

(1) Number of Pages.....28

(2) Date of repair.....7-12-68

(3) Initials of the Referencer.....*[Signature]*

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	196	Press
B.P. No.		Mis.
Dated	12-2-1876	196

Not to be folded or roughly handled

Read the following papers:—

No. 127. Petition from P. SURAYYA, Masulipatam, to the Secretary to Government, Revenue Department, dated 15th September 1874.

SHEWETH,—

That your petitioner prays you will be pleased to lay the following before the Right Honorable the Governor in Council for his gracious consideration.

2. That your petitioner holds an Inam, acres 3.28 in extent and bearing a quit-rent of Rs. 1-12-0, in the village of Passarlapudilanka, Narsapur Taluq, Godavary District.

3. That how the Inam,—originally the property of petitioner's ancestors and in their continued enjoyment up to fasli 1255,—was temporarily incorporated with Government Seri on the misrepresentation of the village-officers; how the petitioner's family was simultaneously reduced to a state of utter helplessness and prevented from making an effort to advance their claims; how he petitioned the Collector and the Inam Commissioner, and eventually obtained a restitution of his property; can be seen from the history of the case recorded in column 21 of the register sheet enclosed, and probably from the report of the Collector of Godavary quoted in column 22.

4. That without, therefore, encroaching upon the patience of the Government by going over the same ground again, your petitioner will simply proceed to state his prayer, which is that the mesne profits which accrued upon the land during the temporary occupancy of Government may be refunded to him.

5. That from column 21 of the register it will be seen that the reason why the Inam was incorporated with Government Seri in fasli 1255 was simply that the Village Munsif and Curnam had feigned ignorance of the whereabouts of the petitioner's ancestors. Could this be true? In that very year when they made this false report to the authorities they had executed to the petitioner's ancestors,—their landlords,—the usual cabooliat agreement to cultivate. Could they not have known the whereabouts of their own landlord? They did. But they also knew, alas! too well how his family was circumstanced. They, therefore, took advantage of it themselves to become the owners of the Inam, which was a fine cocoanut garden planted by petitioner's ancestors,—no small temptation for greedy tempers. Their official position gave them an increased advantage. Under the circumstances, all that they need have done was to report that the Inam was unclaimed. This they did without the least compunction. The taluq authorities swallowed the fraud, and the property first having been incorporated with Government land passed into the possession of the Munsif and Curnam, as recorded in the register, under puttas. The fraud was now completed. The defrauders found that their tricks had succeeded well, and the dishonest part they had played in the matter earned them a title to the land. It was thus the petitioner lost his Inam, not by his own fault.

6. That the petitioner's "father" lay helpless during those days in his sick-bed at Masulipatam has been proved by the united testimony of Mrs. Sharkey and the Rev. T. Y. Darling. He could consequently have known nothing of what was being done with his property in the other district. It was his

free and hereditary. Nor had the Inam settlement then been dreamt of. There was thus, therefore, no necessity for petitioner's father to apprehend any interference on the part of Government, — the only quarter to be feared. He had evidently felt himself and his property quite secure, little dreaming that his own tenants had turned false. Even if it were otherwise, both the petitioner and his father were in a state of such utter helplessness, — the one (father) having been subject to a long and protracted illness, of which he has died, and the other (son) but an infant, — that they could have done nothing. It was a most merciless stroke of the official pen that wrested his property from the petitioner under circumstances like the above. However, after much trouble, after much petitioning and dancing attendance now upon this official and now upon that, the petitioner has been lucky enough to obtain a recognition of his title.

7. That the justice which has at last been done has not been substantial. The petitioner has not been refunded the assessment of the Inam enjoyed by Government. This, which amounts to Rs. 900 approximately (the petitioner possesses no accounts showing how much exactly but the taluk officials do), is but a fraction of the value of the losses sustained by petitioner owing to the interests of land owners depending as they do upon the *ipse dixit* of the village-officers who are only too ready to consult their own, notwithstanding all that a just and paternal Government can do to prevent it.

8. That the petitioner addressed two petitions to the Revenue Board who have granted adverse endorsements (enclosed), in which no reasons are assigned for their rejecting the petitioner's claim to the refund now sought.

9. That your petitioner, therefore, prays that the Government will be pleased to take his case into their favorable consideration, and after ascertaining through the local authorities the exact sum due to him, issue orders for the payment of the same to him.

And your petitioner shall ever pray.

No. 128. Petition from P. S. RAOYA, Masulipatam, to the Under-Secretary to Government, Fort St. George, dated 15th October 1874.

Sayam—

That, with reference to endorsement No. 2,639 of 1874, the petitioner most respectfully submits that Mr. Robinson's endorsement No. 34/1039 was passed on a petition addressed to the Revenue Board, who had transferred it to the Inam Commissioner.

2. That petition, Board's No. 1,089 of 1875, is now put up with its endorsement and accompaniments.

3. The enclosures to the present petition are—

(1) Endorsement No. 2,639 of 1874.

(2) Petition No. 2,639 of 1874.

(3) Petition to the Revenue Board, No. 1,089 of 1875.

(4) Endorsement order on the above.

(5) Petition to the Inam Commissioner and its endorsement, No. 236/2,045.

(6) Inam Register Sheet.

And your petitioner shall ever pray.

REFERRED to the Board of Revenue for brief report in the Inam Department.
(By order.)

Fort St. George,
25th November 1874.

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

No. 129. From the Hon. D. ARBUTHNOTT, Inam Commissioner, to the Secretary to Government, Revenue Department, dated Madras, 3rd April 1875, No. 89.

With reference to Government petitions, Nos. 2,639 and 2,821 of 1874, referred to me for report, I have the honor to state that, under the circumstances of the case which are fully set forth in the register which forms an enclosure to the petition, it appears to me that in equity petitioner is entitled to past proceeds paid to Government, and all the more so that he was defrauded of his property when an infant by the collusion of Government officials.

2. The petition and its enclosures are herewith returned.

No. 130. Official Memorandum from the Secretary to Government, Revenue Department, to the Collector of the Godavery District, Cocanada, dated Fort St. George, 21st April 1876, No. 49.

REFERRING to Inam Register, Case No. 2, in the Government village of Passarlapadilanka, Narsapur Taluk, the Collector is requested—

(1) To state whether "fash 1214" (column 14) is correct, the statements in columns 21 and 12 regarding the origin of the so-called Inam being clearly irreconcilable with this entry.

(2) To state when and how this village ceased to belong to the Mutta of Munagonda.

(3) To state whether the lands which form the subject of the Inam Register are in the possession of the heirs (or assigns) of the Curman and Munaf mentioned in column 21; and if so, whether the full assessment is paid or only the quitrent of the Inam Commissioner, Rs. 1-12-0.

(4) If, on the other hand, the said lands are in the possession of Popari Surayya, the Collector will please state when and how the incumbent succeeded in ousting the other parties.

(5) Lastly, a copy of the Collector's letter, No. 32, dated 31st May 1870, (presumably) addressed to the Inam Commissioner, is desired.

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

No. 131. From W. S. FOSTER, Esq., Collector of the Godavery District, to the Secretary to Government, Revenue Department, Fort St. George, dated Cocanada, 15th November 1876, No. 29.

I have the honor to reply to the official memorandum of the Under-Secretary, dated the 21st April last, No. 49.

2. The Praband account of fash 1214 of the village is not forthcoming, either on the records of this office or those of the Deputy Collector on General

Duty. It is not to be found either with the taluk or the village authorities. I should think that the entry of fash 1214 in column 14 of the Inam Register is incorrect, as the grant is dated July 1813 or fash 1223. The Inam was, however, more than fifty years old when it was enfranchised.

3. The Marungonda Mutta was attached and sold for arrears of revenue, and purchased on behalf of Government.

4. On the issue of the Title-deed for the lands in question, the holder of the Inam got possession of the land amicably from the heirs of the former holders (Carnam and Munsif), who had protested against his getting the Title-deed, and the quit-rent imposed by the Inam Commissioner is now collected.

5. Copy of this office letter, No. 32, dated 31st May 1870, addressed to the Inam Commissioner, is enclosed.

Enclosure No. 1.

From J. FRASER, Esq., Collector of the Godavery District, to the Second Member of the Board of Revenue, in charge of the Inam Department, dated Cocanada, 31st May 1870, No. 32.

With reference to your official memorandum, dated 20th instant, No. 866, and to the circumstances stated in the extract from Register B. So, accompanied it, I have the honor to give as my opinion that the Inam ought to be enfranchised in the name of the heir of the original grantee. This heir was fraudulently dispossessed of it by the Carnam and Munsif when he was of such tender age that he could know nothing of the rights in the matter, though I do not think lapse of time should count against him.

2. An Inam in the village of Chappellu in the Ramchenrapur Taluk, which was incorporated with Jernayati under very anomalous circumstances with those of the present case, and which was in the occupation of ryots as Zamindari for thirteen years, has been ordered by Government to be restored to the Zamindar by G.O. dated 27th October 1865, No. 2,639, communicated with the Board's Proceedings, dated 22d November 1865, No. 7,163. The Inam has been subsequently enfranchised and Title-deed issued to the Zamindar. The only difference between this and the case now under reference is this, in the former the ryots relinquished the land in favor of the Zamindar; in the latter the ryots have not done so. They cannot be ousted from their possession of the land unless by a civil action. The Zamindar must be left to himself to obtain possession of his Inam through a civil Court.

3. The Register, which accompanied the memorandum under reply is herewith returned.

No. 132. ORDER IN COUNCIL, 14th February 1876, No. 196.

Miscellaneous.

It appears here that in 1813, several years after the permanent assessment had been made with him, the Zamindar of Marungonda made a cession of the rent of this parcel of land to petitioner's father, a Brahmin. This land was "Jernayati," or assessed with a portion of the public tax, and consequently when the Government became in 1813 the purchaser of the Zamindari at an auction sale for arrears of revenue, the favorable tenure was cancelled and a putta and muchilka exchanged with the ostensible owner, in pursuance of the provisions of the law which declare the incompetency of Zamindars to appropriate any portion of a landed estate permanently assessed to religious or charitable or any other purposes by which

it may be intended to exempt such lands from bearing their portion of the public tax."

2. Petitioner states that his father, the Zamindar's grantee, who died shortly after in a distant town, was in 1813 prevented by illness from appearing before the Collector, and that the parties who obtained the putta, the Village Carnam and Munsif, fraudulently reported him as missing. Petitioner's further complaint that "he thus lost the Inam" is based on the assumption that the tenure created by the Zamindar was indefeasible; but, as already shown, this assumption is wholly erroneous. Had his father been present, he certainly could have shown a better title than the village officials above mentioned (who are stated to have been his lessees) to claim to hold the land on payment of the public tax on it, but a more careful investigation would probably have shown that the best claim to hold *in capite* was in the occupying ryots, whose position in the matter appears to have been wholly overlooked. Be this as it may, the avoidance of the Zamindar's grant and the collection of the full assessment of the land inevitably followed on the sale of the Zamindari on failure to pay public demand.

3. In these circumstances, the action of the Inam Department in enfranchising the tenement on a quit-rent of Rs. 3, and so entailing a yearly loss of Rs. 49 on the State, was *ultra vires*. It had no power to declare land paying the full public tax an Inam; its function was merely to determine, by certain unalterable rules, the validity of the titles under which parties were enjoying lands not fully assessed to the revenue. The case cited by the Collector in his letter of the 31st May 1870 to the Inam Commissioner is by no means on all fours with the present one. The Inam there was a "permanent" lakkiraj tenement; so recognised, i.e., in the Government accounts, and not a mere Zamindar's benefaction; and its incorporation with the ordinary lands of the village was avowedly temporary.

4. The Title-deed of the Commissioner is accordingly cancelled, and the land will be brought under full assessment from the coming fash year. The prayer of the petitioner for the payment to him of the assessment from 1848 to the date of the Commissioner's enfranchisement, as of money received by Government on his account, is of course rejected. He will be referred to the Collector of the district.

(True extract.)

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

To the Inam Commissioner,
the Collector of the Godavery District, through the Board of Revenue,
the Board of Revenue.

Edw. F. B. Bantleman.

No 89.

Revenue Board Office
Indian Department
Madras 3^d April 1875.

From

The Indian Commissioner

To

The Secretary to Government
Revenue Department.

Sir,

With reference to Government
Petitions, ^{No 26892} No 2821 of 1874, referred to me
for report, I have the honor to state
that under the circumstances of the case
which are fully set forth in the Register
which forms an enclosure to the Petition,
it appears to me that in equity Petitioner
is entitled to past proceeds paid to Govern-
ment and all the more so that he was
deprived of his property when an
infant by the collusion of Government
officials.

2. The Petition & its enclosures are
herewith returned.

I have the honor to be
Sir,
your most Obedt. Servant

W. H. M. M. M.
Indian Commissioner

Goolsony District
Collectors Office, Coarand
15th November 1876.

1876
From W. A. Foster Esq.
Collector

To The Secretary to Government
Revenue Department
Fort St. George

Sir,
I have the honor to reply
to the official Memorandum
of the Under Secretary dated
the 21st April last No 49.
2. The Khumband account
of Fauti 12 1/4 of the village
is not forthcoming either on
the records of this Office or
those of the Deputy Collector
on General Duty. It is not
to be found either with the
Taluk or the village authorities.
I should think that the en-
try of Fauti 12 1/4 in Column 14
of the Income Register is in-
correct

1875
From W. A. Foster Esq.
Collector
15th Nov 1876
The District Commissioner

The District Commissioner

Revenue Department
15th Nov 1876
12th Dec 1876
1875

Received &
22nd Feb 1876

No 89

Enclosure - 1 Pte
1876
1876
1876

Reports on Revenue

1876
1876
1876
1876

correct, as the grant is dated
July 1813 or Feb 1223. The
Inam was however more
than 50 years old when it
was enfranchised.

3. The Attingonda Mulla
was attached and sold
for arrears of Revenue and
purchased on behalf of
Government.

4. On the issue of the Title
Deed for the lands in question
the holder of the Inam got
possession of the land amicably
from the heirs of the
former holders/Karman
and Munsiff who had pro-
tested against his getting the
Title Deed, and the quit rent
imposed by the Inam Commission-
er is now collected.

5. Copy of this Office letter
No 32 dated 31 May 1870
addressed to the Inam
Commissioner is enclosed.

I have the honor to be Sir,
Your most obedient servant
W. J. Foster
Collector

Godavari District
Collector's Office
Acomada.

No. 32

From J. Fraser Esq. 31st May 1871
Collector of the Godavari District

To
The 2nd. Member of the Board
of Revenue in charge of the Income
Department.

Sir,
With reference to your
Official Memorandum dated 20th
Instant No. 866 and to the circum-
stances stated in the Extract from
Register which accompanied it, I
have the honour to give as my
opinion that the Inam ought to
be enfranchised in the name of
the heir of the original grantee. The

Received 1871 2nd May
No. 1096 1871
The Collector of the
Godavari District
Office Secretary to
Revenue and
Land & Revenue
Dept. Secy to Govt.

Received 24th May
No. 1096 1871
The Collector of the
Godavari District
Office Secretary to
Revenue and
Land & Revenue
Dept. Secy to Govt.

Received 24th May
No. 1096 1871
The Collector of the
Godavari District
Office Secretary to
Revenue and
Land & Revenue
Dept. Secy to Govt.

Received 24th May
No. 1096 1871
The Collector of the
Godavari District
Office Secretary to
Revenue and
Land & Revenue
Dept. Secy to Govt.

12/131

heir was fraudulently dispossessed of it by the Inman and himself when he was of such tender age that he could know nothing of the rights in the matter though I do not think lapse of time should count against him.

2. An Inman in the village of Choppetta in the Ramachandra-pur Taluk, which was incorporated with Birangata under very nearly similar circumstances with those of the present case and which was in the occupation of Ryots as Birangata for 19 years has been

ordered by Government to be restored to the Inmandar. Vide Government order dated 27th October 1865 No. 2639, communicated with the Board's Proceedings dated 7th November 1865 No. 7163. The Inman has been subsequently enfranchised and title Deed issued to the Inmandar. The only difference between this and the case now under reference is this. In the former, the ryots relinquished the land in favour of the Inmandar. In the latter, the ryots have not done so. They cannot be ousted from

their possession of the land un-
less by a civil action. The
demandar must be left to him-
self to obtain possession of his
land through a civil court.

3. The Register which accompanied
the memorandum under reply is
herewith returned.

I have
(Signed) J. Foster
Collector
(true copy)

J. Foster
Collector

J. Foster
Collector

Rev. Secy

Letter from Collector, Godavari
2/15-11-75 No 29.

This correspondence relates to a most
important demand made of Govt.

2. In 1802 the Zamindari system was very
generally introduced in this Pres.
A Zamindar in effect, contracts to get
us in, the revenue - taking his commission.
Under our system it is an hereditary
office. As long as the Zamindar in esse
keeps up his appointment, he can assign
a village or two to his Priest, rent free;
a garden, rent free, to a favorite
dancing girl - so in fact what he
pleases; but directly he dies, his son
can resume all these alienations -
and of course so can a purchaser, if
the Zamindari is sold up by Govt for
arrears of assessment.

3. In the present case, the Zamindar
gives some fields rent free to a Brahmin,
in 1813. In 1846 the Zamindari
is bought by the Government; the
former tenure was immediately cancelled
and the proper rent of 52 1/2 a year was fixed.
4. The only injustice done was not one of our
making. Of course, the proper man to have let
on the full rent - if he will take the land
on that condition - was the Zamindar's

The further consideration
of the case by the Collector
decided in this case
I am sure the Draft of
the case will
be ready

I entirely concur in the
view taken in this
draft. The action of
the Mam Court was
clearly wrong. The
Mam title deed, as
in a previous case
quited, he cancelled
arrear of assessment.

PM

10/1/76

~~The further consideration
of the case by the Collector
decided in this case
I am sure the Draft of
the case will
be ready~~

Letter from Collector, Godavari

In a letter, on the
subject of the Mam
Court

to the Secretary to
the Government

Revenue Department
for the Godavari
District

Revenue 24/1/75
No 29

10/1/76

Copy of C. C. M. Court

Letter No. 29 dated 2/15/75

to the Secretary to the

Revenue Department

grantee, the Brahmin -

he, however, was reported

by the man to whom he had leased the

land, to be missing, & he died in fact

at a distant place shortly after -

Consequently a lease was given to his

tenant.

5. Well, in 1868 - on 22 years after

all this is done, the Mam Commission

works its way to the part of the country

where his village lies. Its function

was merely to determine, by certain

unalterable rules, the validity of the

titles under which parties were

imposing lands not fully prepared;

but here it actually goes out of its

plain way to declare that land which

has paid the full revenue for 22 years

shall be deemed an Imam - registered

to as such on a petty grant of

3 Rs. in the name of the son of the

zamindar's Brahmin above mentioned;

and, as it had no authority to disturb

possession, refers the grant to the Civil Court

in that respect.

6. The Collector reports that he grants

has got possession by friendly negotiation

with the old tenants. Of course he has

bribed them. "The land is worth 52 Rs. a

year rent - he contents - you pay that

"Sum now to the collector - enforce it
under me at 30 Rs."

7. What the Mam Commission did in
his strange way is not only done
appt. the rules for its guidance; but
it is an achievement far beyond
the power of his fort itself.

Here, we were getting 52 Rs. a year; now
we now get 3 Rs. - this is a perpetual
annuity of 49 Rs. - This fort could not
do this - the Govt. of India could not
do it. It will require the sanction of the
Secretary of State.

8. And yet, on the top of all this,
the Mam Commission now recommends
that this annuity, illegally, so recently
created by his dept., shall be paid
in arrears from 1846.

R. S. S. 6/76.

See a previous case.

G.O. 15/2/71

R. 15/11/71

Rev. Mr. [unclear]

3. Area from main Commission
 No. 2 of 3d April '75, reporting on
 Pub. No. 2639
 1876

- Recd. C.M. to Collet & Goulavari, No 19
of 20-4-78 & the collector's reply no 39
of 18-11-78.

It appears here that in 1813, several years after the permanent assignment had been made with him, the Zamindar of Munimpara made a transfer of the rent of this parcel of land to Babu Jetham, a Mahomedan; the land was 'faraiyati' or assessed with a portion of the public tax, and consequently when the Govt became in 1866 the purchaser of the Zamindari at an auction sale for arrears of revenue, the favourable *Wimna* was cancelled, and a partition & *maushika* exchange with the ostensible owner, in pursuance of the provisions of the law which declare the incompetency of Zamindars to appropriate any portion of a landed estate permanently assessed to paying contributions on any other purpose, & it was intended to exempt such lands from bearing their portion of the "public tax".

Cont. XV to XVI

2. Peter states that his father, ~~the Zamindar~~ who died shortly after in a distant town, was in 1846 prevented by illness from appearing before the Collector, and that the parties who obtained the puttah, the Village Karami & others, fraudulently reported him as missing. Peter's further complaint that "he thus lost his name" is based on the assumption that the tenure created by the Zamindar was indefeasible; but, as already shown, this assumption is wholly erroneous. Had his father been present, he certainly could have shown a return to the than the Village officials above mentioned, (who are stated to have been his officers) to claim to hold his land on payment of the puttah tax on it, but a more careful investigation would probably have shown that he had claim to hold in capite was in the occupying rights, whose position in the case appears to have been wholly overlooked. For this as it may, the avoidance of the Zamindar's fraud and the obtaining of the full rights on the land, inevitably followed on the sale of the Zamindari on public terms by the Government.

3. The above circumstances, the
action of the Main Dept. in authorizing
the ~~incorporation~~ on a quitrent of \$1/2,
and the entailing a yearly loss of \$9 1/2
on the State, was ultra vires. It had
no power to declare land paying the
full public tax, as Main: its function
was merely to determine, by certain
unalterable rules, the validity of the
titles under which parties were enjoy-
ing lands not fully affected to the
revenue. The case cited by the Collector
in his letter of the 31st May '70 to the
Main Commr. is by no means on all fours
with the present one. The Main there
was a "permanent" Calichina permanent,
so recognized, &c., in the Govt accounts,
and not a mere Zamindar's benefac-
tion; and its incorporation with the
ordinary lands of the village was merely
temporary.

Reg. Cont.

27/0-65

2. 1590

4. The title deed of the Commission is accordingly cancelled, & the land will be kept under full effect from the coming fiscal year. The prayer of the Pub. for the ~~release~~ payment of to him of the arrear from Pub to the date of the Commission's infringement, i.e. of money rec'd by Govt on his account, is likewise rejected.

1. To Annie Joseph Santa Fe. ^{has been referred to me}
 2. To Ellen, Espanosa. ^{Collected for distribution.}
 3. To Mrs. O. S. through Bol. Rep.

94-27-1-6

17 Feb 1976

1847
1848

1849
1850