

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 138/

Press
~~Misc~~

Dated 16 - 5 - 1868.

Not to be folded or roughly handled.

*Proceedings of the Madras Government, Revenue Department,
16th May 1863.*

No. 409. Read the following letter from SABAPATY MOODELLY and his Sister, of Palloor, Madras District, to the Chief Secretary to Government, Fort St. George:—

1. In requesting the transmission of our Memorial to the Right Honorable the Secretary of State, permit us to submit in brief the nature of our appeal. We had the possession and enjoyment of our hereditary holdings of 5-10-8 Cawnies, which we always cultivated and without fail paid the Circar dues. From the peculiar circumstances stated in our Memorial, we were absolutely under the necessity of resigning our lands though for one year only, but resumed them two months and are in their enjoyment ever since. Whilst in their enjoyment, one Moorgasa Moodelly applied for them on Durkast. He, an alleged Mirassidar, has not a single foot of ground in the village. From a perusal of the Sub-Collector's orders, your Honor will be pleased to observe that it is contrary to the orders of the Board of Revenue conveying therein the instructions of Government themselves.

2. We, therefore, most humbly solicit your Honor to be graciously pleased to procure a favorable recommendation from His Excellency the Right Honorable the Governor in Council to His Excellency the Right Honorable the Secretary of State for India, in view that the Puttah issued in the name of said Moorgasa Moodelly may be at once annulled.

3. It must be added, in conclusion, that the lands are in our enjoyment and possession. All we pray for is, that the Puttah issued in the name of Moorgasa Moodelly may be cancelled, and the same be issued in our own name.

No. 410. ORDER THEREON, 16th May 1868, No. 1,381.

Miscellaneous.

Referred to the Collector for further enquiry and report on the following points:—

1st.—With reference to the Petitioners' assertion that they were never out of enjoyment of the lands claimed, and allowed no break in the payment of their Government dues.

2nd.—As to the date of the new Durkastdar's application, and the acceptance of the same, and as to the date of the Petitioners' remonstrance against its acceptance.

3rd.—Whether Murgasa Mudely is a Meerassidar of the village.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Collector of Madras.
„ the Board of Revenue.

Exd. S. T. Augustin.

From Mr. A. C. Burnell Acting Sub Collector
of the Madras District
Taken to Vijayaranga Mudaliar Zakaadar
of Chingleput Taluk.

... your letter No. 7 dated 5th January last
has reached this office with its enclosures
& has been read over to us. It appears
that one Moorogesa Mudaly a Kurasi
ryot of Paloor village made Durkast
offering to take up for cultivation Kanya
land measuring cawnies 5-8-10 bearing
Tirwa Rs 39-13-8; that the said land
was included in the Pattas. Nos. 42 & 43
of Sabapathy Mudaly & Chockummal re-
spectively of the said village, who relinquished
the same at proper season in the present
Tusli; that the said Pattadars objecting
to the said land being granted to the Dur-
kastdar, stated that they pay the Tirwa due
thereon. There is no rule providing for the
admission of the objections made by the
ryots who relinquished their lands under
Razzenamah, to the same being made
over to the Durkastdars. As no other
objections seem to have been raised
& as the extent of the land is within 10 cawnies
& as the Durkastdar is a Kurasi ^{will go} of the

It is ~~app~~ proper to make over the land
to the Durkastar. consequently the
land should be entered in the accounts
in the name of the Durkastar from this
Fusli. In this case the curmin Mooru
ga Pulay appears to have neglected
to prepare the ~~stavaradi~~ account ~~and~~
& publish the notice in the presence of
the Managar & others of the village ac-
cording to rules & we have therefore
fined him Rs 5 which you will collect
from him & direct him to act according
to rules in future. The records are
herewith returned.

Dated 12th February
1863 Signed A. C. Birrell
By sub collr.

6
By the Right Honorable

3
Endorsement

~~The~~ It appears that in Fusli
1276 petitioner having relinquished
the land, another person made a
Durkast for the same in the same
Fusli & the sub collr. made over
the land to the said Durkastar.
consequently petitioners request
that the sub collr's order may be
cancelled & the land may be res-
tored to him as inadmissible.
The sub collr's ^{order} has therefore been
confirmed & the appeal has been
dismissed.

20th July 1867 / Signed. Thornhill
collr.

22 October 1867

2425

Rev. Secy. 16 May 1868 in No. 409

May 1868

Henry the Right Honorable

Board

Petitions

No. 2425 of 1867 d/9 Oct/67

Recd. 10th

From Sabapathy Mudj.
and his sister Choka Um-
mal Puttastars in the Vil-
lage of Paloor, Chingleput
Taluk District of Madras.

Represent that from
the most necessitous circum-
stances owing to the death of
their father whose funeral
expenses they had to incur,
the loss of their house and
property by fire as also that
of their grainseed; the des-
truction of their plough oxen
the epidemics which then

seized

incites to resign their lands the same
for

are stated to have been in
possession of the Memorialist
for

seized them; the death of
their laborers from Cholera
and the famine rates which
prevailed at the time and
from the failure of the season
they resigned 5-10-8 Cawmes
of their hereditary land for
one year only; that two
months after they again
resumed their lands; culti-
vated & reaped the produce
and paid the cess for the
last Husli for which they
have receipts and have
even cultivated the lands
during the present Husli;
that contrary to all precedent

2425

Petri say that they relinquished
their lands last year because
they were hard up on account
of the famine etc.; that after
two months they took up the
land again without present
any a Durkhast; that two
months after that one Murugasa
Mudali presented a Durkhast
for the same land, on which they
made objections on the score
that they paid the cess & had
held the land within one year.
The Sub. Coll. overruled the
objections & granted the
land to Murugasa Mudali &
his order has been confirmed
by the Coll. & Board.

It is

and

obeyance, may be cancelled
and that an order may be
passed that a pattah should
be issued in their names as
heretofore.

No 2440 of 1867 of 6th Oct/67.

Recd 11th Oct.

From a large number of the
inhabitants of Goodiathum
Talug in the District of North
Arcot.

State that they greatly
suffer from the tyranny &
oppression of the Tasildar,
who illegally extorts money
& otherwise wrongs them.
Request therefore that he
may be transferred to another
Talug.

Port P. George
22nd Oct. 1867

Further consid: with
view to the apparent
assertion that the land
has not been out of their hands
for a single term for 4th
tax has been paid. & that they
have paid all Govt. dues
in time and in full.

Wd. adpt. Mr. L.B.
Ludon: - Insured
our leaf Wd. L.B.

2440

Lodged.

L.B. Dec

3 similar petitions have
recently been sent to the
for disposal.

To
His Excellency the Right Honorable
Her Majesty's Secretary of State
for India in Council
East India House
London

The humble Memorial of Sabapathi
Moodelly and his Sister Chokko
Ummall, Pattadars in the village
of Pallao, Talug of Chingleput District
of Madras, Presidency of Madras

Most humbly Sheweth

That being aggrieved with the
decision of the local Government, concerning, without due
enquiry or consideration, with the orders passed by the District
authorities and the Board of Revenue as regards the impro-
per transfer of their hereditary Pattah lands to one Moogaseen
Moodelly, Memorialists beg most respectfully to prefer this
appeal to your Excellency and solicit the attention of your most
august authority to the following brief statement of their case.

The lands of which they have long enjoyed the
possession consist of 5-10-8 Canals of both wet and dry kinds, and
were in their undisturbed enjoyment from a long period in
virtue of their hereditary right thereto.

In July 1876 Memorialists having found
themselves placed in very peculiar circumstances were in con-
sequence, in a manner necessitated to resign this lands to the
for

and are stated to have been in
the possession of the Memorialists
for

one year only

These circumstances were: The large amount of expenditures they had to incur on account of the death of their her, the destruction of their house and property together with the loss of their cattle especially plough and by the epidemic which prevailed at the time among cattle in the District the ruinous prices of grain and other articles of subsistence their selling at famine rates. The death of some of their laborers by Cholera and from the excessive drought which then prevailed.

Your Excellency cannot but admit that the foregoing reasons were sufficient and more than sufficient to induce them to resign their lands however reluctant, tho' it was for the brief period of one year only.

However, within two months of the resignation of their lands Memorialists were enabled to reoccupy them and resume their cultivation owing to the downfall of rain, whereby the Village Tanks were replenished and they were enabled to irrigate their lands, (since the usual crop and reap the harvest for which they duly paid the Government cess and obtained receipts for the same. That the lands were actually resumed and cultivated by them within two months of their resignation, the village accounts will show.

This being the true state of the case Memorialists would respectfully submit that they should have been allowed to remain in the undisturbed enjoyment of their hereditary holdings. But this was not done, Said Mangasa Masally, who tho' alleged to be a Mirassidar, has not a single acre of arable nor a single foot of cultivable land in the Village in his own name, tendered a Durkhast for the lands temporarily resigned by Memorialists and this he did fraudulently, inasmuch as he full well knew that within two months of his tendering his application Memorialists had reunder-

taken

1
taken the cultivation of their hereditary holdings.

On learning that such Durkhast was tendered by said Mangasa Masally, Memorialists forthwith presented a petition to the Sub Collector who most unaccountably gave them the following endorsement. "That there is no rule to accept any objection on account of lands which have been once resigned and when a Durkhast has been given by another party."

In reference to this endorsement Memorialists would respectfully submit that it is not only altogether indefinite as regards Memorialists case but does not at all accord with the circular Orders of the Board of Revenue nor with that of the orders of Government.

In the Board's Standing Order page 120 para 2 among the instructions of Government it is given that it would "bear hard on Ryots who are unwilling to part with their lands and are not doubtful whether the season has set in sufficiently to resume them from loss."

Again there is no rule preventing Pattadars from re-occupying their lands within one year after resignation. On the contrary it is thus laid down at page 125 in the standing Circular Orders of the Board of Revenue para 15 clause I "To a Ryot whose father or near relative was in last occupation of the lands within one year." The lands in question were hereditary and were in the enjoyment of Memorialists themselves and it was not only within one year, but within 2 months of their resignation they again reoccupied their lands.

Another point to which Memorialists would solicit your Excellency's attention is that the rule the Sub Collector alludes to, is that with reference to Durkhasts for waste lands, but Memorialists' lands were not waste but arable and were always cultivated by them, inherited as they were as ancestral property.

Still

Still more the Sub Collector conscious, as Memorialists cannot but think that the rule in regard to the acceptance of Durkhasts even for waste lands, was not carried into effect. Stated in his endorsement, "That the Humnum Maogaa Pillay did not in the presence of the Village moneygars and others prepare an account of the estate of the said lands nor did post a notice when they were applied for on Durkhast".

This omission was in itself sufficient to prove to the Sub Collector that there was evident collusion between the Humnum and the Durkhastdar and it was therefore the Sub Collector fined the said Humnum in 5 Rupees.

Had the Humnum prepared the requisite account of the state of the lands the Sub Collector would have at once known that they were waste lands belonging to Memorialists and were cultivated by them and that if a notice had been posted up, Memorialists, who were in actual possession and enjoyment would have then and there objected to the Durkhast of Maogaa Modelli. That notwithstanding all these objections, insuperable as they are, the above invalid and unjust order of the Sub Collector was confirmed by the collector, next by the Board of Revenue and lastly concurred in by the local Government, why and what grounds than the most frivolous and unworkable it is difficult to know. The lands were always and still are in the possession and enjoyment of Memorialists, ancestors and themselves even up to the present time, and this the Durkhast of the said Maogaa Modelli may have been accepted illegally by the Collector yet the lands are in the possession of Memorialists.

They therefore most humbly and respectfully solicit that your august authority may take their case into kindest and favorable consideration and pass an order that the

Pattah

Pattah issued for the lands in question in the name of Maogaa Modelli, by the Sub Collector may be cancelled and that the right of Memorialists to the said lands may be fully and fairly acknowledged.

For which act of Justice and Goodness
Memorialists as in duty bound

Shall Ever Pray

Gurugobind Singh

By Order of the Committee

To

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR

INDIA.

INDIA.
Let it be to the
Gov for further
Right Honble Sir, W.D.
11 May 68

We have the honor to forward a Memorial from Salsapathy Mudely and his sister Chokkar Ammal of Palloori in the Madras District, appealing against the decision of the Revenue Officers of the District and the Board of Revenue in regard to the issue of a puttah for certain land formerly held by them, which decision was upheld by Government on appeal. —

2. The lands in question consist of 5-10-8 townies, including both wet and dry, and are stated to have been in the possession of the Memorialists for

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Inc 984/68

data 29 } April 1868
Recd

Sakafoty, Maadilly, and
his sister Sakka Unnemale. Patheras
in the village of Pallon in the district
of Maadilly.

No 41863
from

but in doing so they did it for one year only; & I regret that but two months after they had regained the lands they resumed in cultivation from the complete farm, & paid the produce and paid the Government tax - that month afterwards Lord Charnock himself landed a bushel of rice for them lands.

but Charnock may be corrected in the following manner: the confinement in the hospital was only one month of their residence in the lands.

they addressed the Sub Collector, who, having an endorsement that any objection with regard to lands, not surveyed cannot be accepted. I submit that the rule should refer to waste lands and not to arable lands such as theirs, also that from the village Tumkur and having made a report of the state of the lands and not putting up a notice that they were applied for, the Sub Collector gave him a refusal. Under these circumstances, as the order of Government so serves through the Board of Revenue and so given in this Standing Order, as Revenue works are not satisfactory, I trust that the Ratta issue to the

an alternative draft
from the
Petition 984 (N^o 11480)
a copy of the
Petition 984 (N^o 11480)
which is a copy of the

B. D.
1381

Referred to the
Collection for further
enquiry and report on the
following points. —
1st With reference to the
Petitioners assertion that
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ment of the lands
claimed, and allowed
no break in the pay-
ment of their Govt^y
dues. —

WOM

2nd As to the date of
the new Durkaidar's
application

Report to England
of 15th Dec 1868

From the Acting Collector
Dated 12th November 1868
No 3493

Ms. 109-410.

Revenue 1868
No of Court for May

No 1381

No of the Madras Court
of 16 May 1868.

Recd

Application, and the
acceptance of the same.
and as to the date of the
Petitioners' remonstrance
against its acceptance.

3rd Whether Murgasa
Mudely is a Meerassidar
of the Village, I

16 May 68

1 Copy to the Collector Madras 2 Sept 68
14 Copy to the Secy of Rev. V.
16 May 68

May

173

11th May 68