

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

|                 |                                  |                 |
|-----------------|----------------------------------|-----------------|
| G.O. No.        | 3059.                            | Press           |
|                 |                                  | <del>His.</del> |
| <u>334-335.</u> |                                  |                 |
| Dated           | 29 <sup>th</sup> November 1869.. |                 |

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*Proceedings of the Madras Government, Revenue Department,  
29th November 1869.*

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No. 334. Read the following Proceedings of the Board of Revenue, dated 18th October 1869, No. 7,724 :—

Read the following letter from the Acting Collector of Tinnevely, to the Acting Secretary to the Board of Revenue, dated Camp Settur, 28th September 1869, No. 374.

REFERRING to endorsement, No. 2,341, dated 19th October 1868, passed by Government on a petition presented by the Sivagiri Zemindar in this district, praying that, on account of his indebtedness, his Peishcush might be reduced, I have now the honour to report, for the information of the Board and Government, that the Zemindar has just entered into an agreement by which he is to lease his Zemindary to Mangamur Narasinha Pantulu, of Madras, (formerly in Government employ,) for twenty years, from the commencement of the current Fusly 1279 (A. D. 1869-70.)

2. The terms of the lease (which has been registered in the Registrar-General's Office, Madras) are that Narasinha Pantulu shall liquidate the Zemindar's debts, which amount to Rupees 5,09,952, on or before the dates fixed for their payment, and punctually to pay the Government peishcush, amounting to Rupees 54,580 per annum, and to make the Zemindar a maintenance allowance of Rupees 12,000 per annum.

3. Under Section 8, Regulation XXV. of 1802, the transfer of the Zemindary to Mangamur Narasinha Pantulu has this day been signed by both parties in my presence.

—  
SUBMITTED for the information of Government.

No. 335. ORDER THEREON, 29th November 1869, No. 3,059.

Miscellaneous.

ORDERED to be recorded.

(True Extract.)

(Signed) H. WELLESLEY,  
*Acting Under-Secretary to Government.*

To the Board of Revenue.

Ed. A. S. Rodgers.

Memo for Orderson No 3623

1. This case appears to dis-  
close one of those untoward  
circumstances which are in-  
separable from settled  
Zemindaries.

2. In his letter printed  
with Board's Proceedings  
dated 18<sup>th</sup> October 1869, the  
Acting Collector of Tirne-  
velly reports that the  
Zemindar of the Sivagiri  
estate (which is held on a  
sunnud) has just entered  
into an agreement, by which  
he leases his estate for 20  
years to Mr. Narasimha Puni-  
tali. The deed of transfer  
has already been signed  
in the presence of Mr. Longley.

3. Mr. Narasimha Puni-  
tali is a disreputable Deputy Collector  
and the Government will re-  
member his name in connec-  
tion with a suit which he brought  
against Mr. Munchin about four  
years ago. He is now, I hear  
a

GOVT. OF 1869

REVENUE.

To

THE BOARD OF REVENUE.

Dated November, 29<sup>th</sup>.

Recd.

Encl.

G. O., 29<sup>th</sup> November 1869, No. 3,059.

NOVEMBER.

No. 334-335.

Sivagiri Zemindary in Tennevely Dis-  
trict.—Proceedings, Board of Revenue, regarding  
its lease to M. Narasimha Puntali for twenty  
years, recorded.

a lawyer's agent in Madras.  
4. It does not however appear  
that the Government are com-  
petent to annul or qualify the  
deed of transfer. Section VIII  
of Act XXX of 1802 prescribes as  
follows. "Proprietors of land shall  
be at free liberty to transfer, with-  
out the previous consent of Govern-  
ment, or of any other authority, to  
whomever they may think proper,  
by sale, gift, or otherwise, their pro-  
prietary right in the whole, or in  
any part of their zemindaries; such  
transfers of land shall be valid;  
and shall be respected by the Courts  
of Judicature, and by the Officers of  
Government; provided they shall  
not be repugnant to the Maho-  
medan or to the Hindoo laws,  
or to the regulations of the British  
Government. But unless such sale,  
gift, or transfer, shall have been  
regularly registered at the office  
of the Collector; and unless the  
public assessment shall  
have been previously deter-  
mined and fixed, on such  
separated

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separated portions of land,  
by the Collector; such sale,  
gift, or transfer, shall be  
of no legal force or effect;  
nor shall such transaction  
exempt a zemindar from  
the payment of any  
part of the public land  
tax assessed on the  
entire zemindary, pro-  
portionally to such trans-  
fer; but the whole  
zemindary shall con-  
tinue to be answer-  
able for the total  
land tax, in the  
same manner as if  
no such transaction  
had occurred."

5. There is nothing  
to shew that the trans-  
fer in question is re-  
pugnant to the Ma-  
homedan or Hindoo  
laws or to the regu-  
lations of the British  
Government

"Government." And it is presumed that if a Zemindar is at liberty to transfer his proprietary right in perpetuum, he is entitled a fortiori, to transfer it for a term of 20 years.

6. Proceedings of Government dated 26<sup>th</sup> August 1863<sup>1869</sup> are relevant to the present issue. In that case the Acting Collector of Madras refused to register a portion of the Ramnad estate in the name of the Zemindar's nephew, because he held that she was not competent to make any such alienation to the possible detriment of the reversionary right of Government as ultimus heres, she

she being a childless widow. The High Court on that occasion ruled "that a Collector is bound to take the steps necessary to validate a transfer not subject to the objections which by the distinct declaration of the legislature can alone invalidate it," as laid down in the section above quoted. The Government then acquiesced in the decision of the High Court.

7 The only ground therefore upon which the Government could invalidate the lease of the Sivagiri estate would be found in the assumption that a temporary lease is not subject to the same rules as an actual transfer of proprietary right. But it does not appear that the Government have ever up to this time adopted such a course of action. It is recorded in Proceedings of

of Government dated 17<sup>th</sup>.  
March 1864<sup>th</sup> that the Rani  
of Shevagunga leased her  
estate to M<sup>r</sup>. Fischer with-  
out the sanction of Govern-  
ment, and the following  
extract from the Government  
order then passed appears -  
to apply to the present case.  
"The lease of the Estate is a  
private arrangement bet-  
ween the Zemindar and  
M<sup>r</sup>. Fischer, with which  
the Government have no  
concern, and they consider  
it inexpedient for the Collec-  
tor in any way to recognize  
a transaction, the validity  
of which may be open to  
question."

8 It is therefore submitted  
that the Proceedings of the  
Board dated 18<sup>th</sup> October  
1864<sup>th</sup> may be simply recorded.  
9. The lease in question  
will perhaps be financially  
advantageous to Government  
for

we have nothing to do with  
the antecedents of the lease,  
bad one though he be, and  
must be content to receive from  
him on behalf of the Zemindar  
what we are probably entitled  
to receive from the  
Zemindar himself. -  
The Rev. Bd. court may be  
recorded -

W.D.

for the Zemindar has re-  
cently petitioned that his  
Pishkush may be reduced  
owing to his indebtedness.  
R

S. J. P. K. S. L.

*Handwritten notes in the left margin, possibly a list or index.*

Rev. 1869. Oct.  
Board of Revenue,  
MADRAS.

No. 3623.

PROCEEDINGS, 18TH OCTOBER 1869, No. 7,724.

Recd 21 October 1869  
Received 22 1869 Encl.

OCTOBER  
No. 7,724.

Sivagiri Zemindary—in Tinnevely District,—  
Collector's report that Zemindar has entered in-  
to an agreement with Mangamur Narasimha Pan-  
tulu of Madras, binding himself to lease, to latter  
for twenty years from commencement of Fusly  
1279, submitted to Government.

RECORDED.

*14 Oct 1869 Rev. Secy. to Govt.*

*20 Oct 1869*

*20 Oct 1869*

*20 Oct 1869*