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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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

305

Press
Mrs.

Dated

12. 6. 1962

196

Not to be folded or roughly handled

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

No. 96. Read the following petition from GOPALASAMI THATHACHARIAR, younger brother of V. THATHACHARIAR, an Inamdar of Valaikulam, &c., villages, in Srivilliputtur Taluq, in the Tinnevely District, to His Excellency the Governor in Council, Fort St. George, dated 19th April 1875:—
MOST RESPECTFULLY SHEWETH,—

That your Lordship's petitioner, under date the 24th December 1874, applied to your Lordship to forward (application herewith attached) a petition of appeal to the Right Honorable the Secretary of State for India against the order of the Government of Madras, dated 29th October 1874.

2. The above petition was returned to your Lordship's petitioner, with the endorsement, dated 1st February 1875, No. 3,211, that the petitioner should submit copies of the decrees passed in his favor.

3. That your Lordship's petitioner has accordingly submitted copies of decrees together with the petition of appeal, &c.

4. In the fourth page of the appeal decree in A. S. No. 68 of 1876 E, herein enclosed, it is stated that the petitioner is the owner of the Inam.

5. In the judgment in Suit No. 6 of 1843 F, herein enclosed, it is found that the second defendant (the Collector) should pay to the plaintiff the manum money in deposit in Collector's Office.

6. In the decree in A. S. No. 145 of 1851 G, herein enclosed, it is found, in paragraph 15, that the appeal is most litigious and vexatious one, and that consequently the appellant was fined Rs. 25 under Section 35, Regulation IV, of 1807.

Your Lordship's petitioner respectfully begs that his said petition of appeal may be ordered to be forwarded to England with the necessary paper of reference.

For which act of kindness, your Lordship's petitioner shall, as in duty bound, ever pray.

Enclosure No. 1.

Humble petition from GOPALASAMI THATHACHARIAR, younger brother of V. THATHACHARIAR, an Inamdar of Valaikulam, &c., villages, in Srivilliputtur Taluq, Tinnevely District, Madras Presidency, to the Right Honorable the Secretary of State for India, dated Madras, 14th December 1874.

MOST RESPECTFULLY SHEWETH,—

That the petitioner, being given to understand by the letter (Exhibit A) of the Acting Collector of Tinnevely District to the Principal Sadr Amin of Tinnevely that the manum allowance appertaining to the half share of his said elder brother, V. Thathachariar, has been declared by Government in their Proceedings dated 8th September 1868, No. 2,243, to have finally lapsed, begs respectfully to present this petition of appeal against the said Proceedings, on the ground that it is directly opposed to the very letter of the order of the Right Honorable the Secretary of State for India (Exhibit B).

2. The facts of the case are briefly as follows:—The petitioner and his said elder brother are holders of certain Inams. These were divided between them under a Court decree by the Collector Mr. Eden in 1839, and a certificate issued in petitioner's name for his share. Subsequently some doubts having arisen about the said division, petitioner's certificate was taken back in 1840, and he was referred to Courts in 1846. Accordingly petitioner sued his elder brother, and the Collector in O. S. No. 6 of 1843, on the file of the Principal Sadr Amin's Court of Tinnevely. Meanwhile, the Inams were placed under attachment by the Collector pending the suit, as the

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Inams were life-grants restricted to the life of petitioner's said elder brother. The suit ended in petitioner's favor in a decree for division, and it was adjudged that the petitioner's share of the maniam allowances in Collector's deposit should be handed over to him, and the costs and past allowances already appropriated by his elder brother should be paid, with interest, from out of his (elder brother's) share. Simultaneously in another suit, No. 103 of 1849, petitioner obtained a decree for his share of certain other Inams against his brother. At this time, petitioner's wily brother, ever bent upon petitioner's ruin, taking advantage of the Inams being life-grants standing in his name, absconded and could not be found out; and the authorities would not give petitioner's share of the decreed allowances, unless the absconder's existence was proved. A series of proceedings in petitions and appeals, which cost petitioner no small amount of trouble and expense, took place without any effect until in 1863 the Right Honorable the Secretary of State, on petitioner's appeal, passed the order (B) ordering the attachment of the Inams until the absconder should be found out by the Police. He was then found out and petitioner's share of the allowances was given him, and they were subsequently enfranchised by the Inam Commissioner and confirmed to petitioner in perpetuity. But the money that was decreed to be paid to petitioner by his brother was not paid out of his share that was in deposit. The petitioner presented motions to the Principal Sadr Amin's Court for execution of his decrees in 1861. The Court applied to the Collector of Tinnevely for the maniam allowances in deposit belonging to the share of petitioner's elder brother. The Collector, on satisfying himself that the petitioner's elder brother was alive, issued his share of the allowances that were in deposit for one or two years. But when the petitioner took out execution for the balance of decreed amounts, the Collector refused to pay him the income of later years (from 1863 to the present time), though applied for by the Court, and though the existence of the life-grantee was proved. In 1863, the Collector, in reply (Exhibit A), to a letter from the Court, stated that the moneys had been to Government under the Proceedings already cited. Upon this, the petitioner applied to Government, but obtained no farther order than the usual printed formula (Exhibit C).

Now your Lordship's petitioner begs to submit the following circumstances to your Lordship's benign consideration. That the Inams in question are life-grants tenable by the petitioner's elder brother for his life is a fact established by the public records from 1822 and recognised by the Right Honorable the Secretary of State in (Exhibit B). They cannot, therefore, be resumed as long as he lives. That he is alive must, it is true, be proved by the petitioner before he claims the money. This, the petitioner submits, is amply proved by (Exhibit D), which is a deposition given by the absconder in March 1874 in a civil suit before the Additional District Munsif of Srivilliputhur, and which the petitioner produced before the Collector and the Government of Madras. The absconder has been keeping out of the way for the last twenty years without coming forward to receive his share of the Inams solely and entirely with a view to deprive the petitioner of the decreed Inam allowances due to him. But, though he kept himself away, his money that was in the Collector's deposit was his asset as long as he was living, and justly liable for the money judicially pronounced to be due by him. A creditor cannot be lawfully told that he can get nothing, because the debtor declines to give up his hold on his property to that creditor. The debt is not a recent one, nor is it a private debt of the life-grantee for which the Inams ought not to be sequestered under the regulations. But it consists of the Inam allowances themselves due to petitioner as a member of the undivided family, which had been wrongfully withheld from him by his brother, the life-grantee, and which had been decreed by the Court to be paid to petitioner some eighteen years before the money in deposit was decreed to have been paid to Government, and for the satisfaction of which he has been dunning the authorities without success. It may be said that the holder of the Inam allowances does not give himself to receive them, and that the Government cannot be his trustee until the same due to petitioner are fully discharged. But petitioner has already suffered enough during the last twenty-two years, and if his brother's income that has accrued from 1263 to the present time be paid to him, he is prepared to take it in full satisfaction of his decrees.

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

Under these circumstances, your Lordship's petitioner most respectfully and humbly prays that, on a reference to the Exhibits A, B, and D, and in consideration of his decrees being unsatisfied for twenty-two years, the money due to his elder brother, from fasli 1273 (1852) to the present year, which has been wrongly credited to Government, may be ordered to be paid to petitioner in satisfaction of his decrees. For which act of kindness and charity, your Lordship's petitioner shall, as in duty bound, ever pray.

No. 97.

ORDER THEREON, 12th June 1875, No. 905.

Miscellaneous.

PETITIONER is informed that his memorial has been received, and will be forwarded to the Secretary of State.

(True Extract.)

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

To the Petition Department

Edw. F. R. Bantleman

To

The Right Honorable the Secretary
of State for India.

The Humble Petition of GOFALASAMI
TATACHARIAR, younger Brother of VIRABA-
GHAVATATACHARIAR an Imdar of Valak-
kulam &c. Villages in Strivilliputtur Taluq
Tinnevely District, Madras Presidency.

MOST RESPECTFULLY SHOWETH,

1. That the Petitioner, being given to understand by the letter (Exhibit A.) of the Acting Collector of Tinnevely District to the Principal Sadr Amin of Tinnevely that the Manium allowance appertaining to the half-share of his said elder brother Viraraghavatachariar has been declared by Government in their Proceedings dated 8th September 1868, No. 2343, to have finally lapsed, begs respectfully to present this Petition of appeal against the said Proceedings on the ground that it is directly opposed to the very letter of the order of the Right Honorable the Secretary of State for India (Exhibit B.)

2. The facts of the case are briefly as follow: the Petitioner and his said elder brother are holders of certain Inams. These were divided between them under a Court decree by the Collector Mr. Eden in 1839; and a Certificate issued in Petitioner's name for his share. Subsequently some doubts having arisen about the said division, Petitioner's Certificate was taken back in 1840 and he was referred to Courts in 1846. Accordingly Petitioner sued his elder brother, and the Collector in O. S. No. 6 of 1846, on the file of the Principal Sadr Amin's Court of Tinnevely. Meanwhile, the Inams were placed under attachment by the Collector pending the suit, as the Inams were life grants restricted to the life of Petitioner's said elder brother. The suit ended in Petitioner's favour in a decree for division and it was adjudged that the Petitioner's share of the Manium allowances in Collector's deposit should be handed over to him and the costs and past allowances already appropriated by his elder brother should be paid with interest from out of his (elder brother's) share. Similarly in another suit No. 108 of 1849, Petitioner obtained a decree for his share of certain other Inams against his brother. At this time, Petitioner's wily brother, ever bent upon Petitioner's ruin, taking advantage of the Inams being life grants standing in his name, absconded and could not be found out; and the authorities would not give Petitioner's share of the decreed allowances unless the absconder's existence was proved. A series of proceedings on Petitioner's appeals, which cost Petitioner no small amount of trouble and expense, took place without effect until in 1852, the Right Honorable the Secretary of State on Petitioner's appeal passed the order (B.) ordering the attachment of the Inams until the absconder should be found out by the Police. He was then found out and Petitioner's share of the allowances was given him and they were subsequently enfranchised by the Inam Commissioner and confirmed to Petitioner in perpetuity. But the money that was decreed to be paid to Petitioner by his brother was not paid out of his share that was in deposit. The Petitioner presented motions to the Principal Sadr Amin's Court for execution of his decrees in 1851. The Court applied to the Collector of Tinnevely for the Manium allowances in deposit belonging to the share of Petitioner's elder brother. The Collector on satisfying himself that the Petitioner's elder brother was alive, issued his share of the allowances that were in deposit for one or two years. But when the Petitioner took out execution for the

balance of decrees amounts, the Collector refused to pay him the income of later years (from 1853 to the present time) though applied for by the Court, and though the existence of the life grantee was proved. In 1868, the Collector in reply (Exhibit A.) to a letter from the Court stated that the Manum had lapsed to Government under the Proceedings already quoted. Upon this, the Petitioner applied to Government, but obtained no better order than the usual printed formula (Exhibit C.)

3. Now your Lordship's Petitioner begs to submit the following circumstances to your Lordship's benign consideration. That the Inams in question are life grants tenable by the Petitioner's elder brother for his life is a fact established by the public records from 1822 and recognised by the Right Honorable the Secretary of State in (Exhibit B.) They cannot, therefore, be resumed as long as he lives. That he is alive must, it is true, be proved by the Petitioner before he claims the money. This, the Petitioner submits, is amply proved by (Exhibit D.) which is a deposition given by the absconder in March 1874 in a civil suit before the additional District Magistrate of Srivilliputhur, and which the Petitioner produced before the Collector and the Government of Madras. The absconder has been keeping out of the way for the last 20 years without coming forward to receive his share of the Inams solely and entirely with a view to defraud the Petitioner of the decreed Inam allowances due to him. But though he kept himself away, his money that was in the Collector's deposit was his as long as he was living and justly liable for the money judicially pronounced to be due by him. A creditor cannot be lawfully told that he can get nothing because the debtor chooses to give up his hold on his property to cheat his creditors. The debt is not a recent one, nor is it a private debt of the life grantee for which the Inams ought not to be sequestered under the Regulations. But it consists of the Inam allowances themselves due to Petitioner as a member of the undivided family which had been wrongfully withheld from him by his brother the life grantee, and which had been decreed to be paid to Petitioner some 13 years before the money in deposit was decreed to have lapsed to Government and for the satisfaction of which he has been running the authorities without success. It may be said that the holder of the Inam allowances does not come himself to receive them, and that the Government cannot be his trustee until the sums due to Petitioner are fully discharged. But Petitioner has already suffered enough during the last 22 years and if his brother's income that has accrued from Fash 1263 to the present Fash be paid to him, he is prepared to take it in full satisfaction of his decrees.

Under these circumstances your Lordship's Petitioner most respectfully and humbly prays that on a reference to the Exhibits A, B, and D, and in consideration of his decrees being unsatisfied for 22 years, the money due to his elder brother from Fash, 1273 (1851) to the present year, which has been wrongly credited to Government, may be ordered to be paid to Petitioner in satisfaction of his decrees. For which act of kindness and charity your Lordship's Petitioner shall as in duty bound ever pray.

G. N. S. S. S.
G. N. S. S. S.

Petitioner.

Madras,

13 December 1874.

3211
14/12/74

26

His Excellency the Governor in Council
St. St. George

The humble Petition of Gopalasami Tata -
charian, younger brother of Venayagavata charian,
an abanar of Valakotolum & villages in
Sivillipattur Taluk in Tennevelli District

Most Respectfully sheweth

That your Lordships Petitioner humbly
begs to make known a petition of appeal to
the Right Honorable the Secretary of State for
India against the order of the Government of
Madras, dated 29th October 1874.

And your Lordships Petitioner respectfully
begs that his said petition of appeal may
be ordered to be forwarded to England with
the necessary papers of reference.

In which act of kindness your Lordships
Petitioner shall as is only bound ever pray.

Witness my hand and seal
this 17th day of December 1874

was,
December
1874

Petitioner

14/12/74

So no 6-7-1874

Rev 2
2082/75

1884
22/11/95

His Excellency the Governor in Council
Fort St George

The humble petition of
Thaachariar younger brother of Tharapara
Thaachariar an Angudam of Pottakulam
the village in Strivelipattin Taluk in
Tamilvelly District

Most Respectfully Sheweth

That your Lordship's petition
number dated No 25 B December 1894
to your Lordship to forward (as per
herewith attached) a petition of appeal to the
Right Honourable the Secretary of P. D.
for India against the order of the Govt
of Madras dated 29 B October 1894

The above petition was returned to your
Lordship's petitioner with the endorsement
dated 1st February 1895 to say that the
petitioner should submit Copies of the same
passed in his favor

That your Lordship's petitioner has agreed

Petition

Tharapara
Thaachariar's
- Chariar

are husband of
Thaachariar the 1st
copy, in Strivelipattin
Taluk, Tamilvelly District
Madras Presidency

To the Right Honourable
the Secretary of
State for India

In No 5011/95

22/11/95

Thaachariar

F.P. 321/152570 of 76 P.
 297. 7. 19. 1806/72. 1858
 298. 7. 8-9-68. 2360.

I have been thinking of you very much lately
 and wondering how you are getting on.
 I hope you are well and happy.
 I have been very busy lately
 but I will write to you again soon.
 Love,
 John

submitted copies of
Decease together with
his Memorial to the
Secretary of State,
praying for order for
the payment & satisfaction of debts,
the money due to his
decease brother from Decr.
1273 (1852) to the present
year, which has been
wrongly credited to Govt.

Requests that the
Memorial may be for-
warded to its address.

C. J. [unclear] 1875

Rev: 1875 ^{Dep't} 2082
Government of Madras.

Revenue DEPARTMENT.

Petition No. 1084 of 1875.

From *G. Thathachari*
younger brother of
Occupation *K. Thathachari*
Mandue of
Village *Kalackulam*
Talook *Sivilliputhur*
District *Immelly*

Dated 19th April 1875
Received 22nd May 1875
Order 31st May 1875
Refused 9

ABSTRACT.

States that in the
decease to the order
on No. 3211 of 1874,
he has been

Not [unclear] submitted
No. 12 June 1875