M.R.O. 1—20,002—12-8-65.

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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	297	Press
~~B.P. No.~~		~~Mis.~~

Dated 25- 2. 1875 196 .

Not to be folded or roughly handled

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

Read the following:—

No. 296. Proceedings of the Board of Revenue, dated 1st December 1874, No. 3,472.

Read the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cuddalore, 9th October 1874, No. 526:—

I HAVE the honor to lay the following case before the Board for their orders:—Acres 24·05 of wet land and 1·84 of dry land in the village of Gidangal in Tindivanam Taluq, and Acre 1·01 of dry land in the village of Tindivanam, assessed in all at Rupees 185-14-10 for which two title-deeds have been issued by the Inam Commissioner, were assigned originally for the erection of a Musjid to the west of Tindivanam on the spot where the coffin of Nabob Wallajah halted during its transport to Trichinopoly, for interment, for the endowment of such mosque, and for the performance of certain annual and daily ceremonies and the feeding of poor travellers, as detailed in the translation of the Parvanah granted by Nabob Umdatal Umrah Bahadoor herewith forwarded.

2. In the Inam Register it is entered as follows:—"The Parvanah says lights are to be kept, Urus (*i.e.*, offerings of food, etc., on the anniversary) performed, and alms given to the poor."

3. In the title-deeds, Nos. 93 and 102 of 1862, issued by the Inam Commissioner, it is stated that the Inams are "to be held without interference so long as the conditions of the grant are duly fulfilled."

4. From the evidence recorded, it appears, as regards condition No. I., viz., the building of a mosque, that a mere thatched hut only was constructed, until a complaint was made some four or five years ago when it was re-built. One of the witnesses states that he does not go to the Musjid as it is so uncomfortable. It seems clear that the terms of this first condition, which from the magnitude of the grant must have been intended to secure the erection of a decent masonry mosque, have never been properly fulfilled, although the Inam has been in the enjoyment of the present Inamdar's family since Fasli 1207, or for nearly eighty years.

5. As regards the condition No. II., the burning of lights in the mosque, evidence shows that a light is kept burning at nights.

6. As to the third condition, the performance of the "Fathiya," or annual ceremony on the anniversaries of the death of the Nabob Wallajah and his mother, eight of the sixteen Mahomedans, who were examined by the Tahsildar and the Head Assistant Collector, state that this service is not performed by the Inamdar. Several of them go so far as to declare that no services were performed for the last twenty or thirty years. Six individuals deny any knowledge of the service having been performed, although they appear to have been residents of the village and its neighbourhood. One of the remaining two, Syed Kassim, who seems to be an old man, states that the Inamdar "neglected the annual ceremonies of the Nabob, because he has been young without sense," and that he performed these ceremonies, for the first time in his days, only about six or seven months ago, while the other states that he heard the Inamdar fed a number of people

last year. The Acting Head Assistant Collector states that "the annual feast in commemoration of the Nabob and his mother has been discontinued by the present Inamdar, though his father and grandfather used to carry out this condition of the grant as well as the other and less burdensome ones."

7. The fourth condition, namely, the feeding of poor pilgrims, appears to be acted up to by the Inamdar only *partially*. On this point, Mr. Cox, the Acting Head Assistant Collector, writes as follows:—"Two days ago, after I had taken the evidence of the Inamdar's witnesses, a party of three Mahomedans came to my house complaining that, upon their asking for food for themselves and a companion, as they were on a pilgrimage, the Inamdar gave them a small amount of rice, which they exhibited, and which was only enough for one person's meal, with a few pies. * * I called the Inamdar who admitted that that was all he had given, but he declared that only two came to him, and he thought there were no more. I do not doubt that he was fully aware that there were four, and this little episode seems to show that he is not by any means liberal in fulfilling the obligations of the grant."

8. The Board will thus observe that the conditions of this grant are not, and never seem to have been, "duly" fulfilled, and that the interference on the part of Government is now very desirable by the resumption of the Inam. Whether a fresh grant of a smaller amount might be made to some person, other than the present grantee for the performance of the ceremonies detailed in the original grant, is a matter for the consideration of Government.

9. The land constituting the Inam is valuable, being reported by the Acting Head Assistant Collector to be worth about Rupees 400 a cawny as tobacco gardens.

10. It has been proposed to acquire Acres 0-12-1 of this land, assessed at Rupees 5-5-9 for a site for the Local Fund Dispensary proposed to be built at Tindivanam. The Inamdar has offered to lease it for ninety-nine years at Rupees 8-12-0 per cawny.

11. An abstract of the evidence taken before the Acting Head Assistant Collector and the Tahsildar is enclosed.

Enclosure No. 1.—Translation of Parvanah.

Enclosure No. 2.—Abstract of evidence.

Submitted for the orders of Government.

2. An Inam of Acres 26·9 (2·85 dry, 24·05 wet), assessed at Rupees 185-14-10, and said to be worth about Rupees 8,000, situated near Tindivanam, is enjoyed subject to certain conditions. The Collector of South Arcot has found on inquiry that those conditions are not duly fulfilled, and he recommends that the Inam should be resumed.

3. From the Parvanah granting the Inam, it appears that it was granted to one Meer Gaffa Ali "for his own maintenance, the lighting of the places where the corpse" (of Wallajah) "halted and of the mosque" (to be built on the spot where the corpse halted) "all nights, the management of the mosque, the erection

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

of the new building, the offering of prayers every year in the names of Hazerath Nabe Sahib and of * * Hazerath Nabob Sahib, and for giving rice to the poor pilgrims;" and that, if the grantee failed to perform these duties, the grant was to be transferred to others.

4. The present Inamdar admits the conditions, and declares that he has fulfilled them by building a Musjid at a cost of Rupees 100, by keeping a light in it at night, and reading the Koran in it five times a day, and by feeding beggars to the number of eighty or a hundred once in six months, and on the day of the Nabob's annual ceremony.

5. The testimony of Mussalmans living in the neighbourhood shows that the so-called Musjid is a thatched hut, and that the performance of the daily services and annual ceremony and the feeding of pilgrims have been neglected for long periods and are not properly attended to now.

6. Hence the Board think the Collector's statement, that the conditions of the grant are not duly fulfilled, is well founded, but they cannot advise Government to interfere. It is always difficult to determine in the case of grants which are partly for maintenance, how much of the grant should be devoted to the service. If Government interfere at all, they could hardly resume absolutely without re-granting a portion of the Inam for the same purposes, and, if they do this, they will act directly in getting a mosque built and Mahomedan services performed.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

No. 297. Proceedings of the Board of Revenue, dated 23rd January 1875, Miscellaneous No. 494.

Read Official Memorandum from the Acting Secretary to Government, Revenue Department, dated 5th January 1875, No. 3.

Abstract.—Inquiring whether in Board's opinion the endowment referred in their Proceedings, No. 3,472, of 1st December 1874, on the subject of resumption of certain Inam assigned for erection of Musjid near Tindivanam in South Arcot, falls under Act XX. of 1863.

The endowment referred to does not answer to the definition in Section IV., Act XX. of 1863, but any person interested in the Mosque or the trusts relating to it might sue the Inamdar for misfeasance or neglect under Sections XIV. and XV.

(True Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 298. Order thereon, 25th February 1875, No. 297.

Miscellaneous.

The Governor in Council agrees with the Board that it is not desirable to interfere. At the same time the Inamdar

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

should be warned that he runs the risk of forfeiting the grant, and that he is liable to be sued for specific performance of its terms by any person interested.

(True Extract.)

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

To the Board of Revenue.

Govt. of 1875 Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated February 25th

Read

G. O., 25th February 1875, No. 297

FEBRUARY.

Nos. 295—298.

No. 3,472.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 1st December 1874.

Read the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cuddalore, 9th October 1874, No. 526:—

I HAVE the honor to lay the following case before the Board for their orders:—Acres 24·05 of wet land and 1·84 of dry land in the village of Gidangal in Tindivanam Taluq, and Acre 1·01 of dry land in the village of Tindivanam, assessed in all at Rupees 185-14-10 for which two title-deeds have been issued by the Inam Commissioner, were assigned originally for the erection of a Musjid to the west of Tindivanam on the spot where the coffin of Nabob Wallajah halted during its transport to Trichinopoly, for interment, for the endowment of such mosque, and for the performance of certain annual and daily ceremonies and the feeding of poor travellers, as detailed in the translation of the Parvanah granted by Nabob Umdatal Umrah Bahadoor herewith forwarded.

2. In the Inam Register it is entered as follows:—"The Parvanah says lights are to be kept, Urus (*i.e.*, offerings of food, etc., on the anniversary) performed, and alms given to the poor."

3. In the title-deeds, Nos. 93 and 102 of 1862, issued by the Inam Commissioner, it is stated that the Inams are "to be held without interference so long as the conditions of the grant are duly fulfilled."

4. From the evidence recorded, it appears, as regards condition No. I., viz., the building of a mosque, that a mere thatched hut only was constructed, until a complaint was made some four or five years ago when it was re-built. One of the witnesses states that he does not go to the Musjid as it is so uncomfortable. It seems clear that the terms of this first condition, which from the magnitude of the grant must have been intended to secure the erection of a decent masonry mosque, have never been properly fulfilled, although the Inam has been in the enjoyment of the present Inamdar's family since Fasli 1207, or for nearly eighty years.

5. As regards the condition No. II., the burning of lights in the mosque, evidence shows that a light is kept burning at nights.

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ago, while the other states that he heard the Inamdar fed a number of people last year. The Acting Head Assistant Collector states that "the annual feast in commemoration of the Nabob and his mother has been discontinued by the present Inamdar, though his father and grandfather used to carry out this condition of the grant as well as the other and less burdensome ones."

7. The fourth condition, namely, the feeding of poor pilgrims, appears to be acted up to by the Inamdar only *partially*. On this point, Mr. Cox, the Acting Head Assistant Collector, writes as follows:—"Two days ago, after I had taken the evidence of the Inamdar's witnesses, a party of three Mahomedans came to my house complaining that, upon their asking for food for themselves and a companion, as they were on a pilgrimage, the Inamdar gave them a small amount of rice, which they exhibited, and which was only enough for one person's meal, with a few pies. * * I called the Inamdar who admitted that that was all he had given, but he declared that only two came to him, and he thought there were no more. I do not doubt that he was fully aware that there were four, and this little episode seems to show that he is not by any means liberal in fulfilling the obligations of the grant."

8. The Board will thus observe that the conditions of this grant are not, and never seem to have been, "duly" fulfilled, and that the interference on the part of Government is now very desirable by the resumption of the Inam. Whether a fresh grant of a smaller amount might be made to some person, other than the present grantee for the performance of the ceremonies detailed in the original grant, is a matter for the consideration of Government.

9. The land constituting the Inam is valuable, being reported by the Acting Head Assistant Collector to be worth about Rupees 400 a cawny as tobacco gardens.

10. It has been proposed to acquire Acres 0-12-1 of this land, assessed at Rupees 5-5-9 for a site for the Local Fund Dispensary proposed to be built at Tindivanam. The Inamdar has offered to lease it for ninety-nine years at Rupees 8-12-0 per cawny.

11. An abstract of the evidence taken before the Acting Head Assistant Collector and the Tahsildar is enclosed.

Enclosure No. 1.—Translation of Parvanah.

Enclosure No. 2.—Abstract of evidence.

Submitted for the orders of Government.

2. An Inam of Acres 26·9 (2·85 dry, 24·05 wet), assessed at Rupees 185-14-10, and said to be worth about Rupees 8,000, situated near Tindivanam, is enjoyed subject to certain conditions. The Collector of South Arcot has found on inquiry that those conditions are not duly fulfilled, and he recommends that the Inam should be resumed.

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4. The present Inamdar admits the conditions, and declares that he has fulfilled them by building a Musjid at a cost of Rupees 100, by keeping a light in it at night, and reading the Koran in it five times a day, and by feeding beggars to the number of eighty or a hundred once in six months, and on the day of the Nabob's annual ceremony.

5. The testimony of Mussalmans living in the neighbourhood shows that the so-called Musjid is a thatched hut, and that the performance of the daily services and annual ceremony and the feeding of pilgrims have been neglected for long periods and are not properly attended to now.

6. Hence the Board think the Collector's statement, that the conditions of the grant are not duly fulfilled, is well founded, but they cannot advise Government to interfere. It is always difficult to determine in the case of grants which are partly for maintenance, how much of the grant should be devoted to the service. If Government interfere at all, they could hardly resume absolutely without re-granting a portion of the Inam for the same purposes, and, if they do this, they will act directly in getting a mosque built and Mahomedan services performed.

(A true Copy and Extract.)

Secretary.

To the Acting Secretary to Government, Revenue Department,
with two original enclosures.

Copy to the Collector of South Arcot.

Exd. A. Grubert.

Revenue Department

Miscellaneous No. 494

Proceedings of the Board of Revenue.

Dated 23rd January 1875.

Read Official Memorandum from the Asst Secretary to Government, Revenue Department, dated 5th January 1875, No. 3, enquiring whether in Board's opinion the Endowment referred in their Proceedings no. 3472 of 1st December 1874, on the subject of resumption of certain Inam assigned for erection of Musjid near Tindivanam in South Arcot, falls under Act XX of 1863

The Endowment referred to does not answer to the definition in Sec: IV Act XX of 1863, but any person interested in the

No. 4427

Pursuant 1874.

Board of Revenue,

MADRAS.

PROCEEDINGS, 1st DECEMBER 1874, No. 3,472.

Compd 9 Dec/74

Enclosures

Orders

Received 10 Dec

Dated 29.12.25 February 1875

DECEMBER.

No. 3,472.

Musjid—near Tindivanam, in South Arcot District.—Letter from Collector reporting failure on part of an Inamdar to fulfil conditions on which certain Inam was assigned for erection of —, and recommending that the Inam be resumed, submitted for orders of Government with remark that Board cannot advise Government to interfere, as it is always difficult to determine in cases of grants which are partly for maintenance, how much of grant should be devoted to service.

No. 257/75

Rs 230 = 0

R. 29/12/74

For orders

the Mouzne or the Amats relating
to it might sue the Inamdar
for misfeasance or neglect under
Sections XIV & XV

(True Extract)

H. Elliot

A/s Secretary

To

The Secretary to Government
Revenue Department.

REVENUE DEPARTMENT.

No. 4427

From Bd of Rev.

Dated 1st December 1874.

FOR ORDERS.

I would enquire why
this part to the Hon.
- boundary Committee
of the District.

The Collectors of the
Towns are all Objected to

No 2259
Bombay 18th Dec 1874
Secretary to Govt
Board of Revenue

Dated 23rd January
1875
Rec'd 25th Do — —

SDO 297. 26th February 1875

Clerk to the Govt. Inclosure
in Secretary to Govt
Rev: No 342 of 1st Dec 1874
& the undersigned has the
honor to request that
you will be pleased to
acquaint him whether
any Municipal Commissioners
have been appointed
for Surat under Act
XX of 1865.

C 4427/75

B:-29)

From a sound pt. of view - the
is not there that a Congregation
Minister is needed in that place
the wants named are clearly super
ty - Dolls are bad teach
ers - Pilgrims - & they are not pro
bably the applicant's merchant
Cobbles & Rubbers
Sub-Distinctly say that the
Com - with the meeting & the Con
ditions being performed - but
will entertain favorable
any proposal of the Methodist
Committee & the utilization
of the endowment or Educational a
More useful purpose
1/7/12

Covenant
1/27/12

3

FOR ORDERS.

Certain Inams in South Arcot

Commr C

C.16/a/52. R.24/12/74.

Revenue Department. 10

Memo: for Orders.

Pro: Bd of Rev:

Subj. for orders letter from Coltr reporting failure on part of an Inamdr to fulfil conditions on which certain Inam was assigned for erection of Musjid near Tindivanam, in South Arcot District. &c

HE. 1st Dec. 1874 No. 3472.

In order to ascertain whether the Honble Mr Sims suggestion could be carried out and the grant left to be dealt with by the Mahomedan Committee in the District, the Board were asked by Memo. whether in their opinion, this endowment falls under Act XX of 1863.

They reply that the endowment does not

Answer

answer to the definition in section 4 Act XX of 1863, but that any person interested may sue under sections 14 & 15.

The endowment would certainly have fallen within the cognizance of the Board of Revenue acting under Regulation VII of 1817 but it must come under section 3 of Act XX of 1863 to bring it under the supervision of a Committee appointed with reference to the provisions of that Act.

The Board do not notice section 3 and presumably it does not apply to the original grant provided that the endowment would be transferred to others in case the original

grantee

grantee failed to perform the duties prescribed by the Parwana which shewed that the Govt. of the day did not surrender the right of interference.

There does not seem any reason why the endowment does not fall under section IV of Act XX of 1863 but even if it did, the Committee could not interfere.

The only way apparently is to threaten deprivation of the favorable tenure on which the land is held if the Inamdar does not carry out the terms of the grant.

(7) Memo.

Regarding failure of an Inamdar to fulfil conditions on which certain Inam was assigned for erection of Musjid.

Clw

Revenue Department. 12/11

No 297

Proceedings of the Madras Government.

Under date the 25th February 1875.

Read the following Proceedings of the Board of Revenue.

Subm[q] for orders letter from Coll[r] of S. Arcot reporting failure on part of an Inamdar to fulfil conditions on which certain Inam was assigned for erection of Musjid near Tindivanum. (B.R. 1st Dec[r] 74 - No 3472.)

Stating that the endowment referred to in Bd[s] Pro: No 3472 of 1st Dec[r] 74 on the subject of resumption of certain Inam assigned for erection of Musjid near Tindivanum does not fall under Act XX of 1863. (B.R. 23d January 1875 - No 494.)

The Governor in Council agrees with the Board that it is not desirable to interfere. At the same time the Inamdar should be warned that he runs the risk

risk of forfeiting the grant,
and that he is liable to be
sued for specific performance
of its terms by any person
interested.

14 To the Board of Rec Dec 26 74

1795

3

Ext from order in Council
16/2/75.

90

About certain
Lands in South
Arm Dist as
signed for a Mrs
Jd -