M.R.O. 14—13,000—27·9·24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2942 Press Mis.

711·712

Dated 31 – 10 – 1866.

Not to be folded or roughly handled

No. 711. Read the following Proceedings of the Board of Revenue, dated 12th October 1866, No. 7,366.

Read the following letter from the Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Cocanada, 14th July 1866, No. 160:—

1. I have the honor to report that Yanumula Butchi Venkanna Dora, the Munsubdar of Totapilly, died on the 20th June 1866, leaving two childless widows, the elder of whom is Gouridevamma, and the younger Krishnayamma.

2. There was great enmity between these two before the death of the Munsubdar, and it greatly increased after his death, and each has a party of people on her side. They have been living separately, and each claims the possession of the property of the deceased. It being, in my opinion, likely that disturbances might arise from these causes, I ordered the estate and property of the Munsubdar to be kept under attachment, pending the orders of the Board with regard to succession to the deceased's property. But on the 6th instant, Krishnayamma, the younger widow, died of cholera. I have therefore ordered all the property including the estate to be released from attachment, and to be left in charge of Gouridevamma, who is the only surviving heir of the deceased.

3. After the death of the former Munsubdar, Wuddanda Jaggappa Dora, leaving two wives, the Totapilly estate was ordered by Government in their Proceedings* to be made over to the elder wife, Venkayamma; but the last deceased Munsubdar, Venkanna Dora, had subsequently succeeded to the estate by a decision passed by the Civil Court, and confirmed by the Sudder Court, as he was an undivided *male* member of the family, and its nearest *male* representative. I understand that Venkayamma has preferred an appeal to the Privy Council against the above decision. On this subject much correspondence has already passed, as noted in the margin.

* 29th October 1858, No. 4,077.

Board's Proceedings, 7th September 1859, No. 3,541.
Government Order, 10th Oct. 1859, No. 1,379, conveyed in Board's Proceedings, 13th idem, No. 4,146.
Extract from the Proceedings of the Board, 29th October 1858, No. 4,077.
Board's Proceedings, 19th June 1863, No. 8,631.

4. The Zemindar of the Cattam estate has filed a suit in the Rajahmundry Civil Court, for the recovery of Rupees 25,000, which were lent to the deceased Munsubdar on mortgage of the whole estate, and I hear that Gouridevamma intends making over to him a certain number of villages in liquidation of the debt, and that some others are going to file suits for debts against the Munsubdar. I am doubtful as to the propriety of selling or transferring any of the villages of this estate, either privately, or by the Court's orders.

5. Totapilly is not an estate permanently settled, nor held under Sunnud Mulki Istimirar. No Peishcush was regularly fixed on the calculation of average assets of the estate.

6. This estate formerly formed part of the Peddapur Zemindary, which has subsequently reverted to Government. It was granted for armed service to be rendered. This not being now required, a sum of Rupees 6,500 a year has been

paid to Government for the last six years in lieu of the service. The whole estate is answerable for the payment of the above sum, and the estate is not subject to partition.

7. As Totapilly is treated in every respect as service Mokhassa, I think the Courts are debarred, under Regulation IV. of 1831, from selling the whole or a portion of this Mokhassa tenure for private debts; nor do I consider that the holders have any right to dispose of it as they like, as no such privilege was ever possessed by them from the Zemindars or Government. If the Board agree with me in considering it to be a service Mokhassa estate, it is liable to be enfranchised by fixing a fair quit-rent in addition to what is already paid for service, as in the case of other similar service Mokhassas in this District, and converted into freehold. If not, I beg to suggest, that if the Board consider it a Polliem subject to the provisions of Government Order, dated 10th November 1865, No. 2,730, a Sunnud of permanent settlement may be granted by fixing a fair amount of Peishcush.

8. On the receipt of the Government Order above alluded to, I have published the notice therein annexed, the Totapilly and Rumpa having been considered by me as Polliems in this District; the Munsubdar of Rumpa having presented an Arzi to me accepting to have his estate permanently settled, while the Munsubdar of Totapilly was silent. This fact has been reported to the Board in my letter, dated 29th June 1866, No. 145.

9. On the 3rd instant, the second wife of the Munsubdar addressed a petition to me, enclosing copy of a will said to have been executed by the deceased Munsubdar in favor of his two wives, that they should hold the estate jointly, and adopt a boy as heir if they like.

10. I also hear that a man named Yenumula Ramunna Dora, with an intention of claiming the estate as the nearest male representative of the family, has gone to Rajahmundry to obtain a certificate from the Court under Act XIX. of 1841. He has not as yet made any claim before me.

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1. The Board find, on reference to the previous correspondence relating to this estate, that in the earliest papers it is styled a "Tributary Zemindary's" or "Hill Poligar's" estate included in the resumed Peddapoor estate, but although so included, it seems doubtful whether it originated in any grant of the Zemindar, and was not more probably an independent grant of the Mussulman dynasty. It was liable to payment of an annual tribute of 1,000 Pagodas to the Peddapoor Zemindar, and to furnish 700 armed men on requisition for service in the field.

2. In 1782, the then Zemindar resumed ten villages as the equivalent of the tribute, and thenceforward the estate was free from the annual payment, but remained liable to the requisition of men for service.

Government Order, 10th Oct. 1859, No. 1,379, Revenue Department.

3. In 1859 this service was commuted for an annual payment of Rupees 6,500, being one-fourth of the estimated annual value to the Munsubdar, viz., Rupees 26,000, inclusive of Mokhassas and Ináms, the right to which was admitted in Government Order, 3rd May 1861, No. 988, Revenue Department.

Proceedings of the Madras Government, Revenue Department,
31st October 1866.

4. Under these circumstances, the Board are unable to agree with the Collector in viewing the estate as "a Service Mokhassa liable to be enfranchised by "fixing a fair quit-rent in addition to what is already paid for service."

5. The enfranchisement from the condition of service was, in fact, carried out in 1859.

6. Neither do the Board consider that the estate can be viewed as an unsettled Polliem, the succession to which is dependent on the pleasure of Government, inasmuch as the late Munsubdar, Vencanna Dhora, whose death in June last is now reported, succeeded to the estate in 1863 under a decree of Court, to which tribunal he had been referred by Government in Government Order, dated 25th April 1857, No. 376, Revenue Department. His senior and sole surviving widow is now in possession, but one Ramunna Dhora, claiming to be the senior male representative of the family, has taken steps to obtain a certificate of heirship, from the Civil Court.

7. The Board consider that, when the question of succession is decided by the Court, a Sunnud should be offered to the party in whose favor the decision may go, and meanwhile they see no need for Government to interfere.

8. The whole estate remains liable for the whole Government demand, until apportionment of Peishcush has been made by the Collector under the rules.

No. 712. ORDER THEREON, 31st October 1866, No. 2,942.

Land Revenue.

The Government concur in the view taken by the Board.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 2942.

The Govt. concur in the

view taken by the Board.

31st. Oct. 06.

To

The Board of Revenue Post Office

Rev. 1866. Department.
Pro: of Govt for Octr.

No. 3673.

PROCEEDINGS OF THE BOARD OF REVENUE,

ed 12th October 1866.

No. 7,366.

Informing Collector of Godavery district that when question of succession to Totapilly Estate is decided by Civil Court, a Sunnud should offered to the party in whose favor the decis may go, and that there is no need for Govern- ment interference in the meanwhile.