1772

Proceedings of the Madras Government, Revenue Department,
11th October 1871.

No. 110. Read the following petition from NARAINSAWMY CHETTY, SUNGAMASVARA CHETTY, SOOBBOOVENCATRAM CHETTY of Madras, to the Secretary to Government, Madras, dated 29th July 1871:—

WE beg to enclose a Memorial to the [illegible]s of the Right Honourable the Secretary of State for India in Council regard[illegible] claim to Samoodrum Moottah, and humbly request that your honour will be [illegible]ough to transmit the same with your favourable recommendation and get favo[illegible]ders passed thereon.

The humble Memorial of NARAINSAWMY CH[illegible] and two others, sons of the late GOPALA CHETTY, proprietor of Samoodrum Mo[illegible] Salem District, to His Grace the Duke of ARGYLL, Secretary of State for [illegible]ed Madras, 29th July 1871.

MOST RESPECTFULLY SHEWETH—

That they submitted a Memorial to your Gra[illegible] on the 12th June 1869, praying for the restoration to them of their ancestral prope[illegible]amoodrum Moottah—but have heard nothing as yet regarding their just claims.- Th[illegible]f their case are briefly these, and they fully trust that your Grace will render justice.

2. That their father Gopala Chetty was a pr[illegible]tor of a part of the said Moottah and lessee of the other portion, the lease extending over a term of ten years, having been executed in his favour, by the joint proprietors in the year 1841. Thus the whole estate was *ipso facto* in his possession and enjoyment. He died in 1846, leaving the estate unencumbered with any arrears of revenue.

3. At the time of their father's death the Memorialists were minors, and the Collector was bound to make a special report at that time to the Board of Revenue, with a view to the estate being brought under the management of the Court of Wards (Section 2 of Regulation V. of 1804).

4. It was on account of this negligence on the part of the Collector that arrears began to accrue immediately after the death of Memorialists' father. In 1847 the Collector, under the sanction of the Board of Revenue, attached the estate, as he was precluded from selling it under Regulation X. of 1831, the Memorialists being minors. An amen on behalf of Government was appointed to collect the rents, but, owing to his mismanagement and fraud, the estate fell into arrears. The annual collections during the time that the estate was under Cirkar management fell short of nearly 2,000 Rs. compared with the average collections during the lifetime of the Memorialists' father, though the surrounding lands were as fertile as ever during this period.

5. The Collector in his report to the Board of Revenue says that he was barred from recommending that the estate may be brought under the management of the Court of Wards by the existence of certain joint proprietors of competent age (Section 20, Regulation V. of 1804), but your Grace will perceive from what is stated above that, on the death of Memorialists' father, the estate was, in fact, the sole property of Memorialists, inasmuch as five years of the lease executed by the joint proprietors remained still unexpired. Furthermore, the said joint proprietors have executed a Deed in favour of Memorialists, renouncing any claims they may possess in the estate in question.

6. An application was made to the Civil Court after the lapse of a whole year, that is, in 1847, for the appointment of a guardian, which was acceded to; but the Board declined to hand over the estate to him on account of the large arrears outstanding against it. An inordinate delay of nearly five years took place before the Civil Court complied with the requisition of the Collector for the appointment of a guardian, and therefore during this long interval arrears of revenue accumulated. In these circumstances your Grace will perceive that the Civil Court and the Collector are alone to blame in the matter. The arrears would have been cleared off had the guardian been appointed immediately after the death of Memorialists' father. At all events the joint proprietors ought to have been appointed as managers of the property (Board's Circular No. 227, dated 15th April 1839, and No. 191, dated 28th July 1834). If this step had been taken arrears would not have accrued, and the interests of the minors would have been looked into.

7. The sudden decline of the Moottah, which was so prosperous during Memorialists' father's lifetime, is entirely owing to the remissness of the Circar officers in collecting the rents duly, and their omission to resort to the means provided by the law for enforcing payment of the arrears due by the ryots. By the mismangement of the[se] unscrupulous officials the Memorialists have not only been ruined, but the Government have [de]frauded of a revenue of nearly 5,000 Rupees.

8. In 1852 the first Memorialist bec[ame] age, and he rightly refused to hold himself responsible for the arrears that had accrued [during] his minority, solely by the mismanagement and frauds of the Government officials. The [estate] which at the lowest calculation was worth 20,000 Rs. being put up to auction, was bough[t by] Government for the very inconsiderable sum of Rs. 4,550; and, owing to the carelessness [of the] Circar amiens in duly collecting the rents from the ryots, the arrears, which amounted to t[he] enormous sum of Rs. 5,000, had to be granted as remissions.

9. The Government allege that the [estate] was rightly sold, as it had not been brought under the control of the Court of Wards, as th[is] took place after the first memorialist attained his majority, and as he refused to take ch[arge of] the estate when it had been offered to him on the condition that he should pay up the ar[rears]. Memorialists would here beg to submit that the authorities alone are to blame for not [having] taken any steps for placing the estate under the management of the Court of Wards, and they [are] at a loss to understand why the Court of Wards did not assume the management of the estate [even] on the repeated solicitations of Memorialists' mother, while they have in several instances, such as, the estates of Choondi in Nellore District, and Naraguntepolliem in North Arcot District, taken possession of minors' estates though interested parties strongly protested against such a course. Thus your Grace will perceive that Memorialists were deprived of their just rights by no fault of their own, but by the culpable negligence and frauds of Government officers.

10. In conclusion Memorialists beg to point out that Shunkhageri Moottah in Salem District was attached for arrears of revenue, amounting to 22,000 Rs. in Fusly 1229, but was restored to the owners in Fusly 1241, after the remission of the arrears due being granted, and though the said estate has not been brought under the control of the Court of Wards. Memorialists beg to solicit that, as the paternal Government have dealt mercifully with similar claims, the same indulgence may be shown to them also, as they have been encumbered with enormous debts owing to the denial of justice to them.

For which act of kindness and justice your Grace's Memorialists shall, as in duty bound, ever pray.

No. 111. ORDER THEREON, 11th October 1871, No. 1,772.

Miscellaneous.

ORDERED that the Memorial, received with this petition, be transmitted to the Secretary of State, and that the Memorialists be informed of its despatch.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

Exd. F. R. Bantleman.

To
W^m Hudleston Esq^r
Secretary to Government
Madras.

Honored Sir,

We beg to enclose a Memorial to the address of the Right Honorable the Secretary of State for India in Council regarding our claim to Ramasdrum Moottah and humbly request that your Honor will be good enough to transmit the same with your favorable recommendation & get favorable orders passed thereon.

We beg to remain
Honored Sir
Your most Obedient Servants

Madras.
29th July 1873

No. 1772 -

Ordered that the Memorial received with this be
now be transmitted to the
Secretary of State and that
~~the Council be asked to~~ the Memorialists be informed of it.

H. Beaufort

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