M.R.O. 1—33,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1658 Press ~~Mis.~~

323-324.

Dated 28.10.1870 ~~192~~.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
28th October 1870.

No. 323. Read the following Petition from P. LAKSHMIPATI SASTRULU, an inhabitant of Masulipatam, Kistna District, to the Right Honourable the Governor in Council, Fort Saint George, dated Masulipatam, 18th May 1870:—

SHEWETH,

THAT the marginally quoted Orders passed by Government on his unfortunate case has subjected petitioner to considerable hardship and losses, while he is still unable to see the propriety of depriving him of the refunds of the proceeds of the Inam justly due to him. That he therefore requests that Government will be pleased to re-consider his case, and grant him the redress he has been seeking so long. That should the Government feel unable to grant the petitioner's request, he begs the favour of transmitting the enclosed Memorial, together with the original records attached thereto, to His Grace the Secretary of State for India, with such recommendation as the Government may be pleased to make. The Memorial has been submitted in duplicate.

Order of Government, 11th May 1866.

And your petitioner shall, as in duty bound, ever pray.

No. 324. ORDER THEREON, 28th October 1870, No. 1,658.

Miscellaneous.

RESOLVED that the Memorial above noted be forwarded to the Collector of the Kistna District through the Board of Revenue, with advertence to the G. Os., dated 4th January 1865, No. 8, and 11th May 1866, on Board's Proceedings, 15th March 1866, No. 1,823, in view to its being ascertained what amount was collected from the Inam land in question between 1844 and 1865.

(True Extract.)

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

To the Board of Revenue

Exd. F. R. Bantleman.

Govt. of India
REVENUE.
To
THE BOARD OF REVENUE.
Dated October, 28th
Recd.
C. O., 28th October, 1870, No. 1,053.
OFFICE.
Rec. 29th Oct.
Proceeds of P. Lakshmipati Sastrulu
Inam in Kistna District.—Collector to report,
through the Board of Revenue, what amount was
collected from the Inam land between 1814 and
1865.

To,

His Grace the Right Honorable the Duke of Argyll K. T.
Her Majest's Secretary of State for India.

The humble Memorial of P. Lakshmipaty Sastrulu, an inhabitant of the Town of Masulipatam, Kistna District, South India.

RESPECTFULLY SHEWETH,

1. That he, the Memorialist, has been made a victim of the grossest injustice by the Madras Government having taken a very illiberal view of his case and begs to memorialize your grace as the last resort left to him of redeeming that justice which has been withheld from him for about the last 25 years.

2. That he will not occupy the valuable time of your grace in detailing the circumstances connected with his unfortunate case in all their minutia but will only refer to the correspondence which passed on the subject from time to time and append a brief epitome.

3. That the Zumindar Apparow having granted a hereditary Inam measuring 2 Katties in extent in the Village of Perur in the Taluq of Gudiwada to the memorialist's great grandfather under Sunnud of 1713 A. D. its peaceful enjoyment was disturbed by the villagers' withholding the proceeds of the Inam: that the Inamdar filed a suit against them for damages in 1811, that the Civil Judge who originally decided the case dismissed the suit on the ground that the Inamdar's right to the land was not proved: but that on appeal the Provincial Court reversed the decree, observing that the Inamdar's right to the Manyam was placed beyond all doubt and adjudged the damages sued for. That this decree was confirmed in 1821 oy the Suddr Court. That tho' damages were thus awarded, possession was not restored and the proceeds withheld by the ryots again. That while the Memorialist was petitioning the Board of Revenue and Government, the Taluq of Gudiwada, in which the Inam is situated, reverted to Government in about 1848. That the Inam Commissioner who enquired into the case reported to the Government in these terms. "The Collector who has enquired into the case recommends the Inam to be con-"firmed and I agree with him. He (the Inamdar) lost possession for reasons beyond his con-""trol and but for that circumstance the Inam is perfectly valid under the present rules." That "upon this, the Govermnent passed the following order. "The Government authorize the com-"missioner to issue title deeds for 2 Katties of land forming the Inam, but they cannot interfere "with the possession of the Ryots. The Inamdar will only be entitled under this order to re-"cover the assessment payable to Government by the ryots and must proceed by a Civil Suit "if he wishes to regain possession of the land." That possession was accordingly recovered by filing a suit in the Masulipatam Munsiff's Court in 1866.

Vide enclosure marked A.

4. That in 1865 the Memorialist petitioned the Government praying that as the title to the Inam was recognized by the Government, the assessment on the Inam land enjoyed by the Government since the reversion of the Zamindar's Estate for arrears of Peishkush in 1844, might be refunded to him but that the Government declined to comply with his request and gave him the following endorsement. "The Governor in Council observes that since the Inamdar had "not been in possession of the Inam for 57 years, when title deeds were granted to him in 1865, "its restoration was an act of favor and he therefore declines to grant to petitioner the assess-"ment which was collected upto that date."

Vide enclosure marked B.

5. That the Memorialist being dissatisfied with this endorsement which converted the grant from an act of justice into an act of favor, filed a suit in the Principal Suddr Ameen's Court in 1868. That the Principal Suddr Ameen dismissed the suit as barred by the statute of limitation, observing at the same time that the Memorialist's "case was no doubt a hard one but the rules of Law were inflexible and unfortunately shut him out of Court"

6. That from the foregoing history of his deplorable case your grace will, the Memorialist respectfully hopes, be convinced that his Inam having been once wrested and kept from him without any investigation being made and his oft-repeated petitions being heeded, he is now blamed for having been deprived possession of the Inam which circumstance, as that departmental commissioner was pleased to observe, was beyond the Memorialist's control. That, if proper enquiries had been instituted by Government when the Zemindar's estate was attached as to how much of it actually belonged to the Zemindar and as such was available for attachment and how much was really alienated, what was the nature of the alienation; this inordinate delay in the disposal of his case which is now converted into a means of blasting his just interests, could not have occurred. That when title deeds to the Inam were directed to be granted to the Memorialist, there was not one word either in the Inam Commissioner's recommendation or the order of Government from which the inference that the grant was an act of favor could be drawn. That on the contrary it will be manifest from a perusal of the records that the Inam had been in the enjoyment of the Memorialist's family from a period anterior to the permanent settlement. That from this, will be clearly manifest that the expression "an act of favor" was a mere after-thought, the Inam having been originally confirmed to the Memorialists family on the merits of his case. That the Memorialist cannot understand the reason of the Government declining to refund to him the assessment of his Inam which would certainly

Vide enclosure marked C.

have accrued to the Memorialist if the Inam had not been attached along with the Zamindary and the refund of which, one would have thought, would be the necessary sequel of the restoration of the Inam That when the Inam was confirmed it was done so in the belief that the Government had no right to retain with them the property of a private individual and surely when the Inam was restored the proceeds of that private individual's property must have likewise been refunded.

7. That the Principal Suddr Ameen in dismissing the memorialist's petition observed that his right was barred by the statute of limitation.

8. That memorialist submits that the present is a matter between Government and an individual, that it would hardly have stood to reason if the latter had dealt with Government as an individual. That ever since the alienation of his Inam he had been petitioning the Government for its release believing that a refund of the proceeds would certainly follow the recognition of his title. That the Principal Suddr Ameen, while admitting this observes that that would not give the Memorialist a cause of action there having been no acknowledgment on the part of Government and animadverts upon the Memorialist not having taken out a certificate under Regulation 4 of 1831 for suing Government. That the Memorialist has with reference to this objection to explain that he did all that he could in the matter by requesting the Board and Government to favor him with the certificate in question both for the Inam as well as the produce: that it will be observed from the enclosure that upon his oft-repeated petitions the Board and Government have been intimating to him that his case was under enquiry and would be speedily disposed of. That under these circumstances the Memorialist begs that your grace will take a liberal view of his case and direct the payment of the refund of the proceeds of his Inam which were enjoyed by Government. That as even in transactions between private individuals, none but the most unprincipled take advantage of the legal fiction of one's liability being extinguished by the application of the limitation statute, the memorialist begs that your grace will be so good as to judge his memorial by equitable principles as the interests of no individuals are involved by such a measure which will only go to vindicate the liberality of your grace's Government.

Vide enclosure marked D.

And your Memorialist shall, as in duty bound,

Ever Pray.

Masulipatam, South India, 18th May 1870.

Kistna District Collectorate Press.

done to him or the Memorial ~~transmitted~~ may be transmitted to the said authority

Memorial &c
Letter from the Collector
Petition
Letter to Collector
Petitioner
Memorial &c

Order that the Memorial be returned with the enclosures transmitted to the State Secretary for India in Council

323.
c. 21st May/71 Rpd 23rd
c. 15th Sept/71 to Board

Def. 1291 of 1870
Petition 2734
From D. Lakshmi
Pato Sastrulu an
Inhabitant of
Masulipatam
Kistna District.
Dated 18th May
Received June 3 1870
6 enclosures A to F
Nos. 1658 28 Oct
Submitting here
with a memorial
addressed to the
Right Honorable
the Secretary of
State of India
prays that his
claim to the re-
fund of the proceeds
of the Inam may
be taken into re
consideration
1658-28-10-1870
Under Sec
W. H. Crole

have accrued to the Memorialist if the Inam had
and the refund of which; one would have though
ration of the Inam That when the Inam was c
Government had no right to retain with them th
when the Inam was restored the proceeds of that
wise been refunded.

7. That the Principal Suddr Ameen in dissm

Kistna Distric

28th Oct 1870

Colr 2734 No 1688.

Resolved that the
Memorial above noted
be forwarded to the
Collector of the Kistna
District through the
Bd of Rev in view to
its being ascertained
what amount was collected
from the Inam land in
Question between 1846 & 1853

with reference to the G.O
of 14th Jany 65 No 8 & 11th May 66
& Bds Proc 15th March 66 No 823

14 Jokes Bs of Rev dt 1871