

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	920	~~FILED~~ Mis
Dated	22-6-1870	12

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
22nd June 1870.*

Read again Proceedings of Government, Revenue Department, dated 10th May 1870, No. 680.

No. 265. Read also the following Proceedings of the Board of Revenue, dated 9th April 1870, No. 2,397 :—

Read the following letter from the Officiating Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated 21st March 1870 No. 102.

With reference to paragraph 4 of the Board's Proceedings, dated the 22nd February 1870, No. 1,235, I have the honour to forward herewith copies of the Decree therein called for.

ENCLOSURE No. 1.—Copies of Decree.

SUBMITTED to Government in continuation of Board's Proceedings, dated 22nd February 1870, No. 1,235.

2. It appears that the question, whether Curnum's Inams in settled districts can be alienated, was not raised in the Lower Court, and that though raised on appeal, it was not decided.

No. 266. ORDER THEREON, 22nd June 1870, No. 920.

Miscellaneous.

“ Nothing contained in this Regulation shall be
“ construed to affect in any way the office of
“ Curnum established by Regulation XXIX.
“ 1802, in districts of which the land-reve-
“ nue has been permanently fixed.”

ADVERTING to the question raised by the Collector in his letter, dated 21st December 1869, No. 768, the Government are of opinion that Section 8 of Regulation VI. of 1831 as marginally quoted, precludes the application of that enactment to the office of Curnum in

permanently settled estates. According to this view of the case the provisions of Regulation XXIX. of 1802 indicate the existing state of the law on the point referred to, and whether the last-named enactment affords sufficient security against the alienation of the emoluments attached to the office of Curnum in permanently settled estates remains to be considered.

2. The judgments of the District Moonsiff and Civil Judge, which were passed in 1864, referred to by the Collector, cannot be quoted as an authoritative ruling on the subject. On perusal of them the Government observe that the only issue raised in the District Moonsiff's Court was whether document A. (the Deed of Gift) was genuine or not. An objection to the effect that the lands in question were Mirasi, and could not be alienated, was first raised on appeal in the Civil Court, but the latter declined to admit it on the ground that it had not been put forward in the Lower Court. Besides, the Inam, which was the subject of the Suit, does not appear to have been considered as either a Service Inam generally or as forming part of a Curnum's emoluments. The word “ Curnum ” does not occur in either judgment.

*Proceedings of the Madras Government, Revenue Department,
22nd June 1870.*

3. On the other hand the cases cited by the Board in paragraph 2 of their Proceedings, dated 22nd February 1870, No. 1,235, tend to show that the Courts have construed Regulations XXV. and XXIX. of 1802 as prohibiting the alienation of Curnum's emoluments on permanently assessed zemindaries, on the ground that such Curnums being nominated by the Zemindar have only a life-interest in their office and its emoluments. A Notification in which this opinion was expressed in plain terms was issued by the Court of Sudder Adawlut on 30th August 1851, and this Notification has probably prevented any alienation of the emoluments in question from the date of its issue to the present time.

4. The reports, which the Board in paragraph 3 of their Proceedings, dated 22nd February 1870, No. 1,235, have called for from all Collectors, will show whether this has been the case, and whether there is any necessity for further legislation.

5. In regard to the case brought to notice by Mr. Johnson, which has given rise to this reference, the Board will instruct the Collector to ascertain whether the Inam in question was or was not excluded from the assets of the estate.

(True Extract.)

(Signed) R. S. ELLIS,
Chief Secretary.

To the Board of Revenue.

Ed. F. R. Bantleman.

Under date the *22^d June* *May* 1870.

Read the following. *again Pro. of*

Government Revenue Department
dated 10 May 1890. No. 680-

Read also the following
Procs. of the Board of Revenue.

N. E. G. April 1870 No 2397.

Adverting to the question raised by the collector in his letter dated 21st Decr. 1869 No 488, the Govt are of opinion that section 8 of Regulation VI of 1831, as marginally quoted precludes the application of that enactment to the office

* Nothing contained in this regula-
- tion shall be construed to affect in
- any way the office of Bureau esta-
- blished by Reg. XXIX, 1802, in districts
- of which the land revenue has
- been permanently fixed."

Count. of 1870; 27

REVENUE.

THE BOARD OF REVENUE

10

Dated June, 22nd.

Recd.

Lined

G. O., 22nd June 1870, No. 920.

504

IO3. 265-266

Suit in Vizagapatam regarding Gurnam Service Inam to a permanently settled estate.
—Part of Revenue directed to furnish certain information with reference to the Inam question.

of *Surnam* in permanently settled estates. According to this view of the case, the provisions of Regulation XXIX of 1802 indicate the existing state of the law on the point referred to, and whether the last named enactment affords sufficient security against the alienation of the *smothments* attached to the office of *Surnam* in permanently settled estates remains to be considered.

2. The judgments of the District Munsif and Civil Judge (which were passed in 1864) referred to by the Collector cannot be quoted as

as an authoritative ruling on the subject. On perusal of them, the Govt observe that the only issue raised in the District Munsif's Court was whether Document A (the Deed of Gift) was genuine or not. An objection to the effect that the lands in question were *Mirasi* and could not be alienated was first raised on appeal in the Civil Court, but the latter declined to admit it on the ground that it had not been put forward in the Lower Court. Besides, the *Inam* which

their Proceedings dated
22nd February 1870 No 1235
have called for from all
collectors will show whether
this has been the case,
and whether there is any
necessity for further
legislation.

OK

As regards the case
which has given rise
to this promise I shall
report the facts to the
Board. The case is
certain to be that the
man in question was
not excluded from
the assets of the estate.

S. P. Hall

S. In regard to the
case brought to notice
by Mr Johnson, which
has given rise to this
reference the Board
will instruct the
Collector to ascertain
whether the man in
question was or was
not excluded from
the assets of the
estate.

Mr. J. M.

14. To the Board with an Encl. Despatch 4/4

Mr.
Scribble of
Civil Court of Hays
about 1880
W.C. D.

W.C. D.

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W.C. D.

W.C. D.