Proceedings of the Madras Government, Revenue Department,
31st March 1873.

No. 263. Read the following petition from K. IYAPA REDDY, V. CHENNA REDDY, and seven others, Ryots and Puttadars of Mulumudi, Nellore, to His Excellency the Right Honourable the Governor in Council, Fort St. George, dated 17th February 1873:—

WITH reference to the endorsement No. 80,223 of 1873, 31st January, the petitioners, ryots and puttadars of Mulumudi village in Nellore Taluq, Nellore District, respectfully beg to re-submit their memorial to the Secretary of State, duly signed as therein directed, and to pray that it may be taken into His Excellency's important and favourable consideration. On perusal of the memorial and the documents accompanying it His Excellency will no doubt see that no less than two Collectors and the Board of Revenue ordered the waste land under reference to be reserved for common purposes as usual, while the Government, unfortunately to petitioners, ordered 75 acres thereof to be made over to one Singayah, an applicant, although he is, under the Durkhast Rules, quite disqualified to obtain it in preference to many of the petitioners who are adjacent land-holders. Under these circumstances petitioners most respectfully solicit His Excellency will be pleased to take their sad circumstances into favourable consideration, and direct the cancellation of the Government Order now appealed against, as there are plenty of other fields ready for occupation by Singayah (*vide* Mr. Knox's order), and render justice to petitioners, as they would, by all means, most gladly prefer obtaining justice in His Excellency's hands only. Petitioners, in conclusion, beg to request that early orders [illegible] issue [illegible] pending the disposal of their memorial. For which act of kindness petitioners will, as in duty bound, ever pray.

No. 264. ORDER THEREON, 31st March 1873, No. 372.

Miscellaneous.

PETITIONERS are informed that their memorial has been transmitted as requested.

(True Extract.)
(Signed) W. HUDLESTON,
Chief Secretary.

To the Petition Department.

Exd. F. R. Bantleman.

To

His Excellency The Right Honble The
Governor in Council,
Fort Saint George

The humble petition of the under signed Ryots
and large puttahdars of Mulumudi Village
in Nellore Taluq, Nellore District,

Respectfully Sheweth,

That aggrieved by the G.O dated
13th May 1872 on petition No 1525 of 1872 directing
that 75 acres of land out of Survey No 302, in the
said Village be made over to one Singaya, and
having already experienced the sad results of the
Order by the inconvenience & trouble ourselves
& our Cattle endured during the late heavy
rains, petitioners beg to submit a Memorial
addressed to H.E the Right Honble the
Secretary of State for India in Council,
London, together with all the necessary documen-
ts, which they pray may be transmitted at an
early date to His Grace.

As it is likely that puttah will be issued
to Singaya in the ensuing Jummabundi which
will be about the beginning of February next,
petitioners respectfully beg that the Collector of
Nellore may be directed to postpone issuing
puttah until the decision of His Grace the
Secretary of State is known.

In making this request they beg to state

that they would prefer if redress were granted to them here only on reconsideration of all the Circumstances set forth in the Memorial.

For which act of kindness, petrs will as in duty bound ever pray.

[illegible]

(Hakani Iyappa Red

[illegible] (Vidavalur Chenna Red

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

20th January 1873

With a copy of the Memorial to H. Grace the Secretary of State, and with the Memorial & its enclosures to H. Grace for transmission

18 Second Line Beach
Madras 8th March 1873

Capt: A. Awdry R.E.
Private Secretary to His Excellency
The Governor

Sir,

On the 17th February last two of my cli[illegible] viz: Kakanny Iyappa Reddy and Vedavaloor Chinna Reddy and some others Ryot of Mooloomoody village in the Talug of Nellore, in the District of Nellore Memorialized His Excellency's Government, thro' the Secretary, Revenue Department with reference to certain alleged rights of Common, to certain pasture lands in their said village.

Their Memorial has not yet I believe been disposed of and before doing so I have the honor to request that His Excellency would be pleased to grant me an interview to represent certain matters connected therewith at such time and place as His Excellency may be [illegible] graciously pleased to appoint

My reason for asking for this interview is because, altho' the Board of Revenue & the [illegible]

District

Transferred to the
Chief Secretary to
Government
(By order)
A. Awdry
Pres. Secy.
Guindy
10th Jany

District Collector of Nellore have hitherto up held my clients claim, yet Government have on the petition of another Ryot of another village passed adverse orders, which, if carried out at the ensuing Tumabundy of the District, my clients have every reason to expect great loss from the want of a sufficient and protective pasture land for their cattle. I would therefore request the interview with the view to a modification only of the late order of Government which will prove a great loss to my clients, and at the same time be causing no injury to the other party concerned; and in the meantime I have humbly to request on behalf of my clients and at their expense, that His Excellency's Government would be pleased to Telegraph to the Collector of Nellore to stay the issue of puttah at the ensuing Tumabundy for the land in question pending such orders His Excellency's Government may be pleased to pass on my clients Memorial

I have the honor to be
Sir
Yours very obediently
J. H. Prince

To

His Excellency the Duke of Argyll
Her Majesty's Secretary of State
for India in Council
London.

The humble Memorial of Kakani Iyappa Reddi, Vidavalur Chenna Reddi and others, Ryots and large puttahdars of Mulumudi village in Nellore Taluq, Nellore District.

Respectfully Sheweth.

1. Aggrieved in the extreme by the order of the Madras Government dated 13th May 1872, regarding certain immemorial waste in that Village, the memorialists respectfully beg to prefer this Appeal to your Excellency with full confidence that justice will be duly meted out to them in consideration of the following circumstances.

2. In the said village of Mulumudi, there is a piece of immemorial waste land, Survey No. 302, measuring acres 248.52, which has been from time immemorial reserved for, and enjoyed as village pasturage.

3. This land was applied for by one Mulumudi Singayah (a resident of the same village) in Fasli 1276, solely at the instance of the Memorialists' adversary P. Vengama Naidoo, an opulent ryot of Komarapoodi Village, with studied deliberation to cause inconvenience and annoyance to the memorialists. The then Collector, J. W. B. Dykes Esq., who was quite alive to the wants of the people, on due consideration, rejected Singayah's application, and issued an order dated 13th July 1866, No. 394, to the effect that the land in question should *not* be made over on application until the introduction of the new Settlement (vide Enclosure **A**.)

4. In the face of this order, Singayah again applied for the said land in 1868, when a new Collector came to the District; and some correspondence between that officer and the Tahsildar then took place on the subject. And finally Mr. Knox, then Acting Head Assistant Collector, who conducted the Jamabundi (settlement) of that year (Fusli 1278), after careful consideration of the previous orders and the correspondences on the subject, also declined to comply with Singayah's application, directing him, however, at the same time to take up other unoccupied lands available in the village, which have been already detailed for cultivation. (vide para 6 of Collector's letter No. 321 of 1870, enclosure C.)

5. Singayah did not, however, do so, (although the lands pointed out by Mr. Knox are by far superior to the waste in dispute) as *cultivation* was not so much his object as causing annoyance and inconvenience to the Memorialists. He therefore allowed the matter to lie dormant for sometime until

a suitable opportunity for effecting his evil end presented itself by the arrival of another new Collector (Master Esq.,) in the District. Accordingly during the Jamabundi of Fasli 1279, he once again applied for the said land in person to Mr. Master, who being as already observed quite new to the District and consequently not alive to the real wants and requirements of the people, and also regardless of the previous orders on the subject, directed the waste land in question to be made over to Singayah from Fusli 1280 on taram assessment, *even* also! in spite of the Memorialists' repeated and earnest remonstrances at the very time that they would *themselves* pay the assessment payable thereon, provided it were left as village pasturage as heretofore, being fully impressed with the necessity of it for the well being of themselves and their cattle in particular.

6. Against this inequitable order of Mr. Master, the Memorialists appealed to the Honorable the Madras Board of Revenue, under date the 22nd September 1870 on the grounds :—

(1.) That the waste land, survey No. 302 now under dispute has been enjoyed by the Memorialists and their forefathers from time immemorial as village pasture land.

(2.) That the same having been applied for on two former occasions by the same party (Singayah), it had been finally decided by two different Collectors that the land should be left as village pasturage only, and not given up to any body on application.

(3.) That the land, moreover, contains the feeding channels of the village Tank.

(4.) That during the Jamabundi (settlement) of Fasli 1279 when the land in question was ordered to be made over to Singayah, the Memorialists without a single exception strongly and earnestly objected to the grant,—agreeing, in case of its being given up contrary to Mr. Dykes's order, to take up the land *themselves* on payment of the full taram assessment, amounting to Rs. 244 - 12 - 0, payable thereon, and requesting that either it may be left as usual for their common use, or puttahs issued in *their* names. That this request on the part of the Memorialists, was, however, rejected by Mr. Master, for reasons best known to himself.

(5.) That the plea of priority of Durkhast (application) in fusli 1279 on behalf of Singayah to entitle him to preference over the Memorialists does not stand to reason and cannot be justifiable, inasmuch as the Memorialists relied and were right in relying upon the final orders of Messrs. Dykes and Melville. (Vide Enclosures A & B.)

(6.) That Singayah is not even an adjacent land holder to entitle him to any preferential right over the Memorialists, many of whom on the other hand, *are*.

(7.) That had Singayah's object in applying for the said land been *bona fide* for cultivation and not from such sinister motives as were alluded to in the previous paragraphs, he would not have stubbornly declined to take up, at Mr. Knox's suggestion, other unoccupied lands available in the village, which have been already detailed for cultivation and are by far superior in every respect to the waste now in dispute.

7. Under these circumstances, and convinced of the cogency of the arguments adduced by the Memorialists, the Honorable the Madras Board of Revenue called for a report from the Collector of the Nellore District on the subject of their appeal. The letter dated 28th November 1870, No. 3201, forming enclosure C. to this Memorial, was his reply; whereupon the Madras Board of Revenue passed their proceedings under date the 12th January 1871 directing that the land in question should as directed by Mr. Dykes, be *left* as village Pasture land, and that Mr. Master's hasty and ill-considered order rescinded. (Vide enclosure C.)

8. Dissatisfied with the order of the Board of Revenue, or rather determined to try the chance of success in his mischievous undertaking as far as the highest local Tribunal, Singayah preferred an appeal to the Madras Government, who, after calling for and obtaining some further information as to the availability or otherwise of any other land in the village for pasturage, and the cost alleged to have been incurred by Singayah in demarcating and cultivating the disputed land, passed their order under date the 13th May 1872 (Vide enclosure **D**), unjustly directing that 75 acres of the waste land in dispute be made over to Singayah, utterly regardless of the extreme inconvenience arising thereby to the Memorialists,—a whole village community,—which was sufficiently clearly represented to the Madras Government by a counter Petition numerously signed and submitted by the Memorialists at the same time as Singayah's appeal was under the consideration of that Government.

9. Of this order of the Madras Government the Memorialists solicited a reconsideration under date the 27th June 1872 for the special reasons amongst numerous others that the 75 acres in question occupy an elevated situation in the whole survey No. 302, thereby affording good shelter to the cattle in the winter and that their grant to Singayah would be ruinous to the both parties on various grounds, (Vide Review Petition marked **E**). But the Madras Government declined to modify their former order, adding that after deducting the 75 acres assigned to Singayah there still remain upward of 600 acres of land available for common grazing (Vide enclosure **F**). This is true, and the Memorialists have indeed no where denied this fact. But all they have been hitherto and are still contending for with earnestness is that neither the whole nor any portion of Survey No. 302 should be given up to any body contrary to Mr. Dykes's order of 1866; and that if the whole or any portion of it be however now resolved to be made over to others, the whole or that portion *must*, under the Durkhast Rules, be made over to the Memorialists whose lands adjoin it, unless they do not object to the grant of it to others. It will not be out of place here to mention that it is not out of any personal grudge against Singayah that the Memorialists take

×Vide Enclos: G & H.

exception to his obtaining the land, but from public motives affecting the whole village community, the 600 acres alluded to in the Madras Government order dated 1st August 1872 (Enclosure **F**) are small detached spots and are by no means so excellent shelter grounds as the one in dispute. It is beyond all power of description to attempt to give an idea of the sufferings of the poor cattle during the heavy rains of this year.

10 Thus aggrieved the Memorialists approach your Excellency with full confidence of receiving justice, and summarize the whole case in the following words.

(1.) As already shown the land, Survey No. 302, is an immemorial waste, enjoyed by the Memorialists as village Pasturage from time immemorial.

(2.) The 75 Acres of land ordered by the Madras Government to be made over to Singayah occupy an elevated situation in the whole extent, affording excellent shelter to the helpless cattle during the winter.

(3.) As for Singayah, there are other *unoccupied* lands available in the village, already detailed for cultivation, which he can, if he likes, obtain on application.

(4.) Under these circumstances it is not desirable or fair that the whole or any portion of survey No. 302 should be made over to applicants for cultivation.

(5.) If, on the other hand, the whole or any portion of the said land be decided to be made over for cultivation, in supercession of Mr. Dykes's Order, the whole or that portion must be granted to the memorialists under the provisions of the Durkhast Rules for the order of preference to be observed in disposing of durkhasts.

(Vide Board's Standing Order No. 180–4. Dalyell's Edition.) viz :—

1st. The Oolcoodies, or resident ryots, to have the preference over all strangers and others.

2nd. Among the Oolcoodies themselves, the *holder of an adjacent field* should be preferred, and among the holders of adjacent field, or in the absence of such an applicant, priority of durkhast should decide the claims; the previous holder and his relatives being in this respect placed on a par with others.

3rd. Between strangers, priority of durkhast, must give preference.

(6.) In the present case, Singayah, though a resident ryot, does not hold lands adjacent to that in dispute, and consequently not entitled to any preference over the Memorialists; and the plea of priority of durkhast on his behalf also falls to the ground. (Vide Rider 5 to para 6, supra). Singayah is not even a large puttadar in the village. He only holds lands of which

the cist is 50 Rs. and to cultivate the same he leaess them out to some of the Memorialists.

(7) Further, the Durkhast Rules provide that when application is presented for any land, the vlllage authorities should be referred to for their remarks on behalf of the village community for or against the application. This procedure had been overlooked by Mr. Master in disposing of Singayah's application.

11. Under all these circumstances the memorialists most respectfully solicit His Excellency the Right Honorable the Secretary of State for India will kindly peruse all the records submitted herewith patiently and thoroughly, and render justice by directing, in supersession of the order of the Madras Government now under appeal, (enclosed D), the whole Survey No. 302, (including the 75 acres ordered therein to be made over to Singayah) to be allowed be remain as village pasturage land; or, in case of its being deemed desirable to make it over to applicants, then to grant the same to the Memorialists on payment of the taram assessment and to issue puttahs in their names.

For which act of kindness, the Memorilists will as in duty bound.

EVER PRAY.

Madras, 20th January 1873.

(Signed)	K. Iyappa Reddy	(Signed)	C. Narasimhooloo
,,	V. Cheuna Reddy	,,	R. Garavadu
,,	P. Kistna Reddy	,,	C. Narasugadu
,,	M. Latchminarayanappa	,,	M. Chenniah
,,	V. Venkatanarayana Reddy	,,	M. Subbiah
,,	M. Adinarayanappa	,,	M. Veeraraghaviah
,,	K. Rama Reddy	,,	M. Subba Reddy
,,	A. Soobba Reddy	,,	Kasim Sahib
,,	A. Rami Reddy	,,	B. Latchiminarayana Reddy
,,	N. Subba Reddy	,,	D. Moosalyah
,,	G. Bodigadu	,,	M. Adimoorthy
,,	C. Chennhiah	,,	K. Soobba Reddy
,,	G. Adinarayana Reddy	,,	D. Vencatapathi Reddy
,,	B. Obugadu	,,	A. Pitchigadu
,,	N. Veerappa	,,	R. Vengitigadu
,,	C. Ramalingum	,,	M. Kistnathasu
,,	P. Narsugadu		

Enclosures 8. from A. to H.

Rec: 2/743/73

Enclosure A & B

31 March/73 No 372

Ent No 223 of/73.

Ent No 428 of/73

13 Encl. 14/2/73

His Excellency the Right Honorable the Governor in Council Fort St George

With reference to the endorsement No 80223 of 1873 31st January the petitioners and Ryots and Patta dars of Mulumudi Village in Nellore Taluq Nellore District respectfully beg to resubmit their Memorial to the secratary of state duly signed as therein directed and to pray that it may be taken into His Excellency impartial and favorable Consideration. On personal of the Memorial and the documents accompanying it, His Excellency will no doubt see that no less than two Collectors and the Board of Revenue ordered the waste land under reference to be reserved for Commun purposes as usual, while the Government unfortunately to Petitioners ordered 75 acres thereof to made over to one Singayah, an apple Cant, although he is under the Dhurkhast rules, quite disqualified to obtain it in preference to many the petitions who are adjacent land holders. Under these circumstances petitioners most respectfully solicit His Excellency will be pleased

to take their said Circumstances in favorable Consideration and direct the Cancellation of the Government order appealed against as there are plenty of other fields ready for occupation by Singayah. (Vide Tahsildar's order). And render justice to Petitioners as they would by all means most gladly prefer in obtaining justice in this Excellency's hands only. Petitioners in Conclusion beg to request that early orders may be issued to the Collector to postpone the issue of Puttah to Singayah, pending the disposal of their Memorial.

For which act of Kindness petitioners will as in duty bound ever pray.

17th February 1873.

No. 153.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th January 1871.

Read the following letter from G. VANSAGNEW, Esq., Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 28th November 1870, No. 3,201:—

I HAVE the honour to submit the report called for by the Board in their endorsement, dated 20th October 1870, on petition No. 3,113, presented by Vidavalur Chennareddi and several other ryots of Mulumudi in the Nellore Talook.

2. During the last Jummahbundy, one Mulumudi Singayya appeared in person before Mr. Master, and represented that his durkhast for field No. 302, measuring 248·52 Acres was rejected through the intrigues of the Village authorities. On the enquiry made at the time, it was found that Singayya had been applying for the land for four years, and that his applications had been rejected on some grounds or other. As the land in question had been included in the Pasture Farm, let for Fusly 1279 at Rupees 30, Mr. Master passed an order directing the Tahsildar to make over the land to Singayya from Fusly 1280 on Taram assessment.

3. The petitioners appeal against this order. A precis of their allegations is given below:—

1*st*.—That the land in question has from time immemorial been enjoyed by them as pasture land.

2*nd*.—That Singayya, though a resident of the village, is in very indigent circumstances.

3*rd*.—That in Fusly 1276, Singayya having, with a view to put the villagers to inconvenience, applied for the land in question, Mr. Dykes issued an order, dated 13th July 1866, No. 394, directing the Tahsildar not to grant the land until the introduction of the new Settlement.

4*th*.—That during the Jummahbundy of Fusly 1278, Mr. Knox also declined to give the land, and desired Singayya to apply for lands already detailed for occupation.

5*th*.—That during the Jummahbundy of Fusly 1279, the petitioners agreed to pay for that year the full Taram assessment amounting to Rupees 244-12-0; but that Mr. Master rejected their application, and gave preference to that of Singayya.

6*th*.—That the land in question contains channels feeding the village tank, and that the grant of it to Singayya will be a source of much inconvenience to the villagers at large.

7*th*.—That the petitioners are prepared to pay the assessment of the past Fusly 1279.

4. Under these circumstances, the petitioners request that the puttah may be issued to them for the current Fusly 1280.

5. In 1866, the Nellore Tahsildar wrote an Arzi reporting that the above-mentioned Singayya had applied for the land in question, and requesting orders whether the durkhast might be accepted. The Tahsildar pointed out at the same time that the land was at a distance of about two or three miles from the reserved tracts of the neighbouring villages of Amancherla and Komarapudi, and that the village authorities had entered in the Durkhast Memorandum an objection to the grant of the land on the ground that it contained some brushwood and supplying channels of the village tank. On this Arzi Mr. Dykes passed the order quoted by the petitioners.

No. 553-3,286, dated 6th July 1866.

6. Singayya again applied for the land, and the correspondence marginally noted took place thereon in 1868. From these papers it appears that the Tahsildar inspected the land in person, and found that there were two supplying channels. The Tahsildar was of opinion that the cultivation of the field, reserving the channels, would not affect the supply to the tank, and recommended that it might be detailed for occupation. The Tahsildar also reported that six fields, already detailed in the village, measuring 145·99 Acres were available for cultivation. The Acting Head Assistant, Mr. Knox, who conducted the Jummahbundy of Fusly 1278, issued an order declining to detail the land, until the lands already detailed were occupied.

Arzi, No. 757-2 993, dated 20th July 1868.
Takeed, No. 1,042, dated 24th July 1868.
Arzi, No. 896-3,510, dated 3rd September 1868.
Takeed, No. 1,347, dated 10th September 1868.
Arzi, No. 1,196-4,599, dated 17th November 1868.

7. On the 23rd February 1870, Mr. Master passed the order appealed against, and wrote docket, No. 337, informing the Deputy-Director of Revenue Settlement that the land had been made over to Singayya, and requesting him to detail it, if necessary. Mr. Rundall in his docket, No. 314-68, dated 10th August 1870, intimated the division of the field into twenty-nine sub-numbers, and the same was communicated to the Nellore Tahsildar by an order of the 18th idem, No. 890.

8. Singayya is a resident of the village, as admitted by the petitioners. He holds a puttah for 35 Acres, assessed at Rupees 55. His land does not adjoin that in dispute, whereas two fields held respectively by two of the Board's petitioners, do adjoin it.

9. Priority of durkhast in Fusly 1279 goes for nothing, because, when the villagers objected to Singayya's original durkhast in Fusly 1276, Mr. Dykes passed an order, on which the petitioners were justified in relying, to the effect that, pending the new settlement, the land should be given up to nobody. It does not appear that Mr. Master was aware of Mr. Dykes' order when he passed that appealed against.

ENCLOSURE No. 1.—Petition.

THE Board are of opinion that Mr. Master's order must be rescinded and that Mr. Dykes' order should be enforced, the land in dispute being left as village pasture land, till the new settlement is introduced.

2. The petitioner will be referred to the Collector.

(A true Copy and Extract.)

(Signed) J. GROSE,
Acting Secretary.

To the Acting Collector of Nellore.

1871.

Board of Revenue,

MADRAS.

PROCEEDINGS, 12TH JANUARY 1871, No. 156.

Encl.

Received

JANUARY.

No. 156.

Read T. Cartledge.

Land—in Mulumudi village in Nellore Taluq, forming subject of Petition, No 3,113 of 1870,—Opinion expressed that order of late Collector, Mr Master, making over certain, to one Singayya, on durkhast, should be rescinded, and that land should be left as village pasture land till new settlement is introduced.—Petitioners, referred to Collector.

has too many calls
on his time at
present to be able
to grant him an
interview: but that
the petition received
from him has been
sent to you with

a view to the questions
raised in it receiving
the full attention
of Government at an
early date.

I am
Very truly yours
A. Awdry.

10th March
1873.

and pray that it may be taken into the favourable consideration of Govt that no less than two Collectors and the Board of Revenue ordered the waste land in question to be reserved for Common purposes as usual; while the Govt ordered 75 Acres thereof to be made over to Singiah, an applicant, although he is, under the Durkast Rules, disqualified to obtain it in preference to many of the petrs, who are adjacent land holders; and under these circumstances, the Govt may be pleased to cancel their order now appealed against.

Nos 263-264

C.19: March/73 R24: March

Revenue 1873 Sept

Government of Madras,

Revenue DEPARTMENT.

W 743-

Petition No. 428 of 1873.

From K. Iyapa Reddy, V. Chenna Reddy and 7 others

Occupation. Ryots and Pattadars of

Village. Mulumudi

Talook. Nellore

District. Nellore

Dated } 17th February 1873

Received } 14th March

Enclosures. 73

With an order No 372-31st March 73

Abstract.

Referring to the endorsement No 223 of 1873, resubmit their Memorial to the Secretary of State duly signed as therein directed;

With an Order and