

No. 123.

Read the following Proceedings of the Board of Revenue, dated 27th February 1873, No. 231 :—

From W. McQUHAE, Esq., Acting Collector of Madura, to the Secretary to the Board of Revenue, dated 29th January 1872, No. 25.
Tabular Report on a lapsed Inam in the District of Madura.

Case No.	Taluq and Village, extent and value of the entire Inam.	When and by whom granted; name of the original grantee; Sanad or other documents in support of the grant.	Nature of the grant, charity or service; if of the duty prescribed by the grant.	Name of the holder, date of his decease, and the relationship in which he stood to the original grantee.	Share enjoyed by the deceased, and that held by other members.	Family left by the deceased, 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.
1	Melur Taluq, Natam village, and a Yeomiah of 1 Cully fanam or As. 3-4 per diem.	<p>The Yeomiah appears to have been originally granted previous to 1794 or Hizeer 1203 in the name of Jamayed Shah, and was confirmed by the Nabob in that year, and then continued to Yetitkat Shah, his son, who was the Fysal incumbent.</p> <p>The documents in support of the grant are :—</p> <p>(i).—An Inayatnamah or order from Nabob Nussereel Moolk, dated Hizeer 1203 (A.D. 1794).</p> <p>(ii).—Copy of a Varisnamah given by the Kazeer, dated 7th Zeekottia of the Hizeer year 1214, or 2nd April 1800 A.D.</p> <p>The Yeomiah is registered in the Persian and Maratta lists prepared in 1800 or Fasil 1209 which are in the Huzar records, and it is also entered in the English list prepared by Mr. Hordis in 1802.</p> <p>The Yeomiah was afterwards continued to Istiak Shah, son of Yetitkat Shah, under the Board's sanction dated 29th September 1825, and it was re-sanctioned by</p>	The Yeomiah (No. 86) is a service grant for attending on the mosque at Natam.	Mookaid Shah Surguro died on the 11th August 1871. He was the grandson of Jamayed Shah, the original grantee.	The whole Yeomiah was enjoyed by the deceased.	<p>(A.) Siad Chundamia Sahib, 1st son of the deceased by his 1st wife (deceased.)</p> <p>(B.) Jamayed Shah, 2nd do. of do. by do.</p> <p>(C.) Siad Hussaine, 3rd do. of do. by do.</p> <p>(D.) Buzrook Beebee, daughter of do. by do.</p> <p>(E.) Sultan Beebee, wife of A.</p> <p>(F.) Chand Beebee, daughter of A by E.</p> <p>(G.) Masa Beebee, do. of do. by do.</p> <p>(H.) Beebee Shah, do. of do. by do.</p> <p>(I.) Istiak Shah Sahib Surguro, son of do. by do.</p> <p>(J.) Latifa Beebee, wife of B.</p> <p>(K.) Siad Nabad, son of Mustak Shah, the late brother of Istiak Shah, cousin of the last deceased and the husband of D.</p> <p>(L.) Mustak Shah Sahib Surguro, son of K. by his wife D.</p> <p>(M.) Asha Beebee, daughter of do. by do.</p> <p>(N.) Rosham Beebee, do. of do. by do.</p> <p>(O.) Rahamat Beebee, and not Asha Beebee as mentioned in the Tabular statement, dated 5th April 1856, 2nd widow of the last deceased incumbent.</p> <p>(P.) Karzem Beebee, daughter of the last deceased by his 2nd wife O.</p> <p>(Q.) Katheen Beebee, do. of do. by do.</p> <p>(R.) Raheman Beebee, do. of do. by do.</p>	<p>The public records do not distinctly show whether this Yeomiah should descend to the appointed disciple of the last holder or to the legal heir. It was granted to Jamayed Shah, and on his death it passed to his son Yetitkat Shah. On his death it passed to his son Istiak Shah, but on Istiak Shah's death it passed to Mookaid Shah Sahib Surguro, a grandson of the original grantee, and only 2nd cousin to the last holder. This Mookaid Shah Sahib Surguro before his death appointed his grandson Mustak Shah Sahib Surguro as his disciple, but Syed Vazier Sahib and his brothers, the sons of Istiak Shah, objected to the Yeomiah being continued to him, alleging that it was only given to Mookaid Shah Sahib as head of the family, and that on his death Syed Vazier Sahib became head of the family.</p> <p>An Inam village is held by the same family for the support of a mosque near Madura, and it has been decided that this village passes</p>

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Proceedings of the Madras Government, Revenue Department,
13th March 1873.

Case No.	Taluq and Village, extent and value of the entire Inam.	When and by whom granted; name of the original grantee; Sanad or other documents in support of the grant.	Nature of the grant, charity or service; if 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 original grantee.	Share enjoyed by the deceased, and that held by other members.	Family left by the deceased, 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.	
1	2	3	4	5	6	7	8	
		Minutes of Consultation dated 23rd March 1847, paragraph 12. Afterwards it was continued to Mookaid Shah Surguro now deceased, and 2nd cousin of Istiak Shah for his life under Minutes of Consultation, dated 13th October 1856, communicated by the Board in their Proceedings, dated 17th idem, and it was declared hereditary by the order of Government, dated 18th September 1866, No. 2,506.				(S.) Omara Beebee, daughter of the last deceased by his 2nd wife O (T.) Nabob Sahib, son of Istiak Shah, the cousin of the last deceased Yeomiahdar (U.) Siad Vazier Sahib, do. of do. (V.) Siad Yusuf Sahib, do. of do. (W.) Siad Ibrahim Sahib do. of do. (X.) Siad Hussien Sahib do. of do. (Y.) Khader Sahib, do. of do. (Z.) Siad Osman Sahib, do. of do. (a.) Sultan Beebee, daughter of do. (b.) Beebee, daughter of Musthak Shah, the late brother of Istiak Shah (c.) Nathad Beebee, do. of do. (d.) Ameer Beebee, widow of do. (e.) Ameen Beebee, sister of Istiak Shah, cousin of the last deceased They enjoy the village of Kilamattur, an endowment for a mosque at Madura.	Age. 3 40 37 34 28 23 21 18 24 33 29 50 80	to the appointed disciple of the last holder. The Yeomiah and the village have been held by the same person since the Fysul, and though this question has not been decided on the occurrence of previous lapses, it is reasonable to hold that the Yeomiah as well as the village passes to the disciple. A sacred character attaches to the person who holds the right to perform these services at Natiam and Madura. It is therefore recommended that the Yeomiah be continued to Mustak Shah Sahib Surguro, the grandson of the deceased, in arrears from the date of the death of the last incumbent. A genealogical table of the family is annexed.

ENCLOSURE No. 1.—Genealogical Table.

Proceedings of the Madras Government, Revenue Department,
13th March 1873.

From W. McQUHAE, Esq., Acting Collector of Madura, to the Secretary to the Board of Revenue, dated 30th May 1872, No. 153.

ABSTRACT.—Furnishing the information called for in the Board's official memorandum No. 613 of the 13th May on certain points regarding a tabular report of the Collector on a certain lapsed Inam.

From the same officer, dated 23rd August 1872, No. 251.

ABSTRACT.—Stating the circumstances under which Syed Vizier became the head of his family while his elder brother Nabob Sahib is alive, and reporting that it is the desire of the parties that the Yeomiah should be continued in the name of Mustak Shah Sahib Surguro.

From the same officer, dated 20th December 1872, No. 376.

ABSTRACT.—Informing that Nabob Sahib incurred the displeasure of his relatives in consequence of some connection formed by him many years ago, and stating that his brothers appear to have all agreed to the nomination made by the deceased Yeomiahdar.

SUBMITTED for the orders of Government.

2. The question involved in this case is the right of succession to a Yeomiah of Rupees 76-6-9 per annum granted for the support of a Mosque at Nattam. The last incumbent, Mookaid Shah, (No. 4 in the genealogical tree,) who died on the 11th August 1871, was the Kilamattur priest. Previous to his death he appointed as his successor in that office his grandson and disciple Mustak Shah (No. 8) who by virtue of that appointment claims the grant. This claim was resisted by Syed Vizier Sahib (No. 6, since dead) and other sons of Istiak Shah (No. 3) who held the Yeomiah immediately before the last incumbent. They contended that the grant is of an hereditary character, and that as Mookaid Shah succeeded their father as head of the family, it should be continued to Syed Vizier Sahib for the same reason. Though Nabob Sahib (No. 5), the eldest son of Istiak Shah, has *prima facie* the best right to be regarded as head of the family, the claim of the second son, Syed Vizier, was supported by his younger brothers. The reason assigned* for this is that Nabob Sahib was many years ago repudiated by his family because he was addicted to drinking and was living with a woman of another caste. Syed Vizier Sahib has since died, and his younger brothers have withdrawn their opposition to the claim of the appointed disciple Mustak Shah, whose claim they now support against their brother Nabob Sahib notwithstanding that he has recently become reconciled† to his family.

* Letter 23rd August 1872.

† Letter 20th December 1872.

3. The chief point for consideration is whether the grant is of a strictly hereditary character or whether the appointed disciple has the right to succeed.

4. The Collector says‡ the public records do not distinctly show whether

‡ Tabular report, dated 29th January 1872.

the Yeomiah should pass to the appointed disciple of the last holder or to his legal heir. In regard to an Inam village held by the same family for the support of another Mosque he says it has been decided that the village passes to the appointed disciple. He also observes that as the Yeomiah and Inam have been held by the same family since the Fysal it is reasonable to hold that both should pass to the appointed disciple. He admits, however, that the point has not been decided.

In his last* letter he states that the Yeomiah has *always* been held by the Kilamattur priest for the time being. This assertion does not appear to be well founded. The records of this office show that the Yeomiah and Inam were originally granted to two persons apparently not related to each other, but co-temporaries.

5. The history of the Yeomiah is as follows:—It was originally granted to Jamayed Shah, (No. 1) who appears† to have died in 1781. In the year 1800 his son, Ittikad Shah, claimed the grant and based his claim on the fact that he was the son of the original grantee. Ittikad Shah died in 1825. In reporting‡ the lapse the Collector remarked that the “deceased was a Fakeer or priest and his son Istiyak Shah (No. 3) having succeeded to the same office, it devolves on him to perform the ceremonies of the mosque.”

§ Board to Collector, 29th September 1825. The continuance of the allowance to him was accordingly sanctioned.

The formal sanction of Government for the continuance of the grant to Istiyak Shah was accorded in Extract Minutes of Consultation, dated 23rd March 1847, paragraph 12, referring to retrenchments made by the Civil Auditor.

Up to this point the succession was from father to son. Istiyak died in 1854, and though he left seven sons, the eldest of whom was twenty-five years old,

the Collector recommended|| the continuance of the allowance to Mookaid Shah (No. 4), aged 41 (cousin of Ittikad Shah), on the ground that he was the head of the family. Government regarding the title as imperfect sanctioned¶

the continuance of the grant to Mookaid Shah as head of the family *for life only*. Dissatisfied with this decision Mookaid Shah for some years refused to draw the allowance. He insisted that the grant was of a permanent and hereditary character, and having finally produced satisfactory evidence as to the validity of the claim the grant was declared hereditary—G. O. 18th September 1866, No. 2,506. Mookaid Shah held the allowance until his death on the 11th August 1871.

6. As regards the Inam** village of Kilamattur referred to by the Collector as being held by the same family, it appears that it was originally granted previous to A. D. 1780 to Mustak Shah for the support of himself, his disciples, and a mosque near Madura. Mustak Shah, the original grantee, was succeeded by his disciple Istiyak Shah. The latter was succeeded by his disciple

Ittikad Shah (No. 2) who died in 1824. On the death of Ittikad Shah the Collector without sanction continued the Inam to his son Istiyak Shah (No. 3) who was not a disciple, but the order provided that the Inam should be held by Istiyak Shah until Mookaid Shah (No. 4), cousin and disciple of the deceased, attained his majority, after which it was to be held by both jointly. This arrangement was

followed until the death of Istiyak Shah * G. O., 3rd May 1855, recorded in Tabular Report, 29th March 1856. in 1854, when, under the sanction* of Government, Mookaid Shah became the sole registered holder of the Inam as the disciple of his cousin Ittikad Shah.

7. With his letter, dated 30th May 1872, the Collector submits two documents, viz., a Judgment of the High Court and translation of an Arzi dated 9th November 1854 addressed to the Collector by Istiyak Shah shortly before his death.

8. From the Court's decision it appears that the Inam village passes to the appointed disciple of the last holder. On this point however there is now no dispute.

9. From the second document it appears that Istiyak Shah expecting to die transferred both Inam and Yeomiah to Mookaid Shah. The reason for the transfer of the Inam is clearly recited in the Arzi, viz., that Mookaid Shah was the appointed disciple of Ittikad Shah. No reason is assigned for the transfer of the Yeomiah. The required explanation however is obtained from the tabular report on the death of Istiyak Shah and the orders thereon, from which it seems clear that Mookaid Shah succeeded to the Yeomiah as *head of the family* which is precisely what Vizier Sahib and his brothers asserted in proof of the hereditary character of the grant and in support of their claim to it.

10. The facts of the case are briefly these:—The Yeomiah and Inam were about the same time originally granted independantly to two persons apparently not related for the support of two institutions unconnected with each other. Neither Mustak Shah, the original grantee of the Inam, nor his successor and disciple Istiyak Shah ever held the Yeomiah. Ittikad Shah, the disciple and successor of the latter, and the first holder of both Yeomiah and Inam, evidently claimed and obtained the Yeomiah solely on the ground that he was the son of the original grantee Jamayed Shah. On the death of Ittikad Shah in 1825, his son, Istiyak Shah, who was not his disciple, held until his death in 1854 both Inam and Yeomiah, and though it was expressly mentioned that he held the Inam in trust for Mookaid Shah, his father's cousin and appointed disciple, no such qualification was mentioned in regard to the Yeomiah. In 1854 Mookaid Shah succeeded to the Inam as the appointed disciple of Ittikad Shah but the Yeomiah was continued to him as *head of the family*. His claim to this position was apparently based on his being the eldest male member of the family at the time. The origin of the connection between the Yeomiah and Inam was the accidental circumstance that both happened to vest in the same person, Ittikad Shah, the former under the ordinary law of inheritance the latter in an exceptional manner by appointment. The two grants were thus held under distinct titles.

11. It seems to the Board that the obvious inference to be drawn from the foregoing is that though the Inam passes from Master to disciple, succes-

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sion to the Yeomiah has been and should be regulated by the ordinary law of inheritance.

12. They accordingly recommend that the grant be registered in the name of Nabob Sahib as head of the family. He is the representative of the family of Istiyak Shah which is the elder branch of the family of the original grantee, and he is further the eldest male member of the latter.

124.

ORDER THEREON, 13th March 1873, No. 302.

Miscellaneous.

SANCTIONED.

(True Extract.)

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

10. 23 March 47 ho 13. 54.
 " 3 May / 55 - 25.
 " 13 Oct / 56 - 23.
 " 18 Sept 5 / 66 - 411 - 12.

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Board of Revenue,
MADRAS.

87-6123

PROCEEDINGS, 27TH FEBRUARY 1873, No. 281.

Def 35 March 173.

Encl.

Pa. 45

Received *P. French*

FEBRUARY.

No. 281.

Yemah.—amounting to Rupees 76-6-9 per annum, granted for support of a mosque at Nattam in Madura District, and enjoyed by deceased Mookaid Shah.—Recommendation made to Government for registry of—in name of Nabob Sahib, eldest son of the immediate predecessor deceased.

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Exd. T. Cartledge.

EX. T
123-124

C-10 = Duck / 73 R 11: Iron.