

(1) Number of Pages.....6.....

(2) Date of repair.....17. 6. 64.....

(3) Initials of the Referencer.....Blb.....

# MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

|          |      |        |
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| G.O. No. | 254  | Press  |
| B.P. No. |      | Mis.   |
| Dated    | 25 2 | 1964 . |

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,  
25th February 1874.*

No. 221. Read the following Proceedings of the Board of Revenue, dated 5th February 1874, No. 227:—

Read the following letter from J. W. HANDLEY, Esq., Government Pleader, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 14th January 1874, No. 7:—

I HAVE the honour to acknowledge the receipt of the Board's Proceedings noted in the margin, and to submit the following opinion on the matter therein referred to:—

Dated 22nd November 1873, No. 2,304.

2. On the additional information supplied by the Acting Collector of South Arcot, I am of opinion that the title of the present possessor of the Chinna Tripithy Hill Poliput is better than that of his minor cousin, the son of the last possessor, and therefore that a suit on behalf of the minor to recover the Estate would probably fail. This is assuming the legitimacy of the minor, on which point also there appears to be some doubt. On the death of the 29th Poligar, his eldest son being a lunatic, the eldest son of that son and father of the present possessor was the rightful heir, and his son is, therefore, now entitled to possession, unless there has been any valid renunciation by himself or his father of their rights; and I do not think that their acquiescence in the succession of the minor's rather and grand-father respectively can, under the circumstances detailed by the Collector, be taken to amount to such renunciation. As mentioned in my former opinion, possession being with the claimant hostile to the minor, the Law of Limitation has no application unless Section 29 of the new Limitation Act, which extinguishes the right after the expiration of the prescribed period of limitation, has a retrospective effect, and on a reconsideration of that question I incline to the opinion that it has not. At all events the point is so doubtful that I cannot advise a suit being brought on behalf of the minor relying on the possessory title alone.

3. If the minor's title were a good one, I do not think that the action taken by his mother at the time of the death of the last Poligar, as narrated by the Collector, would be any estoppel to its immediate assertion. On the other hand it is not clear that there was any binding agreement by the present possessor to allow the minor to succeed him. It is not stated whether the present possessor has any sons. If he dies without male issue the minor will succeed him in due course, but if he has male issue, the minor may, in my view of the case, be excluded altogether. Both the minor and his mother are undoubtedly entitled to maintenance out of the Estate.

4. With regard to the cancellation of the title-deed issued by the Inam Commissioner in 1870, unless the Board are prepared to recommend that a fresh one should be issued in the name of the minor, perhaps the notice authorized by the Order of Government of 7th June 1873 will be sufficient for the present. If the deed were cancelled without a fresh one being issued, some difficulty might arise as to the present tenure of the Estate.

*Proceedings of the Madras Government, Revenue Department.*  
*25th February 1874.*

SUBMITTED to Government with reference to G. O., 11th December 1873,  
No. 1,395.

2. The Government Pleader is of opinion that the title of the present possessor of the Chinna Tripithy Hill Inam is better than that of his minor cousin.

3. Under this advise the Board withdraw their request to be authorized to take the minor into wardship and to sue Lakshmanappa Jadaya Kounden for the Estate.

No. 222. ORDER THEREON, 25th February 1874, No. 254.

Miscellaneous.

APPROVED.

(True Extract.)

(Signed) C. G. MASTER,  
*Acting Secretary to Government.*

Submitted to Government with reference to G. O., 11th December 1873,  
No. 1,395.

2. The Government Pleader is of opinion that the title of the present possessor of the Chinna Tripithy Hill Inam is better than that of his minor cousin.

3. Under this advise the Board withdraw their request to be authorized to take the minor into wardship and to sue Lakshmanappa Jadaya Kounden for the Estate.

(A true Copy and Extract.)

*P. S. S.*  
Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Government Pleader.

.. to the Collector of South Arcot.

Ext. G. A. T. 1874.

*7 June 1873 No. 1395-11  
11 August 1873-172-174  
11 December 1873-156-177*

Board of Revenue,

MADRAS.

*No. 409.*

PROCEEDINGS, 5TH FEBRUARY 1874, No. 227.

*Copy 7 Feb 1874.*

Encl.

Received 9.

FEBRUARY.

No. 227.

*Chinna Tripithy Hill Inam—in South Arcot District.—Opinion of Government Pleader that title of present possessor of — is better than that of his minor cousin, submitted to Government, and Board's proposal to take latter under their wardship, withdrawn.*

221-222

*14th Dec. 1873. No. 227.*