

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT

G.O. No.	74	Press Ms.
147-48 Dated	11-1-1870	N

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
11th January 1870.*

No 147. Read the following Proceedings of the Board of Revenue, dated 14th December 1869 :—

Read the following letter from the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated Salem, 29th November 1869, No. 273.

I HAVE the honour to acknowledge the receipt of the Board's Proceedings, under date the 13th instant, No. 8,430.

2. I have all along been under the impression that Act XX. of 1863 related only to those religious institutions which had a ready-money allowance, as well as to those to which it was usual for Government officers to appoint Dhurmakurtas, etc., and that it was still the duty of Collectors to see that endowments in land granted for a religious institution is not misapplied, or, in other words, to see that the land is not enjoyed by persons, who perform no religious service, or is enjoyed by one who has not provided a place of worship, though the obligation attached to the Inam required it, as the case in point. The Board's Standing Orders, Nos. 106 and 108, I take it, require the Collector to perform the duty, (which I hitherto considered as still devolving on Collectors.) In the case under reference, I in no way interfered with the appointment of a Cazee, which was one of the prayers of the Mahomedans of Narasingapuram. This appears in the Petition. All that I did in the matter was to look after the interests of the Government, and to adopt such measures as were actually necessary for the resumption of the Inam, in the event of the obligation, which the grant carried, not being fulfilled. With this view, therefore, I issued a notice requiring the Cazee to provide a building within six months, failing which, the Inam was to be resumed. I believe this is the course I am required to adopt under Board's Standing Orders, Nos. 106 and 108. If I am mistaken, I shall feel favoured by being informed of the proper course to be pursued in such matters. A translation of my order to the Tahsildar, directing the issue of the notice above referred to is enclosed as required.

3. The date of hearing is fixed for the 7th of January 1870.

IN his letter of the 6th November the Collector of Salem reported that a suit had been brought against him in consequence of an order which he had issued, as local Agent under Regulation VII. of 1817, to a party to restore a Mosque, and requested that sanction might be accorded to its defence at the public expense.

2. In their Proceedings of the 13th November 1869, No. 8,430, the Board pointed out that so much of the Regulation in question, as related to the endowments for the support of Mosque, had been repealed by Section 1 Act XX. of 1863, and requested the Collector to explain how it became necessary for him to interfere.

3. He now reports that he has all along been under the impression that Act XX. of 1863 related only to those religious institutions which had a ready-money allowance, and to those to which it was usual for Government to appoint Dhurmakurtas, and that it was still the duty of Collectors to see that endowments in land granted for a religious institution is not misapplied, or in other words, is not enjoyed by persons who perform no religious service; and he quotes Standing Orders of the Board Nos. 106 and 108, in support of this view.

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4. The Board are of opinion that the Collector has, in some degree, misinterpreted the present law and the orders thereon. The Act provides no restriction of the nature of that dwelt on, and the duty of interference now resting with the Collector is simply that of resuming an endowment which is no longer devoted to the purpose for which it was originally set apart.

5. It was from mixing up with the proper order for resumption in such cases, a notice requiring the Inamdar to construct a Mosque which has involved the Collector in the present suit.

6. The short interval which elapses between the present time and the hearing of the suit, the greater part of the time falling within the Christmas Holidays preclude the Board from obtaining the orders of Government in this case; and they resolve therefore to authorize the Collector to defend the suit in the first instance at the public cost, leaving the question of costs to be hereafter determined by Government.

7. The proposed answer should be filed omitting the 2nd paragraph. A copy of their Proceedings will be forwarded for the information of Government.

No. 148. ORDER THEREON, 11th January 1870, No. 74.

Miscellaneous.

THE Proceedings of the Board of Revenue are approved.

2. The Collector was in error in interfering in the manner he did. He should have referred the complainants to the established Courts, and, if on subsequent inquiry, he found that the endowment was not being devoted to the purpose for which it was originally granted, he should have reported the matter for the orders of the Board of Revenue, in view to the land being fully assessed, supposing, of course, that the grant was a religious one and unenfranchised under the Inam rules.

(True Extract.)

(Signed)

R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.

Ed. F. R. Bantleman

Takad to Koooolawung Naidu, Tasilbar
of Akhoor.

Read Wtysr dated 29th April 1869 and
the Correspondence connected with it.

It has come to my knowledge that
the Musjid, for which an Euzim is attached in
the village of Tarasingapooram, has become
dilapidated; that the bazar who held the Euzim
died; that his wife who is a live states that the
Asar Kaana in the above village belongs to the
Musjid, and that she has no objection to repair
the same; and that she does not allow the
Mahomedan Community to enter it. As
the said Asar Kaana is a building or place of
Mahomedan worship, it is not for her to say,
that she would repair it. The land to the
South of the Musjid has been entered as Euzim
in the original title deed; it is therefore
inferred that there was a Musjid to the North
of the Euzim. As a corroboration of this fact
the late Tasilbar reported that traces of
a certain building, which had previously
existed, remain to the North of the said Euzim.
It also appears that the Mahomedans have
for

Cost. of 18703 Rs.

REVENUE.

To

THE BOARD OF REVENUE.

Dated January 9, 1870.

Recd.

For

G. O. 11th January 1870, No. 74.

MINIST.

Mos. 147-148.

Suit to prevent the construction of a Mosque
in Said District.—Proceedings of the Board of
Revenue in connection with it, approved.

Vide No 1121/71

for a long time been in the habit of performing their religious services at a certain spot called yelandamarattadi, for want of a particular building for the purpose. As the Inam was granted for the purpose of keeping up a mosque, the Inam cannot be continued, if there is no mosque. Under these circumstances, a notice should be issued to the heirs of the deceased Cager, directing them to raise a mosque within six months, either on the spot, where the old building existed, or at yelandamarattadi at which the mahomedans perform their religious services. It should also be explained in the notice that, if they failed to do so within the fixed time, their Inam will be resumed. In the event of their neglecting this order, the Inam should be resumed and a spot made to this office on the subject.

Salem Collectors Office,

16th May 1869.

(True Translation)

Lt. C. H. Pochin
Collector.

(True copy)

Almshy
As Secretary

Proceedings of the Madras Government
No. 20, dated the 11th July 1870
Read the following
of the 13th of December
H. 16th Dec 1870

The Proceedings of the Board of Revenue are approved.

The Collector was in error in interfering in the manner he did. He should have referred the complacents to the District Court, and if on subsequent enquiry he found that the endowment was not being devoted to

The purpose for which
it was originally granted,
he should have ~~so~~
reported the matter.
The action of the Board
of Revenue in view to
the land being fully
assessed, supports, of
course, that the grant
^{a religious one and,}
was an unexpended
under the main Rules.

MD.

14. *Edwards Blue Geop. 12.*

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