

*Proceedings of the Madras Government, Revenue Department,
16th June 1871.*

No. 204. Read again 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, recorded in G. O., 28th October 1870, No. 1,658.

No. 205. Read also the following Proceedings of the Board of Revenue, dated 9th May 1871, No. 1,925.

Read the following letter from the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 29th March 1871, No. 981.

WITH reference to the Board's Miscellaneous No. 1,398, dated 5th November 1870, on Government Order, No. 1,658, dated 28th October 1870, communicating petition from P. Lakshmiapati Sastrulu, with a Memorial to His Grace the Secretary of State for India, and directing me to ascertain and report what amount of assessment was collected from the Inam of Lakshmiapati Sastrulu between the years 1844 and 1865, I have the honour to submit the following report.

2. Since the receipt of the order in question, petitioner Lakshmiapati Sastrulu presented an Arzi to me requesting that the mesne profits of his Inam (two katties in extent, being equal to 34 acres of wet land in the village of Perur) may be given to him from the year the Vinacota and Gudivada Purgannahs in the Charamahel Zemindary were attached for arrears of peishcush up to the Fusly preceding that in which the Inam in question was made over to him under the orders of Government, dated 4th January 1865, No. 8, and for which a Title-deed, No. 1,264, was issued to him by the Inam Commissioner on 9th September 1865.

3. As the grounds on which the Inam in question was recognized by Government have been fully stated in the report of the Inam Commissioner, dated 10th December 1864, and in the memorandum submitted by Collector to the Inam Commissioner, I consider it unnecessary to recapitulate them here.

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4. From the correspondence noted in the margin, the Board will observe that the petitioner claimed the payment of the assessment of the Inams from the date that the estate reverted to Government. Government did not then entertain petitioner's claim on the ground that the Inam was restored to him as an act of favour.

5. As all the old vernacular records in the Collector's Office were destroyed during the cyclone of November 1864, I called upon the Tahsildar of Gudivada Talook to prepare from his records and send me statement showing the amount of assessment paid on the Inam land from the date of the attachment of Vinnacota and Gudivada Purgannahs which took place on 22nd April 1836 (Fusly 1245) down to Fusly 1273, the Inam having been restored to the petitioner, and he having received the proceeds thereof from that Fusly.

6. The Tahsildar of Gudivada Talook has submitted the information in question prepared from the accounts that were available. The state of these accounts is shown below:—

7. For Fuslies 1246—67, 1270, 1271, and 1272, the village Dowle accounts show only a lump sum of assessment on both dry and wet lands without their particulars. From Fusly 1247 to 1258, however, Jummahbundy accounts have been found in which the dry and wet assessments are distinctly shown. During this period the sharing-system was in force, by virtue of which the assessment of the village was fixed on the Government share of produce either on measurement or on *Anchana Nivadas*,* with reference to the prevailing prices. There is no account of any description for Fusly 1256. The figures for Fusly 1255 were

* *Anchana* (estimate of the copy).
* *Nivada* (half of the total of estimates made by different individuals.)

adopted for 1256 as the villagers gave a kyfiet before the Tahsildar that the lands of Perur village, which are close to a water-spread called "Songa," were cultivated in Fusly 1256, but that the Dowle accounts had been destroyed. For Fuslies 1259 to 1273, Jummahbundy Dowles, Adangal, and Amarakam accounts were found. During this period, the village joint-renting system was introduced.

8. A statement tabulated from the above information is forwarded herewith.

The Board will observe therefrom that the assessment for Fuslies 1246 and 1267 has been calculated for the two katties of the petitioner's Inam land on the annual average assessment per kattie given in column 8; that for Fuslies from 1247 to 1258, as well as for Fuslies 1262 and 1265, the assessment on the Inam has been calculated proportionately with reference to the wet assessment in column 5 and entered in column 10; that for Fuslies 1259, 1260, 1261, 1263, 1264, 1266, 1268, 1269, and 1273, the Adangal and Amarakam accounts having been found, the extent of Inam cultivated and the assessment paid thereon to Government during that period have been shown in detail in columns 11 to 14; and that for Fuslies 1270, 1271, and 1272, for which the Jummahbundy accounts alone are forthcoming, the assessment on the Inam was calculated at the average rates in column 8 on the assessment in column 7.

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9. The actual assessment paid to Government on the Inam from Fusly 1253 (A.D., 1844) to Fusly 1273 (A.D., 1864), called for by Government, amounts thus to Rs. 2,726-10-2 as detailed in the margin. If Government are prepared to refund this sum to petitioner Laksh-

Fuslies.	Amount of assessment collected on Inam.		
	Rs.	A.	P.
1253	34	9	4
1254	17	0	2
1255	302	11	0
1256	302	11	0
1257	222	15	6
1258	0	13	6
1259	49	0	0
1260	235	11	11
1261	212	8	8
1262	101	4	8
1263	98	15	9
1264	170	4	0
1265	150	0	10
1266	169	13	9
1267	18	2	0
1268	127	12	0
1269	130	7	3
1270	66	15	8
1271	88	9	8
1272	96	14	6
1273	129	5	0
Total...	2,726	10	2

mipati Sastrulu, I consider that his claim to mesne profits of the Inam from Fusly 1246 to 1252 (seven years), during which the Gudivada Zemindary was under Government management for arrears of peishcush, is sustainable; also because it was proved from the accounts and from the decree of the late Sudder Adawlut that the petitioner's grandfather was in possession of the Inam at the time of the permanent settlement, and because the petitioner, as well as his father and grandfather, continued to claim the restoration of the Inam with past proceeds almost every year since 1833, or from the time of the attachment of the estate, down to the year in which the Inam was restored to the petitioner.

10. The proceeds of the Inam from Fusly 1246 to 1256, during which the estate does not appear to have ever been released from attachment and made over to the Zemindar are the following:—

Fuslies.	Proceeds of the Inams.		
	Rs.	A.	P.
1246	192	14	0
1247	242	6	0
1248	47	7	0
1249	155	2	2
1250	3	12	0
1251	30	6	0
1252	171	12	0
Total...	843	11	2

From the petitioner's Memorial to the Secretary of State it does not appear that he claims the proceeds from any particular date, but simply requests that the proceeds of the Inam "enjoyed by Government" be refunded to him. In paragraph 4 of the Memorial, he states that he has been praying for a refund of the assessment since the reversion of the Zemindar's estate for arrears of peishcush in 1844. If this sum is added to Rs. 2,726-10-2 in paragraph 9, the total amount claimed by petitioner would amount to Rs. 3,570-5-4.

11. The Inam having been confirmed to the petitioner upon full inquiry and on the reports furnished by the then Collector and the Inam Commissioner, and a Title-deed having been issued to him, the petitioner appears to be entitled to a

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refund of the proceeds of the Inam during the period of its incorporation with Seri. It is also for Government to decide whether the petitioner is entitled to a refund of the proceeds, Fuslies 1246 to 1252, for which he submitted an Arzee to me, and which I do myself the honour to forward to the Board.

12. The enclosure of the Government order is returned herewith.

ENCLOSURE No. 1.—Statement.

ENCLOSURE No. 2.—Arzee to the Collector.

ENCLOSURES Nos. 3 to 7.—Records forwarded with the Memorial.

SUBMITTED to Government with reference to their order, No. 1,658, dated 28th October 1870.

2. The Collector has prepared a statement from such village accounts and other information as was available, showing the estimated receipts from the Inam land from Fusly 1246 to 1273.

3. The actual assessment paid to Government on the Inam for the series of years referred to, namely, from Fusly 1253 to 1273, amounts to Rs. 2,726-10-2; but, in addition to this, the Collector points out that the petitioner lays claim to the mesne profits of the Inam from Fusly 1246 to 1252, during which period the Gudivada Zemindary (and this estate with it) was under Government management and all the proceeds credited to Government; and the Board agree with him in thinking that petitioner's right to these mesne profits (amounting to Rs. 843-11-2) rests upon much the same foundation as his claim to the other; so that, if Government are disposed to refund anything, it will probably be necessary to refund the whole amount shown in the statement, namely, Rs. 3,570-5-4.

No. 206. ORDER THEREON, 16th June 1871, No. 1,070.

Land Revenue.

P. LAKSHMIPATI SASTRULU appeals to the Secretary of State in Council against the orders of Government

declining to grant, as requested by him, certain arrears of assessment on two katties (34 acres) of Inam land in Perur village, Gudivada Talook, Kistna District, for which a Title-deed was granted to him in 1865.

2. The ground on which compliance with his request for payment of arrears of the assessment paid to Government, while the estate was under attachment, was declined was as follows:—that his title to the Inam was not strictly valid, but that its restoration was an act of favour only. It is unnecessary to recapitulate the history of the grant and the various orders of Government thereon; this is fully given in the report of the Inam Commissioner of the 10th December 1864.

3. It is strongly urged in the Memorial now under consideration that the issue of the Title-deed was not at all a matter of favour, but simply a matter of right, and that the right to the assessment is a necessary consequence. While not admitting this, Government are willing to allow that there are grounds for treating the Memorialist's claim in a liberal manner. For many years he was kept out of

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enjoyment of the land owing to disputes and differences with the cultivators, and to delay in the recognition of the title, resulting in his finally being precluded from recovering possession of the land and in being for several years deprived of the proceeds of the Inam.

4. Allowing then the Memorialist's claim to arrears, it remains to decide the amount which is to be allowed, and the date from which payment should commence. It is not clear from what particular date proceeds are claimed. In 1865 the request is for refund of the assessment "since the reversion of the Zemindary estate for arrears of peishcush in 1844" (Fusly 1253). In the present Memorial it is simply "for payment of the refund of the proceeds of his Inam which were enjoyed by Government."

5. The Collector's report contained in the Board's Proceedings of the 9th May 1871, No. 1,925, shows that the assessment on this land was collected by Government from Fusly 1245 (1836) when it reverted along with certain Zemindary estates attached for arrears of peishcush, up to the time when the Inam was restored under the Inam Commission Rules in Fusly 1273 (1864-65), from which time Laksh. mipati Sastrulu has received the proceeds.

The amount paid to Government was not easily ascertainable owing to the sharing-system having been formerly in force in the talook, and to a great part of the old accounts having been destroyed in 1864: but a careful and fair calculation made by the Collector which shows the amount collected by Government between Fusly 1253 (1844) and Fusly 1273 (1864) to be Rs. 2,726-10-2.

6. It does not appear that arrears are claimed from a date prior to this; but the Collector considers that this claim being allowed, these mesne profits, amounting to Rs. 843-11-2, should also be allowed from Fusly 1246 (1835) to Fusly 1252; in other words, that the aggregate assessment collected from 1836, when the Gudivada Zemindary, including this estate, came under Government management, up to 1865, when the Inam was made over to the Memorialist, amounting in all to Rs. 3,570-5-4, should be refunded.

7. Government concur that the claim to refund being allowed, payment of arrears should be made from the year-1836, and accordingly sanction payment of the lump sum.

8. The Memorialist will be informed of the result of this order by the Collector, to whom the Memorialist will be referred.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

To the Collector of the Kistna District.
.. the Board of Revenue.
.. the Accountant-General.
.. the Petition Department.

Exd. F. R. Bantleman.

30-7-163

1867
The Hon. the Secy of State
for India.

My Lord Duke,

We have the
honor to transmit here

with a Memorial from

P. Lakshminathaswami

trulu an inhabitant

of Masulipatam in

the Madras District,

appealing against

the endorsement

dated 11th May 1866

by which we declined

to grant him the ar-

rears of the assess-

ment which had been col-

lected on his land

previously

to 1865 -

2. The Govt by an

order dated 4th June

I agree with Mr. Justice
as far as I can judge the
Memorialist has a right to
the Rent the Govt have
received for the land
since the year 1861
for the year 1861
the Memorialist has a good
title to the land for
he has a good title for
the past. N.

J. D. S.

I think this is
rather a question of
law and
should be considered
our decision with
reference to the
Memorialist
to the Govt.

1. The Govt by an
order dated 4th June

1866

January 1865, No. 8,
authorized the Guam
Commissioner to fur-
nish Memorialist
with a Title Deed
for the land in ques-
tion: thereby autho-
rizing him to receive
the assess^t formerly
payable to Govt. As,
however, his possession
had not been un-
interrupted during
the previous fifty-
seven years, and he
might at any time
during this period
have obtained possession
of the Guam land
itself by bringing
a Civil action against
the Govt, the Govt
did not deem it
necessary to grant
him

as I read the title
report he had not
in possession and
all as before for
he may have been a
share with the other
negro

I am not long gone
from my home and
I am not long gone
from my home and
I am not long gone
from my home and

him the amount⁹⁸
of assessment. —
3. We have no re-
commendation to
make in his behalf.
J. H.

11/15

Amesbury
Mrs. J. P. Amesbury
Superintendent of the
Amesbury District

Land

Pr. of the Madras Port
Under date the 16 June 1870

Read the following
papers

Petition from Lakshmi pati Sasthulu of Kistna Dist.

Submitting Memorial addressed to the Rt. Honble the Secy of State for India praying that his claim to the refund of the proceeds of the Inam may be taken into consideration.

Pr. Pr. of Revenue

Submitting statement showing amount of assess collected on Inam belonging to Lakshmi pati Sasthulu of Kistna Dist.

16 June 1870
17 May 1870
19 May 1871
Lakshmi pati Sasthulu appeals

15 May 1870

appeals to the Secy
of State in Council
against the undersigned

of not declining to
grant, as requested
by him, certain moneys

of assessment on his

Pattee (32 acres) of

Swamp Land

in Penn Village,

Cardinala Salug,

Wishna District,

for which a title

deed was granted

to him in 1863

which was not the

deed

subject to the

condition that

the land should

be used for

agricultural

purposes only

and that the

land should

not be used

for any other

purpose

than that

expressed in

the deed

2. The period in which

compliance with his

request for payment

of arrears of the assess-

ment paid to date while

the State was under

attachment was not

followed that his title

to the farm was not

strictly valid, but that

its nature was an

act of favor only. It is

unnecessary to repeat

late the history of the

grant of the various

orders of the court

this is fully given in

the

the report of the Home

Committee of the 10th Decr 1836

It is strongly urged in the Memorial now under consideration

that the issue of the title deed was not at

all a matter of fact

but simply a matter

of right & that the

right to the allotment

is a necessary consequence

of declining to admit

this, Govt are willing

to allow that there are

grounds for treating

the Memorialist's claim

in a liberal manner

for many years he was

kept out of enjoyment

of

of the land is

owing to disputes

and differences

with the cultiva-

tors and to

delay in the

recognition of

the title, resulting

in his finally

losing

finally being
precluded from
recovering possession
of the land and
in being for
several years
deprived of
the proceeds
of the Income
Allowing

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4. After viewing the Memorial
its claim to arrears of Revenue
to decide the amount which
is to be allowed, and the date
from which payment should
commence. It is not clear from
what particular date proceeds
are claimed. In 1865 there
is a request for refund of the
assessment "since the Revenue
of the Zemindary estate for
arrars of peshcush in 1844
(July 1253). In the present
Memorial it is simply for
payment of the refund of the
proceeds of his share which
were seized by the Government
and the collected report con-
tained the Board's Proceedings
of

of the 9th May 1871, No. 1925
shows that the agreement under
this land was collected by
Govt from July 1243 (1836)
when it provided along with
certain Commodity States
attached for arrears of
cash, up to the time when
the land was restored under
the Juan Commission
Rules in July 1273 (1864-5)
from which time the
patriarchate has received
the proceeds.
The amount paid to
Govt was not easily as-
certained owing to the
sham system having
been

been formerly in force in the
land down side in 1836
Jalag, and to a great part
of the old accounts having
been destroyed in 1864, but
a careful and painstaking
attention made by the collector
which shows the amounts
collected by Govt between
July 1253 (1844) and July 1273
(1864) to be Rs. 2726. 25. 2.
It does not appear
that any claim is claimed
from a date prior to this,
but the collector considers
that this claim being
allowed, the income profit
amounting to Rs. 843. 0. 2.
should also be allowed
from

from July 1246 (1835) to July
 1252, in other words that the
 aggregate assessment collected
 from 1836 when the Gudiwadi
 Zemindari, including the
 Salati, came under Govt. man-
 agement, up to 1865, when
 the same was handed over
 to the Memorialist, amount-
 ing to Rs. 3570-5-4
 should be repaid. (1861)
 and Government concurs
 that the claim to refund
 being allowed, payment of
 the same should be made
 from the year 1836 and
 accordingly sanction pay-
 ment of the same sum.
 The

21/1
 8. The Memorialist will
 be informed of the result of
 this order, by the Collector,
 to whom the Memorialist
 will be referred.
 Dr 7B

To Mr. of this District Deputy
 4 Mr. of Revenue
 6 Accountant General
 1 - Petitioner Dept
 Endorsement to the Memorialist

[Signature]

The following is a list of
 names of the persons who
 were present at the meeting
 held on the 1st of June 1871
 at the residence of Mr. J. H.

G. B.
 Lachmann
 S. A. Lachmann
 for the purpose of
 recording the names
 of the persons present

The following is a list of
 names of the persons who
 were present at the meeting
 held on the 1st of June 1871
 at the residence of Mr. J. H.