M.I.O. 1—29,000—18-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2053 Press ~~3/11s.~~

360-361.

Dated 17-12-1870 ~~19~~ .

Not to be folded or roughly handled

No. 340. Read the following Proceedings of the Board of Revenue, dated 16th November 1870, No. 6,693 :—

Read the following letter from the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 22nd October 1870, No. 4,698.

I HAVE the honour to request the orders of the Board on the following subject connected with an unenfranchised Inam sold under a decree of the Court.

2. Vangara Nagamma, an Inamdar of Pedapalakalur village, in the taluq of Guntoor, held an Inam of acres 12·61 of dry land, bearing a Bedega of Rupees 1-5-2 under a Title-deed, No. 220, issued by the Inam Commissioner.

3. The Inam was not enfranchised, because the Inamdar did not agree to do so, on the ground of her having had no issue.

4. On 30th June 1870, the Curnums of Pedapalakalur village sent a report to Guntoor Taluq Tahsildar, stating that the Inam in question was attached and sold on 30th June 1870, in satisfaction of a decree in No. 22 of 1865 on the file of the Civil Court at Guntoor, in which the Inamdar and some others were defendants, who contracted a debt from the plaintiffs.

5. On the report of the Tahsildar of Guntoor Taluq, the Sub-Collector moved the Civil Court at Guntoor to cancel the sale in question, inasmuch as the Court have no cognizance to entertain Suits regarding unenfranchised Inam lands, or to sell them at the instance of parties in Suits. The Court, however, rejected the petition on the ground that the application to cancel the sale was not made prior to the date of the sale.

6. Act No. IV. of 1862 clearly states that all Inam lands which have not been enfranchised by the Inam Commissioner and converted into freeholds in perpetuity are not exempted from the operations of Regulation IV. of 1831 and of Acts XXXI. of 1836 and XXIII. of 1838 of the Madras Code. Before ordering the attachment of the Inam, the Court ought to have ascertained whether the Inam was enfranchised or not.

7. The only course now to adopt appears to be to bring a Suit for the cancelment of the sale of the Inam, which would have reverted to Government on the death of the Inamdar. On this point Board may be pleased to obtain the opinion of the Government Pleader.

8. The Village Curnums stated that they were not aware of the Inam having been attached by the Court till the day of sale, and so they did not report the same to the Tahsildar. I cannot believe this statement to be true, for either the Munsiff or Curnum must have been present when the attachment took place, and must have kept back the fact from connivance with either the defendants or plaintiffs. I have requested the Sub-Collector to inquire fully into the matter and report.

9. I have also requested the Sub-Collector to obtain from the Court attested copies of the Decree and Judgment in Suit No. 22 of 1865, which I will submit to Board when received.

Proceedings of the Madras Government, Revenue Department,
17th December 1870.

THE Board resolve to request the sanction of Government to institute a Suit for the recovery of the unenfranchised Inam referred to in this letter, which has been attached and sold by the Civil Court in satisfaction of a debt decreed against the Inamdar.

No. 341. ORDER THEREON, 17th December 1870, No. 2,053.

Miscellaneous.

THE Inam in question not having been enfranchised from liability to lapse at the death of the Inamdar, who is childless and apparently a widow, has not been relieved from the operation of the regulations, which declare such tenures incapable of attachment or sequestration, in satisfaction of any decree or order of Court.

2. The Board propose to sue for cancellation of the sale, but success in such Suit would apparently oust the purchaser, during the lifetime of the Inamdar, from the *occupancy*, which may possibly constitute a valuable consideration irrespective of the Inam tenure, and the retention of which might be in no way opposed to the State's right to the full assessment.

3. The papers will be referred to the Government Pleader for his opinion, whether, under the circumstances, it is open to Government to collect such full assessment from the purchaser during the lifetime of the Inamdar, instead of bringing a Suit to cancel the sale by the Court.

(True Extract.)
(Signed) W. HUDLESTON,
Secretary to Government.

To the Government Pleader
,, the Board of Revenue.

Ext. F. R. Bartleman.

Revenue Department

Proceedings of the Madras Government

Under date the

Read the following

Proceedings of the Board

of Revenue.

Requesting sanction for institution of Suit for recovery of an unrealised loan in Pedapalakaleru village, in Kistna District, which has been attached and sold by Civil Court in satisfaction of a debt decreed against Ramdas

Ms. 16th Nov. 1870 No. 2693

Govt. do not see any objection to the Collector bringing such suit. The Government cannot be responsible for transfer by sale being unauthorised from

Govt. Orders

6001. of 1870. 31 Orders.

REVENUE.

To

THE GOVERNMENT PLEADER,

&c. &c. &c.

Dated December 17th.

Recd. Encl.

G. O., 17th December 1870, No. 2,055.

DECEMBER.

Nos. 240-241.

Subject of correspondence noted in the margin.—Papers relating to it returned to the Government Pleader for opinion as the points specified.

liability to lapse and the Collector should there fore bring the land under full assessment and collect the amount as provided for ordinary Ryot-wari land. The right of occupancy which the possessors purchased may be a valuable property and its retention by the purchasers is unobjectionable.

[illegible]

[illegible] the same [illegible] letter [illegible] the Board's suggestion to the Govt. Pleader for his opinion.

A. J.

I would refer the question to the Govt. Pleader. As to the calls for the sale of the occupants' life interest in an unenfranchised inam

[illegible]

[illegible] who made [illegible] alterations in the draft in [illegible] but they are not [illegible]

[illegible] "[illegible]"

[illegible]

[illegible]

Rev.e Department

W-2053.

Proceedings of the Madras Government
Under date the 17th December 1870.

Read the following
Proceedings of the Board
of Revenue.

Requesting sanction for
institution of Suit for recovery of
an unenfranchised Inam in Peda-
palakalur village in Kistna
Distt, which has been attached &
sold by Civil Court in satisfac-
tion of a debt decreed against
Inamdar.

Rc. 16th Nov. 1870 No 266

The Inam in q
question not having been
enfranchised from liabili
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and apparently a widow
Lan

has not been relieved
from the operation of
the Regulations which
declared tenures in-
capable of attachment
or Registration in Sa-
tisfaction of any decree
or Order of Court

2. The Board proposes
to sue for cancellation of
the sale, but succeed
or fail itself would
apparently not the
purchaser from the oc-
cupancy which may
probably be considerable, or
valuable consideration
irrespective of the Jam-
tenure

during the life time of
the Jamadar

tenure, and the retention
of which would be in no way
opposed to the State right
to the full assessment

3. The papers will be
referred to the Govt. Pleader
for his opinion whether under
the circumstances it is open
to Government to collect such
full assessment from the pur-
chaser during the life time
of the Jamadar, instead of
bringing a suit to cancel the
sale by the Court.

V.B.

3 Bom. Govt. Pleader Dec. 19
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