

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	527	Press
		~~Mis.~~
<u>21-22</u>		
Dated	1st	March 18.69

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
1st March 1869.*

No. 21. Read the following Proceedings of the Board of Revenue, dated 4th February 1869, No. 759 :—

Read the following letter from the Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Coringa, 3rd December 1868, No. 306.

1. There is a small Estate in the Ernagoodem Talook called Malakapilly, yielding an annual assessment of Rupees 3,182, and paying Peishcush of Rupees 2,282. This estate, consisting of only one village, is held jointly by the two persons noted in the margin, namely, two-thirds by the first, and one-third by the second, a woman.

1. Karamuri Tataya.
2. Koduri Sarvamma.

2. The estate was registered in their names in the year 1843, and this was approved of by the Board, in their Proceedings, dated 26th October 1843. Sarvamma died subsequently on the 7th October 1862.

3. When she was alive, she transferred her portion to one Immidi Venkanna, an inhabitant of Purushattupally, in the Tanuku Talook, and requested it to be registered in his name. On inquiry it was found that, Sarvamma was a childless widow, and that she was not eligible

* Circulated with the Board's Standing Circular, 13th June 1862, No. 3,826,

under the provisions of the Privy Council order * to transfer the estate by sale. The registry was therefore not made.

4. After her death, one Pendialu Seshachellum, son of Sarvamma's sister, and son-in-law of Immidi Venkanna, stated before the Tahsildar that he was an adopted son of Sarvamma, and that he has no objection to the registry being made in the name of Venkanna. He obtained a certificate from the Court, under Act XXVII. of 1860, to collect debts, &c., of the deceased.

5. The Certificate and Proceedings of the Court on the subject are herewith sent (to be returned) for the information of the Board. He does not appear to have been legally and regularly adopted, by Sarvamma obtaining the consent of her husband, under the Hindoo law. Perhaps he was merely reared up by her, he being her sister's son. This would not give him any title to the estate. He is not a collateral heir to her husband. Under these circumstances, his admission to the transfer and registry of the estate, is of no use.

6. Another person named Koduri Muttialu claimed the estate, on the ground that he is the brother's son of Sarvamma's husband, Chitty, but he afterwards relinquished all claim to the estate.

7. One Gundu Venkataroydu and Kaurumuri Tatayya also claimed Sarvamma's portion, and objected to the registry on the virtue of certain pecuniary transactions and stipulations between them and Sarvamma as well as her husband, but they both relinquished their claims in writing, subsequently. It seems that all these parties concerned have settled their claims in favor of Venkanna, by some compromise amongst themselves.

8. It appears from the Tahsildar's report, that Koduri Muttialu is a nephew of the deceased's husband. The person who claimed as the deceased's adopted

*Proceedings of the Madras Government, Revenue Department,
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son, produced before the Tahsildar of the talook, in October, a copy of the Court's order authorising the grant of a Certificate to collect the debts of the deceased. He was ordered to produce it in the belief that the Proceedings might say conclusively whether the Court recognised the adoption or not; but this the document does not I think show.

9. I have, therefore, the honor to request the instructions of the Board, as to how I should act in the matter.

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ENCLOSURE No. 1.—Certificate.

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ENCLOSURE No. 2.

ABSTRACT.—Proceedings of the Court regarding the heir of the late Koduri Sarvamma.

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SUBMITTED for the information of Government.

2. The Board are of opinion that there is no ground for the interference of the State, while there is a nephew of the late holder's husband alive, as his superior heirship bars the claim of Government to take the property as an Escheat.

No. 22.

ORDER THEREON, 1st March 1869, No. 527.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.

Exd. G. A. Turton.

W-527.

PROCEEDINGS of the MADRAS GOVERNMENT

Under date the 1st ^{March} Feb 1869

Read the following.

No. of the 13th

of Nov.

Submitting to Govt. with
Remarks Godavery Coll^r letter re-
questing instructions relative to re-
gistry of a portion of Malakapilly
Estate in Yerragundam Taluk.

(M.E. 11 Feb 1869 N. 759)

1. In the foregoing papers,
the Collector of the Godavery
Coll^r requests the instructions
of the Board as to register-
ing the over third share of
the Malakapilly estate,
which belonged to the late
Veduri Sarayamma. The
Board content themselves with
remarking that, in their
opinion, there is no ground
for interference of the State,
and have omitted to record
their views on the question

See note at the
end (1869)

in whose name Saravanna's share is to be registered.

2. There are, or rather have been, several claimants

(1) Immidi Venkama, an alleged transferee of the widow Saravanna.

(2) Pundialu Sesha-chellum, son of Saravanna's sister and claiming to be the adopted son of Saravanna.

(3) Koduri Multialu, son of Saravanna's husband's brother.

(4) Gundu Venkataropulu.

(5) Thaurumuri Satya Saravanna's cashier in the estate.

The Civil Court granted a Certificate under Act XXVII of 1860 to Pundialu Sesha-chellum on 29th January 1863, and he was thereby entitled to collect the debts due to the deceased Saravanna.

It does not appear that Koduri Multialu has
in

in any way impugned the right of the certificate holder by a counter-petition to the Civil Court, but no information is given as to whom the debts of the estate have been paid since Saravanna's death in 1862.

3. The Collector should now be called upon to report whether Pundialu Sesha-chellum and Koduri Multialu are really desirous of relinquishing their claims in favor of Immidi Venkama. For this purpose he should personally examine them and, in the event of their wishing to transfer their rights to Immidi Venkama, he should record the fact and correct the Register accordingly.

4. The Court further desire explanation of the delay which has been taken

to take place in dis-
posing of this matter.
More than six years
have elapsed since
Sarravanna's death.

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I doubt the necessity for a mandamus of this
nature. - As is generally the case with the
Collector of Vadavay, he states what he thinks what
he really wants; - but states his narrative to mean,
that he wishes to be instructed whether he is to
relinquish the $\frac{1}{3}$ of Malakapilly held by the late
S. Sarravanna, in the name of Immidi Benhamma.
The Board say, & I think rightly, that
because a nephew of the husband of the late holder
(K. Sarravanna) is alive, there is no ground for
the interference of the State.
On receiving this intimation, it will rest with
the Collector to refuse to move in the matter
until the right party has signified in a
proper formal manner by registered deed of
relinquishment of her rights, that he withdraws
in favor of some other person.

The proceedings of the Board being submitted
for information of the Government.

18.2.69

I agree
N

W.D.
A.R.

W.D.

Malakapilly
Estate in Gernar
Cannery Dist.

Rev^d Department

10527
Proceedings of the Madras Government
Under date the 1st ^{March} February 1869.

Read the following
Proceedings of the Board
of Revenue.

Submitting to Government
with remarks, Godavery Collector's
letter requesting instructions, re-
lative to registry of a portion of
Malakapilly Estate in Gernar.
Dagudem Talook. (H.C. 4th February 1869 No. 759)

Ordered to be recorded.

[Faint handwritten notes]

[Handwritten initials]

14 Copies of the Proceedings with Encls. Despatched

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[Handwritten signature]

217 Feb 7 69 No 2

175.
Molebury
estate in Galway
Dist.

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