

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1388	Press ~~Mis.~~
Dated	9. 6.	1866.

Not to be folded or roughly handled

No. 205. Read the following letter from the Officiating Inám Commissioner, to the Secretary to Government, Revenue Department, Fort Saint George, dated Coimbatore, 25th May 1866, No. 34 :—

1. I have the honor to submit the following case for the consideration and orders of Government.

2. One Viraraghavatachari of Srivilliputtur, in the District of Tinnevely, holds the Ináms noted in the margin. They were confirmed to him for life by the Collector of the District in 1822, under certain general principles sanctioned* by Government.

Talook.	Village.	Extent.	Assessment.	Jodi.
		Acres.	Rs. A. P.	Rs. A. P.
Srivilliputtur.	Malli... ..	Land { Dry 12.73	20 13 4	0 13 8
	Sammandhapuram	Ináms. { Wet 0.79	11 1 10	0 9 11
	Kollangondan... ..	Iru { Do.	19 7 3	1 13 4
	Achandavilattan... ..	Ináms. { Do.	23 11 9	2 0 6

* Government to Board, 7th February 1820.

3. His younger brother Gopalasamitachari, afterwards brought a suit against him for a half share in the Ináms, and obtained a decree in his favor in 1837.

4. Mr. Eden, the then Collector, proposed to divide the Ináms between the two brothers, but the elder brother objected to this being done.

5. In 1841, the then Collector, Sir H. Montgomery, who enquired into the case, decided that as the brothers would not consent to any amicable settlement, the Ináms should be continued in the name of the elder brother only, on his giving security to answer any demand consequent on a decree of the Civil Court, to which the younger brother was referred.

6. The younger brother, however, continued to enjoy his share in the Ináms; but on the payment of certain ready-money allowances, which had also been confirmed for the life of Viraraghavatachari, having been withheld by the Collector, he with the permission of Government brought a suit in the Principal Sudder Ameen's Court in 1846, against his elder brother as well as the Collector.

7. The Collector pleaded that the allowances were paid till Fusly 1252 (A.D. 1842) to the life grantee, Viraraghavatachari, on his furnishing security to meet any demand against him; but that they were withheld in Fuslies 1252 and 1253, owing to his failure to tender the necessary security.

8. The Court decreed in favor of the younger brother, and directed the Collector to pay him his half share of the unpaid allowances.

9. The allowances appear to have been accordingly paid through the elder brother till Fusly 1262 (A. D. 1852), when he having failed to appear for muster, the payment of the allowances was withheld, and the Ináms placed under attachment.

10. The younger brother then moved the Civil Court at Tinnevely, to recover for him his share in the allowances.

11. The Board of Revenue, to whom the Collector referred the matter at the instance of the Court, directed* the Collector to inform the Court that on the younger brother's affording proof of his elder brother's existence, the sanction of Government would be solicited for the payment of the allowances. The Collector stated that he was satisfied that the elder

* Proceedings of the Board of Revenue, 27th October 1853, No. 4,053.

*Proceedings of the Madras Government, Revenue Department,
9th June 1866.*

brother was alive, but that he had absconded to evade the execution of the Decree

* Proceedings of the Board of Revenue, 22nd May 1862, No. 439.

† Order of Government, 15th April 1863, No. 451, Petition Department.

against him. The Board of Revenue, however, were not satisfied* that there was sufficient proof of his existence, and the Government concurred† in this opinion.

12. Viraraghavatatachari is still not forthcoming.

13. A notice was issued by this Department on the 7th February 1865, and affixed to the house of Viraraghavatatachari; but he has not yet appeared, and the Ináms are therefore liable to be fully assessed at once under the rules.

14. The younger brother, however, contends that his elder brother is still alive, and is only concealing himself, and such appears to be also the opinion of the District authorities.

15. Mr. Wedderburn writes to me, under date the 12th February 1866, that from the enquiries he has made, he has ascertained that, within a month before the date of his letter, Viraraghavatatachari was seen in good health in a certain village in his District, and certain Inámdars from the Tinnevely District, who have attended my Office, speak positively to his being alive.

16. The ready-money allowances, to which the above Proceedings of the Board refer, do not fall within the cognizance of this Department.

17. The Ináms referred to in paragraph 1, have been confirmed to Viraraghavatatachari for life, as he was the head of the family, which in 1822 was undivided, and as the Ináms were held only by prescriptive right without the authority of Sanads.

18. Under the peculiar circumstances of the case, I beg to recommend that half of the Ináms may be confirmed to the younger brother, Gopalasamitatachari for life, with an option of enfranchising the same upon half assessment, which is the rate prescribed for life tenures, the other half, which is the share of the absentee, being at once fully assessed.

No. 206. ORDER THEREON, 9th June 1866, No. 1,388.

Land Revenue.

With reference to this letter and to Petition 1,501 of 1866, the Collector will be called on to institute fresh inquiries as to whether Viraraghavatatachary is alive or not, and to report the latest date at which it is proved beyond a doubt that he was seen alive.

(True Extract.)

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

To the Collector of Tinnevely.
„ the Officiating Inám Commissioner.

Exd. S. T. Augustin.

W-1388.

With reference to this letter & to petition 1501 of 1866 the Collector will be called on to institute fresh inquiries as to whether Viraraghavatatachary is alive or not, & to report the latest date at which it is proved beyond a doubt that he was seen alive.

J. J.

9th June/66

Copy to the Collector of Tinnevely District
to be made - 10th June 1866