M.R.O. 14—18,000—27-9-94

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1912 Press Mis.

327 329

Dated 16—8— 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 16th August 1867.

Read the following papers :—

No. 327. Proceedings of the Board of Revenue, dated 12th January 1867, No. 224.

Read the following letter from the Collector of Tinnevelly, to the Secretary to the Board of Revenue, dated Pudukudy, Tenkaray Talook, 18th December 1866, No. 584.

1. I have the honor to inform you that a certain Inamdar died before he received his Title Deed from the Inam Commissioner; the claimants of this Title Deed were consequently ordered to produce an authority from a Court of competent jurisdiction, to the effect that they are the rightful heirs of the deceased, as required by the Board's Standing Circular, No. LXXIII, dated 26th September 1864. These claimants applied to the Civil Court for a certificate, but the Civil Judge objected to grant the same, as he considers Act XXVII of 1860 applicable only to the payment and collection of debts on successions, and inapplicable to the case in point.

2. A translation of the Civil Court's Proceedings is herewith forwarded, and I request to be favored with instructions as to the mode in which this and similar Inam claims are to be disposed of.

Translation of the Proceedings of the Civil Court of Tinnevelly, under date the 15th August 1866.

Petition No. 357 of 1866.

1. Read again petition preferred by Rama Subien, son of Aiyasamy Aiyan, of Ravanasamudram, in the Ambasamudrum talook, stating that his father died in the month of Margaly of Andu, 1040, and that he and his younger brother Kristnien are his heirs, and praying that the two witnesses cited by him may be summoned and examined, and a certificate granted to enable him to receive the Inam Puttah from the Revenue authorities.

2. Several petitions have lately been presented to the Court by the heirs of deceased persons, requesting that certificates might be granted to them. Parties claiming Inams and Inam Puttahs have also presented similar petitions to the Court, under the orders of the Revenue authorities before whom they have preferred their claims. These Inam Puttahs are in the names of deceased Inamdars, and appear to have been kept in custody of the Revenue authorities. The orders passed by the Revenue authorities, to the effect that the Inam Puttahs cannot be granted to them until the production of certificates from this Court, appear to have been issued under a misconception of the provisions of Act XXVII of 1860. The Act in question does not give power to the Civil Court to decide who are, and who are not, the rightful heirs of deceased persons, but it is intended only for the security of parties paying debts, to facilitate the collection of debts, and to determine the proper parties to grant receipts for the same. Under these circumstances, the order requiring the production of certificates from the Court subjects the parties to unnecessary expense and trouble. The Court, therefore, resolves to reject such petitions.

(True Translation)

(Signed) R. K. PUCKLE,
Collector.

1. The heirs of the deceased are certainly entitled to receive whatever was intended to be given to the deceased in the way of Puttah or Title Deed. The effect of the deed will of course depend on its terms.

2. The Collector should proceed, as in the case of ordinary *Puttahs*, to satisfy himself who are the heirs.

No. 328. Proceedings of the Board of Revenue, dated 6th August 1867, No. 5,017.

1. The Board beg to draw the attention of Government to paragraph 10, page 352 of the Madura Gazette, dated June 8th, 1867.

2. The two orders therein referred to are to some extent contradictory.

3. The first in point of date, namely, Standing Circular No. LXXIII, published in Board's Proceedings, dated 26th September 1864, and embodying the rule laid down in paragraph 6 of Government Order, dated 12th September 1864, No. 1,670, states that in the case of the death of the holder of an enfranchised Inam before the actual delivery to him of the Title Deed, such deed shall be entrusted to the Revenue authorities for safe custody pending the decision of a Court of competent jurisdiction as to who is the rightful heir.

4. The second order referred to in the Gazette is that contained in Board's Proceedings, dated 12th January 1867, No. 224, wherein the Collector of Tinnevelly is informed that the heirs of a deceased Inamdar are entitled to receive whatever was intended to be given to the deceased in the way of Puttah or Title Deed, and the Collector is to satisfy himself as to who are the heirs in the same way as in the case of ordinary Puttahs.

5. The latter order was departmental, and was forced on the Board by the circumstance of the Judge of Tinnevelly having ruled that Act XXVII of 1860 is intended only for the security of indebted parties paying what they owe to an estate, and does not contemplate the designation of the heir entitled to succeed to the property of the deceased.

6. The Act having received this interpretation, and no means apparently existing by which an heir can obtain a declaration of his title to an Inam without undergoing the expense of a suit, the Board would suggest a modification of the Order of 1864, and that Collectors be instructed to treat Title Deeds to Inams placed in their hands by the Inam Commissioner in consequence of the death of the Inamdar in the manner suggested in the Proceedings quoted above, that is to say, to make such inquiry as indicates *primâ facie* the party entitled to them, and then notify that the Deeds will be given over to them, within a given period, say of six months, unless the Collector is restrained by the injunction of a competent Court. The Notification should be published in the District Gazettes in order that as much publicity may be given to it as possible.

No. 329. ORDER THEREON, 16th August 1867, No. 1,912.

Miscellaneous.

The Government sanction the arrangement advocated by the Board on the understanding that the Collector is to make no change whatever in the Title Deed received from the Inam Commissioner for safe custody, but is merely to make it over, as received, to the person who, on enquiry, appears to have the best *primâ facie* title to be viewed as the heir and representative of the deceased, and to take a receipt from him for it.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
,, the Inam Commissioner.

Exd. S. T. Augustin.

No. 5,017.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th August 1867.

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5. The latter order was Departmental, and was forced on the Board by the circumstance of the Judge of Tinnevelly having ruled that Act XXVII. of 1860 is intended only for the security of indebted parties paying what they owe to an estate, and does not contemplate the designation of the heir entitled to succeed to the property of the deceased.

6. The Act having received this interpretation, and no means apparently existing by which an heir can obtain a declaration of his title to an Inam without undergoing the expense of a suit, the Board would suggest a modification of the order of 1864, and that Collectors be instructed to treat title-deeds to Inams placed in their hands by the Inam Commissioner in consequence of the death of the Inamdar in the manner suggested in the Proceedings quoted above, that is to say, to make such inquiry as indicates *prima facie* the party entitled to them, and then notify that the deeds will be given over to them within a given period, say of six months, unless the Collector is restrained by the injunction of a competent Court. The Notification should be published in the District Gazettes in order that as much publicity may be given to it as possible.

(A true Extract.)

H. Collector
Sub-Secretary.

To the Secretary to Government, Revenue Department,
with copy of Board's Proceedings, dated 12th January 1867, No. 224.

Exd. J. Wright.

Rev - 1867. Department.
Bd of Cost for Bgt

No. 2139.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 6th August 1867.

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C. W

No. 5,017.

Suggesting modification of G. O. dated 10th September 1864, No. 1670 regarding delivery of Title Deeds of deceased Inamdars and recommending that Collectors be instructed to make over such Title Deeds to heirs of deceased Inamdars after due enquiry and notification.

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