Proceedings of the Madras Government, Revenue Department,
7th May 1873.

Read the following :—

No. 42. Proceedings of the Board of Revenue, dated 1st May 1873 :—

Read the following :—

Letter from O. B. IRVINE, Esq., Acting Collector of the Chingleput District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Saidapet, 19th April 1873, No. 151 :—

As promised in paragraph 4 of my letter, dated the 5th instant, No. 132, I have the honour to forward an authenticated copy of Exhibit B (title deed granted by the Inam Commissioner for the village of Yeripakkam, in the Conjeveram Taluq), dated 18th February 1862, No. 702, from which the Board will perceive that the inam was confirmed to the then incumbents and their successors subject to the payment of old quit-rent, amounting to Rs. 27-2-11, a circumstance which shows conclusively that the village has not been enfranchised.

No. 217.

OFFICIAL MEMORANDUM.

Read Proceedings of the Board of Revenue, dated 9th April 1873, No. 568.

THE Court erred in assuming that the inam has been enfranchised. It was confirmed to the holder only so long as the Kazi's service is performed, and the Government reserve the right to assess the land to its full assessment if the service ceases to be performed. The Court erred, it appears, from assuming that settlement is the same as enfranchisement.

2. Service inams are alienable, but to render the transfer valid it must carry with it the condition of service. In the case under notice the deed of sale is not before the Inam Commissioner, but from the circumstance of the Collector having refused to register the transfer it appears that the condition of service had not been duly provided for.

MADRAS, (Signed) W. ROBINSON,
24*th April* 1873. *Inam Commissioner.*

THE orders of Government will be requested as to whether an appeal is to be made against the judgment of the Chingleput Court decreeing in favour of Mohammed Khasim Sahib's title to the village of Yeripakkam.

2. The village is a service inam attached to the office of Kazi in Conjeveram. The Inam Commissioner confirmed it to the late holder on the conditions of service and issued a title deed to that effect.

3. The Collector registered the village in the name of the executor and heir by will of the late holder. This title is very questionable, but the plaintiff has no right to impugn it.

4. He claims as having purchased the village from the late holder, and the Court has decreed in his favour simply because it misunderstood the Inam Commissioner's title deed and thought the inam was enfranchised and freed from all service conditions.

5. Costs have been decreed against the Collector and a Government grant has been nullified by the decree, so the Board are of opinion that it should be appealed against.

6. The judgment is dated the 5th March. The decree time (exclusive of the time occupied in supplying a copy of the judgment) will, therefore, expire on the 5th June.

ENCLOSURE No. 1.

Proceedings of the Board of Revenue, dated 9th April 1873, No. 568.

Read the following letter from O. B. IRVINE, Esq., Acting Collector of the Chingleput District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Saidapet, 5th April 1873, No. 132 :—

ADVERTING to the Board's Proceedings, dated the 9th December last, No. 2,355, sanctioning the defence of Original Suit No. 12 of 1872, on the file of the Civil Court of Chingleput, on behalf of 2nd defendant (Collector), I have the honour to transmit copies of judgment and decree, from which it will be seen that the Civil Judge has adjudged that the village of Yeripakkam shall be registered in the name of the plaintiff, the purchaser, and that defendants shall bear plaintiff's costs.

2. The Civil Judge has assumed that the village in question is enfranchised and, therefore, saleable according to Section 29 of the rules laid down for the adjudication and settlement of inams, as contained in Board's Standing Order No. 171. I beg, however, to submit that the village is not an enfranchised inam, and enclose for the Board's perusal an extract from Register of Inams received from the Commissioner's office containing the Commissioner's decision on the point.

3. It appears further from the Arzi of the Government Vakeel, dated 3rd ultimo, reporting the result of the Civil Judge's decree (translation of which is herewith sent), that the fact of the village being a tenure and an unenfranchised inam was prominently brought to the notice of the Court at the hearing.

4. I have directed the Government Pleader to obtain a copy of the Exhibit B on which the Civil Judge mainly bases his decision, and this when received will be forwarded to the Board.

5. I would suggest the advisability of an appeal to the High Court and that the Government Pleader be instructed to draft the Memorandum of appeal.

ENCLOSURE No. 1.—Copy of Judgment.

ENCLOSURE No. 2.—Copy of Decree.

ENCLOSURE No. 3.—Extract from Register of Inams.

THE Inam Commissioner is requested to state what ground there is for the Court's assertion that the inam was enfranchised.

Proceedings of the Madras Government, Revenue Department, 7th May 1873.

No. 43. ORDER THEREON, 7th May 1873, No. 459.

Miscellaneous.

THE Government concur with the Board of Revenue in considering that an appeal should be made to the High Court against the Civil Judge's decision. They are requested to communicate with the Government Pleader in regard to the preparation of the Memorandum of appeal.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Exd. A. S. Rodgers.

Revenue Department

3

Proceedings of the Board of Revenue
dated 1st May 1873

No. 151 Read the following

From,

O. B. Irvine Esqre
Asst Collector of the
Chingleput District

To,

J. Grose Esqre
Secretary to the Board of Revenue
Madras

Sir,

As promised in para 4 of my letter, dated the 5th Instant, No. 132, I have the honor to forward an authenticated Copy of exhibit B (Title Deed granted by the Inam Commissioner for the village of Veripakkam in the Conjeveram Taluk) dated 18th February 1862 No. 702, from which the Board will perceive that the Inam was confirmed to the then incumbents and their successors, subject to

to the payment of old quit rent, amounting to Rupees 27-2-11, a circumstance which shows conclusively that the village has not been enfranchised.

Chingleput Dt. Collr's Office
Saidapet
19th April 1873.

I have &c
(Signed) O. B. Irvine
Ad. Collector

No. 217

Official Memorandum

Read Proceedings of the Board of Revenue dated 9th April 1873 No. 132.

The Court erred in assuming that the Inam has been enfranchised. It was confirmed to the holder only so long as the Kazy's service is performed and the Government reserve the right to assess the land to its full assessment if the service ceases to be performed. The Court erred it appears from assuming that settlement is the same as enfranchisement.

2. Service Inams are alienable, but to render the transfer valid, it must carry with it the condition of service. In the case under notice, the deed of sale is not before the Inam Commission but from the circumstance of the Collector having refused to register the transfer, it appears that the condition of service had not been duly provided for.

Revenue Board Office
Inam Department
Madras 24th April 1873

(Signed) W. Robinson
Inam Commissioner

To,
The Secretary to the Board of Revenue
with 3 enclosures

The orders of Government will be requested as to whether an appeal is to be made against the judgment of the Chingleput Court decreeing in favor of Mohammed Khasim Sahib's title to

to the village of Yeripakkam

The village is a service Inam attached to the office of Kazi in Conjeveram. The Inam Commissioner confirmed it to the late holder on the conditions of service and issued a Title Deed to that effect.

The Collector registered the village in the name of the executor and heir by will of the late holder. This title is very questionable but the Plaintiff has no right to impugn it.

He claims as having purchased the village from the late holder, and the Court has decreed in his favour simply because it misunderstood the Inam Commissioner's Title Deed and thought the Inam was enfranchised and freed from all service conditions.

Costs have been decreed against the Collector and a Government grant has been

been nullified by the Decree, so the Board are of opinion that it should be appealed against.

The judgment is dated the 5th Mar The decree time (exclusive of the time occupied in supplying a copy of the judgment) will therefore expire on the 5th June.

(True copies & Extract

J Grose
Secretary

To,
The Acting Secretary to Government
Revenue Department
with copy of exhibit & Board's Pr
dated 9th April 1873 No. 568 with its 3 original enclosures to be returned.

Sent in M. S. to Board
7 May 73

E. Stringhill
Narasima Charry

No. 459.

The Govt concur with the Board of Revenue in considering that an appeal should be made to the High Court against the Civil Judge's ~~dect~~ decision. They are requested to communicate with the Govt Pleader in regard to the preparation of the Memorandum of appeal.

7th May 1873

M.S. Copy to Bd of Rev Dis. 7th May 73.
14 S.C. " —" —10th " " —"

Price: 10½ 3 Chapters

No. 1253

Proceedings of the Board of Revenue

Dated 1st May 1873
Received 5th "
Disp'd: 7th May 1873

Engd.

M.S. Copy - 5th May 73.

Registering Order of Govt. on the question and appeal is to be made against Civil Judgment in Summary Claim = Claim in Summons for one Mun = dred Rupees, title to Cultivation, village of Kovilenum Valley, a Hamlet of Erode Taluq.

Ref. 42-43

Rec'd 1st May 73 : R. 7th May