

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.

726

Press
~~Mis~~

214-15

Dated

17-5-1820 19

Not to be folded or roughly handled

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

No. 214. Read the following Petition from SADASIVA PILLAY, Curnum Mirassidar of the village of *Velagum* in the talook of Wallajah in the district of North Arcot :—

States that in their Proceedings, Petition Department, dated 23rd March 1869, the Government cancelled the accompanying Judgment delivered by Mr. Wilkinson, the Acting Head Assistant Collector, in his favour, which was confirmed by the decision of the Collector Mr. Robinson, also appended, and by the order of the Board of Revenue, and endorsed upon the Petition of his opponent, Ramakistna Pillay No. 2,189 of 1868 that "petitioner should apply to the Collector to whom the requisite instructions have been issued"; that his (petitioner's) father, Samandee Pillay, had been the Mirassy Curnum of Velagum, and rightfully held the office for *forty long years*, and discharged the duties in person and by proxies *without any fault whatever*; that his father's right to the Mirassy was officially recognized and enforced in 1851 by Mr. S. N. Ward, the then Collector; that *without any reason whatever* he was deprived of his Curnum Mirassy; that the Baid Ramakistna Pillay, a perfect stranger, is in *no way* entitled to the Mirassy, and has been guilty of *fraud and misrepresentation* throughout; and that Mr. Elliot's proceedings were *ab initio* illegal.

(Here enter 7th February 1870.)

And draws particular attention to the many *fresh facts not* hitherto brought to light.

Prays for personal and patient perusal of the Petition and its accompaniments and not their *Precis*, and for an order for his continuance, as hitherto, in his office of the Curnum, free from all undue interference on the part of Ramakistna Pillay.

No. 215. ORDER THEREON, 17th May 1870, No. 726.

Miscellaneous.

THE Government on re-consideration of petitioner's case, which has now been fully laid before them, resolve to

direct that he be reinstated in the post of Curnum of Velagum. Petitioner will therefore be referred to the Collector.

(True Extract.)

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

To the Board of Revenue.

Exd. F. R. Bantleman.

Sadasiva Pillay, Curnum Merasidar is North Arcot. His restoration is the official act, sanctioned.

103. 214. 215.

117.

G. O. 17th May 1870. No. 120.

Recd.

Dated 15th May 1870.

THE BOARD OF REVENUE.

REVENUE.

6501. of 113703 30/11/70.

To
HIS EXCELLENCY

THE RIGHT HONORABLE

THE GOVERNOR IN COUNCIL

FORT SAINT-GEORGE.

The humble Petition of Sadasiva Pillay, Curnum Merasidar of the Village called Velagum in the Taluq of Walajah within the Collectorate of North Arcot.

MOST RESPECTFULLY SHEWETH,

That under the Decision Passed (26th September 1867) by the Collector Mr. J. D. Robinson on appeal preferred to him by one Ramakistna Pillay against the Judgment pronounced (11th October 1866,) by Mr. F. H. Wilkinson, the then Head Assistant Collector in favor of the Petitioner, fully recognizing and ratifying the conclusions arrived at by the last mentioned officer, (who, alike the Collector had made a full and lengthy inquiry into, and unravelled the circumstances of his case, which had been wrapt up in mystery,) he (the Petitioner) was appointed to, and has since been performing the duties of the Office of Curnum to the aforesaid Village, in lieu of the said Ramakistna Pillay, who was declared to be void of any right or title for succession to the above office, which was registered in the name of his (Petitioner's) deceased father (Samandeo Pillay), and which had been held and enjoyed by him, for nearly half a century in person and by proxies.

2. That the Collector's Decision, when appealed against, to the Board of Revenue, by the said Ramakistna Pillay, was confirmed and left quite undisturbed by the appellate authority.

3. That dissatisfied with the Board's confirmation of the determinations, in the negative, of the question, *whether he has any right to hold the aforesaid office of Curnum*, made successively by the Head Assistant and the Collector, the said Ramakistna Pillay, appealed at last to Government, on the 1st October 1868, as against the Board's Order.

4. That in their Proceedings, Petition Department, dated 23rd March 1869, your Lordship's Government cancelled the Order passed by Mr. Wilkinson in October 1866, annulling the arrangement made and affirmed by his two predecessors, and endorsed the said Ramakistna Pillay's Petition, No. 2189 of 1868, to the effect, that "Petitioner should apply to the Collector, to whom the requisite instructions have been issued."

5. That with profound respect and infinite submission, the Petitioner (Sadasiva Pillay) humbly ventures to solicit your Lordship in Council, kindly and mercifully to review and set aside the above order, which cancels the Judgment in his favor, passed by Mr. Wilkinson, after taking into a serious and benign consideration, the following *new and important* facts, connected with the dispute between him, and his opponent (Ramakistna Pillay), which *did not and could not have become part of* the circumstances that weighed, with Your Lordship in Council, at the time of the disposal, as aforesaid, of the Petition of his antagonist.

6. That to shew to your Lordship in Council, that the said Ramakistna Pillay, in his contention for the Curnumship in question, was actually guilty of gross fraud, and wilful misrepresentation, the Petitioner begs a reference, to the (1) Depositions of the witnesses examined before, and to the (2) Judgment passed by Mr. Wilkinson, as also to the (3) Decision of the Collector. His guilt will appear more glaring, from the perusal of the following circumstances, *unknown* to your Lordship in Council.

(1.) Vide Appendix A. (2.) Vide Appendix B. (3.) Vide Appendix C.

7. The brief sketch of the Petitioner's case is thus. Subsequent to the invasion of the Carnatic by Hyder Ali in 1780, and up to the fusly 1210 (1800), (4) one Venoyaga Pillay had performed the duties of the Curnum, in the Village in question. He was relieved by his brother-in-law Soobbaroya Pillay, who held the office from 1211 (1801) to 1215 (1805), and in whose name it was registered in the Pymash account of the Village. When he was made a Gumastah in the Zillah Court at Chittoor, he was succeeded in his office as the Curnum by his paternal nephew Muttusawmy Pillay, who filled it till 1218 (1808), and his name was entered in the Register, as the Curnum of the Village. From thence forward his brother Iyasawmy Pillay, (who is still alive and one of the Monagars of Caverypauk), discharged the duties of the Curnum till 1226 (1816); and in 1227 (1817), the Curnumship passed from his hands to those of Samundee Pillay the Petitioner's father, with the consent and sanction of the three Vuttacars or share holders, among whom, the Curnumships of the 32 Villages, subject to the irrigation from the Tank at Caverypauk, were divisible into 48 shares, at the rate of 16 shares per Vuttam, with liberty allowed to them, by the usages then in force, to exchange with each other, the offices of Curnum of the above Villages, according as it proved advantageous to the coparceners. When the above Muttusawmy Pillay's name was removed from the Curnum Registry of Velagum, the Village under reference, for neglect of duty in 1230 (1820), the office was caused to be registered in the name of one Athipaukum Vencatachela Pillay, the brother-in-law, and Curnum Gumastah of Thoppay Vencatachela Pillay, under the following circumstances. Velagum and Thorapperumbakum are, and were among the 32 Villages above mentioned. The duties of the Curnumship of the latter Village, were performed by the said Athipaukum Vencatachela Pillay, for and on account of his brother-in-law Thoppay Vencatachela Pillay, a member in the second Vuttam, who was incapacitated by age, to do the work himself, although the office was then registered, in the name of Sambasiva Pillay, a member in the third Vuttam. As Sambasiva Pillay delayed the transfer of the registry from his name, to that of the said Thoppay Vencatachela Pillay, who held the office, it was, with the unanimous consent of all the Vuttacars, proposed to the Circar, that consequent upon the removal of Muttusawmy Pillay's name, from the Curnum Register of the Village in question, the registry thereof, should be made in the name of the said Athipaukum Vencatachela Pillay, as the Gumastah of the said Thoppay Vencatachela Pillay, who was in firm, and had lost his only son, not withstanding that Samundee Pillay, (the Petitioner's father,) who was a member in the third Vuttam, had entered upon and been transacting the duties of the office. The transfer of the registry took place upon stipulation, that as soon as the said Sambasiva Pillay got the name of Thoppay Vencatachela Pillay, substituted for his own, in the Curnum Registry of the Village of Thorapperumbakum, the latter should allow the Petitioner's father's name to be entered in the similar record of Velagum in question in lieu of his own name.

8. Although the above stipulation was not carried into effect for several years afterwards, the Petitioner's father held and performed the duties of the Curnumship of the Village in question, all along; and his name was entered in 1261 (1851), in the register in lieu of Athipaukum Vencatachela Pillay, the Gumastah of the said Thoppay Vencatachela Pillay, who was simultaneously with the substitution of the name of the said Ramakistna Pillay, who was adopted by the said Thoppay Vencatachela Pillay, in the room of that of Sambasiva Pillay, in the Curnum register of the said Village of Thorapperumbakum, upon the resignation or rajenamah of the latter.

9. Now it may be evident for the first time to your Lordship in Council, that Samundee Pillay (Petitioner's father), was put by the Circar, in charge of the office of Curnum as aforesaid, in recognition of his right thereto, as a member of the third Vuttam, and as the holder of half of the 16 shares due to that Vuttam, and that neither Thoppay Vencatachela Pillay, nor his Gumastah Athipaukum Vencatachela Pillay, had any claim whatever to the office, the removal of the latter's name from the register, putting an end altogether to their nominal connection with the Curnumship.

10. The recording of the name of your Petitioner's father in the Curnum register of the Village under reference, is evident from the accompanying Translation of the (5) Takeed issued on the 12th October 1851, by the then Thahasildar of the Taluq, to the Monengar of the Village, agreeably to the instructions issued, by the then Collector Mr. S. N. Ward, on the 9th June of

the same year, who sent to the then Thahasildar, (6) a Takeed and a List shewing the names of the Villages in the Taluqs, and the names of persons recognized and appointed by him, as those rightly entitled to hold the Curnumships, and Moneagarships therein. The List contained informations recognizing the right of the Petitioner's father to the Curnumship of the Village in question, and ignoring the title of Athipaukum Vencatachela Pillay to it.

11. The Petitioner's father, who died so late as in 1866, had been in person and by Gumastahs, performing the duties of the Curnum of Velagum, ever since he succeeded, as aforesaid Iyasawmy Pillay in the above office, in fusly 1227 (1817), and up to the time it was wrongfully given to the said Ramakistna Pillay in September 1857 by Mr. E. F. Elliot, the then Head Assistant; that is, for a very long period of Forty years. After doing the duties for a certain number of years, he appointed as Gumastahs from time to time his maternal uncles, Arunagherry Pillay, Parasurama Pillay, Annasamy Pillay, and Muruga Pillay, the last of whom was removed from the office, because he was found guilty of malversation in his own Village of Serukarum poor, of which, he was Curnum.

12. As your Lordship in Council will admit, Mr. Elliot, who had to see that there was a Merasi Curnum for the Village in question, ought to have first learnt from the Register, the name of the person, who was the registered Curnum thereof, and called upon him to go on with the duties. Then the Petitioner's father, who was the registered Curnum of the Village, would have undertaken himself or by another Gumastah, to do the work of the Curnum. Mr. Elliot did not do so. Neither was the Petitioner's father physically able to appear then before the Head Assistant, and assert his right to resume the office, he having been very ill; he did nevertheless, send by post petitions at that time to that officer, putting forth his claim.

13. Now came in Ramakistna Pillay, for the first time, and claimed the Office before Mr. Elliot upon an alleged ground, that the Curnum Meerasy of the Village in question, had been registered in the name of his father Vencatachela Pillay. This was a false claim and wilful misrepresentation, on the part of the said Ramakistna Pillay, as your Lordship in Council will see from the facts of the past history of the Curnumship of the Village in question. For, to say the least of it, he was or is not the son begotten or adopted by one Vencatachela Pillay, whose name was in the Register of the Village. The name in the Register was Athipaukum Vencatachela Pillay, who was not in point of fact, the father of the above false claimant, but one Thundry Soobbaroya Pillay, who actually begot him. Even admitting that he was taken into adoption by the aforesaid Thoppay Vencatachela Pillay, his adoptive father's name never crept into the register of the Village in question, and the name of Vencatachela Pillay was taken away entirely from it, and that of the Petitioner's father was substituted by the authority as aforesaid in 1851, as the person legally entitled to, and had been in peaceable enjoyment of the office of Curnum, now in dispute, for so long a period as 34 years. The Petitioner's father continued undisturbedly to discharge the functions of the office, by Gumastahs even long afterwards, up to June 1857, when he was deprived of his long held office wholly, on account of the misconduct of his last Gumastah (Muruga Pillay), in relation to his own Curnumship in another Village, and the fraudulent claim of the said Ramakistna Pillay for the vacancy, was unjustly upheld by the Head Assistant Mr. Elliot, who committed a gross mistake, in not having recognized and respected the superior title of the Petitioner's father, who had a right to enjoy the Merasse by himself or through any other Gumastah appointed by him.

14. The Petitioner's father, who was thus aggrieved by the proceedings of the Head Assistant, continued till his death, to petition the local Revenue authorities for reinstatement in his office, but in vain. After his demise the Petitioner renewed the efforts to obtain the office, Mr. Foster the then Head Assistant, made no enquiry into the case, but, in the haste of his proceeding to another station to which he was appointed, disposed of it by simply confirming the decision of Mr. Elliot. At last Mr. Wilkinson was the first Head Assistant, who investigated it under Regulation VI of 1831 fully and clearly, and did justice to the Petitioner's long contended claims. The matter was again sifted well by the Collector, upon appeal by Ramakistna Pillay, and his claim was proved as quite false and set aside. The Collector's decision in favor of the Petitioner, was again confirmed by the Board of Revenue.

(6.) Vide Appendix F.

17 செப்டம்பர் 1992

A

Depositions given before Mr. F. H. Wilkinson referred to
in the 6th para of the Petition.

REGULATION VI OF 1831.

Plaintiff.

SADASIVA PILLAY.

Defendant.

RAMAKISTNA PILLAY.
Kurnum of Velagum.

Sadasiva Pillay Plaintiff, sworn, states:—I claim the whole Kurnum Merasy of Velagum. It was registered in my father, Samandee Pillay's, name. My grand father Sadasiva Pillay did the work, but I don't know if he was registered. He had 2 sons. The eldest was my father, the 2nd Sabhapathi Pillay. My father had 3 sons, the eldest, myself. I am no relation of Defendant.

Ayasawmy Pillay 1st Witness, sworn, states:—I am Moneagar of Kaverypakum and am 74 years old. I remember 50 years ago. Then one Muthusawmy Pillay was sole Kurnum of Velagum but was ghair Merasidar. He had one son Appasawmy Pillay who did not do the work, but one Sadasiva Pillay who was Merasidar, did the work, but was not registered Kurnum. He had one son, who lived, Samandee Pillay, father of Plaintiff; he did work and was registered Kurnum. He died this year, but has not done work for 20 years. He kept a Gumastah, but he was dismissed, both from Sirugiramboor and the Gumastah's post: then Defendant made a plaint for Sirugiramboor and obtained it and the Gumastahship from the Sarkar, but he was not registered. Defendant's father was not registered Kurnum of Velagum.

Kistnappa Moodelly 2nd Witness, sworn, states:—I am a Ryot of Kaverypakum, about 67 years of age, 40 years ago, 2 persons, Samandee Pillay and Arunagiri Pillay were Kurnums in Velagum: but I heard that Samandee Pillay was Merasidar: after some years Samandee Pillay kept a Gumastah: I heard that Arunagiri Pillay was Samandee Pillay's Gumastah.

Panjanatha Pillay, 3rd Witness, sworn, states:—I am Kurnum of Chéri, aged 67. I know Velagum. Defendant now holds Kurnum of it. He obtained it with the Kurnumship of Sirugiramboor. Samandee Pillay, who was Merasidar died 2 years ago. He did not make Defendant his Gumastah: but Defendant enjoyed in Samandee Pillay's life time in his own right. Samandee Pillay's eldest son is Plaintiff.

Defendant. You were not a Pangukaran with Samandee Pillay in this Village.

Ramakistna Pillay, Defendant;—In 1857 Mr. Elliot made an investigation, caused the Kurnumships, of Velagum and Sirugiramboor to be registered in my name: as did Mr. Foster. (produces 2 Takeeds one of Mr. Elliot's and one of Mr. Foster's order from which it appears that by the former Urzies were received from the Tahasildar And on these the defendant was decided to be Merasidar of this Village.) My father was Merasidar of Velagum but did not do work He was a Pangukar. 9-10-66.

[Defendant files a copy of the Kurnum Varumbadi Register (No. 1.) from which it appears that in Fasly 1232 one "Venkatachela Pillay, Kurnum" signed the Register. In the Inam Register of Fasly 1236 Venkatachela Pillay is entered as the Isumdar, i. e. Registerdar and Samandee Pillay as enjoying the post. He also files a copy of a Takeed by Mr. Elliot from which it appears that that Gentleman without enquiry under this act, on the present Defendant's Statements only passed an order that Defendant was the Merasidar of Velagum and should be Registered as Kurnum.] 10. 10. 66.

Muthukristna Moodelly, 1st D. W. sworn, states:—I am Moneagar of Velagum. The Kurnum is Ramakistna Pillay. He has been so for 10 years. Before him Muruga Pillay did the work: but was not Merasidar: on whose account he did the work I don't know: nor do I know who was Merasidar. My elder brother Soobbaroya Moodelly told me that the Defendant's father Venkatachela Pillay was Isumdar. I knew him but not as Kurnum.

Narayana Moodelly, 2nd Defence Witness, sworn, states:—I am a Ryot of Velagum, aged 70. 50 years ago Ayasawmy Pillay, was Kurnum, after him Sadasiva Pillay, the father of Muruga Pillay did the work. I heard he was Merasidar. He was of one family with Sadasiva Pillay, the grand father of Plaintiff: but latter did not do the work. The first Sadasiva Pillay had 3 sons, Arunagiri Pillay, Parasurama Pillay, and Muruga Pillay. The first succeeded his father, then came Muruga Pillay and then Ramakistna Pillay. Don't know what relation he is to Sadasiva Pillay. Samandee Pillay never did the work.

Court. Venkatachela Pillay was, I heard, Isumdar; and I heard that Defendant was his adopted son: but Venkatachela Pillay did not do Kurnum work to my knowledge.

Virupachi, 3rd Defence Witness, sworn, states:—I am Talaiari of Velagum aged 60. I remember 40 years ago. Then Arunagiri Pillay, Parasurama Pillay, Annasawmy Pillay and Muruga Pillay were Kurnums: They were all brothers. Their father was Sadasiva Pillay. I don't know what relation he was to Plaintiff. Defendant's father was Venkatachela Pillay. He never was Kurnum of Velagum.

Vakeel. The 4 above mentioned did Kurnum's work as Merasidars.

Ayasawmy Pillay, 4th Defence Witness, sworn, states:—I am ½ Kurnum of Velagum. I have no right to it, but Defendant gave me half, 10 years ago. Before us Muruga Pillay. He was no relation of Defendant nor was he Merasidar. Samandee Pillay was Merasidar. He was Plaintiff's father. On his behalf Arunagiri Pillay, Muruga Pillay, and Parasurama Pillay, did the work. Sadasiva Pillay, who was father of Samandee Pillay, was Merasidar before. Defendant's father was Venkatachela Pillay. He did not do the work: nor was he a Merasidar but a Pangali. (Plaintiff files copy of a Takeed dated 12th October 1851 by which, it appears that Samandee Pillay was appointed Kurnum in that year).

Annasawmy Pillay, 4th Plaintiff's Witness, sworn, states:—I am a Ryot of Kaveripakum. About 10 years ago, I and Muruga Pillay did work in Velagum, as Kurnums. We were Gumastahs of Samandee Pillay, who was the proper Merasidar. He died last year.

Defendant. Samandee Pillay was my elder sister's son.

B

Judgment delivered by Mr. Wilkinson referred to in the 6th para of the Petition.

It appears both from the statements of the witnesses for the Plaintiff and Defendant that Samandee Pillay, the father of the Plaintiff was Merasidar and Registered Kurnum; but that he employed other people as Gumastahs on whose dismissal, 10 years ago, the Defendant by stating that he was Merasidar, was by the Tahasildar recommended to the then Head Assistant Collector as the proper person to succeed the dismissed. The Head Assistant Collector, acting on the Tahasildar's recommendation, passed an order, that Defendant should be registered as Kurnum, which was accordingly done. On this Takeed, Defendant principally relies, but, as no inquiry under this Act, was then instituted, and as in the present inquiry, it is clearly proved, that the Plaintiff Sadasiva Pillay, is the eldest son of the deceased Merasidar; the Court decides in favor of the Plaintiff; and the Kurnum Manicam will be registered in his name.

(Signed) F. H. WILKINSON.

Acting Head Assistant Collector.

(True Copy)

(Signed) C. CUNDASAWMY MOODELY.
Deputy Collector.

Applied for
27th September 1867.
given on the
8th November 1867.

C

Decision of Mr. Robinson the Collector, referred to in the 6th para of the Petition.

DECISION IN APPEAL CASE No. 46 OF 1867.

Appellant.
RAMAKISTNA PILLAY late Kurnum of
Velagum in the Taluq of Wallaja.

Respondent.
SADASIVA PILLAY Kurnum of the
same Village.

Appeals against decision passed by Mr. Wilkinson Acting Head Assistant Collector under Regulation VI of 1831 dated 11th October 1866 removing Appellant from his office of Kurnum and appointing Respondent in his room.

Read appeal Petition dated 9th November 1866.

Read Decision Appealed against.

Read also counter Appeal presented by Respondent dated 19th February 1867.

Read likewise Precis of the case.

The Judgment against which appeal is now made runs as follows. "It appears both from the statements of the witnesses for the Plaintiff and * defendant that Samandee Pillay the father of the † Plaintiff was Merasidar and Registered Kurnum but that he employed other people as Goomastahs on whose dismissal, 10 years ago, the defendant, by stating that he was Merasidar, was by the Tahasildar recommended to the then Head Assistant Collector as the proper person to succeed the dismissed. The Head Assistant Collector acting on the Tahasildar's recommendation passed an order that Defendant should be registered as Kurnum which was accordingly done. On this takeed Defendant principally relies but as no enquiry under this Act was then instituted and as in the present enquiry it is clearly proved that the Plaintiff Sadasiva Pillay is the eldest son of the deceased Merasidar, the Court decides in favor of the Plaintiff and the Kurnum Manicam will be registered in his name."

Appellant submits an extract from the Inam Register of Fasly 1232 signed by Venkatachela Pillay as Kurnum, and of Fasly 1236 in which * Venkatachela Pillay is entered as the Isumdar and † Samandee Pillay as enjoying the post

Respondent files copy of a takeed issued to the then Tahasildar of Kaveripakum now Wallaja by the then Acting Collector Mr. S. N. Ward dated 9th June 1851 in which it is stated that a register showing the names of the Moneagars and Kurnums who were appointed at the time of the Jamabandy of Fasly 1260 for the Taluq of Wallaja is sent with instructions to carry out the nominations therein made. No extract from or copy of the original register signed by Mr. Ward is filed in evidence of this point.

Respondent also files a copy of a takeed issued by the then Tahasildar of Kaveripakum now Wallaja to the address of the Mancagar of Velagum stating that under instructions from the Huzur one Samandee Pillay had been appointed to perform the duties of Kurnum in the said Village. On a reference to the Inam Register of Fasly 1236 kept in the Huzur records there is the following entry under column headed "names of parties who are in enjoyment of Kurnum Inam from fasly 1236" Venkatachela Pillay; enjoyed by Samandee Pillay. The term "Isumdar" is not given in this Register. The extract filed by Respondent is open to suspicion.

4. The entry in the Pymash Account of Fasly 1215 shows one Soobbaroya Pillay was the original Kurnum Merasidar; That he was succeeded by one Muthusawmy Pillay in Fasly 1226 who was dismissed in Fasly 1231, on a charge of malversation. The names of Venkatachela Pillay and Samandee Pillay then appear in the Inam Register of Fasly 1236 entered as

already shewn. From this Inam Register of Fasly 1234 it further appears that on this Venkatachela Pillay's demise one Muruga Pillay his brother-in-law was doing duty.

Remarks.

As the case now stands there are several material issues to clear up.

1st. In what Degree of relationship do Appellant and Respondent stand to the Pymash Merasi Kurnum named Soobbaroya Pillay.

2nd. A genealogical tree is required from both parties.

3rd. Appellant admits that he is, as alleged by defence witness Narayana Moodelly the adopted son of Venkatachela Pillay; but must produce further evidence in proof of his mere verbal admission which is the more particularly required as Appellant has all along been calling himself his son, until the evidence on these 3 issues has been produced, the Collector is unable to pass Judgment in this appeal suit.

(Signed.) J. D. ROBINSON, COLLECTOR.

Both parties file their respective genealogical trees marked A & B which have been placed on the record.

In his family tree marked B. Appellant enters the Pymash Merasi Kurnum named Soobbaroya Pillay as a non Merasidar who left no representatives.

He presses his claim on the ground that one Venkatachela Pillay was Merasidar in Fasly 1230, and that he, Appellant is, his adopted son.

Respondent's family tree shows that his father named Samandee Pillay was married to one Rasammal the Daughter of Sadasiva Pillay in the younger branch of the Pymash Merasi Kurnum Soobbaroya Pillay. It further appears that this Soobbaroya Pillay died without issue, that his eldest brother Kalathi Pillay had two sons named Muthusawmy Pillay and Ayasawmy Pillay, the former of whom was a Registered Kurnum and died leaving a son named Appasawmy Pillay who should properly succeed to this Merasi Office by virtue of being legal representative of the elder branch of the family. This Appasawmy Pillay and his uncles Ayasawmy Pillay and Thiruvengada Pillay, as shown in the family tree A, were accordingly summoned & examined before the Collector. They were all unanimous in waiving their Merasi claims in favor of the Respondent on the ground that his father Samandee Pillay formerly held the Kurnum's office and that the Respondent's right is therefore indisputable.

Decision.

The claim has been keenly contested by both parties and a mass of evidence has been produced in the effect to establish their respective cases. From the foregoing summary of pleadings it is clear that the original decision stands firm and that Sadasiva Pillay has been rightfully recognized as Kurnum of the Village by title of being the nearest surviving representative of the senior tree of the Merasi family.

Appellant is accordingly non-suited and the original Judgment upheld.

North Arcot
Collector's Office
Chittoor 26th September 1867.

(Signed.) J. D. ROBINSON
Collector.

(True Copy.)

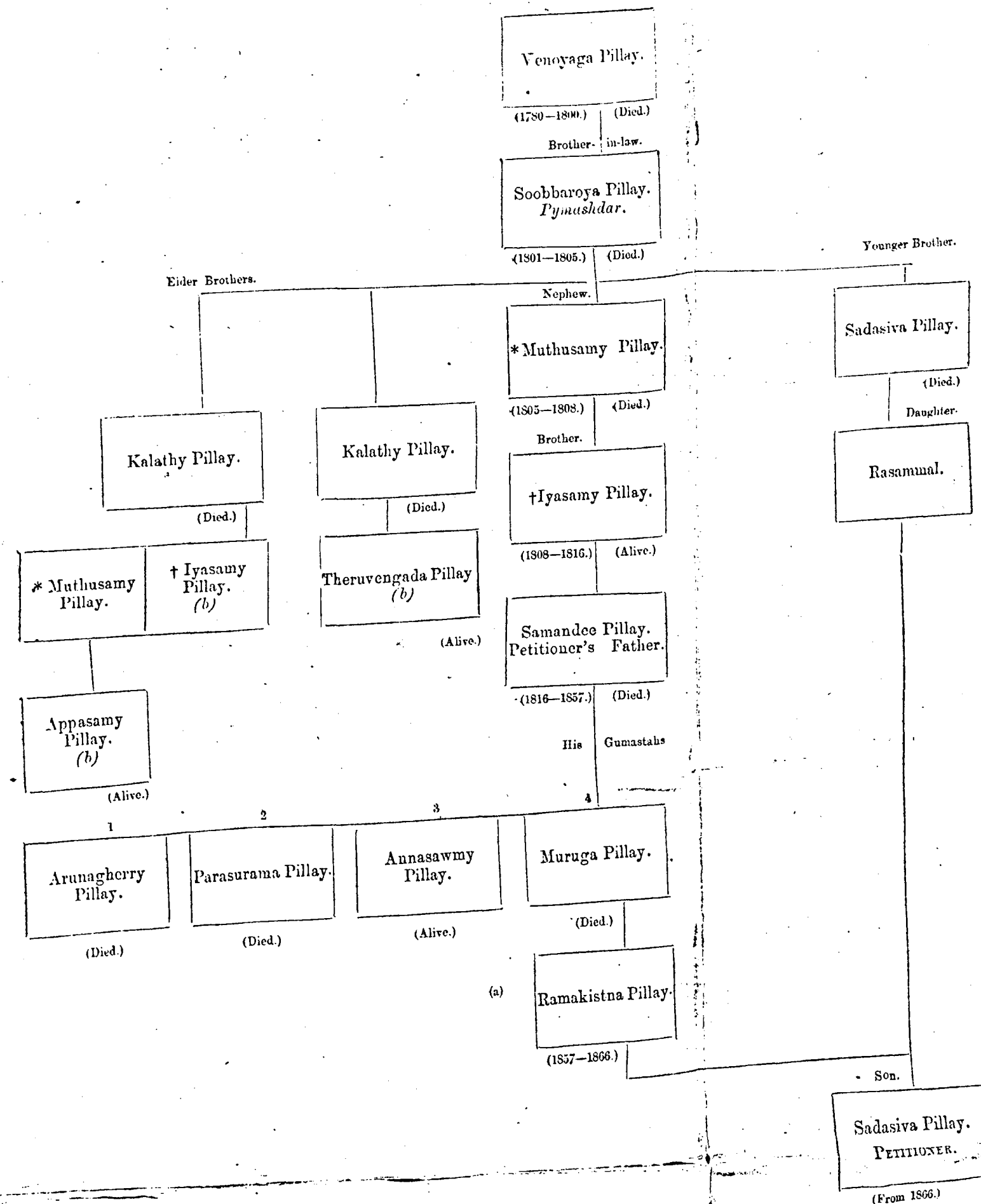
C. CUNDASAWMY MOODELY.

Deputy Collector.

Delivered to the party on the
8th November 1867 as requested
in his Memorandum dated 27th
September 1867.

Table shewing at one glance the different persons who held the Curnumship in question from 1780 to 1869, and the relative position of Ramakistna Pillay and the Petitioner with reference to the post. (Vide para 7 of the Petition.)

[This includes the principal part of the Genealogical Tree put in by the Petitioner before Mr. Robinson and marked A.]



(a.) Not related to any of the above persons and have no claim whatever to the Merasi. He succeeded the Gumastah Muruga Pillay through fraud. His natural father was Thundry Soobbaroya Pillay. His alleged adoption by Thoppay Vencatachela Pillay is not true. He was taken in adoption by the widow of Thoppa Vencatachela Pillay which is not legal. He is no therefore his adopted son. His brother-in-law was Athipaukum Vencatachela Pillay, whose name was removed from the Curnum Register of the Village in question. (Vide para 9.)

(b) Vide their Depositions, Appendix G.

E
NO. 228.

Referred to in the 10th Para of the Petition.

FROM Mr. S. N. WARD SAHIB, ACTING COLLECTOR, ZILLAH CHITTOOR.

SEAL.

To

SOONDRA PILLAY

TAHASILDAR, CAVARYPAUK TALUQ.

During the settlement of the above Taluq in Fasly 1260 the names of the Maneagars and Kurnums were entered in the Register, about which is herein enclosed a List shewing the names of the officials of the Village, in order, and bearing my signature and seal. Enter therefore, their names in the Register of the Maneagars and Kurnums of the said Taluq and make them do their works according to rules. Be aware.

6th June

(Signed) S. N. WARD.

1851.

F
NO. 1594.

Referred to in the 10th para of the Petition.

SEAL.

TO

VELAGUM MANEUM SUBBAROYA MOODELY.

As per the order of the Illecdoor we have appointed Samandee Pillay to perform the duties of the Kurnum of the aforesaid Village, you should therefore continue to get the business of the Kurnum of the aforesaid Village done by him. Be aware.

12th October

(Signed) T. SOONDRA PILLAY.

(Tahasildar, Cavarypauk Taluq.)

1851.

G

Before Mr. J. D. Robinson, Collector of North Arcot.

The Deposition of Appasawmy Pillay son of Muthusawmy Pillay on solemn affirmation.

The Pymashdar Soobharoya Pillay was my junior paternal grandfather. He had no issue. His elder brother had 2 sons, my father Muthusawmy Pillay and my uncle Iyasawmy Pillay now in the Court. The Respondent's (Sadasiva Pillay's) father was Samandee Pillay and his mother is Rasummam, who is my paternal Aunt. I now lay no claim to the Kurnumship of Vilagum as it was once given up by my father. I don't require it. I consent to its registry in the name of the respondent. The Appellant Ramakistna Pillay is no member of our family. The Genealogical tree (A) now read out to me is correct.

Taken on Oath before me this 8th day of September 1867.

Appasawmy Pillay's signature.

(Signed) J. D. ROBINSON.

Collector

(True Copy.)

C. CUNDASAWMY MOODELLY.

Deputy Collector.

Kyfeints (statements) of Iyasawmy Pillay, and Thiruvengada Pillay, the son of Calathy Pillay.

We have heard the deposition made by Appasawmy Pillay before you upon solemn affirmation. Every thing contained in it is true, we admit it as correct, we have no objection to the registry of the Kurnumship of Velagum in the name of the Respondent Sadasiva Pillay, we consent to its being done in his favor.

Taken before me this 18th day of September 1867.

Iyasawmy Pillay's Signature.

Thiruvengada Pillay's Signature.

(Signed) J. D. ROBINSON.

Collector.

(True Copy.)

C. CUNDASAWMY MUDELLY

Deputy Collector.

2/14

Revenue 1870; Of the
referred to the Chief
Secretary to Govt. N.
No. 1241.
No. 336 of 1870.

FROM,
SADASIVA PILLAY -
Curnum Merasidar of the
Village of Velagum in the
Taluq of Walajah in the
District of North Arcot.

TO
HIS EXCELLENCY
THE RIGHT HONORABLE
THE GOVERNOR IN COUNCIL
FORT SAINT GEORGE.

Dated 7 February 1870.

Received 16 Feb 1870
No. 4 enclosure

States that in their Proceedings, Petition Department, dated 23rd March 1869, the Government cancelled the accompanying Judgment delivered by Mr. Wilkinson, the Acting Head Assistant Collector, in his favor, which was confirmed by the decision of the Collector, Mr. Robinson, also appended, and by the order of the Board of Revenue, and endorsed upon the Petition of his opponent, Ramakistna Pillay No. 2139 of 1863 that "Petitioner should apply to the Collector to whom the requisite instructions have been issued"; that his (Petitioner's) father Samandee Pillay had been the Merasy Curnum of Velagum and rightfully held the office for forty long years and discharged the duties in person and by proxies, without any fault whatever;—that his father's right to the Merasy was officially recognized and enforced in 1851 by Mr. S. N. Ward, the then Collector;—that without any reason whatever he was deprived of his Curnum Merasy,—that the said Ramakistna Pillay, a perfect stranger, is in no way entitled to the Merasy, and has been guilty of fraud and misrepresentation throughout,—and that Mr. Elliot's proceedings were ab-initio illegal.

And draws particular attention to the many fresh facts not hitherto brought to light.
Prays for personal and patient perusal of the Petition and its accompaniments and not their *Prælis*, and for an order for his continuance, as hitherto, in his office of the Curnum, free from all undue interference on the part of Ramakistna Pillay.

PD do 726 - 17 Feb 1870

Revenue Department

No. 726.

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

Read the following
Petition from Sadasiva Pillay,
Curnum Merasidar of the Village
of Velagum in the Taluq of Walajah
in the District of North Arcot.

Praying for personal and
patient perusal of the Petition and
its accompaniments and for an order
for his continuance, as hitherto, in
his office of the Curnum, free from
all undue interference on the part
of Ramakistna Pillay.

H. C. 7th Feby: 1870.

The Government on re-
- consideration of petitioner's case
which has now been fully laid
before them, resolve to direct
that he be reinstated in the post
of Curnum of Velagum. Petition
will therefore be referred to the
collector.

J. D. S.

M. A.

H. C.

14 To the Board of Revenue
the Petition and its accompaniments.