

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 320	Press ~~Mis~~
267-268	
Dated	He-2-1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
14th February 1865,*

No. 267. Read the following Proceedings of the Board of Revenue, dated 7th January 1865, No. 67.

Read the following paper from W. E. JELlicoe, Esq., Deputy Collector, at the request of the Collector of Nellore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 29th November 1864:—

Tabular Report on a lapsed Yeomiah in the District of Nellore.

No.	Talook and village. Extent and value of the entire Inam.	When and by whom granted. Name of the original grantee. Sunnuds or other documents in support of the grant.	Nature of the grant, charity or service. If service, nature of the duty prescribed by the grant.	Name of the last holder; date of his decease, and the relationship in which he stood to the grantee.	Share enjoyed by the deceased and that held by the other members.	Family left by the deceased, and name and age of the parties, their circumstances, and the means of subsistence possessed by them.	Recommendation of the Board of Revenue.	Decision of Government.
1	2	3	4	5	6	7	8	9
3 of 1864	Nabobpett, a hamlet of Nellore, at Rupees 5-10-0 per annum, and Rupees 67-8-0 per annum.	Originally granted under a Parvana of the Nabob Wajajah, dated 24th Rajib 1203 Hijiri (A. D. 21st April 1789), to three persons, Hafeez Syed Kudrutulla, Syed Gulam Imam, and Syed Yadully.	The service Yeomiah of the Mosque.	Fatma Sahebadi on the 7th November 1863; she was daughter-in-law of the original grantee named Syed Gulam Imam.	Exclusive holder.	1 Lalbi, daughter of the deceased, age 29 years. 1 Mahomed Jaffer, son of Lalbi, age 12 years. 1 Mahomed Baker, son of do., age 9 years. 1 Mahomed Taber, son of do., age 2 years. 1 Azizbi, daughter of do., age 5 years. 1 Shaik Abamed, husband of do. age 46 years.		

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8.—*Recommendation of the Collector and the grounds on which it is made.*

1. An allowance of 14 Annas per day was, in 1789, granted by the Nabob Wallajah to the three persons named in column 3, as remuneration for certain services to be performed at the Mosque in Nabobpett attached to Nellore.
2. Syed Gulam Imam, one of these three, died on the 5th November 1816, and his share of the Yeomiah, amounting to Rupees 5-10-0 per month, at 3 Annas per day, was continued to his son, Abdul Rahim, under the Order of Government, dated 26th June 1819.
3. On the demise of the said Abdul Rahim his allowance was, under Extract from Minutes of Consultation, dated 27th July 1847, No. 840, registered in the name of his widow, Fatima Saiba, who is reported to have died on 7th November 1863, leaving a daughter, Lalbi, who has three minor sons and a daughter named in column 7.
4. Previous to her demise, Fatima Saiba presented an Urzi, No. 821, requesting that her Yeomiah might be registered in the name of Mahomed Jaffer Saib, eldest son of her daughter Lalbi, and afterwards Lalbi likewise addressed an Urzi, No. 923. One Syed Usman Alli having also in Urzi, No. 1,193, laid claim to a third of this allowance for himself, and to the remaining two-thirds on behalf of his brother, Jivanalli, the matter was referred to the Town Sub-Magistrate of Nellore for inquiry and report.
5. From the report of the said officer, dated 29th December 1863, No. 4, and its enclosures it appears that Syed Usman Alli claims only a third of Fatima Saiba's pension, and admits the right of Lalbi to the remainder.
6. As will be seen from paragraph 2 of letter to the Board of Revenue, dated 22nd February 1847, No. 9, the service required from the holder of the Yeomiah in question is that of announcing the time of prayers, cleaning the Mosque, and lighting the lamps; the grant of Rupees 5-10-0, being apportioned at Rupees 3-12-0 per month, or two Annas per day for service, and Rupees 1-14-0, or one Anna per day for oil.
7. Syed Usman Alli's claim for one-third of the disputed share, or the remuneration for lighting at one Anna per day, is set up on the following grounds:—
First.—That an allowance of three Annas per day for "Jadkush," or sweeping the Mosque, and one Anna per day for "Telchirak," or lighting the lamps, amounting in the aggregate to four Annas per day was, during the Mahomedan Government, allowed to his uncle, Syed Yadully, and continued to his father, Syed Imdatally, afterwards.
Second.—That some years ago, his father being obliged to go to Madras to recruit his health, entrusted the sweeping service to himself and the task of lighting the lamps to Abdul Rahim, husband of Fatima Saiba.
Third.—That before his father returned from Madras Abdul Rahim died, and the allowance for oil was inadvertently registered in the name of his widow, Fatima Saiba.
Fourth.—That Abdul Rahim continued to pay him the balance remaining after deducting the actual expenditure incurred out of the grant for oil.
Fifth.—That his father on returning from Madras obtained from Fatima Saiba a written agreement for the payment of oil grant.
Sixth.—That Fatima Saiba having violated the condition of the said agreement, his father sued her, and obtained a judicial award against her.
Seventh.—That afterwards Fatima Saiba continued the payment to his father and to himself on his demise.
Eighth.—That Fatima Saiba discontinued the payment six months before her death, but that he continued to make the demand, and performed the lighting service up to ten or eleven days before the date of his deposition before the Sub-Magistrate, viz., 11th December 1863.
8. The aggregate amount of pension of fourteen Annas per day appears to have been divided into three shares among the three persons, Syed Hudrutally, Syed Gulam, and Syed Yadully

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named in column 3. The share of the first of these is given at eight Annas per day and of the other two at three Annas each.

9. Syed Yadully and his brother Syed Imdatally, through whom Syed Usman Alli claims, drew only at the rate of three Annas per day, and not at four Annas as alleged by Syed Usman Alli, whose name was likewise registered for Rupees 5-10-0 per month in the Order of Government, dated 5th November 1857, No. 1,131.

10. When Abdul Rahim was registered, Syed Imdatally laid claim for the pension under consideration; but his claim was disallowed, and the entire share continued to the former, (vide Statement No. 1, submitted to Board on 9th January 1819, Case No. 5,) and Fatima Saiba inherited her husband's pension, and nothing more. It is thus clear that Syed Usman Alli's first and third allegations are entirely unfounded.

11. From Arzi No. 36, dated 8th November 1864, submitted by the Tahsildar of Nellore Talook, it appears that the service, including the supply of oil, is being performed on behalf of Lalbi from the time of Fatima Saiba's death, and Syed Usman Alli himself admits that from December 1863, it is not performed by him.

12. The question which remains to be considered is, who performed the service of lighting before Fatima Saiba's death, and whether, as alleged by Syed Usman Alli, any payments were made to him or to his father for oil.

13. The witnesses depose in favour of their respective parties, and the Town Sub-Magistrate before whom they were examined, states that the witnesses of Syed Usman Alli cannot be relied on, inasmuch as they are not persons who frequent the Mosque, and, therefore, not likely to know who performed the service of lighting. Syed Usman Alli filed an unauthenticated document purporting to be a copy of a decree passed by the Mufti in No. 12 of 1844 adjudging Fatima Saiba to pay to Syed Imdatally the expenditure incurred in lighting the lamps. But he failed to file the written agreement referred to in the fifth clause, and as the records of the alleged suit are not available, it is scarcely possible to ascertain the nature and circumstances of the case, which are not fully stated in the copy produced by Syed Usman Alli.

14. Admitting, for the sake of argument, that Syed Usman Alli and his father lighted the lamps, and that they were paid for doing so by Fatima Saiba, as the decree, if genuine, would seem to establish, the question still remains whether the lamps were lighted on behalf of Fatima Saiba, who was thus liable to pay for it, or whether, as alleged by Syed Usman Alli, his father entrusted the task to her, and obtained from her the balance of the grant after deducting the expenditure.

15. The registry of the entire share in the name of Fatima Saiba, transmitted to her from the original grantee, and the unfounded allegations of Syed Usman Alli to the contrary, naturally lead to the conclusion that the pension under notice should be registered in the names of Fatima Saiba's representatives, leaving the latter (Syed Usman Alli) to recover from them any amount, if due by virtue of any private contract for the arrangement of service in the Mosque, by means of a Civil Suit as his father is stated to have done.

16. As the service is kept up, and as Lalbi's request appears reasonable in the absence of any better claimants, the Collector begs to recommend that Fatima Saiba's pension be continued to Mahomed Jaffer Saib alluded to on the usual condition of service, and the arrears, amounting to Rupees 67-8-0, from November 1863 to October 1864 both inclusive, be disbursed.

17. The delay in the disposal of this case may be explained thus. The records of the local officers were received at the beginning of this year. But the Jummahbundy work, which commenced about that time, prevented this being taken up at once. And subsequently the death of the late Serishtadar, and the time which lapsed before the appointment of the present incumbent was sanctioned by the Board also caused some delay. The information contained in the above records being incomplete, inasmuch as they did not clearly shew whether the service was kept or not, the final report from the Tahsildar of Nellore Talook on the subject, was received on the 10th instant.

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14th February 1865.*

1. Submitted for the orders of Government.
2. Under the circumstances stated by the Collector, the Board support his recommendation that the service Yeomiah share, amounting to Rupees 5-10-0, reported on by him, be registered in the name of Mahomed Jaffer Saib, grandson of the deceased.
3. The Yeomiah being for service in a Mosque might have been registered at once by the Collector under the Board's Circulars, dated 3rd September 1861, No. 4,762, and 4th February 1864, No. XII, and reported for the confirmation of the higher authorities, but as it was claimed by more than one party, and as the Collector appears to have entertained doubts as to the rightful claimant, he properly reported the case for orders.
4. One year's arrears from 1st November 1863 to 31st October 1864, amounting to Rupees 67-8-0, are due, and will be paid by the Collector to the person in whose name the share may be registered.

No. 268.

ORDER THEREON, 14th February 1865, No. 310.

Miscellaneous.

Under the circumstances stated, the Government grant sanction for the service Yeomiah share of Rupees 5-10-0 per mensem, enjoyed by the late Fatma Sahiba, being registered in the name of her grandson Mahomed Jaffer Sahib.

(True Extract.)

Under Secretary to Government.

To the Board of Revenue.
„ the Accountant General.
„ the Civil Paymaster.

Exd. S. T. Augustin.

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(A true Copy and Extract.)

M. Subbar

Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to J. W. B. Dykes, Esq., Collector of Nellore.

98-310-

Under the circumstances stated, the Government grant sanction for the service Yeomiah share of Rd 5-10-0 per mensem enjoyed by the late Fatma Sahiba being registered in the name of her grandson Mahomed Jaffer Sahib.-

Exd. J. Wright.

W.D.B.

Received 17/12/65

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From St George

14th Decr 1865

By the Rd of Reue - Dec 15th

" " Accountant St N

" " Civil Paymaster St N

cfu

*Mr. Subbar 19. 11-11-12
" 27 July 1877 " 25-27
" 5 Nov 1877 " 29*

Dated 7th January 1865.

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Dec 12/65*

No. 67.

PROCEEDINGS OF THE BOARD OF REVENUE.

No.

79

*Recd. 1865. Department
for Govt of Nellore*

Recommending that the service Yeomiah share amounting to Rupees 5-10-0, enjoyed by the late Fatma Sahiba in the Nellore District be registered in the name of his grandson Mahomed Jaffer Saib.

at 10-11-65

With enclosure