

*Proceedings of the Madras Government, Revenue Department,
18th July 1873.*

Read again Proceedings of Government, dated 19th April 1873, No. 416:—

No. 148. Read also the following Proceedings of the Board of Revenue, dated 27th June 1873, No. 1,126:—

Read the following letter from W. S. FOSTER, Esq., Acting Collector of the Godavery District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cocanada, 27th May 1873, No. 160:—

WITH reference to G. O. of the 19th April 1873, No. 416, communicated with Board's Proceedings, Miscellaneous No. 2,407, dated the 22nd idem, I have the honour to forward, herewith, a plan of the fort at Peddapur, now claimed by the Zemindar of Cottam as his, and a memorandum of accommodation provided therein. It will be seen that the fort encloses several houses, and the accommodation afforded for living needs no comment.

2. I also enclose translation of the letter from the Taluq Sheristadar of Peddapur Taluq where he states that neither the Zemindar of Cottam nor his relations live in the fort or in the buildings, but that a few servants are kept perhaps to maintain his (Zemindar's) claims to the continuance of the enjoyment of the fort. The Zemindar always lives at Tuni, and does not in all probability ever think of making Peddapur his head-quarters. For some time, five or six years ago, the Zemindar's relations lived in the fort, but he ejected them by a civil suit. Himself he does not appear to have ever lived in it since it was restored to him for a family residence. I would, therefore, strongly recommend that the privilege allowed to the Zemindar to live in the fort in question be withdrawn to avoid all future litigation and annoyance.

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ENCLOSURE No. 1.—Plan.

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ENCLOSURE No. 2.—Memorandum of Accommodation.

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ENCLOSURE No. 3.—Translation of an Arzi.

SUBMITTED to Government with reference to G. O., dated 19th April 1873, No. 416.

No. 149. ORDER THEREON, 18th July 1873, No. 743.

Miscellaneous.

As it appears that the fort at Peddapur is not used as a family residence by the ex-Zemindar of that place, the Governor in Council is pleased to withdraw the permission granted to occupy it as such.

Proceedings of the Madras Government, Revenue Department,
18th July 1873.

2. The Collector should intimate this decision to the ex-Zemindar, and require him to remove his Peons from the fort. The two persons stated to have built houses within the walls may be permitted to retain them, but any further building in the fort should not be permitted.

(True Extract.)

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

Memorandum for Orders on No. 1999

Proceedings Board of Revenue }
Withdrawal of privilege allowed } 27th June 1873 No. 1126
to Zemindar of Battam to reside in
the Fort at Poddapur.

The Poddapur Zemindar
having fallen into heavy arrears
of peshcush (tribute or revenue)
his future estate was put up to
auction in 1847 and purchased
by Government as there were
no bidders. Although a large
portion of the arrears against
the Zemindar had to be written
off the accounts, the Government
were pleased to direct that
the Fort of Poddapur, which
formed part of the property,
should be restored entire to
the family, for their use, to
be held free during the
pleasure of Government.

In 1840 the Public
Works Department required
some stones for public purposes,
and, with the permission of the
Board of Revenue, a portion
of the fort wall was removed.
The

The Zamindar (nawab) petitioned against this destruction of his ancestral residence, but as the Board learnt that the buildings inside the Fort had in no way been interfered with, they declined to modify their orders.

The Zamindar thereupon brought a suit for damages (Rs 12,000) against Government for the removal of the stones, which the Civil Court dismissed with costs but on his appeal to the High Court it was held that so long as he was in possession under license of Government, he could maintain an action for trespass.

Though the Government Pleader was of opinion that any damages given could be merely nominal, (as they could only represent the loss and inconvenience caused to the Plaintiff as occupant), he recommended a compromise. The Board

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of Revenue however thought this course inadvisable and suggested that the privilege of the occupation of the Fort should be withdrawn, that the permission should be restricted to the occupation of the buildings within the Fort, especially as it appeared that the Zamindar himself resided at Luni.

Before passing orders on this suggestion, the Government desired to have details as to the accommodation available in the Fort and the extent to which it was made use of by the ex-Zamindar or his dependants.

The Collector now forwards a plan of the Fort from which it appears that few of the houses are habitable, and reports that the Zamindar always lives at Luni, and that none of his relations or dependants now live in the Fort except a few peons, though

two

The Zamindar (now of Sattar) petitioned against this destruction of his ancestral residence, but as the Board learnt that the buildings inside the Fort had in no way been interfered with, they declined to modify their orders.

The Zamindar thereupon brought a suit for damages (Rs 12,000) against Government for the removal of the stones, which the Civil Court dismissed with costs but on his appeal to the High Court it was held that so long as he was in possession under license of Government, he could maintain an action for trespass.

Though the Government Pleader was of opinion that any damages given could be merely nominal, (as they could only represent the loss and inconvenience caused to the Plaintiff as occupant), he recommended a compromise. The Board

of Revenue however thought this course inadvisable and suggested that the privilege of the occupation of the Fort should be withdrawn, that the permission should be restricted to the occupation of the buildings within the Fort, especially as it appeared that the Zamindar himself resided at Sini.

Before passing orders on this suggestion, the Government desired to have details as to the accommodation available in the Fort and the extent to which it is made use of by the ex-Zamindar or his dependants.

The Collector now forwards a plan of the Fort from which it appears that few of the houses are habitable, and reports that the Zamindar always lives at Sini, and that none of his relations or dependants now live in the Fort except a few persons, though

two persons, unconnected with him, are stated to have built houses within the walls and to have resided there for some years.

It is submitted the Board's suggestion may be adapted or that the permission to occupy the Fort may be altogether withdrawn as it has not been taken advantage of, for many years, either by the Zamindar or any of his relatives.

The Col^l should not permit this suggestion.

1999

I think this best I get

I did intend to withdraw the permission (to occupy) the Fort altogether - but I was informed that it was given for a family residence, & was not to be used as such.

GP

N^o 4/3. 18 July 73.

Read again Proj of ft d 19 4/3 20 4/6

Read also 1999

As it appears that the Fort at Peddapur is ^{not used as a family} ~~no longer occupied~~ by the Ex. Zamindar of that place, the G. in C. is pleased to withdraw the permission granted to occupy it as such.

The Collector should ~~intimate~~ intimate this decision to the Ex. Zamindar, and require him to remove his house from the Fort. The two persons stated to have built houses within the walls may be permitted to retain them but any further building in the Fort should not be permitted.

Let from order

MS. 18 of Rev 35/3

MS.

Alms for Orders

Withdrawal of privilege
allowed to Commander of the
Hundredth Regt. of the 1st
Infantry

Cue

Order in the

order