

(1) Number of pages 6

(2) Date of repair 10-2-40

(3) Initials of the Referee

MADRAS RECORD OFFICE.

Government of Madras.

B. C. S. S. S. DEPARTMENT.

C.O. No.	<u>182/5</u>	Press
Date	<u>12</u>	<u>15/11</u>

Not to be folded or roughly handled

No. 7. Read the following Proceedings of the Board of Revenue, dated 7th November 1876, No. 2,758:—

Read the following letter from J. WALLACE, Esq., Acting Collector of South Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cuddalore, 22nd September 1876, No. 449.

I HAVE the honor to request the Board's instructions in the following case.

2. On the 21st April 1810 the Government of Madras made a grant in favor of Mr. Thomas Parry, of Fort St. George, of a piece of land in Settipattadei in the Cuddalore Taluq, measuring 9 cawnies and 1,502 square feet, subject to a quit-rent of 13 pagodas 24 fanams and 19 cash, or $1\frac{1}{2}$ pagodas per cawny.

3. The conditions of the grant were similar to those entered in the grant of the Capper Hill property in favor of General Fraser (*vide* this office letter embodied in Board's Proceedings, dated 7th June last, No. 1,498). A copy is herewith submitted for the information of the Board.

4. The property comprised in the grant seems subsequently to have changed hands more than once, and in 1848 it was in the enjoyment of one Gurumurthi Chetty, of Pondicherry. In that year the Collector, Mr. Davis, directed the Tahsildar to issue a putta in the name of Gurumurthi Chetty for so much of the grant land as had been brought under cultivation, and to charge quit-rent only on the portion actually occupied by the buildings—indigo vats—on the land.

5. This takeed seems to have been issued in accordance with the Board's orders cited in the margin of Standing Order No. 118 (Dalyell's Edition). The extent chargeable with quit-rent under the grant was thus reduced to cawnies 2-3-1.

6. Gurumurthi Chetty's representatives sold the lands in question to one Narainasawmi Naik, and the latter continued to pay quit-rent until 1867 when arrears having accrued a portion of the land, measuring cawnies 1-4-0, was attached and sold under Act II of 1864, and Rajagopal Naik, the defaulter's brother, purchased it subject to the payment of quit-rent.

7. Rajagopal Naik now urges that there is no building on the land, and requests that the taram assessment may be levied on it instead of the quit-rent. He also asks that a putta may be issued to him for the land.

8. The remainder of the grant land formerly occupied by buildings (*viz.*, cawnies 2-3-1 less cawnies 1-4-0) cawnies 0-15-1 is still in the enjoyment of Narainasawmi Naik.

9. The sale of the land in 1867 in realization of arrears of quit-rent would appear to have been irregular, the proper course being resumption of the land by Government in accordance with the terms of the grant.

10. As, however, the purchaser has been in possession for nearly ten years, nothing can now be done in respect of the portion sold for arrears.

11. It is now reported that there is no building maintained on any portion of these lands,—an omission which constitutes a breach of one of the covenants of the grant, *viz.*, to “sufficiently uphold, support, sustain, maintain, and amend” the buildings. It is therefore open to the Government to resume that part of the land now in the enjoyment of Narainasawmi Naik. This portion of the land is worth about Rs. 100. I request the Board's instructions as to how it is to be dealt with.

12. I apprehend that it is not open to the Government now to alter the assessment fixed by Mr. Davis. But I request instructions as to whether the portion purchased at the revenue sale by Rajagopala Naik is to bear the quit-rent (Rs. 5-4-0 per cawny) as formerly or the taram assessment (Rupees 1-8-0 per cawny). I presume he is entitled to have a putta.

ENCLOSURE No. 1.—Copy of Grant.

SUBMITTED for the orders of Government.

2. The Collector of South Arcot asks instructions how to deal with certain land which is a portion of a grant for building purposes made in 1810 at a quit-rent of $1\frac{1}{2}$ pagodas per cawny. The quit-rent on the part occupied for cultivation was reduced to taram assessment in 1848, and of the remaining portion (cawnies 2-3-1) on which there were then indigo vats, cawnies 1-4-0 were sold for arrears subject to quit-rent in 1867. The purchaser prays that the quit-rent on this portion should be reduced to taram assessment, and the Collector supports the prayer. As to the remaining portion charged with quit-rent, the Collector points out that the maintenance of the buildings was a condition of the grant, and as this condition has been infringed, there being now no buildings on the land, the grant is resumable.

3. The sale in 1867 was irregular, but the purchaser cannot be held responsible for that, nor for the default in regard to the maintenance of the buildings; and the Board think that he should be granted a putta on the taram assessment on the same grounds as those on which relief was conceded in 1848. They do not at the present time recommend the resumption of the remaining portion held by Narainasawmi Naik, but would maintain the charge of quit-rent now made against him.

(A true Copy and Extract.)

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

No. 8. ORDER THEREON, 1st December 1876, No. 1,875.

Land Revenue, No. 1.

The Board's proposals in paragraph 3 are approved. They will cause inquiries to be instituted as to the extent of similar grants elsewhere, and whether the conditions of the grant are observed.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.

Ed. F. R. Bantleman.

No. 2,758.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th November 1876.

Read the following letter from J. WALLACE, Esq., Acting Collector of South Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cuddalore, 22nd September 1876, No. 449 :—

I HAVE the honor to request the Board's instructions in the following case.

2. On the 21st April 1810 the Government of Madras made a grant in favor of Mr. Thomas Parry of Fort St. George of a piece of land in Settippattadei in the Cuddalore Taluq measuring 9 cawnies and 1,502 square feet subject to a quit-rent of 13 pagodas 24 fanams and 19 cash or $1\frac{1}{2}$ pagodas per cawny.

3. The conditions of the grant were similar to those entered in the grant of the Capper Hill property in favor of General Fraser (*vide* this office letter embodied in Board's Proceedings, dated 7th June last, No. 1,498). A copy is herewith submitted for the information of the Board.

4. The property comprised in the grant seems subsequently to have changed hands more than once, and in 1848 it was in the enjoyment of one Gurumurthi Chetty of Pondicherry. In that year the Collector, Mr. Davis, directed the Tahsildar to issue a putta in the name of Gurumurthi Chetty for so much of the grant land as had been brought under cultivation, and to charge quit-rent only on the portion actually occupied by the buildings—indigo vats—on the land.

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6. Gurumurthi Chetty's representatives sold the lands in question to one Narainasawmi Naik, and the latter continued to pay quit-rent until 1867 when arrears having accrued a portion of the land measuring Cawnies 1-4-0 was attached and sold under Act II of 1864, and Rajagopal Naik, the defaulter's brother, purchased it subject to the payment of quit-rent.

7. Rajagopal Naik now urges that there is no building on the land, and requests that the taram assessment may be levied on it instead of the quit-rent. He also asks that a putta may be issued to him for the land.

8. The remainder of the grant land formerly occupied by buildings (*viz.*, Cawnies 2-3-1 less Cawnies 1-4-0) Cawnies 0-15-1 is still in the enjoyment of Narainasawmi Naik.

9. The sale of the land in 1867 in realization of arrears of quit-rent would appear to have been irregular, the proper course being resumption of the land by Government in accordance with the terms of the grant.

10. As, however, the purchaser has been in possession for nearly ten years, nothing can now be done in respect of the portion sold for arrears.

11. It is now reported that there is no building maintained on any portion of these lands, an omission which constitutes a breach of one of the covenants of the grant, *viz.*, to "sufficiently uphold, support, sustain, maintain, and amend" the buildings. It is therefore open to the Government to resume that part of the land now in the enjoyment of Narainasawmi Naik. This portion of the land is worth about Rs. 100. I request the Board's instructions as to how it is to be dealt with.

30-1-1015
To
GOVT. OF 1876
REVENUE.

THE BOARD OF REVENUE.

Local Decree, 1st.

Food

Food

G.O. 14 December 1876, No. 183.

DECEMBER.
Nos. 7-8.

Land formerly granted to Mr. T. Parry and sold separately and to one Narainasawmi Naik and Rajagopal Naik in South Arcot. Approving the proposals of the Board of Revenue with reference to the levy of assessment on it, and requesting them to institute inquiries as to the extent of similar grants elsewhere.

12. I apprehend that it is not open to the Government now to alter the assessment fixed by Mr. Davis. But I request instructions as to whether the portion purchased at the revenue sale by Rajagopala Naik is to bear the quit-rent (Rs. 5-4-0 per cawny) as formerly or the taram assessment (Rupees 1-8-0 per cawny). I presume he is entitled to have a putta.

Excerpts No. 1.—Copy of Grant.

SUBMITTED for the orders of Government.

2. The Collector of South Arcot asks instructions how to deal with certain land which is a portion of a grant for building purposes made in 1810 at a quit-rent of 1½ Pagodas per cawny. The quit-rent on the part occupied for cultivation was reduced to taram assessment in 1848, and of the remaining portion (Cawnies 2-3-1) on which there were then indigo vats, Cawnies 1-4-0 were sold for arrears subject to quit-rent in 1867. The purchaser prays that the quit-rent on this portion should be reduced to taram assessment, and the Collector supports the prayer. As to the remaining portion charged with quit-rent, the Collector points out that the maintenance of the buildings was a condition of the grant, and as this condition has been infringed, there being now no buildings on the land, the grant is resumable.

3. The sale in 1867 was irregular, but the purchaser cannot be held responsible for that, nor for the default in regard to the maintenance of the buildings; and the Board think that he should be granted a putta on the taram assessment on the same grounds as those on which relief was conceded in 1848. They do not at the present time recommend the resumption of the remaining portion held by Narainasawmi Naik, but would maintain the charge of quit-rent now made against him.

(A true Copy and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department,
with one enclosure to be returned.

Copy to the Acting Collector of South Arcot.

Exd. W. J. Lewis.

The Board's proposals in para 3 are approved. It will cause inquiries to be instituted as to the extent of ground and buildings on the same, and whether the grant is resumed.

GOVERNMENT OF MADRAS.

1876.

NOVEMBER
No. 2738

Letter at Seelapattanam in October 1876. South Arcot District, which was enclosed and forwarded to Mr. Thomas P. and subsequently sold to one Narainasawmi Naik and Rajagopala Naik. A summary of the facts with reference to the grant is given in the instructions how to deal with the same.