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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue

DEPARTMENT

G.O. No. 612, *Revenue* Press.
B.P. No. _____ Mis.

Dated 18th April 1878 197 .

Not to be folded or roughly handled

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GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

18th April 1878, No. 612.

Read the following papers :—

No. 222. Proceedings of the Board of Revenue, dated 20th December 1877, No. 5,289.

Read the following letter from G. D. LEMAN, Esq., Collector of the Kistna District, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Masulipatam, 17th November 1877, No. 2,643.

I HAVE the honor to report the following for Board's order.

2. In Patamata village, of Bezwada Taluq, Govindarajulu Chendrayya, a non-working Curnam, holds Service Inam, measuring 17 acres. A small portion of it, viz., 36 cents, was attached and sold on the 4th October 1876 under the orders of the District Munsif's Court of Bezwada in satisfaction of certain decrees of that Court, notwithstanding the objections raised by the village officers at the time of sale. The Tahsildar of Bezwada addressed the District Munsif on the subject in vain.

3. The Acting Head Assistant Collector brought the case to my notice in July last, but as the information was not complete I was obliged to call for a further report which only reached me in this month.

4. The sale is undoubtedly contrary to the provisions of Section 2, Regulation VI of 1831, and two courses are open to the Government,—to sue and cancel the sale, or to wait till the Curnam dies and then assess the land fully.

5. By the terms of sale the purchaser can have no more title and interest than those vested in the original holder.

THERE is no necessity to wait till the Curnam dies before imposing full assessment; that portion of the Inam which has been sold by order of the Court should be fully assessed at once; the difference between the jodi and full assessment being carried to the credit of the Village Service Fund.

2. This is not the first case of the kind which has come under the notice of the Board; and they request that Government will address the High Court with a view to the issue of such instructions as will prevent a recurrence of sales of Service Inams in satisfaction of decrees of Civil Courts.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Sub-Secretary.

No. 223. Proceedings of the Board of Revenue, dated 6th April 1878, Miscellaneous No. 3,596.

Read the following Official Memorandum from the Secretary to Government, Revenue Department, dated 29th January 1878, No. 30.

ABSTRACT.—Requesting Board to forward certain correspondence requesting Government to address the High Court with a view to the issue of such instruc-

tions as will prevent a recurrence of sales of Service Inams in satisfaction of decrees of Civil Courts, &c.

The Board's Proceedings in question were passed without reference to papers, and on inquiry it appears that most of the recent correspondence has related to the sale by Courts of unenfranchised personal Inams. The only case of sale of a Service Inam which can be traced is dealt with in Board's Proceedings, dated 19th February 1875, No. 405, copy of which will now be forwarded for the information of Government. In the case referred to in Board's Proceedings, dated 4th May 1876, No. 1,169, copy of which is also forwarded, it is not clear whether the Inam is a service or a personal grant.

(True Extract.)

(Signed) J. STURROCK,
Acting Sub-Secretary.

No. 224.

ORDER THEREON, 18th April 1878, No. 612.

Miscellaneous.

HIS GRACE the Governor in Council
resolves to request the opinion of the
Advocate-General and the Government
Pleader upon the state of the law as affecting the question alluded to in these
papers.

(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

To the Board of Revenue.
" the Advocate-General.
" the Government Pleader.

18.5.17

12/10/0

Govt. of 1878: Madras.

REVENUE.

THE BOARD OF REVENUE,

Secy, Secy, Secy

Dated April 188.

Recd.

Encl.

G.O. 1884 April 1878, No. 612

APRIL.

Nos. 222-224.

Service Inams.—Resolving to request opinion of the Advocate-General and Government Pleader upon the state of the law regarding execution of Civil Court's decrees against—

No. 1,169.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th May 1876.

Read the following letter from W. D. HORSLEY, Esq., Collector of Cuddapah, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated 23rd February 1876, No. 44 :—

THE Budwail District Munsif's Court has sold an unenfranchised Inam in execution of a decree for money.

2. The Inamdar, Dasopuntula Subba Row, has asked me to move the Court to cancel the sale.

3. I am of opinion that the Inamdar should do this himself, as he and not the Government is interested in the matter; but as the Proceedings of the Board, No. 704, dated 23rd March 1875, direct that such cases are to be reported for the orders of the Board I wait their instructions.

4. It seems to me that it would be sufficient to levy the full assessment of the land from the purchaser.

5. The Court sale took place on the 10th August 1875, and the Inamdar has ample time to move the Court for the cancelment of the sale.

THE Inamdar may, if so disposed, sue for the cancellation of the sale, but the Board see no reason why Government should do so. It is not clear whether the Inam is a personal or service grant. In the former case it should be fully assessed, and in the latter the purchaser should be informed that he holds the Inam subject to the condition of performing the service, and that in case he fails to do so the Inam will be resumed.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

To the Collector of Cuddapah.

Edw. J. Tulloch

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th February 1875.

Read the following letter from W. P. AUSTIN, Esq., Acting Head Assistant Collector, to W. S. FOSTER, Esq., Acting Collector of the Godavery District, dated Peddapur, 21st January 1875, No. 24:—

I HAVE the honor to inform you that a barber servant of the Zemindari village of Ralangi in Tanuku Taluq, named Achanta Bapanaya, died leaving no male issue, and his post was, on the recommendation of the Tahsildar, given to his grandson by his first daughter.

2. The lands attached to this service are in the occupation of one Siriginidi Bulli Viranna of the village, who says that they were given to him by Mangali Peddigadu on a cowle for six years from November 1869 on an annual payment of Rupees 25. Peddigadu states that he is the second son-in-law of the original incumbent Bapanaya, and that he has been doing duty on his behalf for the last fourteen years. But Bapanaya, while alive, complained, and stated before the Tahsildar, that, as his sight was affected, he left the village and employed Peddigadu to do his duty, and that, on his return, Peddigadu neglected to protect him, and he went and lived with his first daughter's son, Tatavarti Venkatasvamigadu.

3. Peddigadu admits that he gave the cowle to Siriginidi Bulli Viranna, and on a third party taking up the land, saying that it was given to him by the Tanedar of Ralangi, the Cowledar, Bulli Viranna, filed a suit in the District Munsif's Court at Ellore. The Court decreed in favor of Viranna, recording in their judgment that the suit is for the enforcement of the terms of the cowle and not for the possession of the land, and the Court is not therefore precluded from entertaining the suit under Regulation VI. of 1831. It may be so; but whether Peddigadu, the son-in-law of the original incumbent, had a right to lease out the land and enjoy the emoluments in prejudice to the legal heirs of the original holder is the point at issue. On this point also the Court dwells a little, and comes to the conclusion that the land in question is an Inam granted by the Zemindar of Nidadavole after the permanent settlement was made, and that it was given out of the Zemindari Jerayati land.

4. The Court should have, I think, included the Collector as a defendant in the suit; but they have not done so. The grandson of the deceased Service Inamdar was appointed in July last, the Inamdar having died in the month of March preceding. He should, therefore, be put in possession of the land, and the Cowledar made at least to pay him the rent agreed upon between him and Peddigadu. The Cowledar refuses to do so, as the case is in appeal before the Civil Court.

5. I submit the matter for your consideration and instructions.

No. 52.

FORWARDED to the Board of Revenue for instructions.

2. The Acting Collector thinks that it will not do for Revenue Courts to overrule the Munsif's decree, and therefore requests that the Board will ask Government to prevent such conflicting decisions.

3. The land is Service Inam, and the Acting Collector considers that it should be made over to the service-holder.

VIRAVASARAM,
4th February 1875.

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

1876.

Board of Revenue,
MADRAS.

PROCEEDINGS, 4TH MAY 1876, No. 1,169.

Encl.

Received

Per 15/5/76

MAY.
No. 1,169.

Inam, Unfranchised—in Cuddapah District sold by Budweil District Munsif's Court in execution of a decree.—Informing Collector that the Inamdar should, if so disposed, sue for the cancellation of the sale, and issuing instructions as to the course to be pursued according as the Inam is personal or service grant.

As the case appears to be before the Civil Court on appeal, the Collector's proper course is to apply to be made a party to the appeal, and plead want of jurisdiction on the part of the Munsif. There seems to be no necessity for a reference to Government.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

To the Acting Collector of the Godavery District.

Ed. J. W. Fischer.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 6 April 1876.

Read Official

Memorandum from the Secretary to Government Revenue Department dated 29 January 1876 No 30, requesting Board to forward certain correspondence respecting Government to address the High Court with a view to the issue of such instructions as will prevent a recurrence of sales of service lands in satisfaction of decrees of Civil Courts &c.

The Board's proceedings in question were framed without reference to papers and on enquiring it appears that most of the recent correspondence has related to the sale by Courts of unencumbered personal property. The only case of sale of service land which

1875.

Board of Revenue

MADRAS.

PROCEEDINGS, 19th FEBRUARY 1876, No. 405.

Encl.

Received

Nov 2/1875

FEBRUARY.

No. 405.

Appeal—preferred to Civil Court of Godavery District against decision of Ellore Munsif in a suit regarding certain Inam land, attached to the service of a barber in the Zemindari village of Balangi in Yanam Taluk.—Collector to apply to Court to be made a party to—and to plead want of jurisdiction on the part of Munsif.

90 18 Feb 75 No 652

Dated

6

of Feb 1875

Despatched

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1875

SUBJECT

Transference of land
conveyance of
existing title of
land with the
as well as the
transference of
of same shall be
as to the title of the same

which can be traced is dealt
with in Board's Proceedings
dated 19 February 1875 No
405 Copy of which will now be
forwarded for the information
of Government. In the case re-
ferred to in Board's Proceedings
dated 4 May 1876 No 1169 Copy
of which is also forwarded
it is not clear whether the
same is a revenue or a personal
franchise

Per Revenue Copy

Shirish
Secretary

To
The Secretary to Government, R.D.

with Copies of Board's Proceedings
dated 19 February 1875 No 405
and 4 May 1876 No 1169.

EM

No. 5,289.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th December 1877.

Read the following letter from G. D. LEMAN, Esq., Collector of the Kistna District, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Masulipatam, 17th November 1877, No. 2,643 :—

I HAVE the honor to report the following for Board's order.

2. In Patamata, village of Bezwada Taluq, Govindarajula Chendrayya, a non-working Curnam, holds service inam measuring 17 acres. A small portion of it, viz., 36 cents., was attached and sold on the 4th October 1876 under the orders of the District Munsif's Court of Bezwada in satisfaction of certain decrees of that Court, notwithstanding the objections raised by the village officers at the time of sale. The Tahsildar of Bezwada addressed the District Munsif on the subject in vain.

3. The Acting Head Assistant Collector brought the case to my notice in July last, but as the information was not complete I was obliged to call for a further report which only reached me in this month.

4. The sale is undoubtedly contrary to the provisions of Section 2, Regulation of 1831, and two courses are open to the Government—to sue and cancel the sale, or to wait till the Curnam dies and then assess the land fully.

5. By the terms of sale the purchaser can have no more title and interest than those vested in the original holder.

THERE is no necessity to wait till the Curnam dies before imposing full assessment; that portion of the inam which has been sold by order of the Court should be fully assessed at once, the difference between the jodi and full assessment being carried to the credit of the Village Service Fund.

2. This is not the first case of the kind which has come under notice of the Board, and they request that Government will address the High Court with a view to the issue of such instructions as will prevent a recurrence of sales of service inams in satisfaction of decrees of Civil Courts.

(A true Copy and Extract.)

To the Secretary to Government, Revenue Department,
the Collector of the Kistna District.

W. Stokes
Sub-Secretary.

Ed. J. Wright.

REVENUE DEPARTMENT.

No. 110

From Pres: Board of Revenue

Dated 20 December 1877.

FOR ORDERS.

The above: It
a Pleader right to
be asked to ad
vise
1871
Such also pr.
now complete
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Super to Law Officer
in the case have the
entire complete

Re 22/11

Revenue Dept. Secy

1877.

Board of Revenue,

MADRAS.

PROCEEDINGS, 20th Dec. 1877, No. 5,289.

20th Dec 1877

Received 10th Jan 1878

DECEMBER.
No. 5,289.

Service Issues—Requesting Government to
address the High Court with a view to the
issue of such instructions as will prevent a
recurrence of sales of — in satisfaction of de-
crees of Civil Courts, and directing that portion
of the man in Patnam in Kistna District,
sold by order of the District Munsif of Bez-
wada, be fully assessed at once.

20th Dec 1877

15th Dec 1877

FOR ORDERS.

That previous
correspondence
to the Board of
Revenue be sent
to Board of
Revenue
Cases referred

C. 15 Jan 78 R. 23 Jan 78

Revenue Dept.

2612

Proceedings of the Madras Government
under date 18 April 78.

Read the following papers.

Proceedings of the Board of
Revenue requesting Government
to address the High Court
with a view to the issue of such
instructions as will prevent a
recurrence of sales of Service
Inams in satisfaction of decrees
of Civil Courts &c.

H.E. 20th December 1877 No. 5289.

Proceedings of the Board of Revenue
forwarding certain correspondence
regarding issue of such instructions
as will prevent a recurrence of
sales of Service Inams in satis-
faction of decrees of Civil Courts &c.

H.E. 6th April 1878 No. 3596.

His Grace the Governor in
Council resolves to request
the opinion of the Advocate
General

General and the Government
Shaders upon the State of
the Law as affecting the ques-
tion alluded to in these papers.

epil

To Bonds of Runners 26/4
4 Advocate Genl 26/4
4 Genl Pleader 26/4

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