

(1) Number of pages 10

(2) Date of repair 11-2-1941

(3) Initials of the Referencer G

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	370	Press Mis.
Dated	1. 3.	18/2.

Not to be folded or roughly handled

K.V.
11-2-41

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*Proceedings of the Madras Government, Revenue Department,
1st March 1872.*

No. 18. Read the following Proceedings of the Board of Revenue, dated 9th February 1872, No. 287 :—

Read the following papers :—

From W. T. BLAIR, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 28th March 1871, No. 121.

ABSTRACT.—Submitting question as to whether, under the circumstances stated, the Government should not resume the village of Coromandel.

From R. W. BARLOW, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 10th May 1871, No. 193.

ABSTRACT.—Forwards a printed letter and enclosures addressed to him by Karungara Menon.

A ———

THE village of Coromandel in the Chingleput District was enfranchised by the Inam Commissioner and converted into an absolute freehold in perpetuity, as coming under one of the personal classes described in Regulation IV. of 1831; but the Government by an Order dated 20th February 1866 cancelled the title-deed, on the ground that the tenement did not come under that Regulation, being in fact the endowment of the office of Kázi for the Black Town of Madras. On receipt of the Order of Government, the Commissioner issued a fresh title-deed accordingly.

2. Shortly after this the holder of the title-deed died, and a person claiming to succeed him as Kázi sued in the High Court of Madras, (1) to restrain another priest from exercising his, the plaintiff's, proper functions; (2) to get possession of the village and all muniments of title relating thereto from one Karungara Menon, who is styled in these papers the permanent lessee.

3. The Judgment delivered was not a written one and no detailed account of it is procurable, but the suit was certainly dismissed against both defendants; and, from what the Government Pleader has been able to gather, probably on the following grounds:—viz., against 1st Defendant, because the plaintiff who relied on election to the office by the Mahometan community of the town, cannot by such election be held to have been regularly appointed to be Kázi of Black Town; and against the 2nd Defendant, because the High Court has no jurisdiction on its original side over land outside the limits of the Presidency town.

4. The Board observe that the death of the plaintiff was reported to them by Proceedings, 8,211A., dated 20th November 1863. the Collector a few days after it occurred, when they stated that they had no authority to interfere with the nomination of Kázi's or with the question between the Black Town Kázi and the lessee of the village; but the late Acting Collector, in the first of the letters above recorded gives his opinion that the Government should now resume the village and assess it fully; 1st., because "the office for which the endowment was made has legally ceased to exist;" 2ndly., because the endowment is "enjoyed by a person who renders no service of the kind contemplated by the grant."

5. On this the Board have to remark that there is no ground whatever for the statement that the office of Kázi has ceased to exist, whether in the Black

Town of Madras or elsewhere. Act No. XI. of 1864, which is still operative though formally removed from the Statute book by the "General Clauses Act 1868," merely enacting that it was inexpedient for Government any longer to make the appointment. The 3rd Section expressly provides that "nothing contained in this Act shall be construed so as to prevent a Kázi from performing when required to do so, any duties or ceremonies prescribed by Mahometan law." Nor is the Collector's second reason for the proposed resumption sustainable any more than the first. There is nothing to prevent an Inamdar on service tenure from leasing the rents of his village. Here the lessee has a permanent "izara" at 1,050 Rupees *per annum*. Whether the lessor was legally empowered to give a permanent lease and whether the rent reserved is a fair and proper one under the circumstances and binding on his official successors in the office of Kázi, are questions which the present Kázi, who, it appears, has taken out letters of administration to the estate of the late Kázi, can raise in any competent Court. The Revenue authorities have no concern with them.

No. 19. ORDER THEREON, 1st March 1872, No. 370.

Miscellaneous.

THE Board's proceedings are
approved.

(True Extract.)

(Signed)

W. HUDLESTON,

Officiating Chief Secretary

To the Board of Revenue.

Exd. F. R. Bantleman.

(Copy)
 Petition Department
 No 2490.

Dated 25th Nov / 70. —

Angl.
 Rev. P. Muller / 72 L 15 + 99

A true copy taken from the original.

22-10-37
 31-10-37
 20-12-07
 2-10-10
 3-2-32
 22. 8. 72
 1-8. 85-11

Govt. of 1872: ~~Madras~~
 REVENUE.

THE BOARD OF REVENUE,

Dated March 1st
 Recd. Encl.

G. O., 1st March 1872, No. 370.

MARCH.
 Nos. 18-19.

Coromandel village, endowment of the
 Office of Kazi for Town of Madras.—Proceed-
 ings Board of Revenue on the Collector's propo-
 sal to resume and assess it fully, approved.

General Register of Petitions received and disposed of by the Govt of Port Saint George, for the year 1870

7 ✓

No. Names.

Date of Submission
of Petition

Purpose.

To what Department referred Date of Return No. Official Decision of Government Date of Delivery or Despatch.

2492

From Mohd Gulam

Stepain Mahomed

Mubakar George

Through His Vakils 19-23

Mr. H. Brown: November

He presents that the estate of Coromandel was granted in perpetuity by the Nabob Wallajah as a personal grant; that on 25th November 1862 the Quam Gommah gave him

a Fathwa enfranchising the Quams, but on 27th May 1868 the officiating Quam Gommah under orders cancelled the Fathwa. He treated the estate in question as service Quams; that having obtained a Probate of the will of his late father from the High Court he applied to the Fathwa of Chingleput to register his name as the Quamdar of Coromandel estate. which was refused. Adducing various arguments to show that the Quam is a personal grant and referring to several papers prays for orders to the Fathwa to register the Coromandel Quam in his name.

Recd.

2492. Returned under Para 4 of the Revised petition Rules. 5th December 1870. 7-12-1870. 1/2 of H. W.

(True Extract)

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th February 1872.

Read the following papers:—

From W. T. BLAIR, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 28th March 1871, No. 121.

ABSTRACT.—Submitting question as to whether, under the circumstances stated, the Government should not resume the village of Coromandel.

From R. W. BARLOW, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 10th May 1871, No. 193.

ABSTRACT.—Forwards a printed letter and enclosures addressed to him by Karungara Menon.

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2. Shortly after this the holder of the title-deed died, and a person claiming to succeed him as Kázi sued in the High Court of Madras, (1) to restrain another priest from exercising his, the plaintiff's, proper functions; (2) to get possession of the village and all muniments of title relating thereto from one Karungara Menon, who is styled in these papers the permanent lessee.

3. The Judgment delivered was not a written one and no detailed account of it is procurable, but the suit was certainly dismissed against both defendants; and, from what the Government Pleader has been able to gather, probably on the following grounds:—viz., against 1st Defendant, because the plaintiff who relied on election to the office by the Mahometan community of the town, cannot by such election be held to have been regularly appointed to be Kázi of Black Town; and against the 2nd Defendant, because the High Court has no jurisdiction on its original side over land outside the limits of the Presidency town.

4. The Board observe that the death of the plaintiff was reported to them by Proceedings, S,211A., dated 20th November 1868. the Collector a few days after it occurred, when they stated that they had no authority to interfere with the nomination of Kázis or with the question between the Black Town Kázi and the lessee of the village; but the late Acting Collector, in the first of the letters above recorded gives his opinion that the Government should now resume the village and assess it fully; 1st., because "the office for which the endowment was made has legally ceased to exist;" 2ndly., because the endowment is "enjoyed by a person who renders no service of the kind contemplated by the grant."

Ms-19

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(A true Extract.)

J. Grose
Secretary.

To the Secretary to Government, Revenue Department,
with Collector's original letters and enclosures, to be returned.
Copy to the Acting Collector of Chingleput.

Ms 21764/1864-365-70
22/5/52

Exd. G. A. Turton.

14. Board of Revenue - Sept. 2nd March 1872

Rev. 1872. District.
Board of Revenue,
MADRAS.

PROCEEDINGS, 9TH FEBRUARY 1872, No. 287.

Ms 222 Feb 1/72

Encl. 2
020

Received 23rd

FEBRUARY.
No. 287.

Coromandel Village—which forms endowment of office of Kazi for Town of Madras—Proposal of Collector to resume—and assess it fully, submitted to Government with Board's opinion that Collector's reasons for this measure are not sustainable.

Ms 21764/1864-365-70
22/5/52