

- (1) Number of pages 6
(2) Date of repair
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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.
B.P. No.—

504

Press
Mis.—

Dated

3. 2. 1877 197

Not to be folded or roughly handled

No. 82. Read the following Proceedings of the Board of Revenue, dated 19th January 1877, No. 1.

Read the following letter from A. J. STUART, Esq., Acting Collector of Tinnevely, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 15th November 1876, No. 684.

With reference to the Proceedings of the Board of Revenue relating to the Inam Kuttalei Malai Hills noted in the margin, Board's Proc. No. 1,732, dated 7th July 1876. I have the honor to forward a petition addressed to me by the Trustee of the Papamalai Swami Pagoda, and to strongly recommend that the Kuttalei Malai Hills may be placed under endowment under Regulation VII of 1817. This endowment having never been handed over to the District Committee, it is, I think, competent to the Board to interfere.

2. From the enclosed registered lease bond* it would appear that the ex-Zemin-dar, who is simply a Manager of the Charity, has leased out the endowment permanently, and has already misappropriated, in payment of his private debts, a large sum of Rupees 5,054 out of the money received on account of the lease. It is most probable that he will misappropriate the rest of the money, viz., Rupees 10,695.

3. I do not think that a Manager of a Charity has a right to alienate the property permanently. He has conveyed the right of sale to the lease-holders.

I would suggest that advice be taken whether the conveyance of the property to Messrs. Ritchie and Ross cannot be contested as beyond the competence of any particular Manager for the time being of the property which forms the religious endowment of which he is Manager, and that if the question is given in favor of the Board a suit be filed and an injunction applied for to prevent the felling of the timber.

ENCLOSURE No. 1.—Petition.

ENCLOSURE No. 2.—Registered Lease Bond.

ENCLOSURE No. 3.—Translation of Registered Lease Bond.

THE Board have no jurisdiction in this matter, Act XX of 1863 having repealed so much of Regulation VII of 1817 as relates to endowments for the support of mosques, Hindoo temples, or other religious purposes. It is not explained why the District Committee have not exercised any supervision over the management of the endowment in question as required by Section 13 of Act XX of 1863, but under Section 14 any person interested may sue, and it must be left to the Trustees or others interested to take action for the recovery of the property alienated and for the prevention of any further misappropriation.

2. It has been decided† however, that there is nothing in Act XX of 1863 which prevents Government from enforcing its right to impose full assessment on Inams held conditionally when the conditions of the grant cease to be fulfilled.

† G.O. dated 28th August 1874, No. 1,038.

2 *Proceedings of the Madras Government, Revenue Department,*
3rd February 1877

even though the Inams were granted as religious endowments, and the Collector will therefore warn the Manager and the Trustees that unless immediate steps are taken to secure the due appropriation of the grant steps will be taken to resume the Inam tenure. The Collector will report further after communication with the District Committee, Trustees, and Manager.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Secy to Government

No. 83.

ORDER THEREON, 3rd February 1877, No. 504.

Miscellaneous.

APPROVED.

(True Extract.)

(Signed) D. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.
,, the Conservator of Forests.

3-5-06

21/2/06

11/7/12

Original

Kuttalai Malai Hills in Travancore District—
Approving Proceedings of the Board of Revenue
directing the Collector to warn the Manager and
the Trustees of the Papayinas Swami Pagoda
that the— will be attached if they are not taken
to secure the due appropriation of the grant.

FEBRUARY
Nos. 82, 83.

G.O., 2nd February 1877, No. 604.

Dist. Secretary 3rd.

Ac., Ac., Ac.

To THE BOARD OF REVENUE.

REVENUE.

6551. II (1877) 314ndura

No. 208.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th January 1877.
Read the following letter from A. J. [redacted] Esq., Acting Collector of Tinnevely,
to H. E. STOKES, Esq., A. [redacted] Secretary to the Board of Revenue, dated
15th November 1876, No. 684.
[redacted] reference to the Proceedings of the Board of Revenue relating to the Inam
Kuttalai Malai Hills noted in the margin, I have the honor to forward a petition
Board's Proc., No. 1,732, dated 7th July 1876. I have the honor to forward a petition
Do. " 77, " 23rd August 1876, addressed to me by the Trustee of the
Papayinas Swami Pagoda, and to strongly recommend that the Kuttalai Malai Hills
may be placed under attachment under Regulation VII of 1817. This endowment
having never been handed over to the District Committee, it is, I think, competent to
the Board to interfere.

2. From the enclosed registered lease bond* it would appear that the ex-Zemin-
dar, who is simply a Manager of the Charity, has leased out the endowment
permanently, and has already misappropriated, in payment of his private debts, a
large sum of Rupees 5,954 out of the money received on account of the lease. It is
most probable that he will misappropriate the rest of the money, Rupees 10,695.

3. I do not think that a Manager of a Charity has a right to alienate the
property permanently. He has conveyed the right of sale to the lease-holders.

I would suggest that advice be taken whether the conveyance of the property to
Messrs. Babie and Rees cannot be contested as beyond the competence of any parti-
cular Manager for the time being of the property which forms the religious endow-
ment of which he is Manager, and that if the question is given in favor of the Board
a suit be filed and an injunction applied for to prevent the felling of the timber.

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person interested may sue, and it must be left to the Trustees or others interested to take
action for the recovery of the property alienated and for the prevention of any further
misappropriation.

2. It has been decided,* however, that there is nothing in Act XX of 1863
which prevents Government from enforcing its right to impose full assessment on
Inams held conditionally when the conditions of the grant cease to be fulfilled

*G.O., dated 28th August 1874, No. 1,998.

even though the Inams were granted as religious endowments, and the Collector will therefore wax, the Manager and the Trustees that unless immediate steps are taken to secure the due appropriation of the grant will be taken to respect the tenure. The Collector will report for communication with the District Committee, Trustees, and Managers.

(A true Copy and Extract.)

Collector
Acting Sub-Secretary.

To the Acting Collector of Tinnevely,
with copy of G.O., dated 28th August 1877, No. 1,098, Revenue Department.
Copy to the Secretary to Government, Revenue Department,
with three enclosures to be returned.

Exd. A. S. Rodgers.

*14 to 17 of Dep with 3 Enclosures sent 26/1/77
21 Comm. to Govt.*

*Kudilal Madai Killa—in Tinnevely District.
—Issuing instructions to Collector with reference to his recommendation that — may be placed under attachment and kept in VIII of 1877.*

JANUARY.
No. 208.

Received 26/1/77

Copy 25 Jan 77

RECEIVED, 19TH JANUARY 1877, No. 208.

BOARD OF REVENUE,
MADRAS.

Recd: 1877. Copy

14/909

*Exd. 3
Recd.*