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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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

264

Press
~~Mis.~~

Dated 23-2-1876 196 .

Not to be folded or roughly handled

No. 271. Read the following Proceedings of the Board of Revenue, dated 22nd December 1875, No. 3,409 :—

Read again Board's Proceedings, dated 11th June 1875, No. 1,587.

Read also the following letter from W. S. FOSTER, Esq., Collector of the Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cocanada, 10th November 1875, No. 468 :—

REFERRING to the Board's Proceedings of the 11th June 1875, No. 1,587, I have the honor to state that the fresh assignment of the land referred to was sanctioned in the Government Order, dated the 17th February 1863, communicated with the Board's Proceedings of the 21st idem.

2. The amount to the refund of which the Inamdar is entitled is Rupees 495-9-4 out of Rupees 655-9-4 collected and credited to Government, as detailed in the accompanying statement.

Enclosure No. 1 — Statement

A PIECE of land in the town of Rajahmundry was granted in 1814 by the then proprietor of the Rajahmundry Estate to the ancestors of one Nundivada Perroz on a favorable assessment of Rupees 20. The family continued to enjoy the land subject to this assessment till 1862, when the land was taken up for the formation of a petta. Fresh land assessed at Rupees 56, being equal to the value of the land taken, was assigned to Perroz, the present holder (*vide* G.O., dated 17th February 1863, No. 352). He continued to pay the old rate of Rupees 20 on the new assignment till the introduction of the revenue settlement, when the assessment of the land was raised to Rupees 83-10-0. The revised assessment was collected from the party from Fasli 1277 to Fasli 1284. He complained of the increase of Rupees 63-10-0 in the assessment of his land, and requested refund of past collections. Before submitting the case for the orders of Government, the Board desired the Collector to report the amount paid. The above letter is the Collector's reply.

2. The Board are of opinion that Perroz is clearly entitled to hold his land at the old rate and to the refund which he prays for, amounting to Rupees 495-9-4. Out of this amount Rupees 371-11-0 were carried to account up to November 1873, and the remainder, Rupees 123-14-4, in 1874 and 1875. The Board sanction the refund of the latter amount, and request the authority of Government for the disbursement of the former sum, Rupees 371-11-0.

(A true Copy and Extract.)

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

*Proceedings of the Madras Government, Revenue Department,
23rd February 1876.*

No. 272.

ORDER THEREON, 23rd February 1876, No. 264.

Land Revenue, No. 12.

THE refund of Rs. 371-11-0 sanctioned.

(True Extract.)

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

To the Board of Revenue.
" the Accountant-General.

Exd. J. Wright.

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No. 1,587.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th June 1875.

Read the following:—

From J. KELSALL, Esq., Acting Sub-Collector, to W. S. FOSTER, Esq., Acting Collector of the Godavery District, dated Rajahmundry, 29th April 1875, No. 169.

I HAVE the honor to forward, for favorable consideration, a petition (to be returned) from N. Perraz of Rajahmundry presented to Mr. Horsfall in January 1874. The delay is attributable to having to trace out all the old papers.

2. His case is this: In 1814 the then proprietor of Rajahmundry granted his grandfather $1\frac{1}{2}$ candies of land (12 acres) with the favorable assessment of Rs. 20. It has continued in the possession of the family from that time, they paying Rs. 20 per annum at first to the proprietor and after, when the estate was sold for arrears, to Government.

3. In 1839 the proprietor made an attempt to raise the sist, and the Collector thought he could do so. But, on a suit being brought in the Civil Court, the Judge said in his judgment: "I do not understand on what grounds the Collector could order a higher sist than fixed in the original cowl; the plaintiff must be allowed the enjoyment of the land as long as he pays the agreed sist, as that is all the present or any other proprietor has a right to."

4. Armed with this decree of the District Court, the petitioner continued to enjoy the land and to pay Rupees 20 till 1862. In that year the land with other fields was taken up for the suburb of Innespetta, and petitioner was promised land of equal value to that taken from him. At that time he was leasing his land for Rs. 56, and so fresh Government land bringing in Rupees 56 (Rupees 38 the land assessment and Rupees 16 for the usufruct of some mango trees) was assigned him. He took this in exchange, and paid as before Rupees 20 to Government. Now the land has been charged with the full assessment of Rupees 83-10-0, and it is against this he appeals. The cause of this has been traced out, and is as follows:—

The Director of Revenue Settlement asked Mr. Fraser to inquire into the validity of some thirty claims to hold land at a favorable rate in Rajahmundry. Mr. Fraser replied by sending a report of the Head Assistant Mr. Wigram,* who

considered the first twenty-one grants valid under Section 15 of Regulation XXX. of 1802, and with regard to the twenty-second claim (which is petitioner's) he quoted the Civil Judge's decree given above, that these lands too came within the scope of that Section, as there was no proof that they were, at the time of the grant, cultivated lands.

On receipt of Perraz's petition last year, the Collector was asked† what orders

† 28th September 1874, No. 465.

‡ 23rd October 1874, No. 465.

had been passed on the above report.

He answered,‡ "no reply has been received from the Settlement Department,

but from a Telugu Order * * * I observe that Case No. 22 (petitioner's) and 25 have been erroneously included and fully assessed." The Telugu Order which I enclose

Excess assessment paid by N. Perraz of Godavery District.—Sanctioning the refund of Rs. 371-11-0 being the amount of — on certain land assigned to him in lieu of that originally granted on a favorable assessment of Rs. 20 and subsequently taken up for Innespetta.

FEBRUARY.
Nos. 271-272.

G.O., 23rd February 1876, No. 264.

Dated February, 23rd.

Indl.

THE BOARD OF REVENUE.

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REVENUE.

Govt. of 1876 Rajahmundry

simply says that, as the land was cultivated at the time of the grant, that grant is void, and the land must be fully assessed. This reason is again assigned in your letter, No. 43, of January 25th, 1875. This is the history of the case.

6. Perraz's contention is that, in equity, he is entitled to land as favorably assessed as the land taken up for public purposes. He shows that he had land which he was able to let for Rupees 56, on which he paid a kattubadi of Rupees 20. The Civil Court had decreed that that kattubadi could never be raised. It is clear also from Section 15 of Regulation XXX. of 1802 (now, of course, repealed, but then in force) that these puttass shall be binding on all proprietors, though the estates may subsequently (as in this case) have fallen to Government, unless it is proved in a Court of Judicature that the lands were not waste when granted, or were collusively granted or fraudulently obtained. This, of course, has never been done. It is quite clear that, had he retained his old grant land, he could have resisted any attempt to raise the assessment. It is equally clear that we cannot equitably give him a piece of ground in exchange which, when he accepts it, leaves him as well off as before, and then suddenly very largely increase the assessment even though such increase is due to a general revision by the Settlement Department. If he had a right to his old land on favorable terms, he has a right to hold his new land on the same terms. I enclose for reference all the papers connected with the case, and recommend that his petition be favorably considered. The statement enclosed gives the particulars of the old holding and that given in exchange. I recommend that Rupees 63-10-0 be struck off the assessment, and that he be called on to pay Rupees 20 in future.

No. 181.

FORWARDED to the Board of Revenue for orders.

2. One Nandivada Perraz held a piece of land from 1814 on a favorable assessment of Rupees 20. In 1839 the then proprietor wished to raise the assessment, but the Civil Court decreed that the proprietor had no right to more than the Rs. 20 assessment. The estate has since been brought in by Government, and Perraz paid the Rupees 20 till 1862. The land was then taken up for a public purpose, and land yielding equal assessment (Rupees 56) assigned to him in exchange. He continued to pay the Rupees 20, but at the new settlement the land was assessed at Rs. 83-10-0. The petitioner complains of the increase of Rupees 63-10-0; the Acting Sub-Collector recommends that the amount be struck off, and the petitioner be called on to pay only Rupees 20 in future, and I beg to support the proposal.

3. Copies (to be returned) of the decree of the Civil Court and other correspondence on the subject are enclosed for the Board's information, as also the petition presented by Perraz.

COCANADA,
10th May 1875.

(Signed) W. S. FOSTER,
Acting Collector.

ENCLOSURE No. 1.—Petition.

ENCLOSURE No. 2.—Copy of Decree.

ENCLOSURES Nos. 3 to 5.—Copies of Correspondence.

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THE Collector is requested to refer the Board to the sanction under which the fresh assignment of land in 1862 was made.

2. The petitioner is clearly entitled to hold his land at the old rate, and to the refund, which he prays for, of the excess paid since 1866. For this refund the sanction of Government is needed, and the Collector will report the amount. Pending settlement of the case, the collection of the assessment in excess of Rupees 20 per annum should be suspended.

(True Copies and Extract.)

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

To the Acting Collector of the Godavery District.

Exd. J. W. Fischer.

264/5

No. 3,409.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd December 1875.

Read again Board's Proceedings, dated 11th June 1875, No. 1,587.
Read also the following letter from W. S. FOSTER, Esq., Collector of the Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cocanada, 10th November 1875, No. 468 :—

REFERRING to the Board's Proceedings of the 11th June 1875, No. 1,587, I have the honor to state that the fresh assignment of the land referred to was sanctioned in the Government Order, dated the 17th February 1863, communicated with the Board's Proceedings of the 21st idem.

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ENCLOSURE No. 1.—Statement.

A PIECE of land in the town of Rajahmundry was granted in 1814 by the then proprietor of the Rajahmundry Estate to the ancestors of one Nundivada Perroz on a favorable assessment of Rupees 20. The family continued to enjoy the land subject to this assessment till 1862, when the land was taken up for the formation of a petta. Fresh land assessed at Rupees 56, being equal to the value of the land taken, was assigned to Perroz, the present holder (*vide* G.O., dated 17th February 1863, No. 352). He continued to pay the old rate of Rupees 20 on the new assignment till the introduction of the revenue settlement, when the assessment of the land was raised to Rupees 83-10-0. The revised assessment was collected from the party from Fasli 1277 to Fasli 1284. He complained of the increase of Rupees 63-10-0 in the assessment of his land, and requested refund of past collections. Before submitting the case for the orders of Government, the Board desired the Collector to report the amount paid. The above letter is the Collector's reply.

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(A true Copy and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department,
with original statement to be returned, and copy of Board's Proceedings,
dated 11th June 1875, No. 1,587 (its five original enclosures to be returned).
" the Collector of the Godavery District.
Copy to the Accountant-General, with copy of statement.

Exd. J. W. Fischer.

1875.

Board of Revenue.

MADRAS.

PROCEEDINGS, 11TH JUNE 1875, No. 1,587.

Encl.

Received

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JUNE.
No. 1,587.

Land — held by one N. Perroz of Rajahmundry, in Godavery District, on a favorable assessment, but subsequently taken up for Innespetta in 1862. Collector requested to refer Board to the sanction under which fresh assignment for — was made, and to report the amount of the excess assessment paid on it since 1866. Collection of assessment in excess of what was paid formerly should be suspended pending settlement of the case.

4-D 1786/1638261-12

No. 264

The Refund of Rs. 371-11-0 sanctioned

23rd February 1876

14 To the Board of Revenue
6 The Accountant and General

14-2-76

Revenue 1876
No. 170

1875.

BOARD OF REVENUE,
MADRAS.

PROCEEDINGS, 22ND DECEMBER 1875, No. 3,409.

Date 17 Jan 1876

Encl. 7

Received 18 Jan 1876

DECEMBER.
No. 3,409.

Excess Assessment — paid by one N. Perroz of Godavery District on certain land assigned to him in lieu of that originally granted to him on a favorable assessment of Rupees 20 and subsequently taken up for Innespetta. — Sanctioning refund of Rupees 123-14-4 collected in 1874 and 1875, and requesting authority of Government for disbursement of Rs. 371-11-0 credited to account up to November 1873.

Ch. 264-20
willi order.
February 1876

264-20/1638261-12