M.R.O. 14—13,000—27-8-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2048	Press Mis.
526. 527	
Dated 31-8-1865	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
31st August 1865.

No. 546. Read the following Proceedings of the Board of Revenue, dated 21st November 1864, No. 7,572.

Read the following Endorsement on Government Petition No. 2,453 of 1864, dated 17th October 1864, in No. 439 of 18th October 1864 :—

Forwarded to the Board of Revenue for report.

1. The Petition recorded above was addressed to Government by certain members of the Tatha Chary family, claiming the hereditary wardenship of the Vurdrayaswami Pagoda at Conjevaram, and praying that the Pagoda might be declared exempt from the jurisdiction of the Committee appointed under the provisions of Act XX of 1863.

2. The Board have little information to add to that contained in the enclosures of the Petition. From these documents, (which have been compared with the originals in the Board's Office,) it appears that the wardenship of the Pagoda in question had long been a subject of dispute previous to 1842, when all connection between the Government and the native religious institutions of the country was brought to a close; and that in 1842 the Board of Revenue, on a due consideration of all the circumstances, expressed an opinion that Comara Tatha Chary ought to be recognized as warden of the Pagoda, and that the office ought to be declared hereditary in his family. They also directed the Collector to carry out that arrangement. The Proceedings of the Board were approved by Government, and on the death of Comara Tatha Chary, the Collector expressing his opinion that all interference of Government with the affairs of the Pagoda had ceased, stated that he was willing to recognize, as warden of the Pagoda, any person whom the heirs of Tatha Chary might agree among themselves to accept as the heir to the hereditary office.

3. The published Appeal Decree of the late Sudder Court, which is also an enclosure to the Petition, goes still further to prove that the office is hereditary in the Tatha Chary family; and it is to be regretted that these matters were not brought more prominently to notice by Mr. Banbury in his letter, dated 7th January 1864, reporting on the nomination of Committees for the management of the Conjeveram Pagodas. In a subsequent communication submitted to Government with the Board's Proceedings, dated 19th April 1864, Mr. Banbury remarked that claims to exemption from the jurisdiction of the Committee had been set up by the wardens of several Pagodas, who claimed to be hereditary office-holders, and that he proposed to make further inquiry into such claims; but the Board expressed their opinion that the point was one for the Civil Court to decide in each case as necessity might arise.

See Government Order, 24th February 1864, No. 331.

4. The Board would now beg to express their adherence to this view of the case, as no declaration of right now made, either by the Board or the Government, would be admitted by the Courts of the country as either limiting or extending the powers of any Committee appointed under the Act. Whatever powers were formerly exercised by the Board have been transferred to the Committee. It therefore rests with a Committee desirous of exercising authority, or with a warden desirous of being exempted from the Committee's jurisdiction, to establish in Court, that pre-

vious to the passing of Act XX of 1863, the Board of Revenue did, or did not, interfere in the nomination to the office of warden in the particular Pagoda in regard to which the dispute may arise.

5. The Board would, therefore, suggest that in this and in all similar cases the Petitioners should be referred to the Courts to establish their right to exemption from the jurisdiction of the Committee.

No. 547. ORDER THEREON, 31st August 1865, No. 2,048.

Miscellaneous.

Ordered that the following Endorsement be passed on Petitions Nos. 2,453 of 1864 and 524 of 1865.

"The Government are not competent to declare Petitioners exempt from the jurisdiction of Temple Committees under Act XX of 1863; but the Law has carefully defined that jurisdiction; and in the event of any improper interference being attempted, Petitioner can defend his rights in the established Courts."

(True Extract.)

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

To the Board of Revenue.
,, the Petition Department.

Exd. R. H. Lee.

No. 7,572.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 21st November 1864.

Read the following Endorsement on Government Petition No. 2,453 of 1864, dated 17th October 1864, in No. 439 of 18th October 1864 :—

Forwarded to the Board of Revenue for report.

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1. The Petition recorded above was addressed to Government by certain members of the Tatha Chary family, claming the hereditary wardenship of the Kurdrayaswami Pagoda at Conjeveram, and praying that the Pagoda might be declared exempt from the jurisdiction of the Committee appointed under the provisions of Act XX of 1863.

2. The Board have little information to add to that contained in the enclosures of the Petition. From these documents, (which have been compared with the originals in the Board's Office,) it appears that the wardenship of the Pagoda in question had long been a subject of dispute previous to 1842, when all connection between the Government and the native religious institutions of the country was brought to a close; and that in 1842, the Board of Revenue, on a due consideration of all the circumstances, expressed an opinion that Comara Tatha Chary ought to be recognized as warden of the Pagoda, and that the office ought to be declared hereditary in his family. They also directed the Collector to carry out that arrangement. The Proceedings of the Board were approved by Government, and on the death of Comara Tatha Chary, the Collector expressing his opinion that all interference of Government with the affairs of the Pagoda had ceased, stated that he was willing to recognize as warden of the Pagoda any person whom the heirs of Tatha Chary might agree among themselves to accept as the heir to the hereditary office.

3. The published appeal decree of the late Sudder Court, which is also an enclosure to the Petition, goes still further to prove that the office is hereditary in the Tatha Chary family; and it is to be regretted that these matters were not brought more prominently to notice by Mr. Banbury in his letter dated 7th January 1864, reporting on the nomination of Committees for the management of the Conjeveram Pagodas. In a subsequent communication submitted to Government with the Board's Proceedings, dated 19th April 1864, Mr. Banbury remarked that claims to exemption from the jurisdiction of the Committee had been set up by the wardens of several Pagodas, who claimed to be hereditary office-holders, and that he proposed to make further inquiry into such claims, but the Board expressed their opinion that the point was one for the Civil Court to decide in each case as necessity might arise.

See Government Order, 24th February 1864, No. 331.

4. The Board would now beg to express their adherence to this view of the case, as no declaration of right now made either by the Board or the Government would be admitted by the Courts of the country, as either limiting or extending the powers of any Committee appointed under the Act. Whatever powers were formerly exercised by the Board have been transferred to the Committee. It therefore rests with a Committee desirous of exercising authority, or with a Warden desirous of being exempted from the Committee's jurisdiction, to establish in Court that previous to the passing of Act XX of 1863, the Board of Revenue did, or did not, interfere in the nomination to the office of warden in the particular Pagoda in regard to which the dispute may arise.

5. The Board would, therefore, suggest that in this and in all similar cases, the Petitioners should be referred to the Courts to establish their right to exemption from the jurisdiction of the Committee.

(A true Extract.)

Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.,
with one Petition returned.

Exd. J. Wright.

18/11 V

1865

Rev. 1864 Department.

Bd of Govt Jor. august 65

No. 3216.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 21st *November* 1864.

Dept 30

Rec

21-0-

No. 7,572.

Reporting on the claims of Petitioners in No 2453 of 1864 to the hereditary wardenship of of the Kurdrayaswami Pagoda at Conjeveram.

No 2048. 31 aug

No 516 & 517

26 Dept & 6428

No. 2048.

Ordered that the following Endorsement be passed on Petn No. 2453 - & 62 - & 524 & 65

"The Petrs in not complaining of Election Petrs & Complt from the jurisdiction of Temple Committee under Act 20. of 1863. but the Court has Carefully defined that jurisdiction, & in the Event of any improper interference being attempted Petrs can defend their rights in the Established Courts."

14 To the Board of Rev. Dept
1 to the Collector Dept & Collectorate

31st. augt /65.