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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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Dated	29.3.1876	196 .

Not to be folded or roughly handled

No. 50.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th January 1876.

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 27th November 1875, No. 649 :—

I HAVE the honor, with reference to the Inam Commissioner's Memorandum, No. 65, dated 5th March 1875, and its enclosure, Petition No. 28 of 1875 (here-with returned), to forward a report from the Acting Head Assistant Collector, which gives a complete account of the petitioner's case.

2. I agree with the Head Assistant in thinking that the petition should be dismissed, but I think that permission should be given to the petitioners to file a suit in the Civil Court if they see fit. It appears to me that the only connection the Government has with the matter is the duty of paying the allowance to the temple; as to disputes relating to who is entitled to do the service in the temple and to receive the allowance, I think the Civil Courts are the proper authorities.

ENCLOSURE No. 1.

From B. RICE, Esq., Acting Head Assistant Collector, to A. J. STUART, Esq., Acting Collector of Tinnevely, dated Tuticorin, 16th November 1875, No. 398.

In reply to the Board's Official Memorandum, No. 65, dated 5th March 1875, I have the honor to report on the Board's Petition No. 28 of 1875 as follows :—

It appears that seven inams were granted originally for watching the jewel-box of the Alwartirunagari Pagoda, and the present petition relates to one of them.

The emolument of this inam consists of an annual payment of 20 pons equivalent to Rs. 42 and 10 cottahs of paddy equivalent to Rupees 28 according to the commutation rules.

The inam was originally held (as will be seen from the genealogical tree herewith appended) by one Sinna Annavayengar, who died in Fasli 1212, leaving two sons—(1) Vaithamanithi Iyengar and (2) Athaniengar.

From the accounts, &c., it appears that Vaithamanithi Iyengar held the inam in full till Fasli 1228, and that after his death, from Fasli 1236, a portion of the inam, consisting of the amount payable in cash, was assigned to Pakshiraja Iyengar, grandson of the said Vaithamanithi Iyengar, and the remaining portion, or the grain payment, was made over to Athaniengar, who enjoyed it up to Fasli 1258, when he died. From Fasli 1258 to Fasli 1262 Pakshiraja Iyengar and the Board's petitioner's son and grandson (by another son) of Athaniengar jointly enjoyed the inam, the former continuing to enjoy the ready-money payment, and the latter the portion enjoyed by their ancestor, Athaniengar, viz., the grain portion of the inam.

In Fasli 1263 the whole inam was made over to Pakshiraja Iyengar alone under the orders of the Collector.

The Inam was, during the inam settlement of the district, treated by the Commissioner as life-grant. Pakshiraja Iyengar, however, being dissatisfied with this decision, appealed against it to the Board, and declined to receive the emolument from Fasli 1264, and payment was in consequence discontinued.

On Pakshiraja Iyengar's petition to the Board inquiry was instituted, and the result reported to you in my letter, No. 28, dated 27th January 1875.

In that inquiry it was found that the classification of the inam as a life-grant was incorrect and the Inam was subsequently reclassified as permanent, and it also appears, from a copy of the order of the Treasury Deputy Collector to the Tahsildar, that the payment of the allowances, including arrears, to Pakshiraja Iyengar was sanctioned by Government.

The Board's petitioners now object to the inam being made over in full to the said Pakshiraja Iyengar, and claim the grain part of it for themselves on the following grounds :—

That the enjoyment of the grain portion of the inam by their ancestor Athaniengar and subsequently by themselves was recognized by two orders of the Sub-Collector and Collector, Nos. 104 of 1825 and 382 of 1849 respectively, and they base their claim on the fact that they have enjoyed the grain portion of the emoluments from Fasli 1236 to Fasli 1262.

Pakshiraja Iyengar, on the other hand, contends that they have no right to the permanent enjoyment of any portion of the inam, and he asserts that their father Athaniengar's enjoyment of the grain payment had its origin in a private arrangement under which latter was enjoyed under a special written agreement in Fasli 1235. On the death of Vaithamanithi Iyengar, Pakshiraja Iyengar's grandfather, to assist latter, who was then a minor, in carrying on the duties pertaining to his inam, receiving in return for his trouble the grain portion of the emoluments, with however the proviso that his (Athaniengar's) services might be dispensed with when he (Pakshiraja Iyengar) might see fit to do so; and that, according to this arrangement, Athaniengar and after him Board's petitioners continued to enjoy the grain payment down to Fasli 1262 (*vide* list sent to Collector by Tahsildar in 1825), and in support of this view he adduces the evidence of the fact that his grandfather, Vaimanithi Iyengar, alone furnished security out of his own property for the office, and that all the more important accounts of the pagoda bear the signatures of his grandfather and of himself alone.

He further adds that this Vaimanithi Iyengar and his brother Athaniengar were divided as is evidenced by the decision in Suit No. 154 of 1817 on the file of the Strivaiguntam District Munsif. The security bond alluded to by Pakshiraja Iyengar as having been deposited by his grandfather is not now forthcoming, and on this point no evidence is obtainable except the statement of an accountant of the pagoda, who deposes that Pakshiraja Iyengar's statement is borne out by the pagoda account.

The Tahsildar reports that the evidence of the pagoda servants as to whether petitioners perform the service in the pagoda is very conflicting and unreliable; but that, when a dispute occurred between Pakshiraja Iyengar and a third party as to his right to receive certain cooked rice, which formed part of the emoluments of the post, the Temple Committee decided in favor of the former.

It will be observed that Board's petitioners have chosen to sleep on their alleged rights from Fasli 1262 down to the present time, and it is only now, when they find that the inam has been granted in perpetuity and payment of arrears sanctioned, that they come forward to revive their claims.

I am of opinion, on the whole circumstances of the case, that petitioners should be left to assert their claims in the ordinary Civil Courts, and I would, therefore, recommend that their petition be dismissed.

I forward the records connected with the inquiry together with copies of Tahsildar's arzis on the subject and petitioner's petition to the Board.

I would beg to point out that there is a slight error in the précis of this petition, *viz.*, the entry of the money payment as claimed by petitioners instead of the grain payment.

(True Copy.)

(Signed) A. J. STUART,
Acting Collector.

ENCLOSURE No. 2.—Petition.

THE Board concur with the Collector, and resolve to request Government to authorize the grant of a certificate to the petitioner to enable him to prefer his claim in a Civil Court.

(True Copies and Extract.)

Acting Sub-Secretary

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

Copy to the Acting Collector of Tinnevely.

N^o 441

The collector is authorized to grant to him
petitioners a certificate under Act XXIII
of 1871, if they desire it. The Govt. will not
interfere in any other way.

144 Solle. D. Sunday. Dec. 20. 1875

29 March 1876

N^o 215

Pasum 1876. *de jure*
Board of Revenue,
MADRAS.

PROCEEDINGS, 10TH JANUARY 1876, No. 50.

Dec 20 1875

Encl.

Received

21 Jan 1876

JANUARY.
No. 50.

Petition—No. 28 of 1875, presented to
Board by Sudarsaniyangar and Pestkan
Sadagopa Chari, claiming a portion of the inam
originally granted for watching the jewel-box of
the Alwartinugari Pagoda in the Tenkairai
Taluk, Tinnevely District.—Approving Col-
lector's recommendation for dismissal of—, and
requesting Government to authorize the grant
of a certificate to petitioners to enable them to
prefer their claim in a Civil Court.

with a letter

No 441-29 Pasum 1876

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25/3/76