necessarily point to such an arrangement, and appear, when read in connection with the previous correspondence, to have a bearing altogether different from that ascribed to them by Mr. Forbes.

7. As shewn in paragraph 2 above, Government ruled that if the villages had been excluded from the permanent settlement, the Government right of resumption was undoubted, but resolved to put that right in force, during the alleged purchaser's life in regard to the Rajam village only. When the question, whether or not the villages had been so excluded was raised, and there appeared a probability of its being decided by a Court of Judicature, the Commissioner naturally recommended that no action should be taken in regard to the permanent resumption of the Rajam village until this point was settled.

8. The decrees of the Agent's Court, confirmed on appeal by the High Court, authoritatively confirm the view taken by Government that the assets of these villages were not taken into account when the Peshkash of the Estate was fixed, inasmuch as the villages were then held on a favorable rent. It remains, therefore, with Government to decide how the village of Rajam, and the intermediate proceeds, are to be disposed of. The recent Government Order, 28th October 1862, No. 2,298, orders quoted in the margin would seem to require that the village should be placed in possession of the Zemindar, as in those Proceedings Government have waived their right of resumption of Mukhassas in the Ganjam District in favor of the proprietors.

9. The grounds on which the Board base their opinion, that it was originally intended at the permanent settlement of Ganjam to give this reversionary right to the Zemindars, are already before Government.

10. The Board need therefore scarcely say that they do not accept the decisions reported by Mr. Forbes, as satisfactory or conclusive.

11. The peculiar circumstances connected with the Ganjam permanent settlement do not appear to have been brought to the notice of the High Court.

12. In conclusion, the Board would bring to Mr. Forbes's notice that in the Commissioner's Proceedings, of which copy is enclosed in his letter, it is proposed to defer till the settlement of the suits now decided the disposal not only of the Rajam village and its proceeds, but also, apparently, of the mesne profits of the other two villages during the period that they were under Government management, and they request him to inform them whether these are in deposit in addition to the proceeds of the Rajam village.

No. 534. From G. S. FORBES, Esq., Collector of Ganjam, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Madras, dated Chatterpoor, 7th September 1863, No. 178.

SIR,

I have the honor to submit copy of a letter this day despatched to the Board of Revenue in reference to their Proceedings dated 22nd August last, No. 5,243, on the disposal of the villages of Rittapadu Cumbarigum and Rajam in the Turlah Zemindary. I forward this duplicate in hopes it may be before the Government while the Board's Proceedings above alluded to are under consideration.

No. 535. Proceedings of the Board of Revenue, dated 23rd September 1863.
Read the following letter from the Collector of Ganjam, dated 7th September 1863,
No. 177.

(In Consultation, 17th September 1863, No. 6,009.)

1. Resolved that the above letter be submitted to Government in continuation of the Board's Proceedings, dated 22nd August 1863, No. 5,243.
2. The Board adhere to the opinion already expressed by them. They do not consider that the course taken by the Government in 1862, in waiving their right of resumption in future cases, can at all affect the present case which, so far as Government and Nundesam Chowdry are concerned, was virtually disposed of in 1853.
3. The Government awaited the result of the recent suit between the Zemindar and Nundesam Chowdry, simply, as it seems to the Board, in order that it might be decided whether the village of Rajam should be restored to the Zemindar free of charge, or with a proportionate addition to his Peshkash.
4. The ruling of the High Court in these suits places Government in precisely the position which they described in the Extract Minutes Consultation quoted above, and gives them the power of resuming all three villages which were improperly alienated by the late Zemindar. The Government have voluntarily divested themselves of this right as regards two of the villages during the life time of Nundesam Chowdry, and it now rests with the Government to decide whether they will require that the Peshkash of the Zemindar should be increased on the village of Rajam being transferred to him, or whether they will give him the benefit of their recent orders.

No. 536. From G. S. FORBES, Esq., Collector of Ganjam, to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Madras, dated Chatterpoor, 29th June 1864, No. 130.

SIR,

I have the honor to request that you will be so good as to obtain the orders of Government on my letter of the 7th September 1863, No. 177, on the subject of the Rajam village of the Turla Zemindary.

Petitions from STREE RAMACHENDRA HARI CHENDRA DEO, Zemindar of Turla Talook, in the Zillah of Ganjam.

(Here enter 22nd August 1863, No. 2,249; 14th October 1863, No. 2,698; 26th November 1863, No. 3,284; 15th January 1864, No. 299; 15th January 1864, No. 303; 15th April 1864, No. 1,151; 20th May 1864, No. 1,533; 20th May 1864, No. 2,081, and 17th January 1865, No. 193.)

No. 537. ORDER THEREON, 30th May 1865, No. 1,152.

Land Revenue.

1. During the management of the Zemindary of Turla in 1847 on behalf of the Minor, the Mokhassa village of Rajam and two others of a similar tenure were re-attached to the Estate, as unauthorized alienations made by the former Zemindar not binding upon his successor.

2. On appeal from the purchaser of these villages, the Government admitted his claim as against the Zemindar, but asserted the reversionary right of the State on the ground that their full valuation was not included in the assets upon which the Peshkash was calculated and determined. On the production of proofs of the purchase of two* of the three villages, the Government directed† that the purchaser should be put in possession of them for life, but that Rajam should remain under the Collector's management on account

* Rittapadu.
Cumbarigum.

† Order No. 855 of 26th July 1863.

of the very doubtful nature of the alleged purchase, and because it was understood that the minor Zemindar had instituted Civil Suits against the purchaser for the recovery of the restored villages.

3. The papers which are now before Government relate to the results of these suits in the original and appellate Courts, and with reference to these decisions (which are, in either case, adverse to the Zemindar), as well as to other considerations of a general nature, His Excellency in Council is now called upon to decide upon the course to be pursued in regard to the disposal of the village of Rajam.

4. In paragraph 7 of their Proceedings of 22nd August 1863, and in their subsequent Proceedings, dated 23rd September of the same year, the Board have placed the matter in a correct point of view, so far as to the effect of the Decree of the Court upon the point at issue. The Order of 28th October 1862 does not, as supposed by Mr. Forbes, affect cases which were virtually decided eight years previously. It was particularly stated in that Order, that while Government did not admit the rights of Zemindars they would not press their claims hereafter, and in the next paragraph they shewed that they were not prepared to re-open arrangements already determined upon. To assume, as the Collector does, that the late Zemindar sold three lapsed Mokhassas which he had resumed is, in the case of Rajam especially, to ignore the whole of the enquiry which took place between 1850 and 1854, and with reference to which the Government determined that the alleged purchase of Rajam could not stand.

5. It is entirely optional with Government either to transfer the village in question to the Zemindar with an increase of Peshkash, or to give it to him under the spirit of the Order of the 28th October 1862. They consider that in every respect the latter is the most suitable course to pursue, and they desire that the Board will instruct the Acting Collector accordingly. There appears to be no reason to pay over the mesne profits to the Zemindar so far as they are derived from the income in excess of the Kuttubadi, to which alone he has any claim of right. The excess income beyond the quit-rent which is now conceded to him, is given by the Government for the future as an act of grace.

6. If the accumulated quit-rent due to the Zemindar is in deposit, it will of course be refunded to him.

7. The Petitions recorded above will be returned, through the Collector, for delivery to the Zemindar, who should at the same time be informed of the decision of Government in his case.

(True Extract.)

(Signed) W. HUDLESTON,

Acting Secretary to Government.

To the Board of Revenue.
,, the Collector of Ganjam.

Ed. S. T. Augustin.

225
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Extract from the Proceedings of the
Commissioner for the Northern Circars
dated Vizagapatam 1st May 1854.

Read the following

1st 1854.

Extract from the Minutes of
Consultation under date the 21st April 1854.

Read the following letter

1st 37

From Walter Elliot Esquire
Commissioner for the Northern Circars.

To Mr W. C. Montgomery Esq
Chief Secretary to Government

Sir
I have the honor to
reprob

report that the orders of Government
relative to the disposal of certain
Mokhasas villages in the Parbhani District
were duly communicated to the
Agent, who was requested to state
his opinion as to the future treatment
of the Mokhasas of Rajapur.

Mr. Dunsen in reply forwarded
some additional papers in support
of his first opinion that all these vil-
lages were Zeriyas and had been included
in the Zemindari from which they had
never been separated in the manner re-

quired by Regulation XXV. and XXVI
of 1802 having been termed Mokhasas
only because they had been constituted
such by the Zemindar himself. In
examining these accounts, it was seen
that

that Mr. Dunsen considered the
statements furnished to a former collector
(Mr. Brown) by the Zemindar themselves
as constituting the facts of the permanent
settlement, and he was referred to the
reply of the Board of Revenue of the 17th
May 1801, which showed the data
really taken as the basis of that measure.
It was also requested to send
the Istimrua's list on which in many
cases the schedule of many villages
comprised in the settlement has been
entered.
From his reply herewith sub-
mitted, it will be seen that the
Agent admits the permanent
settlement to have been concluded
properly.

by the Zemindars to the Board
are stated to include receipts
from Mohaspate and Agrahat
rums and the averages of years
to show only the sums actually
paid or received.

With reference to the
application for the permanent
Code the Collector has
forwarded the Caboolah
given by the Zemindars
in exchange which contains
no information.

The following state-
ment of the collections from
the several Zemindars for
each year as accounts are
forthcoming

forthcoming compared with the present
shows how entirely ignorant of the
true resources of the several Estates
the Board must have been at
the time the permanent settle-
ment was made.

No.	Name of Estate	Villages	Amount Collections				Excess	
			Present	Past	Present	Past		
1	Palat	16	1200	1256	2546	1316	112	28
2	Wormah	9	1200	1255	3344	2144	173	108
3	Mahapathery	16	20000	1244	34543	14543	72	115
4	Shorungy	12	35000	1254	9007	5507	157	56
5	Mahaspah	84	14000	1259	30000	16000	114	11
6	Andagada	202	52000	1256	29240	17240	90	1310
7	Degedy	29	7500	1250	7964	1364	71	15
8	Alumbra	64	7000	1255	10710	3740	128	83
9	Boodasingy	23	500	1256	1457	957	19	65
10	Pizunagum	106	23000	1260	4755	2455	107	104
11	Sharabata	134	25000	1250	33405	8405	33	24
12	Shragada	52	3500	1258	6951	1451	26	61
13	Chittick	113	19000	1262	32101	13101	68	153
14	Chirgully	95	34000	1262	58648	24648	72	74
15	Pulak	52	15000	1262	16649	12649	316	37
Total		1107	214000		394373	179273	83	151
16	Darla & Remedy	605	82529	1262	176229	93700	113	87
17	Boodagada	65	4000	1262	12935	3935	222	11
18	Arada	28	2000	1262	7000	5000	250	
Total		698	88529		196214	107635	121	10
Grand Total		1805	302929		590587	286908	245	

9 Under these circumstances,
it is impossible to tell what
should be considered as consti-
tuting the aspect of the Temin-
dary Settlement, or how questions
involving a right to wheat &
should be settled. It is however
quite certain that all the
three villages referred to in
the present correspondence
were held in Motapa
teme anterior to the permanent
Settlement. The accounts
now produced show that Pittapad
was held in A.D. 1779
Chambargum in Aug. 1775-1786-87.
Rajam ————— 1786-

This

3

10 This fact favors the
correctness of the conclusion
previously formed, on which the
orders of Government of the
26th July 1853 were founded. The
Temindar, however, has pre-
sented his intention of
contesting the right of Na-
desam Chowdry to the two
villages now in his possession.
The decision of that suit will
determine the ground on which
the Temindar's title rests and
I would recommend therefore that
any orders regarding
the disposal of Rajam and of
the mesne profits during the years

the

the three villages were managed
by the collector & should be over
pending the issue of that investigation.

Commissioner's Office I have &c.
Pozagaipattam 27th March 1854
(Signed) W. H. Ellis
Commissioner.

The Right Honorable the
Governor in Council resolved
that as recommended by
the Commissioner. For this reason
the question in respect to the
disposal of Pozagaipattam the village
of Pozagaipattam and the revenue profits
thereof accruing do remain
in abeyance pending the de-
cision of the Court to be
instituted by the Comindar

of Durbar for the recording
of the two villages Villapad
and Combargamb.

To the District

(Signed) F. P. G. O. H.

Secretary to Government

Ordered that a copy of
the foregoing Extract Minutes
of Board of Directors and of the
Commissioner's Letter to which
it refers be communicated to
the District Collector of Coimbatore
for his information with re-
ference to Mr. District's letter
of the 11th November 1853 & 1854.

The District Collector
as mentioned in the above

here with returned

(1st True Extract)

(2nd) Extract

Specimen

William Stuart Esq
Collector of Bangalore

True Copy

Collector
Collection

18th May 1834

Copy of the Court
from the Court of Bangalore
to the Court of Bangalore
18th May 1834.

Dec 20 1833

Endorsement on the letter
from the Court of Bangalore
to the Court of Bangalore
18th May 1834.



Decree of the Court of the District to the Governor
of Fort St George in the Zillah of Bangalore.

Original Suit No 83 of 1856

Plaintiff

Shri Shri Rama Chandra-
son Murischandana Deo
Zaminadar of Turla

Defendants

- 1st Shri Shri Padda Naidu (Pond)
- 2nd Shri Shri Ramana (Chowdry)
- 3rd Shri Shri Nandarama (Do)
- 4th Shri Shri Chockana Soor son of the
late Chykenaya Soor

This is a suit to be put in possession
of the village of Pillypaul in the limits of the
Zaminidary, together with its produce for 8 years

1101-4-2 and for a subsequent year at 240 Rs.
per annum ⁷⁹ 1265) amounting to Rupees 1341-4-2.

In this case as in Original Suit N^o 84
of 1856 a village, granted by the former proprietors
of the Sarlah Zemindary on Mocassa tenure,
was sold by the descendants of the grantee to the
1st Defendant.

In both these suits the Plaintiff claims
a proprietary right to the village on the ground
that it was not one of those grants recognized
at the time of the permanent settlement as
securing a title to the grantee and his descendants,
but was subsequently alienated by the Plaintiff's
father or grandfather from the permanent assets
of the Estate and was liable to resumption at the
Zemindar's pleasure - a sale under such a
tenure would he contends, be illegal.

Ex parte trial in the case of 4th Defendant.
Judgement.

The Court observe that the right ad-
vanced by the Plaintiff rests upon a single point
of fact; and that is the character of the entry
of the village in the permanent settlement
accounts - A reference to these accounts shows
that prior to that period, the village had become
a hereditary Jaghri or Mocassa in the family
of the Grantees who are represented in this
suit by the 4th Defendant.

Hence the Plaintiff's rights over the
village are limited now as then to the Mocassa
Jaghir or grandfather from the permanent assets
of the Estate and was liable to resumption at the
which the Bill of Sale provides.

The sale is admitted on all hands
and as in numerous instances, titles to an Enam

all parties interested therein, and made a record,
of the Court with their unanimous consent under
the Circular Order of the Court of Sadar Adalat dated
on 15th August 1837.

No process of execution will be issued to
enforce this Decree unless some proceedings shall
have been taken to keep the same in force within
three years next preceding the application for
such execution.

Plaint filed on the 12th September 1856.

Pleadings closed on the 18th February 1857

Preliminary hearing on the 20th July 1859

Judgement given on the 30th May 1860

The Fair Copy of this Decree Given under my hand and the

is certified by me on the seal of the Court of the Agent to

19th day of June 1860 and the Governor of Fort St George

the time for appeal will expire in Ganjam at Chatterpur this
on the 18th day of September 1860 30th day of May 1860.

Signed G. J. Forbes. Signed G. J. Forbes.
Agent to the Governor. Agent to the Governor.

A True Copy.

G. J. Forbes
Agent to the Governor.

J. H. Johnson
Clerk

Decree of the Court of the Agent to the Governor of
 Fort Saint George in the Zillah of Ganjam
Original Suite 1284 of 1856.

Plaintiff

Shree Rama Chandra Soor
 Kurischandura deo zemindar
 &c

Defendants

- 1st Dooda Padda Naidoo Chowry
 2nd 2nd Ramana Chowry
 3rd Do. Kundasem Chowry
 4th Widow of Rama (roostua)
 Bookta/deceased/unnamed
 (Pohanna)
 5th Streenevasa Booktah
 6th Sarady Booktah Mahapunter
 7th Pilochana Poorohit
 8th Bagherady Pandey
 9th Gopamada pundah son and
 heir of deceased Sivapundah
 10th Govindor pundah
 11th Vullaba Santaroyidoo

Received of the Court of the Agent to the Governor of Fort Saint George in the Zillah of Ganjam the sum of Rs. 100/- in full of the amount of the fine imposed on the Plaintiff for the offence of not appearing in Court on the 12th day of August 1856.
 Dated 20th 22nd 1856.
 J. M. M. 2nd of 1856

14th Balagy Boottah
15th Balagy Pandy
16th Croostua Chendria Pandy
Sowand heir of deceased }
Gouranga Parama Gooro. }
and
17th Juddoomany Praharanje

2 The Plaintiff claims the lands as being part of a Jerozite village unlawfully sold to 1st Defendant while under temporary alienation for the benefit of the remaining Defendants and subject to resumption by the zemindar

Ex parte in the case of 7th 12th 13th 14th & 15th Defendants

Judgment

15

1. The case turns upon the tenure of the Village under the permanent Settlement and secondly, on the legality of the Sale.

The first of these issues is solved by the public accounts of the Settlement which have been inspected by the Court and which prove the village to be a Mocassin or Jaghire of a date anterior to that period.

5 It only remains therefore to deal with the sale which transaction is on all hands admitted to have taken place. The Court observe that the zemindar's right to a Proportion of the produce from the lands is provided for in the bill of sale, and as the lands are undoubtedly Jaghire, this is the only property he has in them under the permanent Cowl on which he holds his Estate. His rights are therefore not prejudiced by the sale and the claim advanced in the Plaint of absolute proprietorship is hereby dismissed with costs.

Longueuil le 21 Mars 1822

१२४ (१) $\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = 1$ } $\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = 1$
 १२५ (२) $\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = 1$ } $\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = 1$
 १२६ (३) $\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = 1$ } $\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = 1$

આચાર્યશ્રીના આશીર્વાદોથી આ કાર્ય સમપૂર્ણ થયું છે.

to make any of the new & dry (to be
out of the river. The new road is a

The Court of Directors of the Bank of India
 do hereby certify that the above is a true and
 correct copy of the original as the same
 was filed in the Court of Directors on the
 12th day of September 1856.
 In witness whereof the Court of Directors
 have caused this certificate to be signed by
 their Secretary, and the Seal of the Court
 to be hereunto affixed.
 Signed by the Secretary of the Court of Directors
 in the presence of the Court of Directors
 on the 12th day of September 1856.
 The Court of Directors of the Bank of India

Cost incurred by Plaintiff R. A. P.	
Value of Stamp papers	52- 8- "
Batta to prows	14- " - "
This sum is to be borne by Plaintiff	66- 8- "
Incurred by Defendants.	
Value of Stamp papers	4- " - "
Batta to prows	2- 8- "
This sum is to be borne by Plaintiff	6- 8- "

No private adjustment of this decree shall
 be allowed or deemed valid unless the terms of such
 adjustment shall have been previously and recipro-
 cally declared by all the parties interested therein,
 and made a record of the Court with their unanimous
 consent under Circular Order of the Court of Sudder Adalat
 at Fort St. George.

No process of execution will be issued to enforce
 this Decree unless some proceeding shall have
 been taken to keep the same in force, within three
 years next preceding, the application for such execution.

Plaint filed on the 12th September 1856.

Pleadings closed on the 18th February 1857.

Preliminary hearing 3rd June — 1859

Judgment given on the 25th May — 1860

The fair copy of this Decree
 is certified by me on the 19th
 day of June 1860 and the time
 for appeal will expire on the
 8th September 1860

(Signed) G. S. Forbes
 Agent to the Govt

Given under my hand
 and the Seal of the Court
 of the Agents to the Governor
 of Fort St. George in Ganjam
 at the Herper this 25th day
 of May 1860
 (Signed) G. S. Forbes
 Agent to the Govt

(True Copy)

G. S. Forbes

Agent to the Governor.

L. H. Johnson
 Clerk

On the Affluents of 1853
June 4
C. F. H. 10/82

Regina Africa Co 15/8/1862

Free Press Pamphlet No. 26

Karisekindana & Druugkindan } 2, 1, 1000 b

Doornada Ramanna Choudry } Res. London to.
and others } _____

This is a Regular Appeal from
the decision of G. S. Forbes Esquire,
the Agent to the Governor of Fort Saint
George in Ganjam in Original Suit
No. 83 of 1856

Loan for the Appellant,
the Plaintiff.

Brown for the Respondents,
the 2^d and 3^d Defendants.

The Court delivered the following judgment.

(17) This was an action by the
 & Eminda of Barla, a hill Zemindary
 in the Ganjam District, for the re-
 covery of the village of Pitta, hada
 situated within the limits of that
 state.

The

1 Present-Phillips and Fore J. J.

Dec = 2032/63.

L. M. Allen

The Plaintiff urged that the full revenue or income of the village in question was included in the permanent assets of the Estate, upon which the pishchuk was calculated, that the village is jerya tee or subject to the payment of the full revenue, that it had been dealt with as such both by former Zemindars and by the Collector of the district but that it had been granted by a former Zemindar to the latter of the 4th Defendant, who had sold it to the 1st. The Plaintiff contended that as the successor of the original grantor, he is not bound to respect this grant, and that he is consequently entitled to resume the village, the produce of which is stated to be Rs. 240-00 annually.

The Defendants pleaded that the village in question is a Mucassa man; that it is entered

18
in the accounts of the permanent settlement; and that the Plaintiff therefore is not at liberty to resume.

The Agent decided against the Plaintiff's title to resume, and pronounced him entitled to a quitrent only, on the ground that the village had been entered as a jag hire in the accounts of the permanent settlement.

The Plaintiff appealed against this judgment.

We concur fully in the view which the Agent has taken of this case. The accounts of the permanent settlement clearly show that the pishchuk payable by the Zemindar was calculated not upon the entire revenue of the village in question, but upon the Cuttoo hady or quitrent only. We resolve therefore to affirm the Decree of the Agent, and dismiss this appeal with costs.

True

(True Copy.)

Signed / s. no Williams

Deputy Registrar
To the Agent to the Governor of
Fort Saint George at
Ganjam.

On the appeal side (a) / ¹⁸⁶³ June 4

P. H. 2 of 1852

Regular Appeal No 2 of 1852

Free Ramachandra Coor Ba.
Srischandana Deva Zamindar } Appellants
of Larla —

Danada Ramana Chowdry
and others } Respondents

This is a Regular Appeal
from the decision of (G. S. Forbes Esq.)
the Agent to the Governor of Fort
St George at Ganjam, in original
suit No. 84 of 1850.

Sloan for the Appellants, the
Plaintiff.

Branson for the Respondents,
the 1st and 3rd Defendants.

The Court delivered the
following

Present Phillips and Freese

following judgment. 19

This was an action by the
Zamindar of Larla, a hill Zamindary
in the Ganjam District, for the re-
covery of the village of Kamla-
rigam, situated within the limits
of that estate.

The claim is in all essential
points similar to that of the same
plaintiff in Appeal No. 16 of 1860,
which has been disposed of by the
late Sudder Court on the 21st Sep-
tember 1861. The 1st, 2nd and 3rd De-
fendants were the Defendants also
in that action; and in the present
suit they resist the Plaintiff's
claim on the same grounds.

For the reasons specified
in our judgment on the Appeal
No. 10 of 1862, given on this date, we
resolve to affirm the decree of the
Agent, and dismiss this appeal
with costs.

True

(True Copy)

Signed J. H. Williams

By Registrar

To The Agent to the Governor of
Fort St George at Ganjam.

(True Copies)

E. D. Williams

Collector

5/3/63
S. H. & Co. Secy.

1/1/63
S. H. & Co. Secy.

4.
J. H. Williams

Copy of the original
Certificate of the
Registrar of the
Land Revenue
Department
at Ganjam
dated 20/3/63
in the case of
the land revenue
of the village of
Pattipada
in the district of
Ganjam.

Rev = 2033/63

Copy of the original
Certificate of the
Registrar of the
Land Revenue
Department
at Ganjam
dated 20/3/63
in the case of
the land revenue
of the village of
Pattipada
in the district of
Ganjam.

No. 177. Saryam District
Collectors Office (Hrs.)
From, Tempore 7th Sept. 63.

To, S. S. Forbes Esq.
Collector of Saryam.
St. Paul's Esq.
Secretary to Board of Rev.

Madras

1. I have the honor to
acknowledge receipt of the Board's
Proceedings No. 5243 dated 22nd ultimo
regarding the title of Dundaerum
Chundry to the villages of Pattipada
Ambaregam and Rajam in the
Demundary of Turlok.

2. I must regret that my
statement of the case was so brief,
and I have now to ask the attention
of the Board to a fuller explanation
of the position of Dundaerum Chundry
as it will be found to stand under the
recent orders of Government on the
subject of Lapsed Divanah tenure
in Saryam.

Yrs

3 In their order dated 28th October 1862 the Government, as observed by the Board, waived their right to resume lapers jaghirs or Mircasas and by that act of indulgence accepted the appropriations already made by Zemindars of such lands.

4 The late Zemindar of Turle, as stated in para I of the Proceedings under reply, sold three lapers Mircasas, which he had so received, to our Zemindar Choudry subject of course to the permanent Courtolary fixed on them at the settlement.

5 The collector of that day ousted Zemindar Choudry but subsequently with the approval of Government left him in possession of two villages (Pottipans and Ambaregarre) but held the other (Rajam) under attachment, the Government having determined to defer passing final orders regarding it pending the disposal of a suit instituted by the present Zemindar

against

2
against Zemindar Choudry for possession of the other two villages.

6 The appeal decree of the High Court affirms Zemindar Choudry's title, whether the validity of the sale was the right of the seller to alienate the villages / subject always to Courtolary / having been set aside in favor of the Zemindar.

7 As regards the Government, Zemindar Choudry's title has become firm in virtue of their order above quoted / no longer a life tenure but a perpetual possession because as already observed that order accepts the appropriations made by former Zemindars of lapers jaghirs and in this case the late Zemindar sold his right for a valuable consideration.

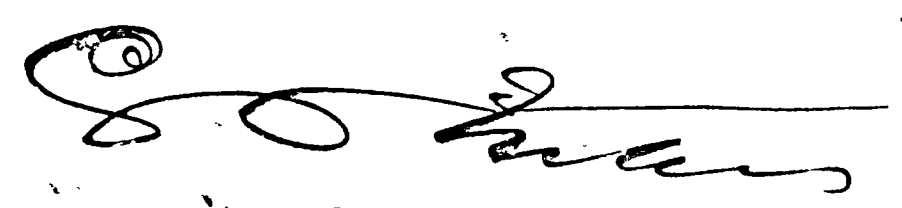
8 The tenure Rajam was the same as that of the other two villages and it was found like them in the possession of Zemindar Choudry at the time of the late Zemindar's death. It was not returned to the purchasers like the other two because the Government were not satisfied of

the validity of the sale but I believe
the legal course (now as then) would
be to leave the present Deminor
to meet the purchases in a Court of
Law, if he is able to overthrow the
alleged purchases.

9 The present profits of the
two villages were made over to Deminor
and Chondry on the order of Government
dated 26th July 1853 No 855.

I have the honor to be &c &c
Signed H. S. Forbes.

Collector.
(True copy)



Collector

L^d
E. H. Johnson
As^d Clerk

Ganyam District
No. 178. Collectors Office (Hrt.)
From, Kerpoo 7th Sept. 1863.
G. S. Forbes Esq.
Collector of Ganyam

To, J. D. Sims Esq.
Secretary to Government
Revenue Department

Sir, Madras
I have the honor to sub-
mit copy of a letter this day dis-
patched to the Board of Revenue in
reference to their proceedings dated
20th August last No. 5213 on the dis-
posal of the villages of Pottipad
Cumbargani and Rajam in the
Tanjore Division. I forward this
duplicate in hopes it may be before
the Government while the Board's Res-
olution is under consideration.

I have the honor to be,

Sir,
Yours most obedient servant

G. S. Forbes

Collector

L. J.
J. H. Johnson
R. Clerk

Enclosed in a letter
from the Collector
of Tanjore to the
Hon. Secy of the
Revenue Depty
dated 13/6/63 No. 178.
New 2228/63.
Copy of a letter
addressed to the
Secy of the Revenue
Depty.

19/9/63
C. H. S.
1863

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 30th May 1865.

Read the following papers.

Pro: of the Board of Revenue. (Here enter 22nd August 1863 No. 243)
 From the Coll^r of Ganjam --- (Here enter 7th Sept. --- 178)
 Pro: of the Bd^r of Revenue --- (Here enter 22nd --- ---)
 From the Coll^r of Ganjam. (Here enter 29th June - 1864 - 130)

Petitions from Stree Rama-
 chendra Hari Chendra Desai &
 mindar of Tula Talook in
 the zillah of Ganjam.

(Here enter 22nd August 1863,
 No. 249- 14th Oct^r 1863, No. 2698-
 26th Nov^r 1863 No. 3284-15th Jan^y
 1864 No. 299-15th Jan^y 1864 No. 303-
 15th April 1864 No. 1151-20th May 1864
 No. 1533-20th May 1864 No. 3081 & 19th
 Jan^y 1865 No. 193.)

1. During the management
 of the zamindari of Tula in
 1847 on behalf of the minor, the
 Mohkhasa village of Rajam
 and two others of a similar
 tenure were reattached to the
 estate as unauthorized
 alienations.

Revenue 1863 21st Sept^r
 From Ganjam 22nd Sept^r

The Collector of Ganjam
 To the Secretary to Govt
 Date 7th Sept^r 1863
 Dec^r 4th 1863

Enclosures (one)
 Submitting copy of
 a letter despatched to
 the Board of Revenue
 with reference to them
 Proceedings dated 22nd Aug^t
 and 2nd Nov^r 524

21st Sept^r 1863

alienations made by the former
zamindar not binding upon
his successor.

2 An appeal from the
purchaser of these villages,
the Govt. admitted his claim
as against the zamindar,
but asserted the reversionary
right of the State on the
ground that their full val-
uation was not included
in the assets upon which the
Peshkash was calculated and
determined. On the pro-
duction of proofs of the pur-
chase of two of the three vil-
lages, the Govt. directed that
the purchaser should im-
mediately be put in possession of them
for life, but that Rajam
should remain under ^{the} Collec-
tor's management on account
of the very doubtful nature

* Ruttapadu
Gumbarigum

* Order No. 855 of 26th July 1863.

of the alleged purchase, and
because it was understood
that the minor zamindar had
instituted ^{civil suits} against the pur-
chaser for the recovery of
the restored villages.

3 The papers which are
now before Govt. relate to
the results of these suits in
the original and appellate
Courts and with reference to
these decisions (which are, in
either case, adverse to the za-
mindar) as well as to other
considerations of a general na-
ture, His Excellency in Council
is now called upon to decide
upon the course to be pursued
in regard to the disposal of
the village of Rajam.

4 In para 7 of their
Ltr: of 22nd August 1863 and
in their subsequent pro: dat:

23rd September of the same year
the Board have placed the mat-
ter in a correct point of view,
so far as to the effect of the de-
cree of the Court upon the
point at issue. The order
of 28th October 1862 does not,
as supposed by Mr. Forbes,
affect cases which were vir-
tually decided eight years
previously. It was parti-
cularly stated in that order
that while Govt. did not ad-
mit the rights of Zamindars they
would not press their claims
hereafter, and in the next
paragraph they shewed that
they were not prepared
to reopen arrangements
already determined upon.
To assume, as the Collector
does, that the late
Zamindar sold three
lapsed

lapsed Mokhasas which
he had resumed is, in
the case of Rajam es-
pecially, to ignore the
whole of the enquiry
which took place
between 1850 and 1854,
and with reference
to which the Govt. de-
termined that the
alleged purchase of
Rajam could not
stand.

5. It is entirely
optional with Govt.
either to transfer
the village in question
to the Zamindar with
an increase of Pesh-
cush, or to give it
to

to him under the spirit of the order of the 28th October 1862. They consider that in every respect the latter is the most suitable course to pursue and they desire that the Board will instruct the A^d Collector accordingly. The net profits should be made over to the Zamindar after deducting the expenditure which may have been incurred in superintendence or in any other

They have been told that the Board will not have to do anything but to pay the net profits to the Zamindar as per the order of the Board. - I would have been very glad to have seen the order of the Board.

[Faint, mostly illegible handwritten notes and signatures at the top of the right page.]

other way -
b. The Petitions^{recorded} above will be returned through the Collector for delivery to the Zamindar who should at the same time be informed of the decision of Govt^y in his case. -

[Handwritten signature and notes.]
To the Board of Revenue with 14 ends Desd^y May
The Collector of Pampas & all 9 Betsikani
[Signature]

6-1-19

Ganjam Tulu
Zaminars
Case
Memo 1865 Dept.
Pro. of Govt. for May

Vol 152
Pro. of the Madras Govt.
130th May/65

4445/150

Pro No. 19-20
12-11-1850
33-34
16-7-53
10-11
2-5-54
356-357
18-10-62

26 July/63 — 855
25 October/62 — 2298

553 @ 53%

Adding orders with
reference to the transfer
to the Zaminars of Tulu
the Mokassa Village of
Rajam in Ganjam.

12 May/65 R. 13