

733

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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Ravay DEPARTMENT

G.O. No.	733	Press
B.P. No.	130-134	Mis.
Dated	13.6.1966	196 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
13th June 1874.*

Read the following papers:—

No. 132. Endorsement of the Officiating Under-Secretary to the Government of India, Home Department, (Judicial,) dated Fort William, 28th May 1874, No. 695.

Despatch from the Right Honourable the Secretary of State for India.

Judicial,

INDIA OFFICE, LONDON,

No. 15.

23rd April 1874.

MY LORD,—I send herewith, a number in the packet, Her Majesty's order in Council and printed judgment, together with a perfect set of the papers printed in this country, in the appeal case noted in the margin, which I desire you will place in the hands of the law-officers of your Government.

From Madras.
Oolagappa Chetty, Appellant,
and

The Hon. D. Arbuthnott, Collector and Agent to the Court of Wards, on behalf of the minor son of Gandam Ramakrishnama Naiker, Zemindar of Gundamanaikanoor in the Periyakulam Taluq, and others, Respondents.

2. Duplicates of the above-mentioned documents will be forwarded by the succeeding Southampton mail.

I have, etc.,

(Signed) SALISBURY.

His Excellency the Right Honourable

The Governor-General of India in Council.

COPY forwarded to the Government of Madras for disposal, together with a packet containing the documents herein mentioned.

(By Order,)

(Signed) TREVOR PLOWDEN,

Offy. Under-Secy. to the Govt. of India.

No. 133. Despatch from the Right Honourable the Secretary of State for India:—

Judicial,

INDIA OFFICE, LONDON,

No. 10.

14th May 1874.

MY LORD,—With reference to previous correspondence, I forward herewith copy of a letter from the Solicitor to this office and an enclosed copy of an opinion by

28th April 1874.

Mr. Forsyth, Q.C., relative to the appeal of Oolagappa Chetty *versus* the Hon. D. Arbuthnott and others.

2. I desire that your Excellency in Council will cause careful inquiry to be made as to the point alluded to by Mr. Forsyth, that is, whether the Government has ever nominated as Poligar "any one who was not the heir of the deceased Poligar."

I have, etc.,

(Signed) SALISBURY.

His Excellency the Right Honourable

The Governor in Council, Fort St. George.

*Proceedings of the Madras Government, Revenue Department,
13th June 1874.*

No. 134.

ORDER THEREON, 13th June 1874, No. 735.

Miscellaneous.

HIS EXCELLENCY the Governor in Council resolves to forward these papers (with the printed enclosures to the first in original) to the Court of Wards for consideration and report, after taking legal advice, as to whether, in the interests of the minor, it is desirable to take further action. They will also state their opinion whether the Government should take advantage of the opportunity to have the general question settled.

2. The Court will observe that, if it is determined to litigate further, the application for trial on the issue, "whether the late Zemindar had an estate of inheritance in the Zemindari which descended to his minor son as his heir," must be made within six months from 17th March 1874, the date of the order in Council.

(True Extract.)

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

To the Court of Wards.

Exd, F. R. Bantleman.

enclosures

Revenue Department.

No. 733.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 13 June 1874.

READ the following Papers

Endorsement from the Gent
of India forwarding copy
of a Dispatch with copies
of Decree and Judgment in
appeal case of Colagappa
Chetty versus Simble D.
Aruthnoot and others.

H. E. 28 May 1874 No. 695

Dispatch from the Secretary
of State for India, forward-
ing copy of a letter from
the India Office Solicitor
and opinion of Mr Forsyth
2.C. relative to the appeal
of Colagappa Chetty versus
the Simble D. Aruthnoot
and others, and desires care-
ful enquiry to be made as
to whether the Gent has ever
nominated as Poligar any
one who was not the heir
of the deceased Poligar.

His Excellency the
Governor in Council re-
solves to forward these
papers (with the printed
enclosures

7.12.34

18.3.74

26-3-12

Govt. of 1874 Madras

REVENUE.

To

THE COURT OF WARDS.

Dated June 13th.

Recd.

Encl.

G. O. 13th June 1874, No. 733.

JUNE.

No. 132-134.

Appeal Case of Colagappa Chetty versus
the Hon. D. Aruthnoot and others. — forwards
certain papers regarding — to Court of Wards;
directs them to report after advice whether
further action is desirable, and whether this opor-
tunity might be used for getting the general
question settled; and observes that the time for
action in a certain issue is limited.



Vide Board's Pro. 24 June/74
V Bds Pro. 8 Sept 1874 No. 2530

as to whether the
 pt. should take
 advantage of the
 opportunity to have
 the question settled.
 I do not wish to
 see the object of
 this part of the
 decision for the High
 Court decided that
 an unsettled title
 was left an in-
 convenience to the Union
 Council have de-
 cided that it is

733
 I regret the case as pro-
 posed by Mr. S. J. of legal opinion
 that the title of the
 question settled & apparently
 settled - the term unsettled
 applies simply to the Revenue & the
 affairs of the matter & it is a non-
 fiction that there is a reversion in
 every death. These estates were
 hereditary (as a rule) when the
 British rule commenced in the
 Poligar families and the her-
 ditary succession has been
 maintained. The compromise
 has been a mere form as a
 rule - the State has really no
 interest in maintaining the
 fiction

9/6
 The question should be referred
 as proposed.
 I have never used probably
 the legal advice is to take no
 further step, in any
 case. The question is
 ultimately settled: and there
 is no reason to regret the matter
 settled. 11/6

L. O. S.
 6. 6. 74



13/23

Indicial
 No. 10.

India Office
 London, 14 May 1874

My Lord,
 With reference to
 previous correspondence
 I forward herewith, copy
 of a letter from the
 Solicitor to this Office
 and an enclosed
 copy of an opinion
 by Mr. Forsyth, 2 C.
 relative to the appeal
 of Bolagappa Chetty
 versus the Hon. D. Arbutnot
 and

M. G. P.

His Excellency
 The Right Honorable
 The Governor in Council
 Fort St. George.

29 April 1874

enclosures to the first in
original) to the Court
of Wards for consideration
and report, after taking
legal advice, as to whether
in the interests of the
minor it is desirable
to take further action.
They will also state
their opinion whether
the Government should
take advantage of the
opportunity to have
the general question
settled -

2. The Court will ob-
serve that if it is de-
termined to litigate
further the applica-
tion for trial on the
issue "whether the
late Zemindar had
an Estate of inheritance
in

2/33
in the Zemindary which
descended to his minor
son as his heir" must
be made within
6 months from 17-
March 1874 the date
of the order in council.

Just from orders?

CPH

To Court of Wards with
D. P. K. S. S. S.
Printed per order.
27-10-74

132-134

G. O.

Belagappa Chetty

Humble P. Chetty

Do

For



Memo for orders

The question to be decided is whether the Government will continue this litigation.

The Privy Council have reversed the High Court decree because in their opinion no sufficient evidence was given to prove that the pollution reverted absolutely to G.O. on the death of the late Polygar. But they leave it open to the respondents or any of them to move for a new trial on the following issue viz—

132-134

Whether the
late Semindar
had an estate
of inheritance in
the Semindar
which descended
to his minor son
as his heir.

~~There is no~~
Application
for a writ of
one must be
made within
6 months from
the date of the
order in Council
of 17th March 1874.

The papers now
put up do not
contain the whole
of the correspon-
dence on this
matter but they
are all that

are available at
Ootacamund

11/23 J.M.

The case must

be to the Court

of Wards for

this can be done

at once - after

taking legal advice

as to whether in

the interests of

the Minor it is

desirable to take

for the action - as

allowed. May 16th

also give their opinion

and others.

2. I desire that your
Excellency in Council
will cause careful
enquiry to be made as
to the point alluded
to by Mr. Fortyk, that is,
whether the Government
has ever nominated as
"Polygar" any one
"who was not the heir
of the deceased Polygar"

I have the honor to be,

My Lord,

Your Lordships most-
obedient, humble servant

Sabir Singh



15
223

133.

No. 19.
Res
Judicial
14th May 1874
The Letter to Fort St. George
No. 10.

Recd. 7 June 1874.

Forward copy of a letter
the India Office Solicitor & opinion
of Mr. Forsyth Q.C., relative to the
Appeal of Colagappa Chetty
versus the Hon. D. Arbuthnot
& others, & desires careful enquiry
to be made as to whether the Govt
has ever nominated as Poligar
any one who was not the heir
of the deceased Poligar.

Judicial
No. 15.

India Office,
London, 23rd April 1874.

His Excellency the Right Hon^{ble}
The Governor General of India in Council.

My Lord,
1.

Packet, Her Majesty's order in Council and
From Madras.

Colagappa Chetty, Appellant
and
The Hon^{ble} D. Arbuthnot, collector
and Agent to the Govt of Madras
on behalf of the minor son of
Gandam Rama Krishna
Saiker, Zamindar of Gunda
manai = Kanoor in the Perijakulam
Taluk and others - Respondents.

I send herewith a No in the
printed judgment together
with a perfect set of the papers
printed in this country in
the appeal case noted in the
margin which I desire you
will place in the hands of
the Law Officers of your

Government.

2. Duplicates of the above mentioned docu-
ments will be forwarded by the succeeding
Southampton Mail.

Have the honor to be,
My Lord,
Your Lordship's most obed^t humble servant
(Ld) Salisbury.

17/3/74

No

No 696

Copy forwarded to the Government of
Madras for disposal, together with a packet
containing the documents herein mentioned.

Department
Judicial.)
William, the 28 May 1874

By Order,

Wm. M. M.

Offy. Under Secy. to the Govt of India.

132

20th N^o. 1792
23rd
Revenue 1874 Sept.

From
The Govt of India
Judicial Dept.

dated 28th May
recd. 5th June } 74

Enc. 6 N^o. 695.

Forwarding copies of
Decree and Judgement of in
case appeal case of Colagappa
Shetty versus Honble D. Arbuthnot
& others.