

*Proceedings of the Madras Government, Revenue Department,
14th November 1871.*

No. 98. Read the following endorsement of the Acting Accountant-General, dated Fort St. George, 3rd November 1871, No. 348:—

Read the following Proceedings of the Board of Revenue, dated 2nd November 1871.

Read the following letter from the Acting Collector of Madura, to the Acting Secretary to the Board of Revenue, dated Ramnad, 10th October 1871, No. 551.

At the instance of the Acting Head Assistant Collector I have the honour to request you to obtain the sanction of Government for the grant of deputation allowance, at 20 per cent., to M. Irulappa Pillay, 2nd Clerk, in the Head Assistant's Office, for the 24 days he acted as Sub-Magistrate of Sivagangah during the absence of the permanent incumbent on privilege leave.

2. Irulappa Pillay has passed the Tests noted in the margin, and is thereby qualified for the post of a Tahsildar and Sub-Magistrate. As he was sent from Ramnad to Sivagangah to take up this appointment, I think him entitled to deputation allowance.

1. Revenue Test, Higher Grade.
2. Criminal Test, Lower do.
3. Translation Test, do. do.
4. Precis-Writing Test, Higher do.

SUBMITTED for the sanction of Government through the Accountant-General.

SUBMITTED for the orders of Government, with reference to Government Notification in the Financial Department, dated 13th April 1869. The extra expense involved in the arrangement for the performance of the duties of Pichuvier, Sub-Magistrate of Sivagangah, during his absence on privilege leave for 24 days in September 1871, is Rs. 16.

(Signed) R. W. LODWICK,
Acting Accountant-General.

No. 99.

ORDER THEREON, 14th November 1871, No. 1,922.

Miscellaneous.

The Government sanction the deputation allowance.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
,, the Accountant-General.

Exd. F. R. Bantleman.

*Proceedings of the Madras Government, Revenue Department,
14th November 1871.*

No. 100. Read the following Proceedings of the Board of Revenue, dated 20th September 1871, No. 4,040 :—

Read the following letter from the Officiating Collector of Tanjore, to the Secretary to the Board of Revenue, dated Vallam, 8th September 1871, No. 271.

I HAVE the honour to submit for the information of the Board translation of the petition of plaint in a suit (No. 24 of 1871) which has been instituted on the Principal Sudder Ameen's side of the Small Cause Court at Combaconum by Sundaram Pillai and others, and in which I have been made a defendant.

2. The facts of the case out of which this suit has arisen are these—

* *Vide* Inam Commissioner's Circular Memorandum No. 215, dated 5th February 1870; also letter of do. (paragraph 4) printed in the Board's Standing Circular No. VI, dated 14th January 1863.

† Acres 63½.

Under the rules* of the Inam Commissioner certain Inam land† in the village of Sivapurani, Combaconum Talook, was placed under attachment on the 13th July 1870 on account of default on the part of the Inamdars to claim the Title-deed issued by that officer.

The Title-deed in this case was issued in the name of the late Yemuna Bayi Raja Ammani Sahib, sister of the late Prince Pretapsing Ji at Madhiarjunam. This lady, however, had died some years back, and had before her death, as is alleged by the plaintiffs, sold the land specified in the Title-deed to one Arumaiperumal Pillai, also since deceased; whose representatives these plaintiffs are; those numbered 1 to 5 being his sons and No. 6 his daughter. The Title-deed was claimed by the plaintiffs, but their claim to receive it was opposed severally by Yekoji Sahib, the adopted son of Pretapsing Ji, and one Narraina Row Mohite, son of the aforesaid Inamdarni Yemuna Bayi Raja Ammani's husband's brother, each of the two latter asserting that he was heir to that lady, and as such entitled to receive the Title-deed.

3. From the papers which have been forwarded to me by the Assistant Collector in charge of the talook in connection with this case, it is not clear what these two claimants had to say as to the alleged sale of the land by Yemuna Bayi Raja Ammani to Arumaiperumal Pillai; but so far as I can gather the contention of both was that the land had been previously devised by her as an endowment for a Chuttrum, and that she had no right therefore to sell it afterwards. They seem also to have based their claim to the Title-deed as trustees of the Chuttrum by appointment of the deceased lady.

4. The case having been reported by the Tahsildar to Mr. Arundel, Assistant Collector, then in charge of the talook, the latter issued an order to the effect that Yekoji, as the person who had obtained a certificate of heirship to the late Yemuna Bayi Ammani Raja under Act XXVII. of 1860, was the person entitled to receive the Title-deed, and that unless its delivery to him was restrained by an injunction from a competent Court within six months, it would be delivered to him accordingly.

5. In Mr. Arundel's order I find nothing in regard to the land which remained, and still remains under attachment, but the Tahsildar's report upon

Revenue 1871-0/11

N. 3522.

*Proceedings of the Board
of Revenue.*

ad/2nd Nov/71

Ad. for

Dep. 2 Nov/71

N. 1922. Madras, 1871

Submitting for

Sanction of Govt. for the

Assistant General, letter

from Govt. of Madras re-

questing for deputation

allowance at 20 per cent

to Mr. Malappa Pillay &c

Chief in the Revenue of the

for period he acted as

Sub-Magistrate of Chivara

gungah.

N. 1922.

No. 98-99

18505

2 Nov/71

29 Nov/71

29 Nov/71

29 Nov/71

29 Nov/71

29 Nov/71

29 Nov/71

*Proceedings of the Madras Government, Revenue Department,
14th November 1871.*

which it was passed contains an expression of his own opinion that since, as the case stood, the Title-deed could not be delivered to any one, neither could the land be released from attachment, and the necessary inference therefore is that that opinion received the implied concurrence of the Assistant Collector. It is here to be observed that the land when it was attached was in the possession of Rangathatchi, the 6th plaintiff and daughter of the purchaser, and, indeed, the fact that it had all along been in her possession was not denied by the parties who opposed the delivery of the Title-deed to her or to her brothers.

6. The object therefore of the suit brought by the plaintiffs is to procure the release of the land from attachment as also the delivery of the Title-deed. The reason why a daughter of the purchaser is associated with his sons as a plaintiff in the suit, as will be seen from the petition of plaint, is, that a moiety of the purchase-money was contributed by her husband upon the understanding that he was to have a moiety of the land.

7. What strikes me first of all in this case is, why the land was at all attached by the Revenue authorities, for I find that before it was attached two of these plaintiffs, viz., the 1st and 6th, had severally claimed the Title-deed, and that four days after the attachment, the two other parties, viz., Yekoji and Narraina Row Mohite, each claimed it for himself. The instructions on the subject were expressly restricted to cases in which Title-deeds had *not been claimed*, and did not include those in which, as in this case, the Title-deed was claimed; but its delivery was prevented by contested title thereto. The principle on which the instructions are so restricted is obvious, for otherwise it would be in the power of every person disposed to be vexatious to procure the attachment of land by merely opposing the delivery of Title-deeds to the proper claimants upon grounds however frivolous, and drive the rightful owners into Courts depriving them in the meantime of the possession of their property. It is to be regretted that mistakes should be made in such simple matters as this, thereby involving Government in unnecessary and awkward litigation.

8. I cannot understand why the party thus unnecessarily ousted from the possession of the land did not appeal to the Collector from the Assistant Collector's order; had he done so, there can be no doubt that Mr. Morris would have at once corrected the mistake.

9. Fortunately, however, there is one technical point in this case, which, as it seems to me, would take the case out of the Court without Government entering into any defence, and that is, the Title-deed not having yet been delivered, the enfranchisement of the Inam is not legally complete, and the Courts are barred, therefore, from entertaining the suit, except upon special permission obtained by the plaintiffs from Government under Regulation IV. of 1831, Section 2, as extended by Act XXXI. of 1836. This latter it is clear has not been obtained in this case.

10. With the Board's permission, therefore, I propose to put in a written statement as per enclosed draft, thus demurring to the jurisdiction of the Court and also pointing out that this suit with reference to the annual value of the subject matter is beyond the jurisdiction of the Court in which it has been instituted.

*Proceedings of the Madras Government, Revenue Department,
14th November 1871.*

11. Meanwhile, the lands should of course be released from attachment, and the past proceeds restored to the party in whose possession it was when attached. This I would have myself ordered to be at once done, but as the matter has been carried into a Court, and as the withdrawal now, proper as well as unavoidable as it undoubtedly is, must necessarily imply an admission of a mistake, which, moreover, was made before I joined the district, I have been induced to think that it is better to act upon the Board's authority.

12. I request I may be furnished with early instructions on the subject.

13. The hearing of this suit, as first notified to me by the Court, had been posted for the 11th July, and on my application was adjourned to the 9th instant. Seeing, however, that there was no likelihood of my reporting this case to the Board and obtaining their sanction on it before this last mentioned date, I some time ago wrote to the Vakeel to obtain a month's further time, but have hitherto received no reply from him, and I am afraid the further time asked for will not be granted. I have therefore, in anticipation of the Board's sanction, directed the Vakeel, in the event of the case being called up for hearing to-morrow, the day to which it stands adjourned, to appear on my behalf and urge the two grounds of demurrer above specified.

14. Before concluding I must add that the report has been delayed entirely from want of the requisite information with regard to the facts of the case. The Court's notice of the suit having reached me on the 28th June, after ascertaining the nature of the case in communication with a Vakeel of the Court, I, on the 19th July, wrote to the present Assistant Collector in charge of the talook for information as to what had taken place on the subject, and again on the 16th August sent him a reminder. His reply, however, reached me only on the 5th instant, while at Pudukottah on urgent political business.

ENCLOSURE No. 1.

To the Judge of the Small Cause Court of Combaconum on the Principal Sudder Ameen's Side.

<i>Plaintiffs</i>	<i>versus</i>	<i>Defendants.</i>
1. Sundaram Pillai, son of the late Arumai-perumal Pillai, residing in the village Kelayi, Mayaveram Talook, in the Zillah of Tranquebar.		1. Yekoji Sahib, residing in the Palace at Tiruvadamaruthur, Combaconum Talook.
2. Muttusami Pillai, do. do. do.		2. W. M. Cadell, Esq., Collector of Tanjore.
3. Arunachella Pillai, do. do. do.		
4. Doraisami Pillai, do. do. do.		
5. Chockalinga Pillai, do. do. do.		
6. Kumarasami, son of the late Arunachella Pillai, residing in the village of Teruppanandal, Combaconum Talook, aged 14 years.		
Rangathatchi, mother and guardian of the above.		

Petition of plaint.

Arumaiperumal Pillai, our deceased father, bought with his family property, and the self-acquired property of the 6th plaintiff's husband the lands specified below, to the value of

*Proceedings of the Madras Government, Revenue Department,
14th November 1871.*

Rs. 19,000, from Yemuna Bayi Raja Ammani Sahib, who died without leaving issue, and who is not included in the present plaint; and the same has been in the enjoyment of our father and the husband of the 6th plaintiff, and since the death of the former, in that of ourselves and the 6th plaintiff, in equal portions.

2. Owing to the objections of the 1st defendant, the putta for the lands above referred to, has not been made out in our names, and further they were attached on a certain day of August 1870, not known, by the Collector, and have therefore passed out of our possession.

3. This suit has now been brought to have the lands which are now under the control of the 2nd defendant to be released from attachment, our right to them acknowledged, and they and the profits accruing therefrom given to us, as also to have the order of the 2nd defendant, dated 16th August 1870, and which is to the effect that unless we produce the order of a competent Civil Court directing the contrary the putta for the land will be made out in the name of the 1st defendant, cancelled.

REMARK.—We, 1st to 5th plaintiffs, have divided all the lands situated in the Tranquebar Zillah excepting certain house-sites, trees, movable property, and debts; but as the land herein referred to have not been included in the property divided, this suit has been brought by us.

(Here enter a schedule of the property.)

The total amount sued for, Rs. 11,062-1-6.

We pray that this amount may be adjudged to be paid to us with costs and subsequent profits.

(The usual affirmation.)

(Signed) SUNDARAM PILLAI,
and five other plaintiffs.

(Signed) SUNDARUM PILLAI,
Pleader.

Filed in Court this 10th March 1871.

(Signed) A. CRUICKSHANK,
Acting Judge on the Principal
Sudder Ameen's Side.

ENCLOSURE No. 2.

Draft Answer in Suit No. 24 of 1871 on the file of the Principal Sudder Ameen's Side of the Combaconum Court of Small Causes.

THE subject matter of this suit being Inam land not yet enfranchised, the Court is barred by Regulation IV. of 1831, Section 2, as extended by Act XXXI. of 1836, from entertaining the Suit except upon permission obtained from Government as therein provided.

2. Moreover, the annual value of the land as set forth in the plaint exceeds the limits, namely, Rs. 1,000, within which alone suits relating to Inam lands can be entertained by the Principal Sudder Ameen's Courts.

3. As thus the suit is beyond the jurisdiction of the Court the 2nd defendant requests that it may be dismissed with costs.

(Signed) W. M. CADELL,
Officiating Collector.

As the answer has been filed it must be approved, and the defence of the suit sanctioned.

2. If on either of the pleas now put in the suit is thrown out, the Collector should at once place the land *in statu quo*, restoring all the mesne profits to the parties who were in possession at the time of the attachment.

3. The procedure as to the Title-deed is approved.

*Proceedings of the Madras Government, Revenue Department,
14th November 1871.*

4. As the amount sued for is over 11,000 Rs., these Proceedings will be submitted for the approval of Government.

No. 101. ORDER THEREON, 14th November 1871, No. 1,923.

Miscellaneous.

APPROVED.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

18/11/55-RH
19/2/24
13/11/25

No. 3300
Rev. 1871. Dept.
Board of Revenue,
MADRAS.

PROCEEDINGS, 20TH SEPTEMBER 1871, No. 4,040.

Dec 12 1871
Received 16 Oct. Encl.

Dec 1871

SEPTEMBER.
No. 4,040.

Suit No. 24 of 1871—instituted on Principal
Sadr Amin's side of Small Cause Court at Com-
bacoanum in Tanjore District, regarding certain
Inam land.—Defence of, sanctioned, and answer
filed in suit, approved.—Collector instructed as to
course to be pursued by him if suit is thrown out
on either of pleas now put in.—These Proceed-
ings submitted for approval of Government.

7th 1923
Approved
14th Nov 71

M 100-107

C 3 Nov 71. Rg^d Nov 71.

14th Dec 1871 Board of Revenue 15 Dec 71

1924
Proceedings of the Madras Government, Revenue Department,
14th November 1871.

No 102. Read the following Proceedings of the Board of Revenue, dated 17th
October 1871, No. 4,408:—

Read the following papers:—

From the Acting Collector of Trichinopoly, to the Acting Secretary to the Board
of Revenue, dated 29th April 1871, No. 114.

I HAVE the honour to report that Sayad Abdul Wahab and Sayad Kawder Padsha,
to whom a share in the service grant
No. 135, Extract from the Minutes of Consulta- of the Jumma Mosque was continued
tion, dated 31st January 1845. in the orders quoted in the margin,
Extract from the Proceedings of the Board of Revenue, dated 3rd February 1845. died without issue on the 2nd September
and 9th November 1870, respectively; the former left a wife, Marrim Bibi, and a
mother, Begum Bibi, aged 28 and 55 years respectively, and the latter a wife,
Hussain Bibi, 47 years of age.

2. These women apply for a renewal of the allowance in their names, and
promise to get the duties performed in the Musjid through their agents.

3. A third party has also appeared and put forward a claim to the renewal
of the entire allowance, Rs. 7, in his name. This person is Syed Husman Shah,
who is a great-grandson of the original grantee Syed Abecsemot, being the son of
the eldest son of the elder son of Syed Abeesemot.

4. This original grantee, Syed Abeesemot, drew an allowance of Rs. 14.
He had two sons, Syed Nathadu Sahib and Syed Durrani. On his death the
allowance was continued to his second son Syed Buran. Why the elder was
excluded from even a share does not appear. On Syed Buran Sahib's death the
Yeomiah was continued by order of the Board, under date 5th April 1822, to his
only son Syed Silaiman Sahib and his nephew Syed Tippoo, the second of the
three sons of Syed Nathadu Sahib, in equal shares of 7 Rs.

5. Syed Silaiman is still living, but Tippoo died, and was succeeded, under
the orders quoted above, by his two sons Sayad Abdul Wahab and Sayad Kawder
Padsha, whose death have just been reported.

6. The claimant says that his father, Abdul Khan Sahib, the elder brother
of Syed Tippoo, did not obtain a share as he was Town Cazee at the time, and it
was not considered proper, under the circumstances, for him to hold a share.

7. I enclose a genealogical table.

8. The Town Cazee states that the claimant Syed Husman Shah is the legal
heir.

9. The service for which the grant was made consists in praying five times
a-day and reading Koodbha on Fridays and on two other special days in a-year.
As these duties cannot be performed by females, I think that the claims set up by
the widows of the deceased should be set aside and that the shares enjoyed by the
deceased should be continued to Syed Husman Shah.

ENCLOSURE No. 1.—Genealogical Table.

From the Acting Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 31st August 1871, No. 244.
Tabular Report on the lapsd Yemids in the district of Trichinopoly, submitted with reference to the Official Memorandum of the Board, No. 706, dated 22nd May 1871.

*Proceedings of the Madras Government, Revenue Department,
 14th November 1871.*

Case number.	Tabook and village, and ready-money allowance.	When and by whom granted; name of the original grantee, Sunnuds or other documents in support of the grant.	Nature of the grant, charity or service, if service, nature of the duty prescribed by the grant.	Name of the last holder, date of his decease, and the relationship in which he stood to the grantee.	Share enjoyed by the deceased, and that told by the other members.	Family left by the deceased and name and age of the parties, their circumstances, and the means of subsistence possessed by them.	Recommendation of the Collector, and the grounds on which it is made.	Recommendation of the Board of Revenue.	Decision of Government.
1	Trichinopoly Talook and Town, Rs. 14 per mousem.	Granted by Nabob Wallajah to Syed Abeseem. Not on the 6th of Rabi-ul-wat II, 1181, corresponding with 2nd August 1767. No Sunnud of other documents in support of the grant.	The grant was made for performing certain service called Khatib in Jama Masjid, i. e., praying five times a-day and reading Koodhas on Fridays and on two other special days in a year.	Sayed Abdul Wahab, died 2nd September 1870. Syed Kader Padsha, died 9th November 1870.	Each of the deceased enjoyed one-fourth share, namely, Rs. 34, in the grant, and the remaining half share is held by one Syed Shaiman.	Sayed Abdul Wahab has left behind him his wife Marim Bibi and mother Bejam Bibi. Marim Bibi is 29 years old and has since been re-married and is now with her husband at Salem. Bejam Bibi is aged 55 years and possesses some lands yielding an annual income of about 10 Roppees. Syed Kader Padsha has left a wife, Hussein Bibi of 47 years of age; she is reported to be maintained by her brother.	Recommended that under the circumstances explained in letter No. 114, from this Office, under date the 29th April last, the shares held by the deceased be continued to Syed Husman Shah, who is the eldest son of the eldest son of the original grantee. Syed Husman Shah has two she-bullocks and lives by selling the milk of these animals; he seems to possess no other means of livelihood. In paragraph 1 of the letter above quoted, the names of the deceased incumbents were incorrectly transcribed; they should be altered as follows:— For Syed Kawder Badsha and Syed Abdul Wahab, read Syed Abdul Wahab and Sayad Kawder Padsha.	9	10

*Proceedings of the Madras Government, Revenue Department,
 14th November 1871.*

SUBJECT to the confirmation of Government, the Board sanction the registration of the allowance in the name of Syed Husman Shah.

2. With reference to the entry column 3 of the statement, the Board observe that there are two documents in support of the grant, viz., a Parwanali of Mahomed Maphuz Khan, a representative of the Wallajah family, and an endorsement of the Nawab Wallajah on a reference made to him regarding the grant. Copies of these documents were submitted to the Board with the Collector's letter dated 2nd Decembar 1844, No. 130.

No. 103.

ORDER THEREON, 14th November 1871, No. 1,924.

Miscellaneous.

THE Board's proceedings are confirmed.

(True Extract.)

(Signed) W. HUDLESTON,
 Secretary to Government.

To the Board of Revenue.
 the Accountant-General.

Ed. F. R. Bantleman.

ପ୍ରମା. ପ. ୧୭ ଶା. ୧୩

— பூதம்

குறியிட்டவர் பொறுப்பிலிருக்கும் பதிலை கட்டினாலும் எடுக்கப்பட்ட தாள்.

அச்சு
பச்சு
பாஷாய

எண் 1923, தேதி

— 198 —

22.5.11

77.3453.

Revenue Department

1871.

Board of Revenue,

MADRAS.

PROCEEDINGS, 17TH OCTOBER 1871, No. 4,408.

Dep 27 Oct 1971

Received.

31/11/2023

Encl. /

0212

OCTOBER.

No. 4,408.

Religious Service Yeomiah,—amounting to Rupees 7 per mensem, enjoyed by deceased Sayad Abdul Wahab and Sayad Kawder Padsha of Trichinopoly District,—Registration of, in name of Syed Hussain Shah, great grandson of original grantee, sanctioned, subject to confirmation of Government.

Dr. W.D. proof and
confirmed. L.R.

2A. 105-106

14. F.M.D. Dear Old Ben 16 Aug 71
b: Chaceau Saint Pierre

Confirmed.

1888

[illegible]

3) Initials of the Referencer: _____

பெள. ப. புது ஏண். 24

- துளற.

குறியிட்டவர் பொறுப்பிலிருக்கும் பதிவுக் கட்டினின்றும் எடுக்கப்பட்ட தாள்.

உதக
பலவகை
வாலாயம்

எண் _____, தேதி

- 198 -

[illegible]

B No: 100-101 dt 14.11.1871
(1923) Rechner
13 $\frac{9}{75}$ / $\frac{RH}{\underline{54}}$ / 16788 / 75 ϕ
Rechner 16 $\frac{12}{75}$ ϕ