M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1471 Press Mis.

595-596

Dated 25th May 1869

Not to be folded or roughly handled

No. 595. Read the following Proceedings of the Board of Revenue, dated 27th April 1869, No. 2,830 :—

Read the following letter from the Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated Camp at Yellamunchelly, 1st March 1869, No. 114.

I HAVE the honor to reply to the Board's Proceedings, dated 22nd January 1869, No. 378, regarding the Pachipenta Estate, and with reference to the alienations which were effected by the present Zemindar's father, after the Permanent Settlement, but previous to the year 1846, the date of his demise, to state that these consist mostly of grants to members of the family and others for subsistence, while a portion are held on service tenure, though I cannot state whether such service be still performed; whether it be so, or not, I am of opinion that the present Zemindar has neither means, nor the inclination to institute costly Civil suits, and I have no doubt that he has allowed the estate to fall into arrears intentionally, with a view to purchasing it back piecemeal in the name of relations, when put up to auction.

2. Before stating the facts which have confirmed me in this opinion, I think it advisable to afford a sketch of the history of the estate in recent years.

3. The present Zemindar succeeded on the death of his father in 1846, the estate was then heavily involved, and the then Agent endeavoured to induce those who held lands on favorable tenure to pay an enhanced quit-rent, for the lands entered under Jerayati, which had been alienated to them by the late Zemindar. At that time, it would have been easy for the present Zemindar to resume the lands and collect full rent from the holders, but when the Agent's intervention failed to induce these parties to come to terms, nothing was done, and I fear that this failure in an attempt to restrict the wrongful privileges of these landholders, has served only to weaken any rights which the Zemindar may now possess after a lapse of three and twenty years.

4. In the meanwhile, the Zemindar became deeply involved in debt, and with the hope of extricating him in 1855, Mr. Smollett, the then Agent, raised a loan of Rupees 11,500, from the Maharajah of Vizianagram, on the security of the estate, paid off the Zemindar's private debts to that amount, and took the estate under his own management, without reference to higher authority.

5. The estate was under the Agent's management for Fuslies 1265 and 66, when the collections amounted to Rupees 5,843 and Rupees 6,478, respectively. It was then rented for a term of three years for Rupees 7,200 a year, and by the close of that period, the debt to the Maharajah of Vizianagram having been paid off, the management was restored to the Zemindar in November 1860, but at his request, Mr. Fane who was then Agent, appointed an Ameen for his assistance, and we consequently possess accounts of the assets of the estate for that Fusly, or down to June 1861.

6. In examining those assets, it will be found that certain taxes permitted previously, were at that period put a stop to, including more especially a tax on travellers, the moturpha, and certain kutnums, or presents. Deducting these amounts from the total collections of Fusly 1270, the available assets left to the estate would amount only to Rupees 5,646-4-0, and in the account for Fusly 1275,

given in by the Zemindar for the purpose of calculating the Road Cess, but little more than this, namely, Rupees 6,072, is given as his demand, while Rupees 10,271 appears as the assessment of the lands alienated by his late father to members of the family, and other Mokassadars.

7. After the management of the estate had reverted to the Zemindar, although always in arrears, he paid his Peishcush for Fuslies 1271 to 1274.

8. In Fusly 1275, he fell in arrears to the amount of Rupees 2,957-8-0, and the village of Karrivalsah was attached, and sold with the sanction of Government for Rupees 8,000, the purchaser being the Zemindar's brother-in-law, Bassava Mangaraz. The Peishcush on the Sub-division was fixed at Rupees 111-7-3.

9. In the following Fusly he again fell into arrears to the extent of Rupees 1,917-13-0, and another village, Tatavalsah was sold with the sanction of Government. It was purchased in the name of the same Bassava Mangaraz for Rupees 2,850, and the Peishcush on the Sub-division was fixed at Rupees 37-5-0.

10. Owing to these divisions the Peishcush on the remainder of the estate has been reduced from Rupees 3,000 to Rupees 2,851-3-9.

11. In the following Fusly the Zemindar again fell into arrears to the extent of Rupees 1,086-14-8, and the Acting Collector, Mr. Master, attached as much land, as would, when sold, cover the demand, and applied for sanction for the sale in his letter to the Board, dated 8th April 1868, No. 303; the subject has been since under correspondence.

		RS.	A.	P.
* Fusly 1277, Peishcush.....	...	1,162	4	11
Do. Road Cess ...	...	390	3	0
Total...		1,552	7	11
Fusly 1278, Peishcush...	... ...	959	0	2
Do. Road Cess...	... ...	124	3	5
Total ..		1,083	3	7
Grand Total...		2,635	11	6

12. In the current Fusly the Zemindar has again fallen into arrears, to the extent of Rupees 959-0-2, and with interest and Road Cess, there is now a total balance against him of Rupees 2,635-11-6.*

13. From the above statement of facts, it is clear that since the sale of the village of Karrivalsah, the Zemindar has purposely withheld payment of his Peishcush, in order to divide his Zemindary into small separate estates, for there is no doubt that he is the real holder of the villages that have been sold, and purchased in the name of his brother-in-law, and to explain his object in these proceedings, it is necessary that the state of his family should be known and taken into consideration.

14. The Zemindar married two wives, the first of whom died after the birth of one son, by the second wife who was always his favorite, he has a numerous family. By the law which regulates Hill Zemindaries, the estate must descend to the son of the first wife, and from the time that Mr. Smollet cleared it from its open liabilities, all the efforts of the Zemindar have been directed to securing a provision for the family of his second wife, at the expense of his heir. Instead of being the pauper which he was represented to be to Mr. Carmichael; it is currently reported that the debts he has outwardly incurred were for the purchase of jewels for his favorite wife's family, and there is no doubt that the portions of the estate which have been sold, have been purchased for their benefit.

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25th May 1869.

15. As the policy of the State is to preserve these Zemindaries in their integrity, by means of the law of Primogeniture, I consider the sale of any more villages to be most unadvisable, and I will suggest the only mode by which it appears to me that this estate can be preserved for its rightful heir.

16. My knowledge as to the state of the family, is not, however, founded on mere report and conjecture.

17. At the close of last December, I passed through Pachipenta on my way to Jeypore, and while I was encamped at Saloor, the next stage before reaching Pachipenta, while taking my evening walk, a young man threw himself before me, told me he was the heir to the Pachipenta Estate, and that he had come to make known his grievances. He said that he was refused all support by his father, that he lived on the charity of his grand-mother and other friends; that he had received no education, and that his father's sole wish was to deprive him of his inheritance, and give it to the children, of his other wife. He earnestly besought that some provision should be made for him, from the estate, when he expressed his willingness to attend any school in the district to acquire such rudiments of education as would better fit him for his future position.

18. On the next day, at Pachipenta the Zemindar presented himself, accompanied by the sons of his other wife, and endeavoured to ignore the existence of his heir. On finding that I knew his story, and on my questioning him as to what provision he made for his heir's support, he informed me that he had made an ample provision, by allotting to him certain lands which he enumerated. Doubting the truth of his statements, I sent for his son Jagannadha Mullaparaz from the village, and confronted him with his father. It appeared that the lands which the Zemindar stated that he had allotted to his son and heir, were the property of the lad's grandmother, at whose cost alone he had been brought up. The Zemindar had not scrupled to tell an absolute falsehood, which he might have known would be immediately detected. The ill-will existing between this father and son is such, that they could not certainly live together; but from what I saw of its intensity, I have no doubt that in endeavouring to sub-divide his estate, the Zemindar is as much actuated by hatred to his heir, as by affection towards the other members of his family.

19. After this interview I was satisfied, that however advisable it might be to recover to the Pachipenta Estate its unauthorized alienations, the system of selling off separate villages to satisfy arrears, was, under the circumstances of the case, most objectionable, as in a few years the best portions of the estate would be severed from it, and lost to the rightful heir. The sale of the whole estate would be even more ruinous to his interests, as he would not only lose his inheritance, but his grand mother and other relatives by whom he is supported, would, after such sale, lose the rent-free lands which they at present enjoy through the late Zemindar's gift.

20. I can see no means to save the estate, except taking it under Government management, on account of the heavy arrears. It would be necessary to make a moderate allowance for life to the present Zemindar of Rupees 1,200 a year, and I think that half that sum should be allowed to the heir, Jagannadha Mullaparaz, who is about 18 years old, to allow of his living at Vizagapatam for the purpose, late though it be, of acquiring some education. In such a case it might be some years

before the arrears now due would be recovered, but the expenses of management should be very slight, as the portion of the estate beneath the ghauts might be placed under charge of the Sub-Magistrate of Saloor, and above the ghauts under that of the Sub-Magistrate of Nundapur, in the Jeypore Territory.

21. The opportunity might be taken of the estate coming under such management, to inquire into the large alienations, which have so often been brought to notice, and which are certainly out of all proportion to the assets of the estate, amounting as they do to lands, assessed at Rupees 10,271, paying a quit-rent of only Rupees 924, out of the total assets of Rupees 16,343. It would not be advisable to deprive of such property, members of the Zemendar's family, who hold it for their subsistence, but in many cases doubtless, proper assessment might be imposed on such lands, against which these privileged parties could only appeal to the doubtful resource of a Civil suit.

22. I beg to forward two statements, showing the Demand, Collection, and Balance, and Receipts and Disbursements of the estate when formerly under management.

Enclosure No. 1.—

Abstract.—Demand, Collection and Balance Statement of Pachipenta Zemindary.

Enclosure No. 2.—

Abstract.—Statement of Receipts and Disbursements of Pachipenta Zemindary.

In a letter, dated 8th* April 1868, No. 303, the Acting Collector of Vizagapatam reported that the Zemindar of Pachipenta had fallen into arrears and requested sanction for selling a portion of the estate.

* Embodied in Board's Proceedings of 8th May 1868, No. 3,376.

2. As on two recent occasions portions of this estate had been sold for arrears, under Government† sanction, the Board requested the Collector to state the circumstances to which was owing the constant recurrence of these arrears and consequent sale of parts of the Zemindary.

† *Vide* Govt. Order of 5th Oct. 1866, No. 2,676.
Also ,, ,, of 8th April 1868 No. 951.

3. The Collector replied in a letter, dated 19th May 1868, No. 433, which, together with the letter marginally noted, is embodied in the Board's Proceedings of 22nd January, above recorded.

From Collector of Ganjam, dated 5th September 1868, No. 958.

4. It appeared that the estate was in the lowest stage of poverty, owing to the Zemindar having failed to resume or lessen certain alienations made by his father, and which it was assumed that he had not now the power to resume, his right to do so being barred by the Law of Limitation.

5. As in the somewhat similar case of the Pratapagiri Zemindary in Ganjam, a Suit brought by the Zemindar to recover certain alienations made in former years by himself, was decided in his favor, the Board requested the Collector of Ganjam to furnish them with a copy of the decree, and this he did in the letter marginally noted above.

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25th May 1869.

6. No mention of the Law of Limitation appears in the decree, according to which the Zemindar was at liberty to enforce the original term of the lands at the settlement, whenever he pleased.

7. The Board observed that it was probable that the alienations were in the present case, as in the Ganjam case, Service Inams, and that, in the event of the Zemindar having resort to a Civil action to regain, the Law of Limitation would not be held applicable.

8. The Board resolved, before recommending to Government any further sale of the estate, to call for a report on this point, and the Collector was requested to suggest any means by which the estate might be saved.

9. From the Collector's reply, it will be seen that he is of opinion that the Zemindar has purposely allowed the estate to fall into arrears for the purpose of buying it back when sold.

In support of this opinion he states that in 1275 the Zemindar fell into arrears to the amount of Rupees 2,957½ and that a village assessed at 111 Rupees was attached and sold for 8,000 Rupees, the Zemindar's brother-in-law being the purchaser.

10. Next Fusly there was again an arrear to the extent of Rupees 1,917 and a village assessed at 37 Rupees was attached and sold for Rupees 2,850, and purchased by the same party; in the following Fusly there was again an arrear of 1,086 and the attachment was made which is the subject of the present correspondence. In the current Fusly there is an arrear of 959, so the outstanding arrear at present is 2,635.

11. To explain the motive for this procedure, the Agent points out that the Zemindar has an eldest son by a deceased wife and a numerous family by a second and favourite wife, the eldest son inherits the property, consequently the sole object of the Zemindar has been to defeat his claims by purchasing the estate piecemeal and settling it on his younger children.

12. The Agent further states, that he has seen the eldest son, who is about eighteen years old, and found him receiving no support from his father, but utterly neglected and without education, and adds, that from seeing father and son together, he is persuaded that the former is actuated as much by hatred against the latter as by regard for the younger family in the course he is pursuing.

13. The Board are of opinion that Mr. Minchin has furnished grounds for arriving at the conclusion that the sales have been purposely brought about and the purchases made really on behalf of the Zemindar.

14. The sale for Fusly 1275 realized a surplus of 5,043½ Rupees, which would of course be made over to the Zemindar, yet an arrear again occurs next Fusly and a sale realizing a surplus of 933, this is followed by an arrear for the third time. Yet, as the accounts for the period during which the estate was under Government management show, there are ample means by which the estate can pay its way.

15. It will be seen that the Collector recommends that the estate be attached for the arrear and managed under Government, annual allowances being made to the Zemindar and his legal heirs, amounting in the former case to Rupees 1,200 and in the latter to Rupees 600,

Vide Board's Proceedings, 20th May 1868, No. 3,756.

16. The Board have already laid before Government, their opinion* regarding the right to attach entire Zemindary estates otherwise than with a view to sale; the Government, in their Proceedings of 18th June 1868, No. 1,715, however, overruled this opinion, and held that attachment for arrears need not of necessity be followed by sale of the property, and the present is a case in which such a course appears the only means of restraining a grievous injury.

No. 596. ORDER THEREON, 25th May 1869, No. 1,471.

Land Revenue.

THE Government are of opinion that the course in which the Zemindar has persisted for many years, leaves them no other alternative than the measure recommended by the Collector and the Board of Revenue.

2. The Collector is accordingly directed to take early steps for assuming the management of the Pachipenta Zemindary.

3. The Government sanction the payment of a yearly allowance of Rupees 1,200 to the Zemindar, and of Rupees 600 to his eldest son from the date of assumption of the estate.

4. The Government concur with Mr. Minchin as to the propriety of making some enquiry into the large alienations from the estate which have taken place.

(True Extract.)

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

To the Board of Revenue.
,, the Accountant-General.

Exd. E. C. Shunker.

Rec: 5. Cevedan 1868-110-111
- 5. June 1868-215-218
- 18. June 1868-438-439

Rec'd 1869. Madras
Board of Revenue,
MADRAS.
No. 1380.

PROCEEDINGS, 27TH APRIL 1869, No. 2,830.

Dep 29
Received 30

Encls 3
2 Acts

APRIL.

No. 2,830.

Pachipenta Estate—in Vizagapatam District, —Letter from Collector recommending that management of, be assumed by Government, on account of arrears of Peishcush due by Zemindar, for Faslies 1277 and 1278, submitted to Government, with remarks.

G.O. No. 1471 of 25th May 1869

-12. Reed/69 - 18-17 Recd.

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

&c., &c., &c.,

Dated May, 25th.

Read.

G. O., 25th May 1869, No. 1,471

MAY.

Nos. 595-596.

Pachipenta Zemindary in Vizagapatam.—Collector directed to assume the management of the estate, and sanction granted for a yearly allowance for the maintenance of the Zemindar and his eldest son.

P.W. 6

Memo: for Orders on A° 1380.

It appears unnecessary to do more than offer a few remarks on this case, inasmuch as Mr Minchin's letter to the Board of Revenue dated 1st March /69, gives a concise summary of what has transpired in connection with the Pachipenta Zemindary since the death of the late Zemindar in 1846.

2. It will be observed that the Zemindar has always been involved in debt, that on two occasions portions of his Estate have been sold for arrears, and that both

The course recommended by the Board & Mr Minchin appears to be the best under the circumstances

I agree W.P.

both those portions were bought by his brother-in-law

3. Mr Minchin is of opinion that the Zemindar is wilfully withholding his Peishcush, in order to divide his Zemindary into small separate Estates, and he suggests that the dismemberment of a Zemindary in this manner is contrary to State policy

4. Mr Minchin further suspects that, in so breaking up his Estate, the Zimindar is not uninfluenced by a desire to defraud his lawful heir against whom he cherishes animosity.

The

5. The Board endorse the Collectors opinion.

6. Mr Minchin recommends that on account of the heavy arrears which now amount to Rs. 2,635-11-6, the Estate should be taken under Government management. He suggests that a yearly allowance of Rs. 1200 should be made to the Zemindar and of half that amount to his heir. He thinks that the portions of the Estate below the ghauts should be placed under charge of the Sub Magistrate of Salsor, and that above the ghauts under the Sub Magistrate of Mundapur

He

He suggests that, in this case, some inquiry should be held regarding the large alienations from the estate which have taken place.

7. The Board consider that the course recommended by the Collector is the only means of restraining a grievous injury.

8. A precedent for such a course is found in the case of the Devarakotta Estate.

H.

Sd. H. Ebell

Abstract:

Pachaipenta Estate
in Vizagapatam
District.

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L 1387.

U.S.

Revenue Department

No. 1471.

Proceedings of the Madras Government
Under date the 25th May 1869

Read the following
Pro: of the Board of Revenue.

Recommending that the management of Pachipenta Estate, Vizagapatam district, be assumed by Govt. on account of arrears of Peishcush due by the Zemindar Fasli 1277 & 78. — (R. & 27th April 1869 No. 2830.)

The Government are of opinion that the course ~~of system pursued~~ in which the Zemindar has persisted for many years leaves them no other alternative than the measure recommended by the Collector and th

Board of Revenue.--

2. The Collector is accordingly directed to take early steps for assuming the management of the Pachipenta Zemindary.-

3. The Government sanction the payment of a yearly allowance of Rs. 1,200 to the Zemindar, & Rs. 600 to his eldest son from the date of assumption of the estate.--

4. The Government concur with Mr. Minchin as to the propriety of making some enquiry into the large alienations from the estate which have taken place.--

14 To the Bd. of Rev. Dec. 26
6 — Rec. Cent. N.

G.E.

Prestijan-Ex Extrait
du Registre
Decès