M.R.O. 1—30,000—16-10-99.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 561 Press ~~Misc~~

96-97

Dated 4th March 1969.

Not to be folded or roughly handled

1105

Proceedings of the Madras Government, Revenue Department, 4th March 1869.

No. 96. Read the following Proceedings of the Board of Revenue, dated 18th December 1868, No. 8,879.

Read the following papers:—

Board's Proceedings, dated 14th September 1868, No. 6,546.

Letter from the Officiating Inam Commissioner, to the Acting Secretary to the Board of Revenue, dated Madras, 14th October 1868, No. 17.

In reply to the Proceedings (enclosures herewith returned) of the Board of Revenue, dated the 14th September 1868, No. 6,546, I have the honor to state that there is no written statement of evidence in this Office for the case therein referred to. The only records kept in this office of the inquiries conducted by this department, are the Statement presented by the Inamdar, and attested by the Village Officers, and the Register prepared by the Deputy Collector on the verbal inquiry conducted by him in the presence of the Village Curnum and the Inamdars.

2. It will be observed from the Inam Register, and from paragraph 8 of Mr. Thornhill's letter, that the Muttum was claimed before the Deputy Collector by one Bhagavan Doss as its then holder, and that his claim was supported by the evidence of the Curnum.

3. I do not think that it will be of any use at this distance of time to call upon the Deputy Collector, who settled the case, to report upon what evidence he based his opinion that, the Muttum and garden were held tax free, with the permission of the Revenue Authorities. As the Muttum and Garden were held tax free at the date of the inquiry, while all the other Inams attached to the Muttum were paying assessment, and as no assessment had been collected on the garden at any rate for nearly twenty-four years previous to the enquiry, the Deputy Collector naturally concluded that the garden had never been resumed along with the other Inams belonging to the Muttum, and that its enjoyment, tax free, was with the permission of the Revenue Authorities.

4. The fact of the Muttum having been under Government management in 1837, was evidently not brought to the notice of the Deputy Collector. But I do not see how, when the garden had once been subjected to assessment, it could afterwards have been allowed to be held tax free without some orders either verbal or written, of the Revenue Authorities.

5. Under the circumstances recorded by the Deputy Collector, the confirmation of the Inam was in accordance with the rules of the Department. The garden was stated to have been held free of tax for upwards of fifty years, and not to have been included in the order of resumption, and the Muttum was also reported to be in existence at the date of settlement. I, however, see no objection to the Inam being now fully assessed, if the Muttum does not exist and no charity is rendered, since the Inam was confirmed on the express condition of the Muttum being kept up.

Enclosure No. 1.—Memorandum on the Byragi Muttam.

Enclosure No. 2.—Plan.

Enclosure No. 3.—Extract from the Shrotriem Village of Poongathoor.

Submitted for the orders of Government.

2. These papers relate to an old ruined Byragi Muttum, situated in the village of Poongathoor, a Shrotriem village belonging to the Trivellore Pagoda.

3. This village was formerly granted rent free for the performance of certain charities in connection with the above Muttum; but these charities having been discontinued about twelve years previous to the year 1835, and the endowment grossly misappropriated by Bhagavan Doss, the *village* and maniem lands attached to the Muttum were resumed under the sanction of Government, granted in their Order, No. 215, dated 27th February 1835.

4. The endowment has never been restored, although petitions for its restoration have been received; but one Ramaprasad is reported to have been living in the Muttum "with the permission of Government" in 1837, when it, with the garden attached, was under the Collector's management

5. The site is now a nuisance to the neighbourhood, and the ruined state of the building, recently attracted the attention of Mr. Fane, and gave rise to an inquiry as to its present character and position.

6. It appears that one Bany Sing calls himself the owner of the Muttum, and that the Inam Department has issued a Title Deed for the site and compound, containing more than two cawnies of land in the name of this individual, free of tax, but on the express condition that the Muttum is to be kept up.

7. The Board believe that the intention of Government in 1835 was to resume the garden and site of the Muttum, as well as every other part of the endowment, and their opinion is confirmed by the fact that the Muttum was in the hands of Government in 1837, but the Inam Deputy Collector took a different view of the case.

8. Bany Sing, the present claimant, petitioned Government in the early part of this year for the restoration of the entire endowment, when Government declined (Proceedings, dated 16th April 1868, Petition Department,) to comply with the request in respect of either "the whole or any part of the endowment".

9. It rests with Government to determine, whether they will now cancel the deed and resume the Muttum, the conditions of the grant being still unfulfilled, or whether they will take up the land under Act. VI. of 1857 (for the acquisition of land for public purposes, as the site of the Muttum is required by Government, being situated within the compound of the new Talook Cutcherry at Trivellore, as will be seen from the plan furnished by the Acting Collector.

No. 97. Order thereon, 4th March 1869, No. 561.

Miscellaneous.

1. The Board request the instructions of Government regarding the Byragi Muttum, situated in the village of Poongathoor, and the land adjacent thereto, for which a Title Deed has been granted by the Inam Commissioner in the name of the [illegible]urmakurtu for the time being of the Muttum. The individual who now hold[s] the Title Deed is P. R. Bany Sing, residing at Madura, but the Muttum itself is stated to be in ruins, and the service to have been long since discontinued.

2. A portion of the site of the Muttum is now required for the new Talook Cutcherry of Trivellore, and the attention of the Collector has thus been specially directed to the tenure on which the land attached to the Muttum is held.

3. In 1835, the Government directed the resumption of the village of Alinjeevakum and the other Maniem lands attached to the Muttum, but this order does not appear to have been carried out in its integrity. In the enquiry instituted by the Deputy Collector attached to the Inam Commissioner in October 1861, it was suggested that the Inam tenure of 3 Acres 63 Cents should be confirmed to the claimant, on payment of a quit-rent equivalent to ¼th of the full assessment. The Special Assistant, however, in January 1862, without recording his reasons for so doing, recommended that the grant should be confirmed free of tax, and in February 1865, this course was approved by the Officiating Inam Commissioner.

4. The Government are not prepared to question the correctness of the Inam Commissioner's decision after this lapse of time, though they consider that the subordinate Revenue Authorities of the Madras District are to blame for not having then brought to notice the facts which have now come to light. They do not consider that it is advisable to cancel the Title Deed, but as the service for which the Muttum, &c., were originally granted has been discontinued, they resolve to direct that the land entered in the Title Deed be fully assessed.

5. The portion of the site required for the compound of the Talook Cutcherry should be taken up by the Collector under the provisions of Act VI of 1857, and the necessary authority is hereby conveyed for the submission of the usual Notification.

6. The Collector, in his capacity of Magistrate, should also see that the Muttum itself is not allowed to continue a nuisance. He has full power to prevent this, under Chapter XX of the Criminal Procedure Code.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.
" the Officiating Inam Commissioner.
" the Public Works Department.

Exd. G. A. Turton.

Memo in the Byragi Muttum at Pycroft
Triveller by Mr Jones.

Extract

Dated January 1855; Mr Maclean the
late Collector of Chingleput, made to the
Board of Revenue recommending the resump-
tion of the village of Chinjivaram which
the Mutt attached as Inam to Byragi
Muttum situated about a quarter of a
mile from the Pagoda at Triveller and
about a hundred yards from the Railway
to the Railway Station. The appeal from
Mr Maclean's Letter, that the village
of Chinjivaram and 28 Cawnies of wunjah
not included in it which had been enjoy-
=ed by the Byragi Muttum
=nally granted by the Poligar Chinnama
Gowdaroo, were the property of the
=cumbent Ramaswamy Iyengar - the Byragi
Pagoda does not contain that
he maintained certain charities for
Byragis. On reading the Memorandum
to the letter it is clearly seen that the
alienation was only a temporary one &
that during this lifetime. After the death
of Pycroft Mr Maclean, the alienation was not
and the charities were to cease
remained

Cert. of 1869 Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated March, 4th.

Read.

G. O., 4th March 1869, No. 561

From Collector of Madras.
16th July 69 Encl. 2441—

MARCH.

Nos. 96-97.

Byragi Muttum belonging to the Trivellore Pagoda.—Land belonging to it ordered to be fully assessed, and the portion of site required for the Taluk Cutcherry compound, ordered to be taken under Act VI of 1857.

by Bhagavandoss in 1818, on the ground that his religious principles differed from those of his predecessors in the Mattum. Bhagavandoss continued to perform the duties specified in the Puravanam granted to Raghava Dass until 1822, from which time until the date of the Collector's letter (1836) he discontinued the charities and appropriated to his own use the whole of the funds which should have been devoted to them. In consequence of Mr. Maclean's representations, resumption was made by Government on the 27th February of the same year. In this order the village of Alinjivakam and the Maniem lands attached to the Mattum only are mentioned as being resumed, though nothing is said about the Mattum itself although from the Elvgees and Takeds written upon the subject, it seems certain that the Mattum itself was confiscated; and according to the Regulations, would necessarily escheat to Government on the resumption of the Inam lands attached to it. From

that time nothing appears to have been done and the Mattum abandoned ever since has been occupied by divers persons who from time to time have come there. The Mattum is now quite ruined and the tank nearly so. The place until after Mr. Fane's order noted below was overgrown with prickly pear and weeds and so infested with snakes that persons dared not pass through it. As the Mattum is close to the new Talug Cutchery, Mr. Fane issued an Takeed to the Tahsildar of Trivellore to put up an notice calling upon all persons to bring within thirty days from the date of the notice any documents in support of any claim they might make to it and substantiate their statements, otherwise the Mattum and the land on which it stands would be resumed. No person appeared in answer to the notice, but a man by name Bani Sing calling himself the owner of the Mattum sent 10 rupees to the Collector to defray the cost of destroying the prickly pear. It appears that a Title Deed has been granted under the Inam rules by the Inam Commissioner for the Mattum and ground attached to it, though what right he can have had

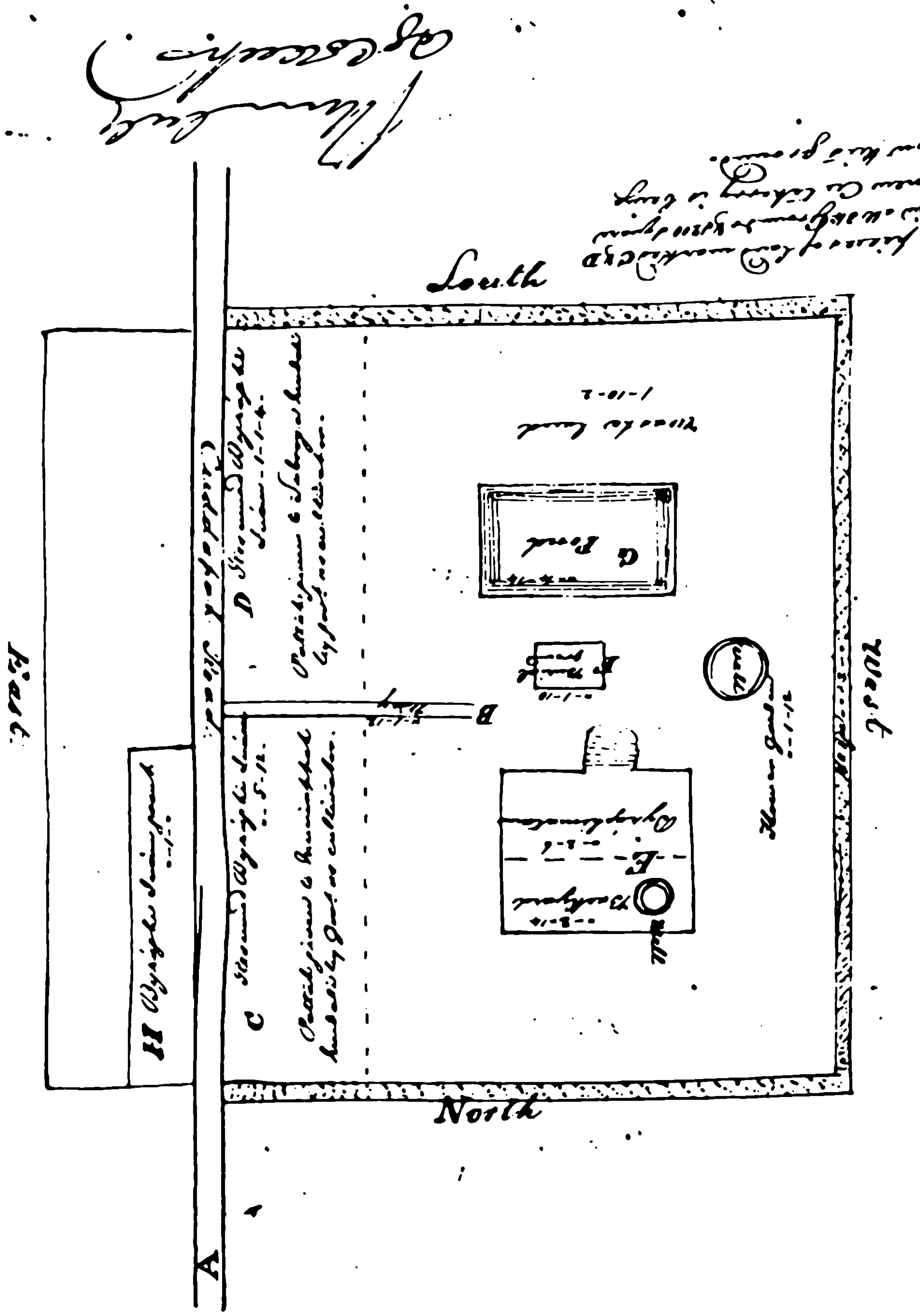
in Government property of this description is not so clean.

Said report } 18th June 1868 }

Signed / J. B. Jones
Asst. Collector

True Copy /
[illegible]
Ag. Collector

Copied 74



Swiss Letter from Wm H Keller
of Phila dated 3/11 July 1865
No 235

P. M. 4013 4
Phila March 69
L 296

Subject No 3232 1/68

13 14 15 16 17 20 6

...of Pungattur in Trivellore Taluq Madras District

...name	Pungallur
...Name: Hamlam	Durage Bhaurage Bhagarath Mallam
...lam, Dev.	Jose Mallam or Timgapala
	Mallam Narayana Cuvanre.
...collector	Inch 4th. Extent of Manager for the
	Extent 11-4-2-4 time being
...mards	Rupees 273-11-12 Bhagavandas 34
...di of	12-11
1183	Rs. 1235
...accounts	
...35	

This consists of a Mallam and a garden attached thereto for the support of which the village of Alangeevi tham was held on Shrotriem tenure and 25 kanees of lands Inams in this and 3 other villages is allowed. After an uninterrupted enjoyment during successive generations of Gurus or High priests, the efficiency of the institution was impaired in consequence of the mismanagement of one Bhagavandas whose disreputable character in private life and want of regularity in the performance of the charities prescribed brought about the attachment of the Shrotriem and Inams in 1835. The history of the case is described in the papers noted in the margin.

1. To Board 27th January 1835 with translation of a Purvana.
2. From Board 5th March 1835 with copies of letters to and from Government dated 16th and 27th February 1835
3. From Do 9th October 1837.
4. To Do 30th November 1837.

The orders of Government never related to this garden and mallam. The present holder represents that he has been occupying the institution and continuing the charities although on a limited scale as the legal successor to the Mallam. The possession by the present incumbent and his predecessors since and before 1835, the year of sequestration has been uninterrupted. The accounts support the grant and the Revenue in Charities have permitted the enjoyment, free of any tax although there is but little land which would be liable for any. Inasmuch that the charities have been revived and to recommend the confirmation of the garden to the present holder free of any Quit Rent would be inconsistent with the past proceedings already on record.

I would therefore treat the case as a personal one considering the actual state of things; tight the undisturbed enjoyment of the grant by a Mallam which had at one time large endowments of which it was deprived by the inconsiderate and unbecoming conduct of a single individual. To be confirmed on ½ Quit Rent Perpetual.

15th October 1861.

(Signed) V. Ramachandra Row
Deputy Collector I.C.

Though the endowments attached to the Mallam were resumed, I see no objection to confirming the ground on which stands the site of the Mallam and its adjoining garden so long as it is in existence, free of tax.

(Signed) C. Rangachar
A. I. Off. to the I.C.
21st January 1862

Approved
(Signed) W. T. Blair
Offg. Inam Commissioner
20th February 1865.

T. D. No. 1330.

Inam Commissioner's Office
Madras, 23rd June 1868

(True Extract)

W. Wall

Offg. Inam Commissioner

R. No 4018/69

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

Extract from the Register of Inam Village of Pungattur in Trivellore Ta[luk]

Nunjah Dry				For the [illegible]	Pungattur
Mallam	669	2-11	·24	7-6 [illegible] Inam to the [illegible]	
Do.	670	2-6	·20	6-3 [illegible]	
Do.	667	6	·03	1 [illegible]	
Do.	660	4-12	·13	4-7 Krishna	
Do.				Swami	
Do.	662	2	·17	5-8 and for	
Do.	665	4-11	·41	12-1 [illegible]	
Do.	666	1-12	·13	4-8 [illegible]	
Do.	668	1-4	·11	3-4 in the	
Tope	671	9-11	·82	1-9-10 [illegible]	
Do.	664	1-0-14	1·39	2-12-4 Mallam at	
		2-12-3	·63	7-3-6 Pungattur	

[illegible] Hamdam Dass. Baraige [illegible] Mallam [illegible] Swami. [illegible] Extent [illegible] Dry 3-11-12 Bhagavandas 34 ... 12-11 ... F1238

object [illegible] of a [illegible] of the [illegible] Pervana grant Hegira 1159 from the Collector's [illegible] records [illegible] 1746 [illegible] Mr. Bernardo [illegible] Fasly 1183 [illegible] survey accounts by [illegible] of F1238 [illegible] in the 10th year of the reign of Mohamed Shah [illegible] Ghazi Emperor of Delhi. (as per copy of an English translation of a Pervana forwarded to Board with Collector's letter dated 27 January 1835

1. To Board 27th January 1[illegible] translation of a Pervan[a]
2. From Board 5th March [illegible] with copies of letters to [illegible] from Government da[ted] 16th and 27th February [illegible]
3. From Do. 2nd October [illegible]
4. To Do. 30th November [illegible]

Inam Commissioner's Office
Madras, 23rd June 1868

(True Extract)

W. W. [illegible]

Offg. Inam Commissioner

R No 4016/69

Compd. [illegible]

Private Office. 15th Dec 1865. No 8579.

I send herewith
Draft letter respecting
the case of Scarlett v Rowles
which I request may be
submitted for the favorable
consideration of Earl Russell.

I do not see why Government should
take up the Canal under Act VI
of 1857. It seems clear that
the intention of Government in
1835 was to transfer the whole
Endowment & that the consideration
of the matters regarding how
best to do this should be left
entirely to the Trustees
& Under Secretaries
should invariably
maintain the
facts & arguments
in the case which
they urge. I should
like to see the
draft letter to the
Trustees before it is
sent & in the
meantime proceed
with this minute.

H. D.

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meantime proceed
with this minute.

H. D.

The Rent Deeds of the Estate appear to
have been executed in 1837 & 1838 —
The Rents were increased in 1857 —
The Rents are now collected & paid
to Government by the Tenants —
The Trustees have no duties to perform
except to receive the Rents & pay
them over to Government —
The Trustees have no power to
sell or mortgage the Estate —
The Trustees have no power to
grant Leases —
The Trustees have no power to
appoint Agents —
The Trustees have no power to
make Repairs —
The Trustees have no power to
make Improvements —
The Trustees have no power to
make Alterations —
The Trustees have no power to
make Additions —
The Trustees have no power to
make Deductions —
The Trustees have no power to
make Allowances —
The Trustees have no power to
make Compensations —
The Trustees have no power to
make Gratuities —
The Trustees have no power to
make Donations —
The Trustees have no power to
make Subscriptions —
The Trustees have no power to
make Contributions —
The Trustees have no power to
make Payments —
The Trustees have no power to
make Receipts —
The Trustees have no power to
make Accounts —
The Trustees have no power to
make Vouchers —
The Trustees have no power to
make Books —
The Trustees have no power to
make Entries —
The Trustees have no power to
make Corrections —
The Trustees have no power to
make Alterations —
The Trustees have no power to
make Additions —
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make Deductions —
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make Corrections —

Mr Sec[y] Collector begs the whole question when he says the words of Govt "were related to Sirkar grants & Mallums" — on the contrary, the Collector especially mentioned that part of Bhagavad Dass' inquiry consisted in his having entertained the hope in the Garden that it go. Govt would be appropriated. The proceeds of Sirkar private use — & he requested permission to pursue the practice in future. The Petitioner & Bungalow, the Inam Lands in Alinjavakkum — &c — stated evidently they intended to include all property belonging to Mr. Government not otherwise specially named —

Upon these & other points which evidence was adduced before Mr. Collr it appears that the Petitioner permitted subsequent enjoyment —

I do not think that it is necessary to enquire whether the alterations are right or not. The whole

Mr Sec[y] Collector begs the whole question when he says the words of Govt "were related to Sirkar grants & Mallums" — on the contrary, the Collector especially mentioned that part of Bhagavad Dass' inquiry consisted in his having entertained the hope in the Garden that it go. Govt would be appropriated. The proceeds of Sirkar private use — & he requested permission to pursue the practice in future. The Petitioner & Bungalow, the Inam Lands in Alinjavakkum — &c — stated evidently they intended to include all property belonging to Mr. Government not otherwise specially named —

Upon these & other points which evidence was adduced before Mr. Collr it appears that the Petitioner permitted subsequent enjoyment —

I do not think that it is necessary to enquire whether the alterations are right or not. The whole

fully agree with Mr Sec[y] Cockburn and think with him as much of the case as Act IV of 1857 as any law would be necessary for this purpose. — I do not see why the Collector should not be authorized to issue a Cowle for the enjoyment of the property in question, subject to the conditions mentioned in the Petition & the Collector's answer thereto.

18-1-59.

The Collector will in the first place ascertain & report whether the Petitioner has complied with the conditions of the grant & has fulfilled the conditions of the Cowle dated 24th Feby 1858 (years previous) & if he has fulfilled the conditions of the grant & has fulfilled. The resumption was unconditional —

The facts of the case are stated at full length in a Despatch to the Govt. of India on a memorial from the Petitioner claiming —

The conclusion of the Govt is that the case should be treated as a personal grant & seems to me altogether untenable

The papers appear to me to indicate some confusion on the part of the Petitioner, who cannot, I think, have fully carried into effect the order to resume "the village together with the manneium lands". The "village" is of course "Alinjavakkum". That, I ascertained, was resumed; not so, the "manneium lands" adhering to these, I imagine, were granted by Govt. upon the petition with a ½ quit Rent dated the 5th Feby 1859. by which proposition with a ½ quit Rent & affirmed by Bhagavan Dass. — I find no sufficient reason for the reversal of this award, by the Special Appl. to the Govt. was affirmed on the 21 June 62; but as the views of the Collr Officer was affirmed in the Appeal of the Govt. Board; on the 20 Feby 1865, I conclude the proposal of the Govt. now stated is at least all the arrangement just, when it happens that part of the Inam land is required for a public purpose — that the Petitioner would not claim the land, but would not then be cancelled the deed resume the land, I assumed, as the matter is of small value.

Revenue Department.

No. 561.

PROCEEDINGS of the **MADRAS GOVERNMENT.**

Under date the 2d March 1869.

Read the following Proceedings of the Board of Revenue

Requesting Orders for re-
annexation of Old Byragi Mattam
in Madras District

N.F. 18th Octr 1868 No. 8879.

The Board requests the instructions of Govt regarding the Byragi Mattam, situated in the village of Pongalloor and the land adjacent thereto, for which a Title Deed has been granted by the Inam Commissioner in the name of the Durmakurta for the time being of the Mattam. The individual who now holds the Title Deed is D. R. Ramyengi, residing at

Memorandum.

Byragi Mattam
in Pongalloor.

Council

at Madura, but the Mutteum itself is stated to be in ruins and the service to have been long discontinued.

2. A portion of the site of the Mutteum is now required for the new Taluq Cutcherry of Srivellore, and the attention of the Collector has thus been specially directed to the question on which the land attached to the Mutteum is held.

3. In 1835, the Govt directed the resumption of the village Alienations and Mauieum lands attached to the Mutteum, but this order does not appear to have been carried out in its entirety. In the

4 Sanyasi Rau Rangoji Rau

the inquiry instituted by the Deputy Collector attached to the Inam Commissioner in October 1861, it was suggested that the Inam tenure of 3 Acres 63 cents should be confirmed to the claimant, on payment of a Quit rent equivalent to ½ of the full assessment. The special Assistant, however, in January 1862, without recording his reasons for so doing, recommended that the grant should be confirmed free of tax, and in February 1865, this course was approved by the Bd of Inam Commissioners.

4. The Government are not prepared to question the correctness of the Inam Commissioners' decision

decision after this lapse of time, though they consider that the subordinate Revenue Authorities of the Madras District are to blame for not having them brought to notice the facts which have now come to light. They do not consider that it is advisable to cancel the Title Deed but ~~therefore, to direct that the land attached to the Mutlum be fully assessed,~~ as the Service for which the Mutlum &c was originally granted has been discontinued.

5. The portion of the land required for the compound of the Taluq Cutcherry should be taken up by the Collector under the provisions of Act VI of 1857, and the necessary authority is hereby conveyed for the execution of the usual Notifications.

they resolve to direct that the land entered in the Title Deed be fully assessed

yes. the Mutlum & arrears Maduliers attached to the endowment have not been performed principally from 1801

6. The Collector in his capacity of Magistrate should also see that the Mutlum itself is not allowed to continue a nuisance. He has full power to prevent this under Chapter XX of the Criminal Procedure Code.

HCS

14 Copies Letter Bd of Revenue Despatch
8 ——— Govt Gen Commr
20 ——— Govt Despatch

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F. W. Ellis