

# MADRAS RECORD OFFICE.

Government of Madras.

*Revenue* DEPARTMENT.

|                |             |                          |
|----------------|-------------|--------------------------|
| G.O. No.       | 1231        | Press<br><del>Mis.</del> |
| <i>133-124</i> |             |                          |
| Dated          | <i>7-6-</i> | 18 <i>62</i> .           |

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,*  
7th June 1865.

No. 133. • Read the following letter from H. A. BRETT, Esq., Late Collector of Salem, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, dated Madras, 13th June 1864 :—

SIR,

1. I have the honor to acknowledge the receipt of the Order of Government, dated 2nd June 1864, No. 805, remarking that the course which I took, as Collector of Salem, in making over to my Sheristadar certain land in the town of Salem, was "clearly irregular."

2. The Government observe (1) that it is not usual to treat any land in a large town like Salem as Gramanatum; and (2) that Gramanatum land is intended for the Ryots of the village in which it is situated, and not for strangers.

3. The Government will, I hope, permit me to submit a further explanation on these two points.

4. As to the first, I wish to point out that the rules laid down in Government Proceedings, dated 5th August 1859, R. D., expressly recognise (paragraph 4, Clause third) Gramanatum as existing in towns, and exclude "Gramanuttum" as land to which the rules for the sale of the fee simple would not apply. It is generally understood that Gramanatum was thus excluded as land in which the Government possessed no interest or right that they could convey away, such land being already registered in the Survey Accounts as "Lakkeraj," or "land exempt from the payment of revenue," and as appropriated for special purposes. In fact, such land is always regarded as land made over to the people, the Government never, according to the general practice, claiming any kind of pecuniary interest in it.

5. With regard also to Salem, considered as a large town, I beg to explain that Salem really consists of a number of distinct villages, each village bearing among the people its own distinctive name, and that the site occupied by each of these villages is registered in the Survey Accounts as appropriated land. There is therefore no distinction between the villages which help to make up "the town of Salem" and the smallest agricultural village in the District, as to the rights which by common usage the people enjoy in the Gramanatum, rights based on prescription, but further secured to the people by registry in the Curnum's Office (*vide* Preamble to Regulation XXIX. of 1802).

6. In large towns, like Salem, a part of the town may stand on land which is not included in the "Gramanatum." For instance, houses suitable for the European inhabitants are never built on the Gramanatum. The rules passed in 1859 would apply to any other class of land in a town, provided such land did not belong to a permanently settled estate; (all the land in Salem that is not Gramanatum is included in a settled estate) but, still, in every town, whatever its size, the Gramanatum properly so called (land registered as such) is never treated as land belonging to the Government.

7. I further beg to explain (as to the second point) that it is not usual in the Salem District for any single class of persons to have, or to claim, an exclusive interest in the Gramanatum. In the smaller villages the larger number of the inhabitants must naturally belong to the ryot class, but even in such cases all other classes belonging to the community occupy the village site in common with the first named class. The actual usage is proved by the fact that the whole registered Gramanatum or village land in the District is co-extensive, or nearly so, with the wants of the whole native population, for if persons belonging to the native classes have their dwellings on any other description of land, it is an exceptional case, and is contrary to the ordinary rule. In the so-called town of Salem, the population always included many classes whose occupation is not agricultural, as persons employed in the public service (a numerous class in Salem), Brahmins, Artizans, as Weavers, &c., Merchants, and so on, classes which in some instances occupy distinct portions of the Gramanatum as specially appropriated to their exclusive use.

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8. Hence, in the present case, I did not view the Sheristadar as "a stranger," to whom I could not give the land without doing an injury to some person or persons who had a preferential right in the village land. The Sheristadar came to reside permanently in Salem when, in 1860, the Collector's head quarters were transferred from Oosoor to Salem, and from this point of view had as good a claim to occupy a portion of the village site as any other person whose occupation in life required him to reside in the place. Nor could I sell a portion to the Sheristadar, if I was at liberty to view the land as "Gramanatum." The practice is to consider such land as common till it is actually occupied.

9. I therefore trust that the case as now put before them will satisfy the Government that the course which I took was not irregular. I believe, for the reasons stated, that the land in question ought to be recognized as "Gramanatum;" that the Sheristadar was not disentitled as a stranger to occupy such land; that Government do not possess any right or interest in the land as land not comprised in the "Gramanatum;" and lastly, that the Government could not properly claim a right to sell the land on the ground that it is occupied by Judicial buildings, a point on which my former explanation was, I may infer, considered sufficient.

No. 134.

ORDER THEREON, 7th June 1865, No. 1,231.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,

Acting Under Secretary to Government.

To H. A. Brett, Esq.

Exd. S. T. Augustin.

*Such ~~such~~ land; that Government do not possess any right or interest in the land as land not comprised in the "Gramanatum;" and, lastly, that the Government could not properly claim a right to sell the land on the ground that it is occupied by Judicial buildings, a point on which my former explanation was, I may infer, considered sufficient.*

*I have the honor to be,*

*Sir,*

*Your most obedient servant.*

*J. T. Brett.*

*Late Collector of Salem.*

*To*

*The Honble A. J. Brathwaite.*

*Chief Secretary to Government.*

*Madras, }  
13th June 1865. }*

