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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 591. Press
B.P. No. ~~Mis.~~
B.Ps. 151-152.

Dated 12. 5. 1874. ~~196~~ .

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
12th May 1874.

No. 151. Read the following Proceedings of the Board of Revenue, dated 24th April 1874, No. 967 :—

Read the following letter from A. MACGREGOR, Esq., Collector of Malabar, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Calicut, 17th March 1874, No. 77.

I HAVE the honour to report the following case for the orders of the Board.

2. About forty-eight years ago, a Nair family, known as Valluvakat house, in Arakaparamba Amshom, Walluvanad Taluq, became extinct, and a neighbouring family designated Etayur house appropriated all the property managing it as part and parcel of their own. In the latter part of 1870 the case came to the notice of the local Revenue authorities, when the Tahsildar of Walluvanad set on foot an inquiry as to the property left by the extinct family which was estimated at Rupees 2,400, exclusive of all encumbrances.

3. The Etayur family, who have appropriated it under a pretence of right, admit that the property belonged to the extinct Valluvakat house, whilst they assert that they came in possession of the property by means of an adoption effected by one Kunhi (female), the last member of the extinct family, who, when unable to maintain herself in her old age, was taken care of by them for one or two years, and who, for want of heirs, adopted from their family one Kunchu (female) in consideration of her being the daughter of her (Kunhi's) brother.

4. The question which has to be decided in this case is, therefore, whether or not there was an adoption as alleged. There is no evidence whatever to show that there was an adoption, whilst there is sufficient reason to conclude that the plea is totally false.

5. It is a well known fact that the female Kunchu, who is stated to have been adopted, lives to this day as a member of Etayur family with that house name, and under the same roof with the rest of the family; moreover, certain property belonging to the extinct family of Valluvakat have been demised by the said Kunchu in conjunction with other members of her family as joint owners and under the designation of their house; a course which would never have been adopted if the alleged adoption were true, as it would have conveyed no right to her relations. There are also other circumstances which negative the adoption and point to the misappropriation of the property in question by Etayur family, and this fact can sufficiently be made out, if necessary, to the satisfaction of a Court of law.

6. The next point for consideration is whether it is worth the while of Government to assert their claim to so inconsiderable an Estate which has for nearly half a century been in possession of a quite distinct family. I would not have hesitated to state that it is not worth the interference of Government; but for the fact that even should the Government waive their claims, the property would not pass to the Etayur family but to an impostor, so to call him, which it is desirable it should not.

7. From the investigation held in this case it has come to light that in later years tenants holding property belonging to Valluvakat house have disrespected the title assumed by Etayur family and refused to pay jenmabhogam or proprietor's share to the latter who were unable to remedy the matter. With a view, therefore, of bringing the opposing tenants to subjection, they colluded with one

Ittikumara Panikar, a wealthy and influential man in the place, and executed a document conveying the property of Valluvakat house to him for Rupees 2,000. The wording of the document shows that 1,000 Rupees has been paid in cash, the remaining 1,000 Rupees being deducted as encumbrances on the property which Ittikumara Panikar had undertaken to discharge; and for the 1,000 Rupees said to have been paid in cash, the Panikar has executed two documents which he now denies to have been executed by him. The document executed to the Panikar has been duly registered, so that in the event of its being taken to a Court of law the chances are that the Panikar would get a decree.

8. The waiving of Government claim would, in that case, only result in the confirmation of the title of Etayur house to the property, and, therefore, in its transfer to Ittikumara Panikar into whose unqualified possession the property would then go.

9. I am therefore of opinion that Government should now declare the property to have escheated. In consideration of the long possession of Etayur house and of their having taken care of the last member of Valluvakat family, it will be a matter for consideration whether the property may then be sold to the former house or to the tenant. Possibly it might be found advisable as suggested by Mr. Buick to take the case into Court.

10. Copies of correspondence on the subject are herewith forwarded.

ENCLOSURE No. 1.

From W. T. AUSTIN, Esq., Acting Head Assistant-Collector, to W. LOGAN, Esq., Acting Collector of Malabar, dated Palghaut, 24th February 1871, No. 123.

I HAVE the honour to submit the following case for your consideration and orders.

2. The Arakaparamba Amshom Adagiri reported to the Tahsildar in September last that Valluvakat family in the said Amshom has become extinct by the death of the woman *Kunhi* who was the last representative of that family.

3. Inquiries have been made by the Tahsildar regarding the property, which consists of lands of the value of about 3,500. The Tahsildar considers it as an escheat, though claims have been advanced by Etayur Kunhi Amma and three others on the ground of Kunhu Amma being the adopted daughter of the deceased. There is no documentary evidence of the adoption, and the witnesses examined differ on the subject. These claimants themselves offer to purchase the lands if sold to them by Government on moderate terms. This in itself is a suspicious fact.

4. The deceased appears to have received much assistance and treatment while laid up in bed from the hands of Ittirarapan Nair, one of the Karnavers of the present claimants. On her death, the required funeral ceremonies have been performed. This seems the cause of the property passing into the hands of the present claimant's family.

5. The Tahsildar in consideration of the claimants having stated the truth of the case, of their indigent circumstances, and of their ancestors having rendered assistance to the deceased woman, recommends that the property which should escheat to Government may be sold to them on favourable terms.

6. The Amshom Adigari appears to have refrained from reporting this matter earlier from sinister motives, and only reported on the case, on apprehending the matter being brought to notice otherwise. On the receipt of your orders on this subject, this will be looked into.

7. The Tahsildar's report (requested to be returned), dated 31st December 1870, No. 355, with the records as per list are herewith forwarded.

(True Copy.)
(Signed) A. MACGREGOR,
Collector.

Proceedings of the Madras Government, Revenue Department,
12th May 1874.

ENCLOSURE No. 2.

From A. MACGREGOR, Esq., Collector of Malabar, to D. BUICK, Esq., Acting Head Assistant Collector of Palghaut, dated 12th May 1871, No. A.

I HAVE the honour with reference to the subject of your letter (No. 123) of the 24th February last, to inform you that I am of opinion that the proper course to pursue with reference to the Estate of the Valluvakat family is to sell the jenm right to the tenants as in the case of other escheats.

2. The claim of adoption set up by the Etayur family are obviously false. It is essential in case of adoption that the party adopted should remove to the house into which he or she is adopted and assume the name of that house; and that in future the names of other members of the original family should be in no way mixed up in business transactions relating to the property passing by adoption. All these points have been ignored in the present case.

3. Even if it were considered that the original unlawful taking possession and subsequent fraudulent concealment might be condoned on account of the lapse of time, it is still doubtful whether the commission would be of the least value to the Etayur family who, by a registered deed, duly executed, have parted with their property to one Thammai Ittikumara Panikar, a man to whom, so far as the document prove, no consideration whatever is due.

4. Before, however, finally deciding on the case it is desirable that you should inspect the lands, see the parties already alluded to, as well as the tenants, and report your opinion as formed on a local enquiry, and I request you will take advantage of the first occasion of your visiting this part of the taluq to inquire into the matter.

(True Copy.)
(Signed) A. MACGREGOR,
Collector.

ENCLOSURE No. 3.

From D. BUICK, Esq., Acting Head Assistant-Collector, to A. MACGREGOR, Esq., Collector of Malabar, dated Palghaut, 14th March 1872, No. 146.

IN reply to your letter of the 12th May 1871, No. A., I have the honour to inform you that on my late tour through the Walluvanad Taluq, I inspected the lands belonging to the late Valluvakat family and made inquiries of the members of the Etayur family who lay claim to them, and of the ryots in whose possession they are. I am of opinion that there is sufficient evidence to justify our asserting that the lands ought to be held to have escheated to Government.

2. Considering, however, that Government have been as it were out of possession for the last forty-seven years, that during this period the Etayur family in possession, and that they assert that they hold by virtue of the adoption by the last member of the Valluvakat family of the present senior member of the Etayur family, it seems to me that it is rather a harsh procedure to at once pronounce their title invalid, and sell the lands as escheats, and that it would be at any rate fairer to recover the lands through the Law Courts where the title of the Edayur family can be satisfactorily scrutinized.

3. I return the enclosures received with your letter.

(True Copy.)
(Signed) A. MACGREGOR,
Collector.

SUBMITTED for the orders of Government.

2. About forty-eight years ago property worth about Rupees 2,400 was left without heirs. The Amshom Adigari who ought to have reported the fact refrained from doing so through "sinister motives," and a neighbour who had taken care of the last member of the extinct family, a female, appropriated the escheat which ought to have gone to Government.

3. The title alleged is founded on a false story of an adoption. Unless Government interfere the property, in consequence of certain transactions which need not be particularized will pass from the present possessor to an outsider who has no claims to consideration.

4 The question is whether Government should sue for the escheat? The Board think they should.

5. The Collector will report if the Amshom Adigari has been duly punished.

No. 152. ORDER THEREON, 12th May 1874, No. 591.

Miscellaneous.

THE Government do not think it worthwhile asserting the rights of the State in this small matter after the lapse of well nigh half a century.

(True Extract.)

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

Govt. of (1874) Madras

REVENUE.

To

THE BOARD OF REVENUE.

Dated May 12th.

Recd.

MAY.

Nos. 151-152.

G. O., 12th May 1874, No. 601.

Palluvakkat family, in Arakaparamba Amshom, Malabar District.—Conditions necessary to assert the rights of the Government to the property of the —.

☆

No. 967.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 24th April 1874.

Read the following letter from A. MACGREGOR, Esq., Collector of Malabar, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Calicut, 17th March 1874, No. 77 :—

I HAVE the honour to report the following case for the orders of the Board :—

2. About forty-eight years ago, a Nair family, known as Valluvakat house, in Arakaparamba Amshom, Walluvanad Taluq, became extinct, and a neighbouring family designated Etayur house appropriated all the property managing it as part and parcel of their own. In the latter part of 1870 the case came to the notice of the local revenue authorities, when the Tahsildar of Walluvanad set on foot an inquiry as to the property left by the extinct family which was estimated at Rupees 2,400, exclusive of all encumbrances.

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the title assumed by Etayur family and refused to pay jenmabhogam or proprietor's share to the latter who were unable to remedy the matter. With a view, therefore, of bringing the opposing tenants to subjection, they colluded with one Ittikumara Panikar, a wealthy and influential man in the place, and executed a document conveying the property of Valluvakat house to him for Rupees 2,000. The wording of the document shows that 1,000 Rupees has been paid in cash, the remaining 1,000 Rupees being deducted as encumbrances on the property which Ittikumara Panikar had undertaken to discharge; and for the 1,000 Rupees said to have been paid in cash, the Panikar has executed two documents which he now denies to have been executed by him. The document executed to the Panikar has been duly registered, so that in the event of its being taken to a Court of law the chances are that the Panikar would get a decree.

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(True Copy.)

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Collector.

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From D. BUICK, Esq., Acting Head-Assistant-Collector, to A. MACGREGOR, Esq., Collector of Malabar, dated Palghaut, 14th March 1872, No. 146.

IN reply to your letter of the 12th May 1871, No. A., I have the honour to inform you that on my late tour through the Walluvanad Taluq, I inspected the lands belonging to the late Valluvakat family and made inquiries of the members of the Etayur family who lay claim to them, and of the ryots in whose possession they are. I am of opinion that there is sufficient evidence to justify our asserting that the lands ought to be held to have escheated to Government.

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4. The question is whether Government should sue for the escheat? The Board think they should.

5. The Collector will report if the Amshom Adigari has been duly punished.

(True Copies and Extract.)

J Grote
Secretary.

To the Acting Secretary to Government, Revenue Department.
,, the Collector of Malabar.

Exd. G. A. Turton.

No. 591

Govt. Govt. do not think it worth while asserting the rights of the State in this small matter after the lapse of well nigh half a century

Letter to Bd 14 To Bd's Proc dtd 22 May 74 12 May 74

No. 1413.
Revenue
1874.
Board of Revenue,
MADRAS.

PROCEEDINGS, 24TH APRIL 1874, No. 967.

Disp 30 April 74.
Encl.

Received 1 May 74.

No 591 - 12 May 74

APRIL.
No. 967.

Escheated property—of extinct Vallavakat family, in Arakaparamba Amshom, of Walluvanad Taluq, Malabar District, appropriated by a neighbouring family.—Question whether Government should sue for —, submitted for their orders, with Board's opinion that they should. Collector to report if Amshom Adigari who failed to report extinction of family was duly punished.

For order.

11 X

REVENUE DEPARTMENT.

C No. 1413

From Board of Revenue Dated 24th April 1874.

FOR ORDERS.

Govt do not think it worth while asserting the rights of the State in this small matter after the lapse of well nigh half a century

Letter to Bd 14 To Bd's Proc dtd 22 May 74 12 May 74

Submitted for the orders of Government.

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MADRAS.

EDINGS, 24TH APRIL 1874, No. 967.

Dep 30 April 74.
Encl.

Read 1st.
67/- R. May 74 -

APRIL.
No. 967.

ted property—of extinct Valluvakat
Arakaparamba Amshom, of Walluva-
Malabar District, appropriated by a
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h Board's opinion that they should
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filled to report extinction of family was duly
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Copy Minutes Read
List from Order

For order.
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(1A) X

FOR ORDERS.

JL1413

C 5th. May/74 R 12th