Proceedings of the Madras Government, Revenue Department,
26th January 1872.

Read the following papers :—

No. 319. Proceedings of the Board of Revenue.

Requesting Acting Collector of Nellore to inquire into the claims of Petitioners in Petition No. 3,722 of 1867, and to report the result, keeping Urta Papanna's allowance in deposit until the dispute has been decided. (Here enter 7th January 1868, No. 71.)

No. 320. Proceedings of the Board of Revenue.

Arrangements for satisfying claimants for allowance enjoyed by Urta Papanna in lieu of Kavali Russums resumed in Nellore District in substitution of that recommended by the Collector. (Here enter 26th October 1868, No. 7,624.)

No. 321. Proceedings of the Board of Revenue.

Approving the Collector's Proceedings in regard to distribution of pension sanctioned to Urta Papanna of Nellore District between himself and his relatives from Fasli 1277, as directed by the Board of Revenue. (Here enter 8th April 1869, No. 2,372.)

No. 322. Proceedings of the Board of Revenue.

Sanctioning the payment of allowance due to Urta Papanna of Nellore District and his relatives for Fasli 1276, and since kept in deposit; and requesting Collector to ascertain whether these parties are agreed as to proportions of amount decreed against them by District Munsif, to be deducted from their allowances for Fasli 1277, and if not, to obtain copy of Munsif's judgment. (Here enter 5th August 1869, No. 5,738.)

No. 323. Proceedings of the Board of Revenue.

Informing Collector of Nellore that uncle and nephews of Urta Papanna of his district should be referred to Civil Court so far as regards their claim to a portion of arrears of pension paid to Papanna. (Here enter 20th November 1869, No. 8,567.)

No. 324. Petition from URTA PAPANNA NAIDOO, an inhabitant of Velucanypallay, a village in the Nellore Taluq in the district of Nellore, and a life-grant Poligar, to the Honourable Government, Fort St. George, dated 10th November 1871.

With due respect your petitioner humbly takes the liberty to enclose herein one copy of a decree of the Nellore Zillah Court, passed in No. 5 1,826, and a petition presented by the petitioner to the Collector of Nellore, together with the endorsement of the Collector, dated 20th November 1866.

2. By these papers it may be seen that the Poligar Russums, which your petitioner enjoyed from the time of his grandfather, was originally conferred on him (petitioner's grandfather Papanna), and on his death it was renewed to his eldest son Narayanappa Naidoo, the father of the petitioner, and that on the death of

Narayanappa it was continued and registered in the name of the petitioner. It may further be seen by the endorsement of the Collector, alluded to in the above, that those Russums were lately altered into (*vide* Board's Proceedings No. 5,631) Rs. 1,040, a life-grant, to be enjoyed by the petitioner during his lifetime as mentioned in the endorsement on the Telugu Popir, dated 2nd November 1866. The allowance was never divided amongst the members of the family from the time it was granted, but was continued to and enjoyed by the eldest son of the holder as is the case in the Zemindaris—(See Regulations 25 and 26 of 1802). The Poligarship also is calculated under the head of Zemindaris. The decree of Adàlat Court alluded to in the above clearly prohibit a division of the Russums. In the decree the letter addressed to the Court by the then Collector is also mentioned, in which he gives reasons for not dividing it. The petitioner's father and his uncles divided long ago, and were living separately. If the petitioner's uncles were joint members of the family, and if they were entitled for any share in the Russums, they should have claimed it at the time when the family was divided. After the death of petitioner's father, when the petitioner was a minor, his maternal uncle Lakshmaya was his guardian as shown by the Arzees dated 10th December 1870, already presented to the authorities, copies of which are also herein enclosed for inspection. Were the petitioner's uncles undivided they ought to have been the petitioner's guardian and not his maternal uncle under Hindu Law. In 1848, while the petitioner was a minor, a sum of Rs. 6,119 was ordered by the Board to be paid to him on the petition presented by his guardian Lakshmaya, but the payment of it was withheld by the then Collector on the ground that the petitioner was a minor. Had the petitioner's uncles been undivided, and had they right to share it why was not the money paid to them. Thus being the case the petitioner's uncles, finding an opportunity, petitioned the late Collector, who made some inquiries and asked the Board to divide the grant into five shares and give four of which to petitioner, giving the other one share to Venkia, the divided uncle of the petitioner; but the Board of Revenue in their Proceedings dated 26th October 1868 give only two-fifths to the petitioner, giving one to Venkia and the remaining two to the sons of petitioner's deceased uncles. The Board further state that, in the event of the parties refusing to adopt the arrangement, the Board will advise the Government to refer the claimants to seek redress in the Civil Courts. Your petitioner did not ever give his consent to the arrangement made by the late Collector or the Board of Revenue. Now, according to the Board's Proceedings the claimants ought to go to Court if the Government permit them to do so, but the Collector, contrary to the Board's orders and the custom long prevailed, caused the three-fifths of the allowance to be given to them, whilst your petitioner, on whom the grant is conferred, is silent without drawing it. Your petitioner now prays the Honourable Government to look into this strange matter. The word "personal" means only the person to whom it is granted, and so it is in itself evident that it is not divisible. How it can be disbursed in the account if it is not in the name of the petitioner (the grantee), and how it can be appropriated to others without his (petitioner's) consent and signature to the receipt. The petitioner, therefore, humbly requests the Honourable Government to confer on him favours and issue orders to the Collector of Nellore to give the petitioner Rs. 5,200

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26th January 1872.

due to him from Fusly 1276 to 1280, and render him justice. The Collector refused to furnish your petitioner with an attested copy of the Board's Proceedings dated 26th October 1868, authorizing the division of the Petu (personal grant), and your petitioner requests therefore that the Board may be called upon to submit the Proceedings to the Government, together with the correspondence in the case, the copies of which also are refused as shown by the Collector's endorsement on his petition under date 3rd June 1871, which is herein enclosed.

And your petitioner shall ever pray.

No. 325. ORDER THEREON, 26th January 1872, No. 162.

Miscellaneous.

THE Government observe that their Order of 13th October 1866, No. 2,785, recognized the claim of Urta Papanna alone and not those of any other parties to share in the compensation awarded in the case. The Board should not have modified the decision without reference to Government.

2. On referring to the Proceedings that were held on this case in 1834 it clearly appears that the grant by the Urtawar Poligars to petitioner's family of the resumed Russums, the compensation for which is now claimed in shares, was a grant to the individual head of the family for the time being, and that any distribution of the income must have been a matter of private arrangement.

3. The Government see no reason why this principle should now be ignored, and direct that their order of 1866 be maintained, and that the allowance granted in lieu of the Russums resumed be paid to Urta Papanna in full.

The petitioner will be referred to the Collector.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

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

Exd. F. R. Bantleman.

No. 2266 of 1871 Dt. 10th November 71

Recd 13th

From V. Papannah Naidoo
an inhabitant of Valvecany
Tally. Nellore now at Madras.

States that the
Poliagar Rusum which was
originally granted to his
grand father Papannah was
on his death continued to
his eldest Son Narayanap-
pah Naidoo petitioner's father
and on his death to petitioner
that this Rusum has lately
been converted into a life
grant of Rs 1040 a year as
per Boards Proceedings
No. 563 of 1866; that the
allowance is not divisible
and from the state of its
grant it continued in the
enjoyment of the elder branch
of

2266

Petitioner appeals
against an order of the
Board recorded in October 1868
The Govt cannot at this
date interfere with the
apportionment of the allow-
ance which was then ordered
and which has been in
force ever since.

Note

Write Papannah (petr)
is the descendant of a
Menkavilgar who held a
hereditary

of the family of the original hereditary "museum" in the Nellore district. In consequence of the introduction of the allowance between him decided that the "museum" self and his uncles are contrary to Regulations and the Court that those who were thus Decree herein enclosed. Prays deprived of an income therefore that the Collector should be compensated by and Board's orders may be life allowances equal to the set aside and Rs 5200 due average of past receipts. from July 1276 to 1280 be In accordance with this ordered to be paid to him. principle an annual allowance of Rs 1040 was settled upon petitioner (vide Proceedings of Govt dated 13th October 1868)

Read Ltr & Dy. Sec. 7 Jan. 26 Oct. 8 Sept. 5 Aug. 20 Nov. } 68 } 69

Dept. Co.

The Govt. observe that this order of 18th Oct. 68. No. 2785. recognised the claim of Urta Papanna about which there appears to be no dispute to share in the compensation awarded in the case. The Bd. should not have modified the decision without reference to Govt.

On referring to the Govt. order of 18th Oct. 68. No. 2785. it clearly appears that the grant to Arbitrator Sir. Papanna of the Museum - the compensation for which is now claimed in shares - was a grant to the individual head of the family for the time being - and that any distribution of the income must have been a matter of private arrangement. The Govt. was therefore by this principle to be ignored & direct that their order of 1868 be maintained - and that the allowance granted in lieu of the Museum be paid to Urta. Papanna alone in full. The Govt will be addressed to the Collr.

Govt of Bd. Rev. Ltr. 71. of 7 Jany 68 should be put up.

* Proceedings that were held in this case in 834 it clearly appear that the grant to Arbitrator Sir. Papanna of the Museum - the compensation for which is now claimed in shares - was a grant to the individual head of the family for the time being - and that any distribution of the income must have been a matter of private arrangement.

of the family. This question was settled by the Board. In August 1868 the Collector of Nellore submitted a report showing that Urta Papannah's father had had three brothers two of whom were dead and had left Sons. These Sons, in the opinion of Mr. Boswell, "had no right to any share "in the grant which is de "pendent on the life of the "registered holder, Papanna. He therefore recommended that Urta Papannah should be adjudged four fifths of the allowance and that the remaining one fifth should be allotted to his Surviving uncle Venkaya. The Board in their Proceedings dated 24th October 1868

1868, No 7624 rejected this proposal & substituted an arrangement whereby two fifths of the allowance (Rs 418) were to be given to Ukta Papamah and the remaining three fifths, divided per stirpes between the representatives of the deceased uncles and the surviving uncle. I think this involved some injustice to petitioner. The family is a divided one and as the state of the Board order the allowance had been registered in petitioner's name. Petitioner submits copy of a decision of the Z. Sadr Court passed in 1856 in which it is laid down that rasoomns "are not "divisible among the members "of the family like private property"

"property" and that they are not alienable without the consent of Govt.

In making the distribution of the allowance referred to above the Board instructed the Collector to the effect that if the "claimants refused to adopt "the arrangement settled on, "the Board would advise "Govt that the claimants "should be left to seek Redress "in the Civil Courts" The Collector accordingly communicated with the claimants. Naturally enough all except Ukta Papama agreed to it and the Board in their Proceedings dated 8th April 1869, No 2,372 directed that payments in accordance with their own

arrangement

arrangement should be made to the respective claimants. This was a rather inconsequential proceeding. The consent of Utta Papanna was the essential to anything in the shape of a division of the pension based on the mutual consent of the members of the family. But the Board entirely ignored his dissent (vide para 5 of Mr. Melville's letter printed with Board's Proceedings dated 20th November 1869 No. 8567). It is moreover doubtful whether the Board did not exceed their province in settling the distribution of the pension at all. Under the circumstances it seems a question whether the Govt.

Govt. should not interfere & re-distribute the allowance giving a larger share to Utta Papanna.

I would reserve the present arrangement & grant the whole allowance to Utta Pushpanna, leaving it to him to make any distribution he may think proper in the family.

N

Petition—Pauper

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Revenue Department.

No. 162.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 26th January 1872.

Read the following Papers.

Proceedings of the Board of Revenue	H. E. 7 January & 26 October 1868, 8 April, 5 August & 26 Novr 1869. Nos 71, 1624, 2372, 5738 and 8567.
Petition from Paupanah Naidoo of Nellore, appealing against the Collector's & Board's Proceedings in reference to a certain life grant.	H. E. 10 November 1871. (No 2266.)

B/P.
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The Government observe that their order of 13th October 1866 No 2785 recognised the claim of Urta Papanna alone and not those of any other parties to share in the compensation awarded in the case. The Board should not have modified the decision without

reference

reference to Government

2. On referring to the Proceedings that were held on this case in 1834, it clearly appears that the grant by the Ur Lawar Poligars to Petitioner's family of the presumed Russoomes, the compensation for which is now claimed in shares, was a grant to the individual head of the family for the time being; and that any distribution of the income must have been a matter of private arrangement.

3. The Government see no reason why this principle should now be ignored, and direct that their order of 1866 be maintained and

that the allowances granted in lieu of the Russoomes resumed be paid to Urta Papanna in full.

The Petitioner will be referred to the Collector.

H. Board of Revenue Dept. 31st Jany/72
6. Acctt. Genl's
1. Petitioner Dept.

Ms 19-324

Ep. d.

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Petotem relations &
a Centrum hyperfunc