

1484/11
(1) Number of Pages 22
(2) Date of repair 30.1.1968
(3) Initials of the Referencer 24.11.68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT.

G.O. No.
B.P. No.

1484

Press
Mis.

Dated 12.10.1875 196 .

Not to be folded or roughly handled

1484

1

Proceedings of the Madras Government, Revenue Department,
12th October 1875

No. 76. Read the following Proceedings of the Board of Revenue, dated 25th August 1875, No. 2,399 :—
Read again Board's Proceedings, dated 25th May 1875, Miscellaneous No. 4,569.
Read also the following letter from J. HOPE, Esq., Acting Collector of Kurnool, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Kurnool, 23rd July 1875, No. 253 :—

With reference to Board's Proceedings, Miscellaneous No. 4,569, dated 25th May 1875, I have the honor to report that Kristnamarajoo refuses to give any share to Bojarajoo out of the pension drawn by him. A translation of the statement given by Kistnamarajoo before the Tahsildar of Pattikonda is enclosed.

ENCLOSURE No. 1.—Translation of Deposition.

SUBMITTED for the orders of Government.

2. Petitioner Bojarajoo Naidu claims a moiety of a Poligar pension of Rupees 49-3-6 a-month, formerly held by his father Mallikarjin Naidu, and which was in 1859 continued to his nephew Kistna Raz, the present registered holder.

3. From 1859 to 1866, during the minority of Kistna Raz, petitioner drew the allowance, and retained half as his own share. When Kistna Raz came to draw the allowance himself, he refused to give a share to his uncle. The latter then complained to the Collector who refused to recognize his claim, because his name was not mentioned in the Board's Proceedings recommending the continuance of the grant, nor in the Government Order sanctioning it. On appeal the Board passed the following order :—"Petitioner appears to have no claim to a share in the pension, and the Board decline to interfere in his behalf"—Board's Proceedings, dated 13th October 1870, No. 6,100.

4. He has since applied to the Collector either to assign him a share of the allowance, or to grant a certificate, to enable him to bring a suit to establish his claim. Adverting to Standing Circular, No. 175, and to recent orders in similar cases, the Collector submits the matter for reconsideration.

5. The Board directed the Collector to warn Kistna Raz that, unless he came to terms with his uncle, a certificate authorizing the institution of a suit would be granted.

6. From the statement now submitted by the Collector, it appears that Kistna Raz still refuses to give his uncle a share of the pension on the ground that the latter gave him no share of the ancestral property.

7. The Board are of opinion that the dispute is one that will be best settled by a civil suit. They accordingly recommend that the Collector be authorized to grant Bojarajoo a certificate under the Pensions Act to enable him to sue.

(A true Copy and Extract.)

(Signed)

C. A. GALTON,
Acting Sub-Secretary.

1484
2

Proceedings of the Madras Government, Revenue Department,
12th October 1875.

No. 77.

ORDER THEREON, 12th October 1875, No. 1,484.

Miscellaneous.

THE Collector will inform Kistna Raz that, if he does not come to some arrangement with his uncle within four months from the date of this order, the Government will direct the pension now drawn by him to be distributed as they think fit.

2. At the end of the above-named period the Collector will report again, and, if necessary, suggest the shares in which distribution should be made.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under-Secretary to Government.

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

Exd. A. Grubert.

This is the No. 4569.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 25th May 1875.

Read the following:

No. 59.

From

The Acting Collector of
Thiruvol.

To

The Secretary to the
Board of Revenue
Madras.

Sir

I have the honor to submit
for the orders of the Board, a petition
presented by Bhojarazu, son of
Mallikagiri Nair, P. Nagar of Mad-
dikera, requesting the grant of
a certificate under Section 6 of
Act ~~XXIII~~ of 1871, to sue his nephew
Kriparamarazu, for the payment of
his

20-6-1875
4/12/75

Govt. of 1875

REVENUE.

THE BOARD OF REVENUE.

Dated October, 1875.

Recd.

G. O., 12th October 1875, No. 1,483.

OCTOBER.
Nos. 76-77.

*Poligar Pension enjoyed by one Kistna Rao of
Kurnool.—Directing the Collector to inform Kistna
Rao that, if he does not come to some arrangement
with his uncle with reference to the share due to
him within four months from the date of this order,
the pension drawn by him will be distributed as
the Government think fit; and requesting the Col-
lector at the end of that period to report again,
and, if necessary, suggest the share which
distribution should be made.*

his share of the pension of Rupees
49-3-6 a month, paid to the
latter under Government Order, No.
26, dated 5th January 1860.

2. The History of the present
Case will be found recorded in
the orders noted in Government Order, dated
28th June 1863, No: 80 of
the margin. Malli Revenue Department.
Kagiri Nair, Poligar Government Order No 26
dated 5th January 1860
of all addshera, and Board's Proceedings
No: 6100, dated 13 October 1870.
the original grantee had three sons,
Ramappa Naidu, Rozappa Naidu
and Bhojarazu (petitioner). On the
father's demise, the pension was
continued, under the first order
quoted. "Conjointly" to the eldest son
Ramappa

148th 14
(Ramappa Naidu) and widow",
though in the letter of the Collector of
Bellary, dated 3rd June 1813, the re-
commendation was made on behalf
of "Ramappa Nair and his brothers".
On Ramappa Nair's death, as
however, Rozappa Naidu, the
2nd son, appears to have drawn the
pension under the same order, which
the Collector of Bellary, states, is
quoted in all the accounts in
which his pension is charged,
and is also referred to in Govern-
ment Order, No 26, dated 5th Janu-

only descent
the third brother
set up pension
as a claimant
had the first
brother left
no issue -

ary 1860. Continuing the pension
to his eldest son, Krestamarazu,

on his death in 1858. Kristnamara-
raju was a minor at his father's
death, and his pension was drawn
by his uncle Bhogaraju (petitioner)
who took half of it and paid the
remaining half to his nephew. The
arrangement continued till 1869 or
70, when Kristnamaraju refused
to give any share of his pension
to the petitioner. The petitioner then
complained to the Collector, Mr Chase,
to order the payment to him of his
share of the pension, but this was
refused by that officer. The order
was confirmed on appeal to the
Board of Revenue, in their Proceedings
No:

1484/5
No. 6100, dated 13th October 1870. The
petitioner now requests that grant of
a certificate under Section 6 of the
Pension Act, to enable him to esta-
blish his right to half the pension
in a Civil Court.

3. As the decision of the Board
in their Proceedings No. 6100, dated 13th
October 1870, appears to be at variance

* Board's Standing Order No. 175. with the principle
Government Order, dated 8th July 1865. laid down in the
No. 1561 communicated in Board's orders quoted in the
Proceedings No. 4084, dated 15th Idem. margin, I have
Government Order, No 2581, dated 15th
September 1869, communicated in thought it right to
Board's Proceedings, No 7015, dated 27th Idem. submit the question
Board's Proceedings No 2616, dated 20th
December 1873.

for the reconsideration of the Board,
before complying with the petitioner's
application for a certificate to sue
in

in the Civil Court.

Kurnool Collectors Office

I have &c

19th February 1845

(sd)

James Hope

Ag. Collector

The registered holder. Kristnamarazu should be informed that unless he comes to terms with his uncle Bhojarazu, a certificate will be granted to enable the latter to sue for his rights in a Civil Court. If Kristnamarazu disregards this warning the collector will report further.

(True copy)

(sd)

C. A. Galtton

Ag. Sub. Secretary

The Collector of Kurnool, with
a Petition ^{retd.}

(True copy)

C. A. Galtton
Ag. Sub. Secretary

Pls.

Memorandum for one

Polign's Pension in Kurm
Bras Prop 25 August 1895
N. 234

The Board of Rev,
 their Prop of 13th Oct 78
 considered, that the
 Petr had no claim to a
 share in the pension, and
 declined to interfere
 his behalf. Now, as
 they have apparently
 changed their view, and
 failing to bring about
 an amicable settlement
 between the contending
 parties, recommend, that
 the Com be authorized
 grant a certificate to
 Petr to enable him to
 sue.

2 It appears to me,
 this is a case which
 ought to be decided
 Govt. The object

2/3/95

Enclosure in

Proceedings of the
Board of Revenue, dated
25th August 1895, No.
2399, to the effect, showing
the Government, Revenue
Department

No. 1199/95.

Sm 2
3657/95

Copy of
Board's proceedings
dated 25th Aug 1895.
Muscatine No. 4589.
12/10/98-28/8/99

the Pension of one man (1871)

is to secure the appropriation of pensions to purposes for which they were granted, and for this purpose it vests in Gov. the power of adjudicating upon conflicting claims, and precludes the ordinary tribunals from taking cognizance of suits relating thereto except upon the authority of a certificate from the Comr.

3 In this case, the claimant is a son and the present holder of the pension a grandson of the original grantee; the latter having inherited the pension in succession to his father, an elder brother of the claimant. During the

the pension was drawn by the claimant who, taking a half for himself, gave the other half to his nephew. The nephew now draws the pension himself and refuses to give any share to the claimant, his uncle; his plea is that the latter has taken possession of the ancestral property of the family and would not give the nephew his share.

4 As the correspondence in analogous cases shows, the Obligor pensions in the Ceded Districts were granted in lieu of resumed lands and privileges and are hereditary in the direct line during good behavior. They have been repeatedly held to be intended for the support of the families generally, though residing

* Prop of Govt
8 July 1865 N. 1561.

Bms Standing order N. 175
* Bms Prop 20 Decr 1873
N. 2616

in the present case, one member only, and on the principle in another case, where the registered holder refused to support the other members, a portion of the allowance has been separately assigned to them. This principle has further been distinctly recognized on two successive lapses in this very case.

The present case, as above stated, is a simple one involving no complicated questions of the law of inheritance, and I think that an inquiry should be made as to the truth or otherwise of the plea alleged by the present holder of the pension, and that if it is not substantiated, a moiety of the pension should be assigned to the claimant, thus saving the family from the evil consequences of litigation. This obviously is one of the main objects of the Pension Act.

* G.O. 29 Nov 1871 N. 2024.

* G.O. 28 June 1813 N. 802.
 " " 3 Jan 1860. 26.

The Govt. granted authority for the pension "being continued in the name of the eldest son".

Concur
 S. W. M.

I do not think I can inform the present principal of the Pension that if he does not wish to have a fixed date come to some arrangement with his wife. The Govt. I do not think is in a position to make as they think fit. The Govt. I do not think is in a position to make as they think fit. The Govt. I do not think is in a position to make as they think fit.

I think this will be the best course to follow. It avoids a suit about the pension & confines the litigation if any to the ancestral property not exceeding 1/2 as R.S.E.

It is admitted that the principle enunciated in this Bureau as to these pensions being for the support of the family is correct & that therefore there is no need for the inquiry suggested in the last para. If the Petitioner's opponent thinks he has been deprived of his share of ancestral property he has his remedy in a civil suit. It is no part of the duty of Revenue officers to inquire into such matters but it is their duty to see that pensions granted by Government are distributed as intended.

It is suggested that the Collector should be empowered to pay Petitioner in future such share of the pension not exceeding 1/2 as

as he may think
proper and to
grant Petitioner
to enable him to sue
for the arrears of
which he has
been deprived by
the Collection Board
Officers.

Sd/-

Memo for Orders

Pension enjoyed
by one Kishore Rao of
Karnool DC

Order

Deposition of Kishore Rao Poligar of
Maddur

I have heard you read to me the
order enquiring whether I am willing to pay
to my paternal uncle Bhogarazu of Mad-
dikera one half of the pension of Rs 49-3-6
which I am now receiving. I am not willing
to pay to the said Bhoga Razu one half
of my pension. The said Bhoga Razu
is now enjoying all our ancestral property
moveable and immovable, without
giving me any share. We have not divided.
I have heard my parents say that on
account of disagreements between my
mother and other females in my house,
and Bhogarazu's wife and others in his house
we have been residing in separate houses.
They did not tell me they had divided
(the property &c). I have not inherited
any of the property of my ancestors. If
Bhogarazu gives me a share in the pro-
perty, I am ready to give him one half
of my pension.

(True Translation)

L. Hohe
Ag. Collector

No. 2,399.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 25th August 1875.

Read again Board's Proceedings, dated 25th May 1875, Miscellaneous No. 4,569.
Read also the following letter from J. HOPE, Esq., Acting Collector of Kurnool,
to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue,
dated Kurnool, 23rd July 1875, No. 253:—

WITH reference to Board's Proceedings, Miscellaneous No. 4,569, dated 25th
May 1875, I have the honor to report that Kristnamarajoo refuses to give
any share to Bojarajoo out of the pension drawn by him. A translation of the
statement given by Kristnamarajoo before the Tahsildar of Pattikonda is enclosed.

ENCLOSURE No. 1.—Translation of Disposition.

SUBMITTED for the orders of Government.

2. Petitioner Bojarajoo Naidu claims a moiety of a Poligar pension of
Rupees 49-3-6 a-month, formerly held by his father Mallikarjin Naidu, and which
was in 1859 continued to his nephew Kristna Raz, the present registered holder.

3. From 1859 to 1866, during the minority of Kistna Raz, petitioner drew
the allowance, and retained half as his own share. When Kistna Raz came to
draw the allowance himself, he refused to give a share to his uncle. The latter
then complained to the Collector who refused to recognize his claim, because his
name was not mentioned in the Board's Proceedings recommending the con-
tinuance of the grant, nor in the Government Order sanctioning it. On appeal
the Board passed the following order:—"Petitioner appears to have no claim to a
share in the pension, and the Board decline to interfere in his behalf"—Board's
Proceedings, dated 13th October 1870, No. 6,100.

4. He has since applied to the Collector either to assign him a share of the
allowance, or to grant a certificate, to enable him to bring a suit to establish his
claim. Adverting to Standing Circular, No. 175, and to recent orders in similar
cases, the Collector submits the matter for reconsideration.

5. The Board directed the Collector to warn Kistna Raz that, unless he came
to terms with his uncle, a certificate authorizing the institution of a suit would be
granted.

6. From the statement now submitted by the Collector, it appears that
Kistna Raz still refuses to give his uncle a share of the pension on the ground
that the latter gave him no share of the ancestral property.

7. The Board are of opinion that the dispute is one that will be best settled
by a civil suit. They accordingly recommend that the Collector be authorized
to grant Bojarajoo a certificate under the Pensions Act to enable him to sue.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with translation of deposition, to be returned, and copy of
Board's Procs., dated 25th May 1875, Mis. No. 4,569.
Copy to the Acting Collector of Kurnool.

Ed. A. Grubert.

Bojarajoo Naidu
No 253 dated 23rd
July 1875 from
the Act Collector
of Revenue.

J. E. Stokes Esq.

Per 3652/75

*Ans: 1895 = 2446
24.3651*

1875.

Board of Revenue

MADRAS.

No 1199

PROCEEDINGS, 25TH AUGUST 1875, No. 2,399.

20/27 Sept 175

Encl. 2

Received

20. Sept 75

AUGUST.

No. 2,399.

Poligar Pension—of Rupees 49-3-6 per mensem enjoyed by one Kishna Raz of Kurnool District, who refuses to give his uncle Bojanjoo a share in it.—Government requested to authorize Collector to grant a certificate under Act XXIII. of 1871 to the latter individual to enable him to sue.

No 1484.

12 Oct 75.

The Collector with inform

*that if he does
nothing he
will have to serve a 28 day notice
with his uncle in the name of the
uncle from the date of the
order the Government will
direct the pension and
drawn by him the distributer
as they think fit at the end*

*the above named period
the Collector will report the
Y, if necessary, report the
shares in which distribution
therein be made etc*

*Note the Collector has been
14/7 1875
8 Oct 75*

Ac. 1871: 1895 = 2446