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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1281	Press
B.P. No.		Mis.-
Dated	25.8.1875	196 .

Not to be folded or roughly handled

1281

*Proceedings of the Madras Government, Revenue Department,
25th August 1875.*

No. 251. Read the following Proceedings of the Board of Revenue, dated 30th July 1875, No. 2,137 :—

Read the following letter from W. D. HORSLEY, Esq., Collector of Cuddapah, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 4th May 1875, No. 98 :—

I HAVE the honor to forward, in original, a petition presented to me by A. Cuppiah, Vakeel on behalf of Venkatarama Dassappa Naidu, a Poligar pensioner.

2. The petitioner wants, under Section 6 of the Pensions Act, XXIII. of 1871, a certificate to sue Ragava Naidu for a share of pension which the latter is enjoying. The certificate can be

Board's Procs., No. 2,616, of 20th Dec. 1873. granted by the Collector; but, as in this
G.O., thereon, No. 1,479, of 24th Dec. 1873. case the marginally-noted correspondence
Board's Procs., No. 355, of 17th Feb. 1874. has passed with reference to a suit which
Board's Procs., No. 915, of 17th April 1874.

the petitioner filed against the Madras Government and Ragava Naidu, I submit the matter for the disposal of Government through the Board of Revenue.

3. I see no reason why a certificate should not be granted as requested.

—
ENCLOSURE No. 1.—Petition.

—
SUBMITTED for the orders of Government.

2. The continuance of a Poligar pension of Rupees 196-2-3 per mensem to one Venkatarama Dassappa Naidu was sanctioned in G.O., dated 6th January 1854. During his minority the pension was drawn by his guardian and relative Ragava Naidu. On attaining his majority he

Board's Procs., 15th May 1865, No. 2,498. appropriated the entire pension notwithstanding that it had been granted, in express terms, for the support of the family. His former guardian, Ragava Naidu, complained of his conduct and claimed a share

Board's Procs., 22nd Aug. 1865, No. 5,100. of the pension. The Board directed the Collector to warn Venkatarama Dassappa Naidu that, unless he agreed to support those who had a fair claim to maintenance, a portion of the allowance would be deducted for the purpose. On

Board's Procs., 9th March 1866, No. 1,629. this he came to terms with Ragava Naidu, and matters went on quietly for some time; but in 1871 it was reported that Venkatarama Dassappa Naidu, not only refused to give Ragava Naidu a share of the pension, but denied his right to it. So bitter was the animosity between them that the Collector, seeing no hope of reconciliation, recommended that the arrangement contemplated in 1865 should be carried out.

3. The Board approved, and Government passed the following order :—“The Government sanction payment to Ragava Naidu, for the support of those members of the family dependent on him, of two-fifths of the Poligar pension now standing in the name of Venkatarama Dassappa Naidu, who refuses to contribute to the maintenance of his relatives in accordance with the principle on which these pensions were conferred” (G.O., dated 29th November 1871, No. 2,024).

Proceedings of the Madras Government, Revenue Department,
25th August 1875.

4. In 1873 Venkatarama Dassappa Naidu instituted a suit against Government for the cancellation of their order. The defence was sanctioned by Government, and the answer was to the effect that the suit was barred by Section 4 of the Pensions Act, No. XXIII of 1871 (G.O., dated 24th December 1873, No. 1,479). Meanwhile plaintiff withdrew the suit under Section 98 of the Civil Procedure Code with the Court's permission to sue afresh.

5. The Collector now submits a petition from Venkatarama Dassappa Naidu applying for a certificate under Section 6 of the Pensions Act (XXIII of 1871) to enable him to file a suit against Ragava Naidu. The alleged ground of action is that Ragava Naidu is only a distant cousin, and has no claim to a share of the pension. The Collector observes that he sees no reason why the certificate should not be granted.

6. In regard to petitioner's assertion that Ragava Naidu is a *distant* cousin, it is to be observed that the tabular report, dated 3rd November 1853, and the letter recorded in Board's Proceedings, dated 15th May 1865, No. 2,498, show that petitioner's father and Ragava Naidu were *first* cousins, and Venkatarama Dassappa Naidu then admitted the correctness of the genealogical table given in the letter. As shown above, the pension was not granted for the exclusive benefit of petitioner, but for the support of the entire family; and, as he persistently refused to contribute to the support of eighteen members out of twenty-three, it became necessary to assign two-fifths of the pension to Ragava Naidu for their support. As the necessity for this arrangement still exists, and as petitioner's claim seems to be frivolous and vexatious and not made *bona fide*, the Board think there is good reason for refusing to grant the required certificate to enable him to sue.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 252. ORDER THEREON, 25th August 1875, No. 1,281.

Miscellaneous.

THE Government agree with the Board that the certificate should be refused.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Board of Revenue.

1281/3

No. 2,137.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 30th July 1875.

Read the following letter from W. D. HORSLEY, Esq., Collector of Cuddapah, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 4th May 1875, No. 98 :—

I HAVE the honor to forward, in original, a petition presented to me by A. Cuppiah, Vakeel on behalf of Venkatarama Dassappa Naidu, a Poligar pensioner.

2. The petitioner wants, under Section 6 of the Pensions Act, XXIII. of 1871, a certificate to sue Ragava Naidu for a share of pension which the latter is enjoying. The certificate can be granted by the Collector; but, as in this case the marginally-noted correspondence has passed with reference to a suit which the petitioner filed against the Madras Government and Ragava Naidu, I submit the matter for the disposal of Government through the Board of Revenue.

3. I see no reason why a certificate should not be granted as requested.

ENCLOSURE No. 1.—Petition.

SUBMITTED for the orders of Government.

2. The continuance of a Poligar pension of Rupees 196-2-3 per mensem to one Venkatarama Dassappa Naidu was sanctioned in G.O., dated 6th January 1854. During his minority the pension was drawn by his guardian and relative Ragava Naidu. On attaining his majority he appropriated the entire pension notwithstanding that it had been granted, in express terms, for the support of the family. His former guardian, Ragava Naidu, complained of his conduct and claimed a share of the pension. The Board directed the Collector to warn Venkatarama Dassappa Naidu that, unless he agreed to support those who had a fair claim to maintenance, a portion of the allowance would be deducted for the purpose. On this he came to terms with Ragava Naidu, and matters went on quietly for some time; but in 1871 it was reported that Venkatarama Dassappa Naidu, not only refused to give Ragava Naidu a share of the pension, but denied his right to it. So bitter was the animosity between them that the Collector, seeing no hope of reconciliation, recommended that the arrangement contemplated in 1865 should be carried out.

3. The Board approved, and Government passed the following order :—“The Government sanction payment to Ragava Naidu, for the support of those members of the family dependent on him, of two-fifths of the Poligar pension now standing in the name of Venkatarama Dassappa Naidu, who refuses to contribute to the maintenance of his relatives in accordance with the principle on which these pensions were conferred” (G.O., dated 29th November 1871, No. 2,024).

Vol. of 1875

REVENUE.

THE BOARD OF REVENUE

Listed August, 25th.

Recd.

Encl.

G. O., 25th August 1875, No. 1,281.

AUGUST.

Nos. 251-252.

Certificate under Section 6 of the Pensions Act XXIII. of 1871 applied for by Venkatarama Dassappa Naidu of Cuddapah District. Concerning with the Board that the — to enable him to file a suit against one Ragava Naidu for the purpose of denying the latter's claim to a share in a Poligar pension should be refused.

4. In 1873 Venkatarama Dassappa Naidu instituted a suit against Government for the cancellation of their order. The defence was sanctioned by Government, and the answer was to the effect that the suit was barred by Section 4 of the Pensions Act, No. XXIII of 1871 (G.O., dated 24th December 1873, No. 1,479). Meanwhile plaintiff withdrew the suit under Section 98 of the Civil Procedure Code with the Court's permission to sue afresh.

5. The Collector now submits a petition from Venkatarama Dassappa Naidu applying for a certificate under Section 6 of the Pensions Act (XXIII of 1871) to enable him to file a suit against Ragava Naidu. The alleged ground of action is that Ragava Naidu is only a distant cousin, and has no claim to a share of the pension. The Collector observes that he sees no reason why the certificate should not be granted.

6. In regard to petitioner's assertion that Ragava Naidu is a *distant* cousin, it is to be observed that the tabular report, dated 3rd November 1853, and the letter recorded in Board's Proceedings, dated 15th May 1865, No. 2,498, show that petitioner's father and Ragava Naidu were *first* cousins, and Venkatarama Dassappa Naidu then admitted the correctness of the genealogical table given in the letter. As shown above, the pension was not granted for the exclusive benefit of petitioner, but for the support of the entire family; and, as he persistently refused to contribute to the support of eighteen members out of twenty-three, it became necessary to assign two-fifths of the pension to Ragava Naidu for their support. As the necessity for this arrangement still exists, and as petitioner's claim seems to be frivolous and vexatious and not made *bond fide*, the Board think there is good reason for refusing to grant the required certificate to enable him to sue.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department, with petition.

Copy to the Collector of Cuddapah.

Exd. J. W. Fischer.

At: 1281
The Govt agree with the Board
that the certificate should

be refused
24/10
25 Aug/75

14th Dec 1873

Poligar Pension—continued to one Venkatarama Dassappa Naidu of Cuddapah District. Letter from Collector, forwarding an application from this individual for a certificate to enable him to file a suit against one Ragava Naidu for purpose of denying his claim to a share in the pension, submitted to Government. Opinion expressed that the certificate should not be granted for certain reasons.

JULY.
No. 2,137.

Received

13: Aug 75

24/10

PROCEEDINGS, 30th July 1875, No. 2,137.

BOARD OF REVENUE,
MADRAS.

1875.

24/10

29th March 71—292-93
24 Dec 73—208-9

Rev: 15/5/82 24/10

400/5/54/75

217 Aug 75 10 25 Aug 75

Ch. 1281. 25 Aug 1875