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Proceedings of the Madras Government, Revenue Department,
4th March 1871.

No. 74. Read the following Proceedings of the Court of Wards, dated 21st December 1870, No. 7,253 :—

Read the following letter from the Acting Collector of Tanjore, to the Acting Secretary to the Court of Wards, dated Vellam, 9th December 1870, No. 450.

UNDER Section 3 of Regulation V. of 1804, I have the honour to report the following circumstances in connection with a ryotwary estate which has devolved on heirs who are minors.

2. In the village of Thandangorai in the Tanjore Taluq there were two brothers named Viswanatha Aiyan, *alias* Nelakanta Aiyan, and Chithambera Aiyan, who held joint possession of 24 velis 5 mahs and 79 gulis of land, paying a revenue to Government of Rs. 979-15-3, and yielding to the proprietors on a rough estimate a net income of about Rs. 1,000.

3. Chithambera Aiyan, the younger of the two brothers, died about a year and-a-half ago, leaving behind him a son and two daughters as per margin, as well as a widow, who, however, died soon after.

Anuntham, daughter, aged 7½ years.
Alasium, son, aged 5½ years.
Seethai, daughter, aged 2 years.

4. The elder brother, Viswanatha Aiyan, also died about seven months ago, leaving a widow named Lakshmi, aged 15 years, and (*as is alleged*) a son by adoption; the adoption, however, is disputed. The name of the boy who is alleged to have been adopted is Subbaroyan, and his age six years. He is brother of his adoptive mother, the wife of the said Viswanatha Aiyan.

5. The son and daughters of Chithambera Aiyan are under the guardianship of their maternal grandfather Aiyavaiyan of Mangudi, in whose house they were living; and the alleged adopted son and wife of Viswanatha Aiyan are living in his house under the guardianship of Chithambera Aiyan, the latter's natural father.

6. Aiyavaiyan disputes the adoption alleged to have been made by Viswanatha Aiyan, and asserts that no division of property had ever taken place between the two brothers, and that therefore his grandson is the sole heir to the estate. Chithambera Aiyan, on the other hand, upholds the adoption, and contends that the brothers had been divided; and in support of this allegation he relies upon the admission to that effect, which both of them are said to have made as defendants in a Suit (No. 47 of 1866) in the Principal Sadr Amin's Court of Combaconum.

7. The fact, however, of the mirassi of the whole landed property standing in the name of the elder brother would seem to countenance the supposition that the brothers had not divided the property, and in the absence of proof to the contrary the presumption is that the brothers were undivided.

8. As the case now stands, and looking to the troublesome and vexatious litigation which is likely to arise both as regards the alleged division as well as adoption, and the trouble which would thus be entailed on Government by their taking charge of this small estate, I am of opinion that the interference of the Revenue authorities in this case is undesirable as well as inadvisable.

THE Court concur with the Collector.

2. These proceedings will be submitted to Government.

Proceedings of the Madras Government, Revenue Department,
4th March 1871.

No. 75.

ORDER THEREON, 4th March 1871, No. 396.

Miscellaneous

THE Government concur with the
Collector and Board.

(True Extract.)

(Signed)

W. HUDLESTON,
Secretary to Government.

To the Court of Wards.

Exd. F. R. Bantleman.

No. 7,253.

PROCEEDINGS OF THE COURT OF WARDS, dated 21st December 1870.

Read the following letter from W. M. CADELL, Esq., Acting Collector of Tanjore, to the Acting Secretary to the Court of Wards, dated Vallam, 9th December 1870, No. 450:—

UNDER Section 3 of Regulation V. of 1804, I have the honor to report the following circumstances in connection with a ryotwary estate which has devolved on heirs who are minors.

2. In the village of Thandangorai, in the Tanjore Talook, there were two brothers named Viswanatha Aiyar, alias Nelakanta Aiyar, and Chithambra Aiyar, and who held joint possession of 24 Vellis, 5 Mahs, 79 Gulis of land, paying a revenue to Government of Rupees 979-15-3, and yielding to the proprietors on a rough estimate a net income of about Rupees 1,000.

Anantham, daughter, aged 7½ years.
Alasium, son, aged 5½ years.
Seethai, daughter, aged 2 years.

3. Chithambra Aiyar, the younger of the two brothers, died about a year and a half ago, leaving behind him a son and two daughters as per margin, as well as a widow, who, however, died soon after.

4. The elder brother Viswanatha Aiyar also died about seven months ago, leaving a widow named Lakshmi, aged 15 years, and (as is alleged) a son by adoption; the adoption, however, is disputed. The name of the boy who is alleged to have been adopted is Subbarayan, and his age six years. He is brother of his adoptive mother, the wife of the said Viswanatha Aiyar.

5. The son and daughter of Chithambra Aiyar are under the guardianship of their maternal grand-father Aiyavaiyan of Mangudi, in whose house they were living; and the alleged adopted son and wife of Viswanatha Aiyar are living in his house under the guardianship of Chithambra Aiyar, the latter's natural father.

6. Aiyavaiyan disputes the adoption alleged to have been made by Viswanatha Aiyar, and asserts that no division of property had ever taken place between the two brothers, and that, therefore, his grand-son is the sole heir to the estate. Chithambra Aiyar, on the other hand, upholds the adoption, and contends that the brothers had been divided; and in support of this allegation he relies upon the admission to that effect, which both of them are said to have made as defendants in a suit (No. 47 of 1866) in the Principal Sudder Ameen's Court of Combaconum.

7. The fact, however, of the merassy of the whole landed property standing in the name of the elder brother would seem to countenance the supposition that the brothers had not divided the property, and in the absence of proof to the contrary the presumption is that the brothers were undivided.

8. As the case now stands, and looking to the troublesome and vexatious litigation which is likely to arise both as regards the alleged division as well as adoption, and the trouble which would thus be entailed on Government by their taking charge of this small estate, I am of opinion that the interference of the Revenue authorities in this case is undesirable, as well as unadvisable.

THE Court concur with the Collector.

2. These Proceedings will be submitted to Government.
(A true Copy and Extract.)

George

Acting Secretary:

To the Secretary to Government, Revenue Department.
,, the Collector of Tanjore.

Exd. J. Talloch:

1871
Decr. 1870. *Obh.*
Board of Revenue,
MADRAS. *No. 61.*

PROCEEDINGS, 21ST DECEMBER 1870, No 7,253.

Copy 7 Jan 7/71

Encl.

Received *9.*

DECEMBER.
No. 7,253.

were
Reside—in Tanjore District, which has de-
volved on minors,—Concurrence expressed in
Collector's opinion that interference of Revenue
authorities with management of certain, is un-
desirable.—These proceedings submitted to Go-
vernment.

No. 396.

*The M. S. Government
for the M. S. Government
for the M. S. Government*

1871-1872

6661 of 1870
REVENUE.

To

THE COURT OF WARD.

Done at Madras.

Per

G. O. No. 400 Madras 1871. No. 36

MARCH.
Nos. 74-75.

*Residence of minor's estate in the
District—Board of Revenue informed the
Collector of Revenue authorities to be
undesirable.*