பொ. ப. புது எண். 24.

துறை.

குறிப்பிட்டவர் பொறுப்பிலிருக்கும் பதிவுக் கட்டினின்றும் எடுக்கப்பட்ட தாள்.

அத்த பல்வகை வாலாயம்

எண் 1573, தேதி 19/11/1872 198 .

எடுத்த தேதி.	எதன் பொருட்டு.			தாள் எடுக்கும் எழுத்தர் அல்லது பிறழுத்தர் கருக்கொப்பம்.	திருப்பிக் கொடுத்த தேதி.	பிறழுத்தரின் கருக்கொப்பம்.
	துறை.	நடப்பு எண்	ஆண்டு.			
	Reference from 13/80/1872					

Go 1583 Rev
Dt 19/11/1872.

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Restoration
13533

11/III/57/MD 4358 11/5/57

Restored on 16 12/57

Sectt. II-27—100,006—21-5-52.

1872
Rev. (195) Department.

SERIES.

G.O. No. 1583

Dated 19-11-1872.

[Despatch Abstract.]

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

G.O. 1583

Proceedings of the Madras Government, Revenue Department, 19th November 1872.

No. 123. Read the following Proceedings of the Board of Revenue, dated 25th October 1872, No. 2,071 :—

Read the following :—

Proceedings of the Madras Government, dated 20th April 1872, No. 646, Revenue Department.

ABSTRACT.—*Sri Rangamma's claim to certain Estates in Bellary District.*—Further report of the Collector on this subject, ordered to be submitted without delay.

From J. H. MASTER, Esq., Acting Collector of Bellary, to the Secretary to the Board of Revenue, dated Ramandroog, 19th April 1872, No. 111.

WITH reference to my letter No. 63, dated 14th ultimo, reporting the death of the young Rajah of Anagundi, Kristnadevurayulu and to the correspondence as per margin, I have the honour to state, as before mentioned, that he left no children.

Board's endorsement, Miscellaneous No. 2,165, dated 22nd March, on G. O., Revenue Department, No. 118, of 18th March 1872. This Office letter, No. 88, dated 26th idem. Board's Proceedings, Miscellaneous No. 2,660, dated 12th instant.

2. His two widows, both young girls, living at Hospett, reported to me through their parents that they had adopted a son.

3. It appears by inquiry made by the Deputy-Collector on the spot, that this is true. The brother of the younger wife has been adopted in accordance with the alleged permission and authorization given by the deceased on the day of his death.

4. The boy adopted can evidently be no near relation by blood.

5. Hearing of this adoption, Sri Rangamma the widow of Veera Venkat Rama Rayal Deva, upon whose decease the late Kristnadevurayulu succeeded last year to the pension, has written to say that she has adopted a son, a boy named Veerarama Davarayalu, a blood relation. Her petition is enclosed.

6. As however the Government have already laid down in Minutes of Consultation, Revenue Department, No. 939, dated 18th September 1851, that they reserve to themselves the right *in all cases*, of refusing to recognize the claims of an adopted son to succeed to any allowances in land or money, even although these had originally been granted in commutation of Revenues or Russooms, and that pensions granted hereditarily are to cease when the hereditary line fails, and are not to pass to adopted children, I beg to report the case for their orders, forwarding at the same time, a tabular report in the prescribed form, a petition lately received from Sri Rangamma, and an abstract translation of one addressed by her to the Deputy-Collector.

7. With reference to the latter part of paragraph 2 of the Proceedings of the Board, No. 2,660, of the 12th instant, I beg to state that it would be useless to address the Nizam's Government on the subject, orders only being passed after great delay. The order confirming the young Rajah just deceased in the Anagondi Estate, was dated the 12th ultimo, *i. e.*, four days after his death, although he had been in receipt of the pension from this Government for a whole year.

ENCLOSURES Nos. 1 and 2.—Petitions.

ENCLOSURE No. 3.—Abstract translation of a petition.

ENCLOSURE No. 4.

Tabular Report of a Pension or compensation in lieu of resumed lands, etc., in the District of Bellary.

Case No.	Taluq and Village; extent and value of the entire Inam.	When and by whom granted, name of the original grantee, sanads or other documents in support of the grant.	Nature of the grant, charity or service, if service, nature of 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 held by other members.	Family left by the deceased, and name 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	2	3	4	5	6	7	8	9	10
	Kristna Devarayulu late Rajah of Anagundi in the Nizam's territories drew a pension of Rupees 1,377-11-4 per mensem from the Taluq Treasury of Hospett in the District of Bellary. He held no Inam.	This allowance was originally granted in 1802 to Tirumala Deva-Rayal an ancestor of the late Rajah, and continued to him by Government, in their Order No. 1,116, dated 27th June 1871. There is no sanad in support of the grant.	Compensation in lieu of resumed lands, offices and privileges.	Kristna Devarayulu, March 8th, 1872, son of Tirumala Devarayulu the great grandson of the original grantee.	The whole.	1. Widow Kuppamma, aged 14 years. 1. Widow Ijjamma, aged 10 years. 1. Sister Venkamma, aged 21, also the widow of his brother (the former Rajah) Sri Rangamma who has two infant daughters. Sri Rangamma is at present in possession of the Anagondi estate in the Nizam's territories which has hitherto afforded the family the means of subsistence.			

(Signed) J. H. MASTER,
Acting Collector.

ENCLOSURE No. 1.—Petition.

Petitions Nos. 1,116, 1,487, and 1,706 of 1872.

SUBMITTED for the orders of Government with reference to their Order, dated 20th April 1872, No. 646.

2. The question involved in this case is the right of succession to a pension originally granted in 1801 to Tirumal Deva Ráz, Pálegar of Anagundi, and increased to its present amount (Rs. 1,377-11-4 per mensem) in 1807. The annexed family tree shows the order of succession to the original grantee, and how the surviving members of the family are related to him. On the death of Vira Venkataram Ráz without male issue in 1871, his widow, Sri Rangamma, and his half brother, Krishna Deva Ráz, were rival claimants for the pension. The Board regarding the latter as the undoubted legal heir sanctioned* the continuance of the grant to him, and their Proceedings were confirmed† by Government. Dissatisfied with this decision Sri Rangamma addressed Government urging her claim as preferable to that of her brother-in-law, Krishna Deva Ráz. Upon this Government called‡ for a report. Meanwhile Krishna Deva Ráz died. The Collector's first report is recorded in G. O., 20th April 1872, No. 646. His subsequent reports are recorded in these Proceedings.

* Board's Proceedings, 16th June 1871, No. 2,429.

† G. O., 27th June 1871, No. 1,116.

‡ G. O., 18th March 1872, No. 118, Public Department.

3. The claimants at present are (1) Srí Rangamma, widow of the last incumbent's predecessor, and (2) Kuppamma and Ijjamma, widows of the last incumbent, on behalf of Krishna Ráz who it is alleged has been adopted under the authority of her late husband by Kuppamma with the consent of the junior widow. The boy adopted is a minor eight years old and is the brother of the junior widow, Ijjamma.

4. As regards the claim of Srí Rangamma it will be seen from Mr. Scharlieb's petition on her behalf that she does not claim the pension as heir of her brother-in-law, the last incumbent, but maintains the old ground that she ought to have succeeded in preference to him. The arguments urged in support of her claim are as follow:—

(1). In default of male issue daughters take like sons with this difference that whereas sons take immediately daughters succeed after their mother.

This is no doubt a correct proposition of Hindu law when asserted in regard to property vesting in a person *individually*. But in the present case the pension though registered in the name of the head of the family is granted for the support of the *family*. On his brother's death without male issue Krishna Deva Ráz became the head of the family and the pension was properly registered in his name according to both law and usage.

(2). The Anagundi Raj is an indivisible regality descending to the direct heirs of the last full owner.

The ancient Telugu kingdom of Vijayanagar (Beejnugger) sometimes known as Narsinga, of which the Poligar's ancestors were sovereigns was broken up by the invasion of the four Mahometan Kings of the Deccan, A. D. 1564. All that was left them after that event was the Doab or country between the rivers Tungabhadra and Krishna. One branch of the family (that from which permission was obtained by the English to build Fort St. George) emigrated to Penkonda and ultimately to Chandgiri. The other established itself in Anagundi, a suburb of the ancient capital, on the opposite bank of the Tungabhadra. The Rajahs of Anagundi were in course of time stripped of their possessions and reduced to the position of Pálegars until Hyder effected a complete conquest of the Pálem. On the transfer of the Ceded Districts from the Nizam to the British Government the pension he received from the Nizam* was continued to the Pálegar not as a matter of absolute right but from motives of humanity and policy. Assuming however that the pension was granted in lieu of the Pálem of Anagundi (two-thirds of which were at this period incorporated with the rent roll of the Bellary District, the rest continuing to form part of the Hyderabad territory) and that it is held on precisely the same terms as the Pálem would have been held had it continued in the family, Srí Rangamma's claim is unfounded as will be seen from the decision of the Privy Council in the Naragànti case. (Moore's Indian Appeals, Vol. IX., page 66).

Major Munro to Government, 12th July 1801.
Major Munro to Board, 20th March 1802.

* Government to Major Munro, 27th January and 8th August 1801.

(3.) The late Rajah and his brother lived separately in a state of absolute division.

It is true that owing to family quarrels the brothers lived separately a separate share of the allowance being assigned for the support of Krishna Deva Ráz and his mother, but this circumstance did not deprive him of his reversionary interest in the remaining portion of the grant or prevent his becoming the head of the family on the death of his brother without male issue.

(4). There is no Salic law excluding the daughters of Víra Venkataram Ráz from inheriting the regality of their father.

In regulating the succession to Pálegar pensions, the practice is to prefer the claims of lineal male descendants of the original grantee to those of female heirs and this practice seems to be supported by the decision in the Naraganti case above referred to.

(5). It is urged as the strongest argument in support of Srí Rangamma's claim that the Anagundi Raj not being an appanage of the British Government, but of that of the Nizam, the former should not adjudicate on the rights of a foreign subject in considering the question as to who has a claim to the portion of the Raj assumed by themselves. It is suggested that the proper course is to continue the pension to Srí Rangamma as the person in possession of the Raj and whose title has been formally recognized by the Nizam.

What is so frequently referred to as the "Raj" is probably a Jagir in the Nizam's territory obtained by the original grantee of the pension shortly before his death in 1824. Succession to this of course depends on the conditions of the grant (not known to the Board) and must be settled by the Nizam. Srí Rangamma says her title has been recognized by the Nizam, but it is asserted on the opposite side and the assertions appears well founded,* that Krishna Deva Ráz's title was recognized shortly before his death.

* Collector's letter, dated 19th April 1872, paragraph 7.

However this may be it seems clear that it is for this Government to decide as to the claim to the pension (a grant of a date anterior to that of the Jagir) without reference to the Nizam as they have done for the last seventy years. They have in fact already decided that Krishna Deva Ráz's claim was preferable to Srí Rangamma's and in the Board's opinion she has failed to show cause for modifying that decision.

6. Mr. Gould on behalf of Krishna Ráz, the adopted son of the last incumbent, contends that his client should succeed to the whole estate as next heir.

7. In regard to this adoption two objections are raised by Srí Rungamma, viz., (1) that Krishna Deva Ráz being a minor was not legally competent to authorise an adoption; (2) that the adoption alleged to have been made is "novel in the Hindu system."

8. The Board are not aware of any law preventing adoption by a Minor except Section 25, Regulation V. of 1804, which is not applicable to the present case. As to the second objection it is observed that adoption of a wife's brother is valid—(Strange's Manual of Hindu Law, Section 96.)

9. Adverting to Extract Minutes of Consultation, dated 18th September 1851, to the effect that Government reserve to themselves in all cases the right of

refusing to recognize the claim of an adopted son to succeed to any allowance in land or money, it is argued by Mr. Gould that the right of refusal does not apply to grants made prior to Regulation XXXI. of 1802 and which were in possession of the grantee's family at the passing of that Regulation and that as the Rajah of Anagundi was in possession of the pension prior to the 12th October 1800 (the date mentioned in Section 2, of the Regulation as applicable to the Ceded Districts) his client is entitled to succeed to it as he would have succeeded to the lands in lieu of which the pension was granted had they remained in the possession of the family. In support of this position the orders noted in the margin are quoted.

Circular Order, 29th September 1851, Vol. II., page 37.
Circular Order, 11th August 1853, Vol. II., page 161.
Extract Minutes of Consultation, 6th January 1854.

10. In regard to this argument it is to be observed (1) that the Pálem was resumed prior to the passing of Regulation XXXI. of 1802; (2) that the pension was granted subsequent to the 12th October 1800, viz., 8th August 1801; (3) that it does not appear that the pension was granted in terms as compensation for resumed lands; and (4) that Regulation XXXI. of 1802 and the orders relied on refer exclusively to grants of land.

11. It is also urged that in case the pension is continued to any other member of the family an anomaly will result, viz., that the title of Rajah, the town of Anagundi and the lands attached thereto, will be in the possession of one person, while the pension granted to assist the Rajah in maintaining his style and dignity and as compensation for lands will be in the possession of another.

12. With reference to this it is to be remarked that the Raj ceased to exist two centuries ago and that in disposing of claims to the grants in question, viz., the Jaghire in the Nizam's territory and the pension from this Government, regard must be had to the conditions of the respective grants. The claim to the Jagir will be settled by the Nizam. As regards the pension it was originally granted* from motives of humanity and it has been enjoyed for the last seventy years on the terms held to apply to all Pálegar pensions in the Ceded Districts under which claims founded on adoption have been declared inadmissible.† The assertion (paragraph 18 of the petition) that the right of an adopted son to succeed was established in the case of Tirumal Deva Ráz to whom the pension was continued in 1831 is not true. The records of this office show that he was the great grand-son of the original grantee, and that he succeeded his grand uncle as sole surviving male heir. No mention is made of his adoption in the records. He could not have been adopted by his grand uncle who died *unmarried*.

* Major Munro to Government, 15th Jan. 1801.
Government to Major Munro, 27th Jan. 1801.
Major Munro to Government, 12th July 1801.
Government to Major Munro, 8th Aug. 1801.

† Government Order, 10th Sept. 1825.
Board's Proceedings, 18th Jan. 1847.
E. M. C., 2nd March 1847.
E. M. C., 3rd Oct. 1848.
E. M. C., 28th Feb. 1850.

13. Considering the peculiar circumstances of the grant especially the repudiation by Government of the original grantee's *right* to a pension, and their avowed motive (humanity) in granting it, it seems to the Board that it must be

Proceedings of the Madras Government, Revenue Department, 19th November 1872.

regarded as "a mere assignment of Government money," which though not originally declared to be hereditary has been continued hereditarily for the last seventy years, and that under paragraph 2 of the recent ruling* of the Government of India the adopted son's claim cannot be asserted as a right. The Board see no reason for recommending its admission as a favour to the prejudice of those claiming as *consanguinei*.

* Government Order, 2nd Oct. 1871, No. 1,720.

14. A reference to the annexed family tree will show that there are two male lineal descendants of the original grantee, viz., Narsimha Ráz, senior, cousin (father's sister's son) and Narsimha Ráz, junior, nephew (sister's son) of the last incumbent.

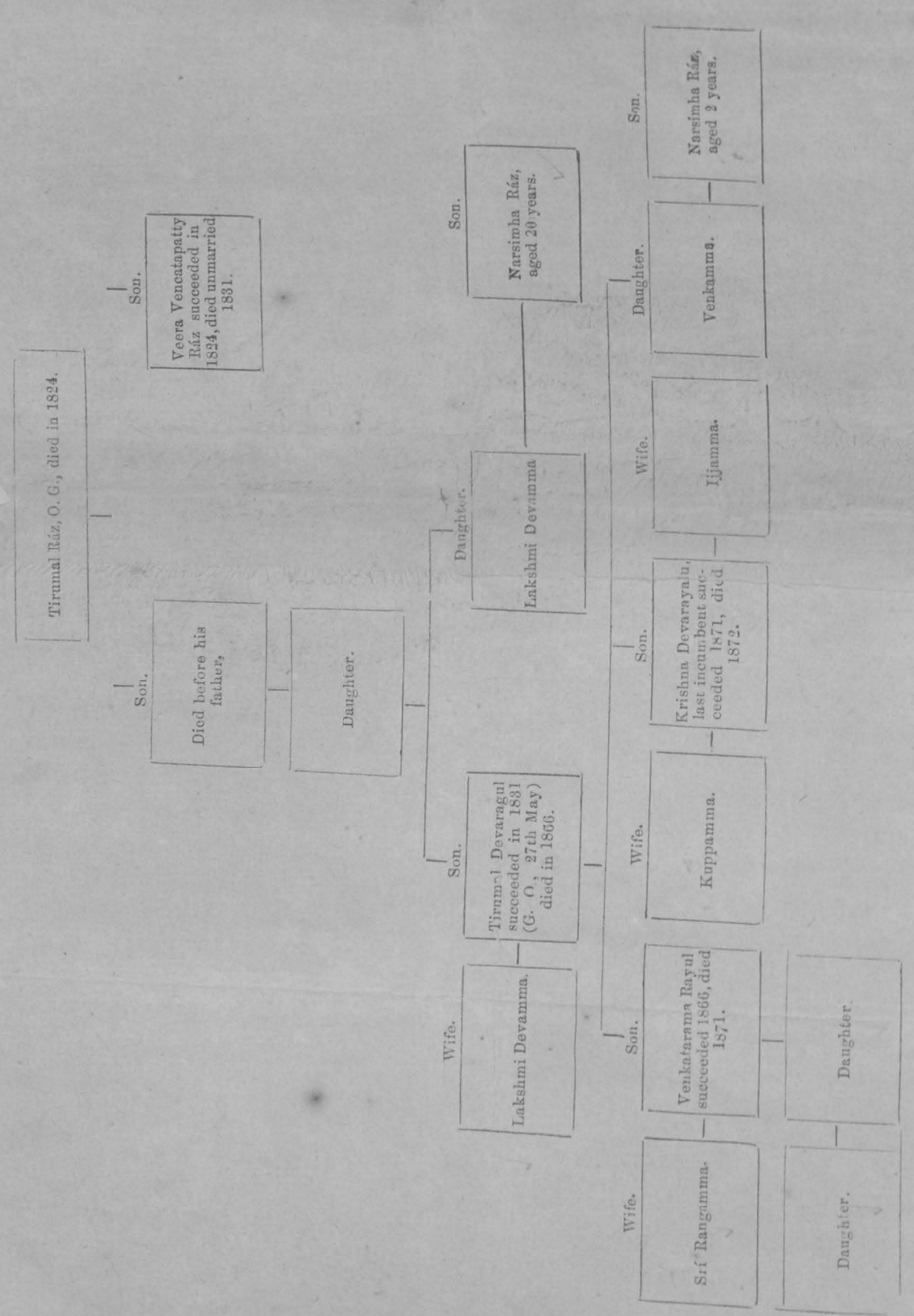
15. The question in their regard is which of them has the better claim according to Hindu law. Until recently it was generally held in cases governed by the Mitakshara, the law of inheritance prevailing in Southern India, that a sister's son is not in the line of heirs. This practice was founded on the opinion that the list of cognates (Bandhus) in the Mitakshara, and in which the sister's son is omitted is exhaustive. Recently, however, in Gridhari Lall† *versus* Bengal Government, the Privy Council held that the enumeration of Bandhus in Mitakshara is illustrative and not exhaustive. This opened the way for the admission of a sister's son's claim. It has since been decided by the High Courts of Bengal‡ and Madras§ that a sister's son is in the line of heirs and is entitled to succeed as a Bandhu in default of others having a preferable claim, but no particular place in the order of succession has yet been assigned to him. In favour of the claim of the father's sister's son it is to be observed that he was always regarded as in the line of heirs and was considered the nearest Bandhu. In Mitakshara and other text books he is the first on the list of Bandhus and the list shows the order of succession. The recognition of the blood claims of a sister's son by the Courts as above shown does not affect the position of the father's sister's son which is one of well-established priority. Moreover Narsimha Ráz, the sister's son, is an infant three years old, while Narsimha Ráz, the father's sister's son, is twenty years of age. In the opinion of the Board he should be recognized as head of the family and they accordingly recommend that the pension be registered in his name.

† Moore's Indian Appeals, Vol. XII., page 448.

‡ Bengal Law Reports, Volume II. page 28.
§ Madras Reports Volume VI., Part III., page 278.

16. The Board are of opinion that it is expedient to grant to Kuppamma and Ijjamma, the minor widows of the last incumbent, and to his mother Lakshmidevamma, separate maintenance allowances, which on their death should revert to the head of the family. The Collector is requested to suggest the amount to be assigned for their support. No difficulty need be apprehended in regard to the other females as Srí Rangamma proposes to give one of her daughters in marriage to Narsimha Ráz, senior, and the others are his own blood relations.

17. Since the foregoing Proceedings were written the Board have received a petition from Srí Rangamma, dated 27th September 1872, reporting the death of Narsimha Ráz junior, so that Narsimha Ráz senior, is now the sole remaining lineal male descendant of the original grantee.



Proceedings of the Madras Government, Revenue Department,
19th November 1872.

No. 124. ORDER THEREON, 19th November 1872, No. 1,583.

Miscellaneous.

THE question of the proper recipient of the pension granted by the British Government in 1801 to the representative of the Imagui[illegible] antiquity and claims to consideration are set forth in paragraph 5 of the Board's Proceedings, was decided last year in favour of the then ex-pensioner's brother, Krishnadeva Raz; and is now again raised in consequence of that individual's death, *sine prole.*

G. O., 27th June 1871, No. 116.

2. It appears he was twice married, though a mere boy: and his widows, "both young girls," have adopted the brother of the younger of them. When this was reported to the Collector, the widow of the penultimate pensioner lost no time in giving information that she too had adopted* a boy.

* Subsequently repudiated.

3. There happen, however, to be two males, lineal descendants of the original stock; and this being the case the Government agree with the Board that adoptions by these rival widows cannot be preferred; and the further question as to the better title as between these two males is disposed of by the information which reached the Board after concluding their report, that the younger claimant died a few weeks since.

Paragraph 17.

4. NARSIMHA RAZ, therefore (æt. 20), the great great-grandson of the original pensioner of 1801, is recognized as the head of the family, and the pension (Rs. 1,377-11-4 per mensem) will be registered in his name. The Board will decide, in communication with the Collector, what sums should be deducted from the pension for the maintenance of the last pensioner's mother and two young widows, the same to be life-grants only, and to revert to the head of the family.

(True Extract.)

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

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

Exd. F. R. Bantleman.

Rev. 1872. Oct.

Board of Revenue,

MADRAS.

Ft. 3527.

PROCEEDINGS, 25TH OCTOBER 1872, No. 2,071

Encl.

Received 2nd Nov. 1872.

OCTOBER.

No. 2,071.

Anagundi Poligar pension.—Recommendation made to Government that this pension be registered in name of Narsimha Raz, cousin of last incumbent.—Collector of Bellary requested to suggest amount to be assigned for support of minor widow and mother of last incumbent.

S.O. No 1583 19 Nov 72

Govt. of {1872} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Rejection of the proposal connected with the Peishcush &c.

Dated November 19th.

Encl.

G. O., 19th November 1872, No. 1,583.

NOVEMBER.

Nos. 123-124.

Anagundi Poligar Pension.—Its registry in the name of Narsimha Raz, sanctioned, and Board of Revenue directed to decide, in communication with the Collector, what sums should be deducted from the pension for the maintenance of the other members of the family.

Para 17.

adoptions by these rival widows cannot be preferred ; and the further question as to the relation as between these two males is disposed of by the information which reached the Bd. after concluding their Report, that the younger claimant died a few weeks since.

4. Narsimha Raj, therefore (at. 20), the great great grandson of the original pensioner of 1801 is recognised as the Head of the family & the pension (Rs 1377-11-4 per mensem) will be registered in his name. The Bd will decide in communication with Govt what sums shd be deducted from the pensions for the maintenance of the last Pensioner's widow and two young widows, the same to be life grants only & to revert to the head of the family.

D.S.C. 13/11-72.

7-10-52 DT

No 129-134

Re. Continuance of
the Allegations penalties
(Amazundi)

27-2-91
2-7-91
28-6-93
23.7.94
19/2/96
28/3/96
12/5/96
6-7-99
23-9-10
4-7-15
5/2/16
12-10-21
24.8.26
8-1-29

Rec'd 1872 Dept
Original

Rec'd 19 Nov 1872
No 1583

123-124

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123-124

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