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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	494	Press
B.P. No.		Mis.
Dated	23. 4. 1874	196 .

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department.

23rd April 1874.

No. 180. Read the following Proceedings of the Board of Revenue, dated 8th April 1874, No. 779 :—

Read the following letter from W. D. HORSLEY, Esq., Collector of Cuddapah, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cuddapah, 25th February 1874, No. 33 :—

I HAVE the honour to request that G. O.,* No. 1,520, dated 5th September
* In Board's Miscellaneous No. 3,276, of 15th 1871, granting compensation for land
September 1871. taken up by the railway, may be cancelled as regards one of the cases mentioned in that order.

2. In 1862, Curnam's Service Inam in the village of Kummavaribrahmanapalli in the Jamalnadugu Taluq was taken up by the railway. The extent of land so occupied was half an acre, bearing an assessment of Rupees 1-5-0. In 1868, the Curnam Obaya applied for Acres 5-25 in Jogapuram. The assessment of this land is Rupees 6-14-3. The Government, in the order I have alluded to, sanctioned the exchange, but added a quit-rent to make up for the difference of assessment.

3. In his application, Obaya said that he held a putta for the land in Jogapuram. When the Tahsildar was about to give over possession of the newly acquired land, he found that Acres 5 of the land were held and had been held on putta by others for six years prior to Obaya's application, and that only Acres 0-25 were in Obaya's putta.

4. The Curnam Obaya's act was possibly a fraudulent one, and therefore a magisterial inquiry was held. The result was the enclosed Proceedings† of the

Deputy Magistrate by which Obaya has
† Dated 13th February 1874, to be returned. escaped prosecution, but I hope it is only for a time.

5. I recommend that no compensation be given to Obaya, because he wilfully made a false statement. Obaya was a Curnam in Jogapuram up to Fasli 1270 (1860-61), and therefore when he applied for the land in 1868 it is more than probable that he knew the land was in the possession of others. Being a Curnam it is quite impossible to suppose that he did not know that only Acres 25 were in his putta. When he said that Acres 5-25 were in his putta, he said what he knew was not the case. He endeavoured by fraudulent means to dispossess the rightful holders of the land, and hoped that the owners would quietly acquiesce in the arrangement when they saw that they were dispossessed by order of the Tahsildar.

6. The Deputy Magistrate is perhaps right in saying that Obaya has not committed an offence under Section 177 of the Penal Code, but I do not agree with him as to the apparent intention with which the false statement was made, and I intend prosecuting Obaya under Section 182 of the Penal Code.

7. I have no doubt that Obaya wished to make a good bargain with the Government. Looking at the assessment of the land he gave up he gained nothing, as he had to pay quit-rent. But the value of Service Inams, judged by their assessment, is, as a rule, far lower than the value of similarly assessed putta land. The particular field which Obaya applied for in Jogapuram must have been much

*Proceedings of the Madras Government, Revenue Department,
23rd April 1874.*

more valuable than the Service Inam, otherwise he would not have taken such extreme measures to get possession of it.

ENCLOSURE No. 1.—Proceedings of Deputy Magistrate of Cuddapah, dated 13th February 1874.

SUBMITTED for the orders of Government.

2. Amongst the items of compensation sanctioned in G. O., 5th September 1871, No. 1,520, was the following :—

3. Kummavaribrahmanapalli Service Inam, Acres 5-10-0, assessed at Rupees 6-14-3, subject to a quit-rent of Rupees 5-9-3.

4. It now appears that this compensation was recommended on false information which the applicant knew or ought to have known was false. The sanction should therefore be cancelled.

No. 181. ORDER THEREON, 23rd April 1874, No. 494.

Miscellaneous.

THE sanction granted in the order of Government, dated 5th September 1871, No. 1,520, for the assignment of

the land alluded to to, Curnam Obaya, is accordingly cancelled. But the Government do not consider it equitable to refuse to grant him other land in exchange for that actually taken away from him for the railway.

(True Extract.)

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

To the Board of Revenue.
„ the Accountant-General.

No. 770.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th April 1874.

Read the following letter from W. D. HORSLEY, Esq., Collector of Cuddapah, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cuddapah, 25th February 1874, No. 33:—

I HAVE the honour to request that G. O.,* No. 1,520, dated 5th September
* In Board's Miscellaneous No. 3,276, of 15th 1871, granting compensation for land taken up by the railway, may be cancelled as regards one of the cases mentioned in that order.

2. In 1862, Curnam's Service Inam in the village of Kummavaribrahmanapalli in the Jamalmadugu Taluq was taken up by the railway. The extent of land occupied was half an acre, bearing an assessment of Rupees 1-5-0. In 1863, the Curnam Obaya applied for Acres 5.25 in Jogapuram. The assessment of this land is Rupees 6-14-3. The Government, in the order I have alluded to, sanctioned the exchange, but added a quit-rent to make up for the difference of assessment.

3. In his application, Obaya said that he held a putta for the land in Jogapuram. When the Tahsildar was about to give over possession of the newly acquired land, he found that Acres 5 of the land were held and had been held on putta by others for six years prior to Obaya's application, and that only Acres 0.25 were in Obaya's putta.

4. The Curnam Obaya's act was possibly a fraudulent one, and therefore a magisterial inquiry was held. The result was the enclosed Proceedings† of the Deputy Magistrate by which Obaya has escaped prosecution, but I hope it is only for a time.

5. I recommend that no compensation be given to Obaya, because he wilfully made a false statement. Obaya was a Curnam in Jogapuram up to Fasli 1270 (1860-61), and therefore when he applied for the land in 1863 it is more than probable that he knew the land was in the possession of others. Being a Curnam it is quite impossible to suppose that he did not know that only Acres .25 were in his putta. When he said that Acres 5.25 were in his putta, he said what he knew was not the case. He endeavoured by fraudulent means to dispossess the rightful holders of the land, and hoped that the owners would quietly acquiesce in the arrangement when they saw that they were dispossessed by order of the Tahsildar.

6. The Deputy Magistrate is perhaps right in saying that Obaya has not committed an offence under Section 177 of the Penal Code, but I do not agree with him as to the apparent intention with which the false statement was made, and I intend prosecuting Obaya under Section 182 of the Penal Code.

7. I have no doubt that Obaya wished to make a good bargain with the Government. Looking at the assessment of the land he gave up he gained nothing, as he had to pay quit-rent. But the value of Service Inams, judged by their assessment, is, as a rule, far lower than the value of similarly assessed putta land. The particular field which Obaya applied for in Jogapuram must have been much more valuable than the Service Inam, otherwise he would not have taken such extreme measures to get possession of it.

Enclosure No. 1.—Proceedings of Deputy Magistrate of Cuddapah, dated 13th February 1874.

Govt. of 1874

REVENUE.

To

THE BOARD OF REVENUE.

Secy. Secy. Secy.

Dated April 23rd.

Recd.

Encl.

Nos. 180-181.

Compensation to Curnam (Obaya of Kummavaribrahmanapalli Village, Cuddapah District).
Cancels the sanction accorded in G. O., 5th September 1871, No. 1,520, for the grant of land in — and considers it inequitable to refuse to grant him other land in exchange for that actually taken from him.

Revenue Department.

No. 494

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 23. April 1874.

Read the following Proceedings of the
Board of Revenue

Requesting to cancel the
sanction accorded for grant of
compensation for Service Inam
of Kummavaribrahmanapalli
Village, in Jamalamadugu Taluk,
Cuddapah District, taken up for
railway purposes, as the applicant
made a false statement in the matter.

H. E. 8. April 1874. N. 779.

The sanction
granted in the order
of Government, dated
5th September 1871, N. 1520,
for the assignment of
the land alluded to,
to Gurnam Chaya, is
accordingly cancelled.

But.

SUBMITTED for the orders of Government.

2. Amongst the items of compensation sanctioned in G. O., 5th September 1871, No. 1,520, was the following:—

3. Kummavaribrahmanapalli Service Inam, Acres 5-10-0, assessed at Rupees 6-14-3, subject to a quit-rent of Rupees 5-9-3.

4. It now appears that this compensation was recommended on false information which the applicant knew or ought to have known was false. The sanction should therefore be cancelled.

(A true Copy and Extract.)

Secretary.

To the Acting Secretary to Government, Revenue Department,
with an original enclosure to be returned:
Copy to the Collector of Cuddapah.

Exd. W. H. French.

Board of Revenue,
MADRAS.

1874.

N. 1233.

PROCEEDINGS, 8TH APRIL 1874, NO. 779.

24/3/1874
Encl: 1 A2

Received

24 April 1874.

APRIL.

No. 779.

Compensation—for Service Inam of Kummavaribrahmanapalli Village in Jamalamadugu Taluk, Cuddapah District, taken up for railway purposes.—Government requested to cancel sanction accorded for grant of—as applicant made a false statement in the matter.

No. 494-2341/1

But the Govt. do not
consider it equitable to
refuse to grant him
other land in exchange
for that actually taken
away from him for the
Railway. —

YLL

18/7/74

To,
The Board of Revenue. 14th May/74.
6. Acct. General

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C 20th April / 74 R 22²