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MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1115 — Press Mis.

512-513

Dated 26th April 19 1869

Not to be folded or roughly handled

1869

Proceedings of the Madras Government, Revenue Department,
26th April 1869.

No. 512. Read the following Petition from PATTABHI RAMAIYAN and others, to the Right Honorable the Governor in Council of Fort Saint George, etc., etc., etc., dated Salem, 15th February 1869:—

YOUR humble memorialists, Pattabhi Ramaiyan and other Mahajanams of the village of Manapalli, in Namakul Talook, in Salem District, beg to submit that their printed petitions, three in number, and other petitions, (1), to the Collector, bearing No. 24, and its endorsement No. 2,711 of 1864; (2), to the Board of Revenue, No. 2,234; (3), to the same, No. 2,320 of 1865; (4), endorsement made by the Collector on the petition of Pattabhi Ramaiyan No. 1,223 of 1865; (5), endorsement No. 156 made by the Head Assistant of Palghaut, and the petition on which that endorsement was made; (6), petition to Government No. 1,649, and the endorsement made thereon; (7), Puttahs (three) of 1838, 1840, and 1841 on grass-tirva, and translations thereof in English accompanying them; are sent to be forwarded to the Honorable the Secretary of State for India in Council.

No. 513. ORDER THEREON, 26th April 1869, No. 1,115.

Miscellaneous.

ORDERED that the Memorial, received with this paper, be despatched to the Home Government, and that intimation of the same be given to the memorialists.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

Exd. F. R. Bantleman.

Govt. of (1869) Madras

REVENUE.

To

Dated April, 1869.

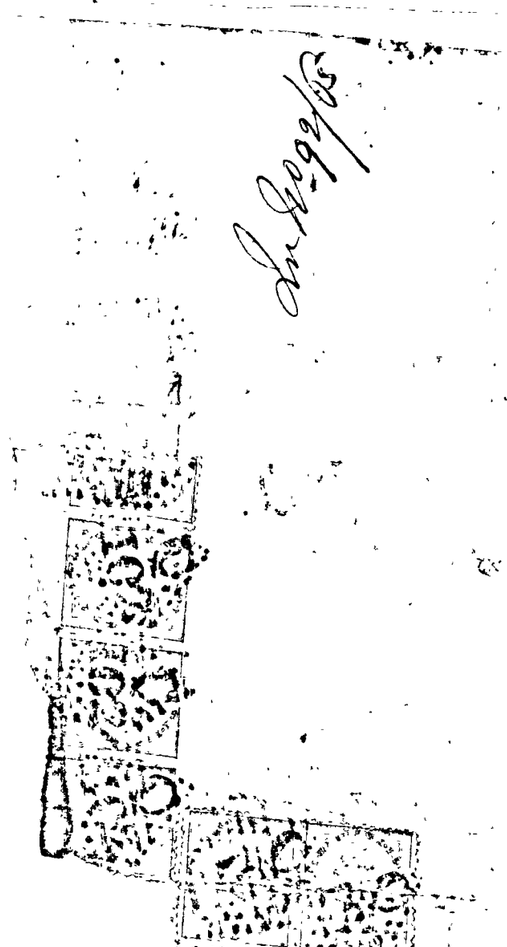
Recd. L. d.

G. O., 7th April 1869, No. 1,115.

APRIL.

Nos. 512-513.

Memorial from certain Mirassidars of Salem District, appealing against the transfer of their lands.—Its despatch to the Home Government ordered.



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TO

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL,

The humble Memorial of PATTABHIRAMAIYAN, VENCATARAMAIYAN SESHAIYAN, VENCATA SUBBIYAN, SINAIYAN *and others, Mirassidárs of the village of Manapully in the Táluq of Namakul attached to the District of Salem, Madras.*

RESPECTFULLY SHEWETH,

That your most noble and just Lordship's poor and aggrieved Memorialists humbly beg to submit this appeal against the orders of the Local Government, and the Board of Revenue confirming the anomalous and unjust proceedings of the Collector, who has transferred a large portion of the arable lands of the Memorialists' village to a long pursed Muttádár (a petty landed proprietor,) having neither residence nor holdings in the village, notwithstanding the Memorialists' inalienable right to those lands, and that they offered to take up the same on terms more advantageous to the State than those granted to the Muttudár. The Collector has destroyed the admitted right of the villagers,—the only right that is at present conceded to them by the British Government as a poor compensation for the many privileges and advantages which they had enjoyed both under the Hindu and Mohamedan dynasties, and which the present Government have not deemed it expedient to recognize, viz, to take up the waste lands of their village in preference to strangers.

That the circumstance connected with the Memorialists' case are as follow : The village of Manapully consisting of 60 shares, was granted to the Memorialists' ancestors many years ago by the Hindu Rájahs, as Sarva Inám or rent-free tenure, and so continued till the tyrannical rule of Tippu Sultán, when a Jódi of 860 Ponnu was for the first time fixed on the 40 shares of land under the immediate occupation of the Memorialists' forefathers, the remaining 20 shares together with the waste lands being carried to the Iyen or Sircár account. After the assumption of the country by the British, the above rate was being paid for some years, and when the lands of the village came to be surveyed, the Jodi for the land held by the Memorialists' fathers was fixed at Rupees 1,321. There was at the time an arable piece of waste land consisting of 13½ Vellums, which the villagers were anxious to cultivate as an experimental measure, and took up ⅔rds or 9 Vellums of the same, the rest belonging to Government ; this division being in accordance with the relative proportions due to the Mirásidárs of the village and the State. But the villagers were not certain whether this tract possessed facilities for cultivation or not, and so they had it entered as common (*i. e.* neither belonging to Government, nor to the Petitioners) in the Survey Accounts, subject to future adjustment.

That the villagers of whom Vencatarámaiyan, the father of Pattábhirámaiyan, (the first of the Memorialists) was the foremost, cultivated the above 7½ Vellums consisting of 61 acres for Fuslies 1210, 1211, 1212 and 1213, and a single patta was granted for the lands in the names of all the ryots for that period. But the cultivation was subsequently given up as the canal, irrigating the same, was out of order. A time after, this same land was allowed to be let for the purposes of grazing cattle for a nominal tirva or tax of 4½ Rupees a year, which sum was levied from the under ryots, while the Memorialists as the Mirassidars of the village grazed their cattle for no-

thing. This state of things continued until the year 1841, when it was determined by the villagers to grow certain trees on the land for the purposes of meeting the annual indents for wood required to construct the bund across the canal irrigating the whole of the lands of Manapully and other villages, and the trees were grown by the Petitioners for a period of nearly 20 years or until 1863 at an expense of 50 Rupees a year.

That in the year 1859, the Head Sheristadár of the District and the Sub-Engineer in charge of Namakkal Táluq, who were anxious to get a share in the land under report, incited one Sabhapati Goundun, a Muttadár of an adjoining village of Comara Palliem, to submit offers for the land. Upon this the villagers and especially the 1st Memorialist, who had a greater lien on the land by right of his father, offered to take up the land either in their own name, or that of Pattabhiramayan, and presented innumerable and urgent representations to that effect to the Taluq Tahsildar, Deputy Collector, and the Board of Revenue. But the Head Sheristádár, who was bent on securing the land for Sabapati Gounden, contrived to delay, or pass no orders on the several arzees of the villagers and Pattabhiramaiyan. And eventually in reply to a report from the Tahsildar that the villagers had last held the land, and that to their disadvantage an inconsistent order was issued by the Collector requiring the Tahsildar to report whether Sabapati Gounden had any residence and putcut lands in the village, and the Tahsildar replied that Sabapati Gounden had lands to the value of 300 Rupees in a village *adjoining* that of the Memorialists. On this a most unjust order was issued by the Collector, transferring the lands at once to Sabapati Gounden. How far this order is consistent with the Standing Orders of the Board of Revenue relative to the disposal of which lands, will be seen from the following rule copied from Mr. Dalyell's Edition of the Board's Circular Orders.

See Section No. 15, Page 130.

"When there are two or more applicants for the same land, the preference should, as a *general* rule for the guidance of the village authorities and of the Táhsildár, be given to the applicants in the following order :—

1st.—To a Ryot whose father or near relative was in the last occupation of the land, if within one year.

2nd.—To a Ryot whose land adjoins.

3rd.—To the first among the applicants who is a Ryot of the village, in preference to a stranger.

4th.—In the absence of any of the above privileged presons, to the first applicant."

That the Petitioners made a strong protest to the Board of Revenue, and brought to their notice the fact of the Táhsildár and the Sub-Engineer having a lion's share in the land apparently granted to Sabapati Gounden. This complaint was referred to Rámaingár, the Deputy Collector of the District (who had just then arrived) for enquiry. He personally inspected the land under reference and from enquiry instituted by him, and from the circumstances of the tools of the Public Works Department having been found on the spot, he became convinced that the Táhsildár and Sub-Engineer had shares in the land, and reported the same to the Collector in detail which your Petitioners particularly beg may be sent for and perused. But that Official, at the advice of his evil genius, the Head Sheristádár, held another enquiry into the affair, and submitted to the Board a most incorrect statement of the case, remarkable for its leaning in favor of the Muttádár.

Upon this the Board ordered that the land should be withheld from Sabapati Gounden until further orders, and enquired why it should not be applied for purposes for which it had hitherto been used, or granted to the villagers in preference to Sabapati Gounden, and further desired to know the rate at which the land had been let, and whether that rate was similar to that levied on the wet lands adjoining, and also the value of the trees standing on the land.

5th February 1865.

To this reference, the Collector made an evasive reply, that the Engineers' Department did not any longer require the land for channel conservancy purposes ; that there was no tank in the village, and that the villagers recommended the transfer of the same to one Pattabhirámaiyan, but that it was granted to Sabapati Gounden, on a tirva of 15 Rs. per acre, and further that there had been no trees on the land. And the Collector finally recommended that as Sabapati Gounden had relatives in the village of Manapully, who represent him, and as he had spent large sums of money on the land under reference, it should be granted to him alone, that he might not incur loss thereby.

That the Board of Revenue granted their final endorsement declining to interfere with the proceedings of the Collector, which decision has been simply confirmed by the Government.

19th January 1866.

That having thus far briefly stated the mere facts connected with their unjust case, the Memorialists beg to solicit the attentive consideration of your noble Lordship, and of your august Council wielding the destinies of the millions of Her Most Gracious Majesty's Indian Subjects, to the following points, proving the erroneous and untenable nature of the grounds assumed by the Local Authorities, especially the Collector. The Memorialists feel assured, that had the Board or the Government been pleased to sift the affair to the bottom, or give credence to so much as a title of what the Memorialists have repeatedly urged in support of their just claims, they feel assured that ready justice would have been done to them on the spot. But unfortunately for the Memorialists, they merely believed the erroneous reports made by the Collector at the advice of his Head Sheristadar.

I. The second enquiry held by the Collector into the conduct of the Sub-Engineer and the Táhsildár after it was once investigated by the Deputy Collector, and reported upon by the latter, was quite uncalled for. . The Memorialists believe that it was made at the evil advice of the Head Sheristadár in view to exculpate the parties from the blame brought home to them by the Deputy Collector's investigation. For, the Collector held the enquiry at Sunkerrydroog forming the Mutta village of Sabapati Gounden some 40 miles away from the residence of the witnesses, and possessing no facilities for water and other comforts, simply to have the witnesses in the power of the Head Sheristadar and Muttadars. The statements of the witnesses were purposely taken down by one Naranyan, a relation of the agent of Sabapati Gounden, who (Naranyan) is notorious for creating false depositions, then and there, instead of by any of the Huzur Gumastas then attending the Collector's Office. Moreover, the enquiry was held two days after the date fixed for the same, although the parties were all present sometime previous to that date ; whereby the Head Sheristadar was enabled to bully the witnesses into making the statements according to his will. Under all the foregoing circumstances, it was no wonder that the statements of the witnesses, as taken down before the Collector, did not go to establish the guilt of the Táhsildár and the Sub-Engineer.

II. The reasons for the Deputy Collector not having the Tahsildár and the Sub-Engineer before him during the enquiry will be apparent from the report of that official to the Collector, which the Memorialists trust the Madras Government will forward to your Lordship with this address, but they confine themselves to saying here, that as it was seen by the Deputy Collector that the Táhsildar and the Sub-Engineer used their influence in hushing up evidence, they were ordered by him to leave Manapully at once.

III. The assertions of the Collector that the land under report had been under the occupation of persons other than the Memorialists are made with the view to make the Board of Revenue believe that the Memorialists had no exclusive right to the same. The real fact of the

case is, that some 60 years ago the land was allowed by the Memorialists to be cultivated for two or three years by some of their own *under-ryots*, with dry crops, but they never waived their claims to the favor of any strangers.

IV. The Collector has in his letter to the Board, of December 1864, clearly admitted that the father of the first Memorialist Pattabhiramaiyan had a lien in the land. He could not help this admission as the records of the Taluq Cutcherry evidently bore out the same.

V. In the above letter, the Collector says that Pattabhiramaiyan, the first Membrialist has neither residence nor lands in the village of Manapully. The Memorialist now begs to submit for the special consideration of your Lordship, that Mr. Arbuthnot must have been clearly misinformed on the subject, as the statement is nothing short of a falsehood. For, in reply to a reference from the Collector of Salem, the Collector of Malabar, in December 1864, reported that Pattabhiramaiyan was a resident of Manapully where he possessed lands, but that he was not living in the Malabar District, where he had no holdings. Moreover, latterly, when a complaint was preferred against Pattabhiramaiyan by the Sub-Engineer's brother, the supervisor that he encroached on some of the Circar lands, it was ascertained and reported by the present Tahsildar in December 1865; that such had not been the case, and that Pattabhiramiyan had been bringing under the plough some of the bunger lands belonging to his holding. The above facts go clearly to disprove the Collector's statements, that Pattabhiràmaiyan had neither residence nor lands in the village. But Mr. Arbuthnot never brought these circumstances to the notice of the Revenue Board, lest they should weaken the grounds set up in behalf of Sabapati Gounden, at the instigation of the Head Sheristadar.

VI. Pattabhiramaiyan never endeavoured to compromise matters with Sabapati Gounden as stated by the Collector, and there is nothing to bear out this erroneous statement.

VII. The Collector says that the land was last held in 1838 by Woottandi Gounden, when the trees were planted. This is another false statement as Woottandi Gounden had never at any time held the land, for if it were the case how came the accompanying pattahs for the years 1838, 1839, 1840 and 1841 to be issued in the names of the under ryots for the purpose of grazing the cattle, and how could the trees be said to have been grown on the land in 1838, when the land was in that year used for pasture.

Vide paragraph of this Memorial.

VIII. In his second letter to the Board the Collector says that there was no tank adjoining the village of Manapully. This is an incorrect assertion, and made simply to refute the statements of the Deputy Collector Ramaiyangár (in his letter reporting on the conduct of the Sub-Engineer and the Tahsildár) that a small tank was constructed by the Sub-Engineer to irrigate the lands under report. There is no concealing of the fact of the existence of the tank, as it can clearly be seen by any body on the spot.

Dated November 1865.

IX. The bare statement of the Collector that the villagers recommended the grant of the land to Pattábhirámaiyan would imply that he was a perfect stranger to whom the villagers had no business to recommend the transfer of the land. But the fact was that the villagers in the first place requested the Collector for the grant of the land to themselves to be cultivated in common among themselves, and that in the event of his being unwilling to do so, they have no objection to the transfer of the same in the single name of Pattabhiramaiyan, who is one of the villagers, as the latter had an additional claim to the same by reason of his father having cultivated the same years back. But the Collector gives no heed to these just requests and claims, and makes it over abruptly to Sabapati Gounden, a stranger.

X The Collector says that the land was granted to Sabapati Gounden on a tirva of 15 Rupees per acre. The statement would convey an erroneous impression that Sabapati Gounden is made to pay at this rate forthe 61 acres made over to him, or that a sum of Rupees 915 is annually realized from him. Such is not the case The land was finally transferred to Sabapati Gounden at the end of 1865 In 1866 he cultivated more than ¾ths of it, but not a single pie was levied from him on the same. In 1867 a rate of Rupees 6 and odd per acre was fixed on the land at the suggestion of the Head Sheristadar, which reduced the amount of the whole kist payable by Sabapati Gounden from Rupees 915 to 400 Rupees, but of this only 160 Rupees were realized for 1867. And in the current year only Rupees 250 were realized. And all these considerations to the detriment of the interests of the State are shown in favor of a rich Moottadar. The Memorialists humbly trust that they have shown clearly to what respect the above statements of the Collector that he granted the land to Sabapati Gounden at the rate of 15 Rupees per acre are entitled.

XI. The Collector said that there were no trees on the land, but the Memorialists beg to assert that it was densely covered with trees valued at 2,000 Rupees, all which were made over to Sabapati Gounden with the land.

XII. The Collector says that Sabapati Gounden has relatives in the village, who represent him This is an evasive reply to a direct question from the Board, whether he was a resident of the village or not? Moreover, the Memorialists beg to assert that Sabapati Gounden has no relatives whatever residing or holding lands in the village of Manapully, and they would challenge any one to gain say this fact.

XIII. The Collector adds, in conclusion, that as Sabapati Gounden has spent large sums of money on the land, it should be granted to him alone Without commenting on the absurd nature of the grounds alleged by the Collector in favor of Sabapati Goubden who has no right to the lands of the Memorialists, the Memorialists beg to submit that Sabapati Gounden has not been put to any expense on account of the land; for, in the first place the trees were cut by the assistance of the Engineers Department, and what charges he incurred in levelling the land were more than covered up by the sale proceeds of the valuable trees standing on the land at the time of its transfer to him.

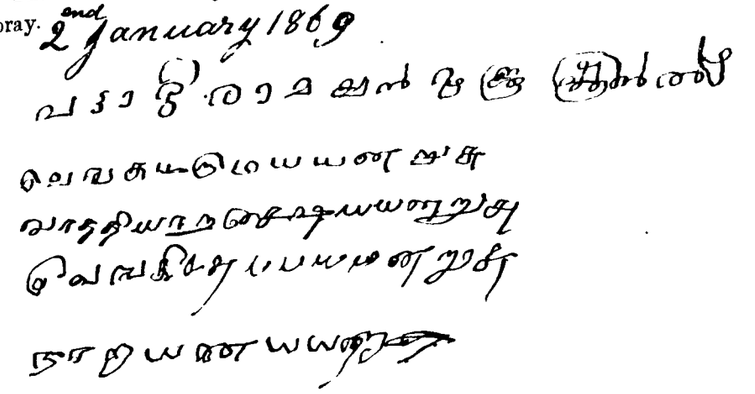
Vide Para. of this Memorial.

That the repeated orders of the home and local Authorities enjoin the acceptance of the Dhurkasts for waste lands for the ryots of the village in preference to strangers and non-residents of the village, and such has been, and is invariably the practice, but the proceedings of the Collector of Salem has been quite at variance with the rules and the prevailing usage, and this merely with the view to support the proceedings of his notorious Head Sheristadar in favor of a long pursed Moottadar.

That, in conclusion, the Memorialists beg to submit that your noble Lordship will be pleased in consideration of the false and utterly untenable nature of the grounds alleged by the Collector in support of his transfer to Sabapati Gounden of the valuable lands of Manapully in preference to the Memorialists, who are the Mirassidars of the village, and who have offered and do offer to pay the full kist of 915 Rupees, be pleased to issue orders to the local authorities for the re-transfer of the 61 acres to your Lordship's poor and aggrieved Memorialists, and cause justice to be done to them.

That for this act of justice your Lordship's humble Memorialists shall as in duty bound ever pray.

2nd January 1869



Dr. 1115.

Ordered that the Memorial received with this paper be despatched to the Home Government, and that intimation of the same be given to the Memorialists

H.W.
26th April/69

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