M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1834 Press Mis.

72-73

Dated 5-7-1865.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 5th July 1865.

No. 72. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India, (Revenue,) to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 17th May 1865, No. 20:—

SIR,

1. I have considered in Council the Despatch from your Government, numbered 1, Miscellaneous, and dated the 14th of January last, transmitting two Memorials, one to the address of Her Majesty the Queen from Cazy Khateeb, holy beggars, noble dervaishes, yeomiahdars and other inhabitants of Adoni, in the Bellary District, and the other addressed to me from Goolam Modeen, and his brother Elasood-Deen, of Chunda Hoossance Durgah, at Adoni, in the District of Bellary.

2. The first of these Memorials, you state, though signed by two persons only, professes to be a representation from the bulk of the inhabitants of the Adoni Talook.

3. The Memorialists' petition for the restoration of an Inám and certain allowances granted for the support of the much frequented Durgah of Chunda Hoosscin, in the Adoni Talook of the District of Bellary, which your Government has resumed, allowing the Inám, and a portion of the allowances, to the widow of the last incumbent for her life only.

4. This grant is evidently of considerable antiquity, for a Takeed and a Sunnud are produced, the authenticity of which is not questioned, continuing the grain fees and the Inám to Masum Saheb, the father of Zamin Alli Shah, the last incumbent who died in 1857; and these Sunnuds were afterwards, in 1798, confirmed by a fresh Sunnud. In 1803, your Government commuted the grain fees into a money allowance of Rupees 6-13-1 a month, an arrangement confirmed by you in 1819 and 1847.

5. Zamin Alli Shah left a widow, a mother, and three brothers; the latter had not been on good terms with their brother, and Mr. Collett, the additional Sub-Collector, decided that the widow should enjoy the Inám, and that the money allowance should be assigned jointly to the three brothers, by whom the services in the Durgah should be performed. The widow appealed against this decision, and the Collector, Mr. Pelly, recommended that the widow should receive one-fourth of the money allowance, Rupees 20 per year, for her life, and that one of the three brothers "should reside constantly at Adoni, perform the services of the Durgah, and receive "the cash allowance and the Inám, shewn to be attached to the Durgah for a "long time."

6. Mr Hathaway, the successor of Mr. Pelly, recommended the same course, on the ground that as "great enmity" existed between the widow and her brothers-in-law, she should not be left dependent on them, "and one or other of them seems "to have the best title to succeed to the Durgah and its emoluments, now that their "brother is dead." The Board of Revenue supported the proposal of the Collectors; but your Government objected, on the grounds that grants for services of this kind had been declared not to be hereditary, that the late incumbent left no heirs and was at enmity with his brothers, who had never enjoyed any part of the grants; you decided, therefore, that they had no claim, but that charitable consideration should be shewn to the widow. Mr. Hathaway, in supplying the further information called for, pointed out "that both the Inám and the allowance were granted "for performing the services in the Durgah of Chunda Sahib." The Board of Revenue also referred to former Proceedings of theirs (May 9th 1860), in which they had stated the reasons for which allowances of this nature had been of late treated more liberally than used formerly to be the case, and urged that, irrespective of this circumstance, the fact of these allowances having been formally granted in 1803, in commutation of grain fees, and being still in possession of the same family, would prevent interference with it under the principle laid down in paragraph 15 of the Despatch of the late Court of Directors of September 1st, 1858, No. 8. Your Government, however, adhered to the view taken in your former order, and now report to me that you see no reason for re-opening the case, or disturbing the arrangements now in force.

Allowances and Inám to

7. This decision seems to me, as the Board of Revenue remark, contrary to the principles laid down in the paragraph of the Despatch of the late Court of Directors quoted by them; and also, I will add, to paragraph 27 of the same Despatch, in which it is directed that, "in the case of service Ináms generally, "and of religious and charitable endowments held without grant, the objects to "which they are applied being of a permanent nature, they should be confirmed "in perpetuity, or for so long as the purposes to which they are applicable are fulfilled." The Proceedings of the Board of Revenue of the 9th of May 1860, referred to by them, were before me when my Despatch of the 9th of December 1863, No. 83, was written. In that Despatch, whilst I confirmed your decision, not to re-open a case decided by the Government at home, as well as by you, some years before the date of the above Despatch, I informed you "that the view" (of "authorities to whom you refer, and by your Excellency in Council, is undoubtedly "the right one, and the benefits conferred by that paragraph (27) are to be "extended, as you have supposed, to grants of money as well as of land, so long as "the purposes to which they are applicable are fulfilled, and the objects, whether "service Ináms or religious or charitable endowments, are of a permanent "character."

8. In the present case, the length of time during which this service has been maintained, and its confirmation by the Native Governments which preceded our rule, and by your own Government on three separate occasions, is a sufficient testimony to its permanent character, and I am unable to see that the enmity which existed between the surviving brothers and the last incumbent is any argument against their title to succeed him, since they are all sons of the Masum Saheb, to whom the grant was continued according to the Takeed produced. This enmity was, however, a very sufficient reason for fixing the allowance of the widow, instead of leaving her dependent on her hostile brothers-in-law for its payment.

9. As, therefore, the antiquity and authenticity of the grant are not disputed, and the family on whom it was conferred still exist to perform the service for which the grant was made to them, I am of opinion that the proposal made by Mr. Pelly, which received the support of his successor and of the Board of Revenue, was a very proper one, and that the allowance and Inám must be continued to the brothers so long as the service for which it was granted is performed, although under the circumstances of the enmity existing between the widow of Zamin Alli Shah and her brothers-in-law, I quite concur in the propriety of the Rupees 20, fixed as her share of the allowance, being paid directly to her during her lifetime.

No. 73.

Miscellaneous.

ORDER THEREON, 5th July 1865, No. 1,534.

1. Forwarded to the Board of Revenue for their information, and for the issue of early orders to the Collector for the restoration of the resumed portion of the allowances and Inám to the Memorialists (brothers of the deceased holder), to whom these grants will be continued so long as the prescribed service in the Durga is rendered.

2. The Inám and the money allowance of Rupees 20, settled upon the widow of the deceased incumbent for her maintenance till her death without the obligation of service, in paragraph 4, G. O. dated 13th August 1860, No. 1,342, will revert to her late husband's brothers after her death, she continuing in undisturbed enjoyment during her lifetime.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.
,, the Civil Paymaster.
,, the Accountant General.
Exd. S. T. Augustin.

Revenue Department.

No. 1534

Proceedings of the Madras Government under date the 5th July 1865.—

Read the following despatch from the Right Honorable the Secy. of State for India.—

Directing that, for reasons stated, the Inám and Allowance granted for the support of the Durgah of Chundah Hussein in the Adoni Taluk, Bellary be continued to the brothers of Zamin Ali Shah, who was the last incumbent, so long as the service for which it was granted is performed and concurring in the propriety of the Rs. 20, fixed by this Govt. as share of the allowance to the widow of the said Zamin Ali Shah, being paid directly to her during her lifetime.

(Received 17th May 1865, No. 20/-

Forwarded to the Board of Revenue for their information, and for the issue of early orders to the Collector for the restoration of the resumed portion of the Allowances and Inám to

to the memorialists (brothers of the deceased holder) to whom these grants will be continued so long as the prescribed service in the Durga is rendered—

The Inam and the money allowance of Rd" 20-"-" settled upon the widow of the deceased incumbent for her maintenance till her death without the obligation of service in para 4 G.O. dated 13th August 1860 No. 1342 will revert to her late husband's brothers after her death, she continuing in undisturbed enjoyment during her life time—

14 To the Board of Rev. dated July
3 + The Civil Engineer
3 + The Accountant General

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Revenue 1865 (Sept.ber
Pro:s of Govt. for July)

No. 1534

Pro:s of the Madras
Government
Dated 5th July 1865

Despatch from Home
Government authorizing
the restoration of the
allowances and Inam
to Goolam Modeen and
Elatood-Deen for service
in the Chinda Horsemen
Sungah in Bellary
Communicated to Board
of Revenue.

No. 72 & 73.