M.R.O. 14-5,459—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2824 Press ~~Mis.~~

441·442

Dated 18 - 10 - 1866.

Not to be folded or roughly handled

No. 441. Read the following letter from the Officiating Inám Commissioner, to the Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 18th September 1866, No. 67:—

1. I have the honor to make the following observations on the letter from the Collector of the Godavery District, dated 6th August 1866, recorded in the Proceedings of the Board of Revenue, dated 6th September 1866, No. 190, a copy of which has been forwarded to me for my information..

2. Mr. Fraser admits the correctness of my statement as regards the *bonâ fide* Ináms which remain unsettled in his District, though the number of backyards cognizable by this Department under the Proceedings of Government, dated 3rd January 1860, is somewhat larger than I had anticipated.

3. Backyards situated within or on the outskirts of village sites are excluded from this settlement, because, as explained in paragraph 6 of Mr. Taylor's letter to Government, dated 19th December 1859, No. 312, they cannot be considered to have been granted as Ináms, but must be regarded "simply as conditional exemptions from assessment for revenue purposes." Mr. Taylor accordingly directed that of these two classes of backyards, only such as were supported by Sunnuds or Dumbalas, in proof of their original Inám character, should be settled by this Department.

4. It is not quite clear what Mr. Taylor's intention was regarding the future disposal of those backyards, which he excluded from the settlement, but since he considered that the backyards standing on the outskirts of villages, and unattached to houses, did not differ in their character from those actually attached to houses, I always believed that he intended to regard them as already existing freeholds, in the same manner as lands occupied by houses are considered to be.

5. Mr. Fraser, however, states that the backyards situated within or on the outskirts of village sites are cultivated, and enjoyed tax-free in exactly the same manner as backyards situated outside the village, and I am also given to understand that all backyards situated on the outskirts of village sites have been classed by the Settlement Department as Ayen, and subjected to assessment pending their disposal by this Department.

6. It consequently now becomes necessary for the Government to determine whether the backyards, which have been excluded from the settlement, should be treated as already existing freeholds or not. If not, I can see no reason why their holders should be denied the benefit of the rule that fifty years' tax-free enjoyment constitutes a valid title as Inám.

7. Asalminha gardens and topes, which were certainly not Ináms in their origin, have been treated as Ináms in this settlement, with reference to the prescriptive right acquired by long possession, and, in my opinion, it is only just that this principle should be extended to Pati Peradus. I would treat such Peradus as are not actually attached to houses as Ináms, leaving those which *are* attached to houses and are backyards in the strict sense of the term to be held as private property, and used by the holders in any way they please, any water derived from Government sources of irrigation being of course paid for.

8. Should the Government adopt this view, I regret that there is no alternative but to depute a Deputy Collector to complete the enquiry of all these unsettled

cases in the Godavery District, as well as those in the contiguous District of the Krishna, where also, I have reason to believe, there is a large number of Asalminha gardens which require to be settled as Ináms.

9. If the backyards on the outskirts of village sites are not to be treated as Ináms, I am of opinion that the work can well be left to the District authorities. From past experience I believe that there are not many backyards which are supported by documents, and it would not require any lengthened enquiry to determine which of the backyards require to be treated as Ináms, and which not. A statement being first made out of all backyards situated outside the villages, applications for the settlement of the rest can be summarily rejected unless accompanied by Sunnuds or Dumbalas.

No. 442. ORDER THEREON, 18th October 1866, No. 2,824.

Land Revenue.

1. The Government agree with the Commissioner that the Pati Peradus in the Godavery District, which are separate from houses, and are backyards in nothing but the name, should be treated as Ináms.

2. The Commissioner will be good enough to report whether he can spare any Officer from his establishment for settling these cases, and if not, he will name an individual to whom it may be entrusted. He will also state whether it will be necessary, on this account, to apply to the Government of India for funds, in addition to the full allotment of the year, which they have been already requested to sanction.

3. The Government are surprised to find that there are so many Asalminha gardens in the Kistna District still unsettled, and that Mr. Blair classes them with the Godavery backyards, as requiring that special arrangements should be made for settling them now. It was decided from the first, under G. O. 3rd January 1860, No 4, that they should be dealt with under the Inám Rules.

(True Extract.)

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

To the Officiating Inám Commissioner.
,, the Board of Revenue.

Exd. S. T. Augustin.

R. 2824.

The Govt agree with the Commissioner that the Pati Peradus in the Godavery district which are separate from houses, & are backyards in nothing but the name should be treated as Inams.

2. The Commissioner will be good enough to report whether he can spare any officer from his establishment for settling these cases, if not, he will name an individual to whom it may be entrusted. He will also state whether it will be necessary on this account to apply to the Govt of India for funds in addition to the full allot-

Rev. 1866 Department Ctr.
Pro of Govt. for Oct.
No. 3208.

From
The Offg. Chairman Commissioners

To
The Secretary to Government
Revenue department
Fort Saint George

Dated 18th September 1866
Received 19th do

No. 67

Makes certain observations on the subject of a letter from the Collector of the Godaveery district dated 6th August 1866 recorded in the Proceedings of the Board of Revenue dated 6th September 1866, No. 190, a copy of which have been forwarded by them for his information.

Ctr. 2824 15 Octr.
With order

Ct No. 3042/66

19/9/14

ment of the year which they have been already requested to sanction.

The Govt are surprized to find that there are so many Akalamicha Gardens in the Kistna district still unsettled & that Mr Blair claims them with the Godavery Backgardens as he previously did. These have been arbitrarily & unjustifiably charged high assessment as shown in the Statements now made out in which they have been treated. It was decided from the first under Cos. 3 Jund No 4 that they should be dealt with under the Inam Rules.

No 1161-1162

Recd 18 Oct 66