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MADRAS RECORD OFFICE

Government of Madras

Revenue

DEPARTMENT

G.O. No. 2416	Press
~~B.P. No.~~	~~Mis.~~
Dated 6-10-	1956
	1865

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
6th October 1865.*

No. 99. Read the following Proceedings of the Board of Revenue, dated 18th July 1865, No. 4,134.

Read also petitions 1,793 of 1864 and 2,064 of 1865.

Read the following papers:—

From J. SILVER, Esq., Collector of Tinnevely, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 17th January 1865, No. 40.

SIR,

1. With reference to the Order of Government, dated the 5th August 1864, No. 1,403, Revenue Department, communicated to me by the Board on the 9th idem, on the subject of the Memorial from Abdullamah Saib of Tinnevely, I have the honor to submit the following Report.

2. The Memorialist, who is the great grandson of Ethbarkhan by his daughter, states in his Memorial* that the five Chuttrums constructed by his ancestor Ethbarkhan at his own expense

* Herewith returned.

during his Foujdarship, or before the assumption of the District by the British Government for the accommodation of travellers on the road between Palamcottah and Madura are in a very dilapidated state, and he prays that the same, together with the lands purchased and endowed for their support by his ancestor, and which have been since incorporated with Government lands, as well as the surplus amount of Swamibhogam now in deposit, may be made over to him, on the ground that he is the legal and acknowledged representative of Ethbarkhan.

3. The Memorialist further states in a Petition addressed by him to the Board, that the Mosque constructed by his ancestor at Pettah in the Tinnevely Talook and its appurtenances, which are now under the management of Hyatally Saib, may be made over to him, on the ground of his being the lineal descendant of the original founder.

4. The Memorialist and his brother presented another Petition to me, requesting that the Chuttrum land, &c., may be made over to their joint management.

5. The history of the case is as follows:—
Ethbarkhan during his Foujdarship obtained a grant of certain lands on favor from the Nabob of the Carnatic, for the support of certain Mosques and Choultries constructed by him ^{at the} stages between Tinnevely and Madura named in the margin, at that time dangerous to travellers.

Virdupatty.	Pandaracolum.
Sattoor.	Coattoor.
Edaseval.	

Besides providing for these, Yeomials were allowed to poor and infirm people etc. On his death, Ethbarkhan was succeeded in charge of the charities by those who were not of his family, so that Mr. Lushington transferred the control to a Circar Amcen, in whose charge it continued during the administration of Tinnevely by Messrs. Parish, Cochrane, and Hepburne.

7. One Almahomedkhan having led Mr. Cochrane to believe that he was the legal representative of Ethbarkhan, that Officer gave him the entire control of the charities. This arrangement induced the sons of Ethbarkhan to put forward their claims, and their respective rights were referred to a Punchayet of six persons, whose decision was adverse to Almahomedkhan, and the two sons were therefore put in possession. Subsequently on account of gross mismanagement and misappropriation of the fund by the sons of Ethbarkhan, Mr. Cochrane was induced to place an Amcen in joint superintendence, but the sons refusing to act in concert with the Amcen the latter was directed to take entire control.

8. Mr. Hepburne was of opinion that the superintendence could not be claimed of right by any one, but belonged as arranged by the founder to Govern-

his death his son Kyatully Saib was appointed to succeed in the management of the mosque under the sanction conveyed in the Board's Proceedings, dated the 20th February 1858.

20. The above mosque and its appurtenances were made over to the management of a third party, in consequence of the disagreement which existed between Abdullamah and Nathad Khan to act in concert with each other. The latter has since been pronounced by Judicial and Revenue authorities to be unfit to be entrusted with the management of the institutions, and as the former is the great grandson of Ethbarkhan, and as his character and preferable title have been acknowledged in the decrees passed by the several Courts, and as the Tahsildar of Tinnevely, to whom a reference was made on the subject, recommends that Abdullamah, who possesses a superior right, should be put in possession of the mosque, I beg to solicit the Orders of the Board and Government for transferring the mosque and its appurtenances to the management of Abdullamah and his younger brother Sheriff Saib.

21. Almahomed Kader Khan, the younger brother of Nathad Khan, states in a Petition addressed to me, that he is the legal representative of Ethbarkhan, and prays that the institutions above referred to should be made over to his management. In 1853, he instituted a suit in District Munsiff's Court at Nelliambalam, asserting that during his absence at Trichinopoly, Abdullamah gained over his brother Nathad Khan, and obtained decrees in his favor, and that as he is the male representative of the original founder, the Yeomiah referred to in paragraph 13 of this Report should be paid into his hands.

22. In the decision passed by the Munsiff, under date the 15th June 1855, it is observed that a reference to the Trichinopoly Town Cause's Report, as also to a copy of the Register prepared in 1814 by the Collector of Trichinopoly, and forwarded to the Board, shew that Alshadi Khan, father of Almahomed Kader Khan, is the illegitimate son of Ethbarkhan, that it was so urged before the late Provincial Court, and that as the point in dispute was disposed of by the decrees passed in the Courts in 1849 and 1851, the suit has been dismissed. This decision was upheld in appeal both by the Civil and late Sudder Courts.

From G. BANBURY, Esq., Acting Collector of Tinnevely, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Palamcottah, 20th February 1865, No. 106.

Sir,

1. I have the honor to furnish the report called for in the Board's endorsement upon Petition No. 4,010 of 1864 herewith returned. Petitioner Nullatunby Buttan claims half the village of Pullykottah* in the Tinnevely Talook upon the strength of a Dhanasasanam granted by the Carnatic Government, and which instrument conceded to his ancestors the proprietary right in a certain "Kattalay," or tract of country, the

landlord's share derivable from which was to be appropriated for the maintenance of the Pagoda at Tinnevely. The village is divided into the following shares, which divisions separately treated will explain how matters stand.

2. One-fourth share enjoyed by the Petitioner, together with certain other villages mentioned in the above Sasanam, and confirmed to him by the present Government, under Proceedings dated 9th December 1858, passed upon the correspondence marginally noted. There is no dispute about this portion.

	RS.
* Total realization of whole villages for Fusly 1273	4,920
Half	2,460
Add Swamibhogam	310
	2,770

3. One-fourth share long since passed into the possession of private individuals who purchased it from persons who had obtained the same at auction when it was put up for Government arrears in 1817. Letter to Board, dated 26th February 1842. In his addresses to this office the Petitioner never urges any claim to this share, Do. from do. 17th March 1842. but in his Petition to the Board he includes this portion also as justly appertaining to him.

4. Half share now claimed by the Petitioner, and now the property of Government. Mr. Silver has lately reported the matter of this share so fully to the Board in his letter of the 17th ultimo that it would be only waste of time my reiterating his narration. The case stands briefly thus. Upon our assumption of the country, this half share was attached to a choultry erected by one Ethbarkhan, but after much discussion and consideration this moiety of the village was ordered to revert to Government in whose possession it has ever since remained. The proprietary right now vests in the State, so that both the Ayen Tirwah and Swamibhogam or landlord's fees come to the Government Treasury. Hitherto neither Petitioner nor his ancestors have ever during this long series of years, and lengthened discussion advanced any claims to this division of the village.

5. The Petitioner now bases his claim upon the two following grounds. The entry of the village in the copper deed, and also in an old Hindoovee account now extant, and termed "Kanogakanak," which appears to be a kind of Jummahbundy account framed at the time of the Carnatic Rule. Petitioner upon the strength of these exhibits urges, that as the word "Pullykottah" was entered therein, it must necessarily be construed to mean the whole village, and not merely a portion thereof. As to the first plea, there are other villages entered as forming part of the same "Kuttalay," or grant mentioned in the copper deed which Petitioner has not only never enjoyed, but never even claimed, they have long since passed to other hands. It is true the Hindoovee account favors Petitioner's case, the entry shows that the village was included in the "Kuttalay," but this return was prepared in the year 1774, whereas the subsequent accounts, and Petitioner's own admission show that this tract was at the time of our assumption attached to Ethbarkhan's Choultry, and not to the grant for the Pagoda. Petitioner likewise states that this half share was during the former Government sold by his ancestors' servant, one Vendamoodoo Coomarasamy Pundaram to Ethbarkhan, and that as this agent thus parted with the property without due sanction, and in fact in a fraudulent manner, it should now revert to the Pagoda grant.

6. Ever since the commencement of our rule, this half share was held to appertain to Ethbarkhan's Choultry, and whatever claims Petitioner may formerly have had to this tract of country, it appears to me they cannot now be maintained. He has so long slept upon his rights, if he ever possessed any, that when he first urged his claim by Petition to the Collector, dated 7th November last, Mr. Silver declared his representation to be untenable, in consideration of the series of years this portion of the village had been enjoyed by other possessors. Against these orders the Petitioner now appeals.

7. As regards the Inam Commission, it is not a case of indulgent tenure, or Inam holding, the proprietary right and consequent authority to levy "Swami-bhogam," or proprietor's fees is the matter at issue, so that it does not come within the Commissioner's province. The Petition and its enclosures are herewith returned.

ENCLOSURE No. 1.—Petition.

From the same Officer, recorded in Board's Proceedings 19th May 1865, No. 2,639, and Government Order, 2nd June 1865, No. 1,189.

From the same Officer, dated 15th May 1865, recorded in Board's Proceedings 26th June 1865, No. 3,518.

4. There is another village similarly situated, named Pallykotah, in which exactly the same procedure has been adopted, and I would beg to suggest that the same course be adopted that I have advocated for Thalyootoo. The former standard being sanctioned in perpetuity, it stands for this village as follows :—

[illegible]

5. There is, however, one point to be mentioned with regard to this latter village; the Ryots at the auction were afraid to bid up to such an extent for the right of cultivating Nunjau lands, and it was knocked down to certain Pungalies. The Puttahs and possession have been for a long series with the Ryots, they have improved the lands, and dug wells; but now these fields may be said to have temporarily passed away from them; however, should the Board think proper, the auction may be quashed; it never had the Board's sanction or confirmation, and the Puttahs may be given as heretofore to the Ryots. I have ordered them not to be distributed until final instructions are received. By this means, the Ryots can be re-instated with the proviso that they are to pay the former rate of Swamybhogam on these wet lands, as above shown.

6. One more point remains to be touched upon, the Swamybhogam on palmyrahs. In both villages this rate was formerly very low, but at the auction held during the present Fasli, up it went from 5 and 6 Rupees to 24 and 220 Rupees respectively. Mr. Levinge's rates of 5 and 6 Rupees are admitted on all hands to be too lenient, considering the price the palmyrah tree products now realize and the fees asked by other landlords, whereas on the other hand the auction demands are excessive. I have consulted Curnums and Ryots as to what would be a fair rate, and they all agree that one-sixth of the Ain Tirvah on these trees would be a just and moderate demand on the part of the landlords. I trust I may be authorized to introduce this rate, instead of those of Mr. Levinge, which in the case of Turyootoo comes only to one-twenty-thirds of the Ain assessment.

The Board fully agree in the view taken by the Acting Collector of the circumstances of the two villages referred to in this letter. This auction, or "Potapotu" system as it is called, is most ruinous to the people; it is based on mistaken grounds, and introduces frauds of the gravest kind. There can be no question at all of the propriety of re-calling Mr. Silver's orders, and Mr. Banbury is authorized to carry out the system of relief proposed by him, which is simply to put matters on their old footing with the exception, however, that in the case of palmyras the rate will be raised as suggested in the last paragraph.

(A true Copy and Extract.)

(Signed) C. G. MASTER,
Acting Sub-Secretary.

To G. Banbury, Esq., Acting Collector of Tinnevelly.

Ed. J. Wright.

Revenue Department
No. 2416.

Proceedings of the Madras Government
Under date the 8th September 1865.

Re: Board of Revenue 18th July 1865 No. 115.

Read also petitions
1754 and 2064 of 1865.

1. The Governor in Council agrees with the Board of Revenue in considering it undesirable to alter the existing arrangements under which Government have charged themselves with the management of the chattrams claimed by Abdullahin Sahib. His memorial will be forwarded to the Secretary of State.

2. Government having withdrawn from all concern with religious endowments Abdullahin should lay

will
do

Enrolled in the office of the
Registrar of the District of
Madras on the 10th of August 1865
4104 -

1865. Department

Rev: 1995/65

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 20th June 1865.

No. 3,518.

Authorizing the Collector to carry out the proposed modification of Mr Silver's orders regarding the amount of "Sivamihogam" to be paid by the ryots of Thaipoo and Pallykottah.

his claim to the Pelta Mosque
before the Mahomedan Com-
mittee appointed for the ter-
minally District and Act
of 1863.

Kallatambi Battan's
claim to the half of the vil-
lage of Bilykotta which
has been attached to Ethla
khan's choultries ever since

our rule is clearly inadmissible.

4 The remarks of the
Board in para 8 of their
proceedings are approved.

J. R.

114- Felted Board of Officers to make do by Oct 2
1 the Belcher's Dept. A. with Belcher's do by Oct 2

22/10/19 ✓
19.2.25 ✓

2. General 1865 - 29 July
2. of Grafton Deliber.

9176.12

of 20:9 - the addition of 901

St. Petersburg 1865

$$\begin{array}{r} 32-33 \\ \hline 24-6-51 \end{array}$$

$$\begin{array}{r} 11-12 \\ \hline 9-12-58 \end{array}$$

$$\begin{array}{r} 405-406 \\ \hline 21-2-63 \end{array}$$

$$\begin{array}{r} 189-190 \\ \hline 11-6-63 \end{array}$$

$$\begin{array}{r} 91-92 \\ \hline 5-8-.64 \end{array}$$

$$\begin{array}{r} 49-50 \\ \hline 2-6-65- \end{array}$$

Report to England
27 October No. 6181865
Jms

Ordering that the
existing arrangements
regarding the manage-
ment of these institutions
be maintained;
and that in summary
be not altered.

No 994700-

24-1-071

6-3-26 B III ✓
27/8/28 II ✓

19-11-59 D₀ ✓
6 II ✓

~~13-12-68/52~~