(1) பக்கங்களின் எண்ணிக்கை 12.

(2) புதுக்கித் திருப்பிய நாள் செப்டம்பர் 1988.

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Revenue.

வருவாய் துறை

அரசாணை எண்.
மு. கோப்புத் தாள் எண். 108.

அச்சகம்
பலவகை

நாள் : 16. 1 - 1879 1988.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண. கா-1—18,006—15-6-87.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

16th January 1879, No. 103.

Read the following paper:—

No. 261. Proceedings of the Court of Wards, dated 21st December 1878, No. 3,488.

Read the following letter from E. E. SPENCER, Esq., Acting Head Assistant Collector in charge Sub-Collector's Office, to H. J. STOKES, Esq., Acting Collector of Tanjore, dated Tanjore, 13th November 1878, No. 769:—

In reply to your endorsement, No. 431, of the 14th February last, on the Proceedings of the Court of Wards, No. 218, dated 24th January 1878, I have the honor to report as follows.

The late Sub-Collector, Mr. Cruickshank, tried his best to effect a compromise, but without success as Chokkammal refused to come to any reasonable terms.

2. Chokkammal ever since her husband's death has been the sole managing member of the family, because her position, in consideration of her age and relationship to the original proprietor, commanded respect.

3. Her repudiation of the adoption and denial of the Minor's title to the estate are due to the latter's vicious habits.

4. At the same time I would observe that the only way in which the Minor's claim to the estate could be successfully impugned would be by denying the adoption of the Minor's adoptive father Alagasundra Moodelly by Chokkammal's late husband, and as the Court observe, she is barred from this plea by limitation.

5. The Minor is now sixteen years of age and has already earned for himself the title of debauchee.

6. Under these circumstances, I think that the estate might, with advantage to all parties, be continued in the hands of Chokkammal, who appears quite able to manage it, and that the Minor be left to establish his title in a Civil Court.

7. The records connected with the case are herewith sent.

No. 4,248.

SUBMITTED to the Court of Wards with reference to their Proceedings, No. 218, dated 24th January 1878.

VALLAM,
21st November 1878.

(Signed) H. J. STOKES,
Acting Collector.

SUBMITTED for the information and orders of Government.

2. Looking to the circumstances of the family and the somewhat doubtful nature of the Minor's title, the Board do not consider it advisable to place the estate under the charge of the Court of Wards.

(A true Copy and Extract.)

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

No. 262. Order thereon, 16th January 1879, No. 108.

Miscellaneous.

The Government agree with the Board in considering that there is no necessity for the interference of the Court of Wards.

(True Extract.)

(Signed) H. S. THOMAS,
Acting Secretary to Government.

To the Court of Wards.

Ed. J. W. Fischer.

No. 218.

PROCEEDINGS OF THE COURT OF WARDS, dated 24th January 1878.

Read the following papers:—

From H. S. THOMAS, Esq., Collector of Tanjore, to H. E. STOKES, Esq., Secretary to the Court of Wards, dated 22nd December 1877, No. 4,244.

I HAVE the honor to report as follows regarding the Kulikarai Estate in the Nannilam Taluq, and to recommend that it may be taken under Court's management. The Sub-Collector's letters, Nos. 77 and 603, dated 20th October 1876 and 25th August 1877, respectively, are enclosed.

2. The history of this estate is briefly this. In the year 1849 one Arunachella Moodelly, adopted son of the proprietor of this estate, died issueless. His wife Chokkammal became the sole proprietrix of the estate and was also held so as against her husband's brothers in Sadr Adalat Court's Judgment of 1853. Subsequently, in the year 1862, the proprietrix Chokkammal presented a petition to the Tahsildar alleging that, with the consent of her late husband, she had adopted one Alagasundra Moodelly (her husband's brother by birth); that she had made him inheritor (பாத்தியஸ்தன்) of all her lands (except a specified few) as well as other property; and that the mirassi for the lands should be transferred to his name. This was accordingly done in due course.

3. In 1864 this Alagasundra Moodelly died also issueless, leaving a widow Murugathalanni, who, presumably on her deceased husband's permission, adopted her husband's brother's son Thiagaraja Moodelly (Minor). A Sammathipatharam (deed of consent) was executed by the widow in virtue of which seventeen velies and odd of land was registered in the widow's name and the rest in the Minor's name. Hence the Miras of the whole estate stands as shown below:—

Name of Puttadar.	Extent of Land.	Assessment.
	V. M. C.	Rs. A. P.
1. Minor Thiagaraja Moodelly ...	124 18 27 12/64	4,655 15 6
2. Chuttram	28 16 96 37/64	1,118 13 11
3. Murugathalanni, widow and adoptive mother of the Minor... ...	19 19 76 1/2	780 2 0
4. Chokkammal, adoptive mother of Minor's adoptive father	3 18 76 48/64	176 7 9
Total ...	177 13 77 57/64	6,731 7 2

4. So it will be seen that 124 velies and odd, assessed at Rupees 4,655-15-6, belong to the Minor Thiagaraja Moodelly who will come of age under the Majority Act on the 5th November 1883.

5. The estate is now being managed by Chokkammal. On account of some dispute between the Minor's adoptive mother and Chokkammal the latter has now began to question the very position of not only the Minor but of his adoptive father Alagasundra Moodelly whom she had adopted as stated above. Hence the Minor's adoptive mother fears that Chokkammal would not manage faithfully to the interests of her (widow's) adopted son, the Minor, and she being herself unable to manage the estate for her son, she requests that the estate may be taken under the management of the Court of Wards. But Chokkammal objects to it saying that the adoption by her of the Minor's adoptive father, Alagasundra Moodelly, being itself invalid in law, the Minor who claims through him has no claim to the estate at all. However invalid the adoption of Alagasundra Moodelly may possibly be, still inasmuch as she had admitted the adoption in writing and raised no objections against the arrangements made in consequence of the death of that adopted son until now, it seems to me that her present objection is futile and that the interests of the estate of the Minor will be

endangered if left in this woman's possession any longer. I therefore request that the whole estate may be placed under the management of the Court of Wards.

6. From the accompanying statement it will be seen that the value of the total movable property of the estate is Rupees 522, and besides the land already specified there are four houses and a stable, worth in all Rupees 2,200. The amount of debt due to the estate is Rupees 7,420 and that due by the estate is Rupees 2,800.

7. The total amount of expenditure proposed for the estate by the Sub-Collector is as follows:—

		Per Annum.
(1). Allowance for the maintenance and education of the Minor.		Rs. 1,000
(2). Customary expenditure for charity		750
(3). 1 Clerk on	Rs.	
1 Do. on	25	
2 Accountants on Rupees 8 each	20	
2 Servants at do. 6	16	
1 Servant at do. 5	12	
	5	
Per mensem ...	78	936
(4). Maintenance allowance to the Minor's adoptive mother, Murugathalanni, and her adoptive mother-in-law, Chokkammal, at Rupees 35 each per mensem		840
(5). Maintenance of Chuttram		1,098
Total ...		4,624

8. I am of opinion that the charges are reasonable, and solicit the Court's sanction for the same.

9. As the Minor is now of school-going age, I propose to place him at Trivellore, a few miles off from Kulikarai, so that he may be sent to the Government Taluq School at that station. As regards the appointment of a guardian, I shall address the Court again as soon as the Sub-Collector in whose division the estate lies selects one for it.

Enclosure No. 1.

From A. CRUICKSHANK, Esq., Acting Sub-Collector, to the Collector of Tanjore, dated Negapatam, 20th October 1876, No. 771.

I have the honor to report as follows regarding the petition presented by one Murugathalanni of Kulikarai requesting that her adopted minor son Thiagaraja Moodelly, together with certain lands alleged to belong to him, may be taken charge of by the Court of Wards.

2. In Fasli 1271 the Kulikarai Estate consisted of 165 V. 1. M. 40$\frac{1}{2}$K., assessed at Rupees 5,942-8-4, for which the putta stood in the name of one Chokkammal, the widow of Arunachella Moodelly. From the accounts of Fasli 1285 it appears that the estate now consists of 177 V. 14. M. 84 $\frac{1}{2}$K, assessed at Rupees 6,416-9-11.

3. In a petition dated March 1862 Chokkammal stated that as she had adopted Alagasundra Moodelly, her husband's brother, with her husband's consent, she had made him proprietor of all the lands with the exception of those in the three villages—Anaivadapathi, Anaidempathi, and Vattogudi Vadapathi—which stood in her name. On the 20th March 1863 Chokkammal and Alagasundra Moodelly executed a Sammathipatharam under which it was arranged that, with the exception of 27 V. 18. M. 56$\frac{1}{2}$ K, assessed at Rupees 1,176-1-7, which were already in the name of Alagasundra Moodelly, putta for all the other lands should be made out in the name of Alagasundra Moodelly. Putta was accordingly made out in his name for 150 V. 2. M. 83$\frac{1}{2}$ K, assessed at [illegible] 1,772-6-9. He died in 1864, leaving [illegible] issue. Subsequently a Sammathipatharam was executed by [illegible] and one Kalianasundra Moodelly, the brother of Alagasundra Moodelly and father of Thiagaraja Moodelly, said to have been adopted by Murugathalanni, under which it was arranged that Murugathalanni should have putta for 17 V. 2. M. 2$\frac{1}{2}$ K, assessed at Rupees 698-3-3, in her name and that the putta for the rest should be in the name of Thiagaraja Moodelly. Puttas were granted as desired. At present Chokkammal has a putta for 14 V. 5 M. 11$\frac{1}{2}$ K, Murugathalanni one for 19 V. 19. M. 80$\frac{1}{2}$ K; 18 V. 11 M. 65 $\frac{1}{2}$K are set apart for the support of a Chuttram, and a putta for the rest, viz., 124 V. 18 M. 27$\frac{1}{2}$K, stands in the name of the Minor.

4. Matters seem to have gone on smoothly up to the commencement of the present year. The natural father of the Minor Thiagaraja Moodelly is dead, and Chokkappa Moodelly, brother of Arunachella Moodelly, Alagasundra Moodelly, and Kalianasundra Moodelly, seems to have acted as the Minor's Guardian. A petition was presented in this office on the 1st February 1876, in which it was stated that Chokkappa Moodelly managed the Minor's estate with respect to Government matters, and the adoptive mother of the Minor with respect to all other affairs, and that Chokkappa Moodelly was unwilling to continue this arrangement any longer and the whole management might be entrusted to Murugathalanni who was willing to accept it. On this petition being referred to the Tahsildar, Chokkappa Moodelly gave a written statement that he was again managing the affairs of the State as before. He appears to me to be the cause of the misunderstanding. He is now on the side of Chokkammal and supports her statement that Alagasundra Moodelly was never adopted by her, and says she managed all the affairs of the estate and he looked after such work as had to be done at Cutcherry. Up to last fasli bonds were, for the most part, taken in the name of the Minor and of Chokkappa Moodelly as guardian of the Minor and some were taken in Chokkammal's name.' In the leases executed for Fasli 1286 the Minor's name finds no place and all are in the name of Chokkammal, the wife of Arunachella Moodelly Several of the tenants and village officers in the estate assert that Chokkammal had the chief management; but their statements cannot be entirely credited, because I fear Chokkappa Moodelly has sufficient influence over them to make them speak to suit him. Chokkappa Moodelly has very likely some ulterior object in view, but what it is is not at present apparent.

5. The adoption of Alagasundra Moodelly is no doubt invalid, but it is vain on the part of Chokkammal and Chokkappa Moodelly to come forward now and deny arrangements which the documentary evidence shows plainly were made and acted upon up to the time of the disagreement. The Minor is said to be in his fourteenth year, and as he has no one qualified to look after his interests, I think the prayer of the petition under reference should be complied with and the land entered in the putta in the Minor's name taken charge of by the Court of Wards.

6. The Tahsildar's report, with enclosures, is herewith forwarded, and it is requested they may be returned when done with.

(True Copy.)

(Signed) Y. ALAGASINGARI,
for Collector.

Enclosure No. 2.

From A. CRUICKSHANK, Esq., Acting Sub-Collector, to the Acting Collector of Tanjore, dated Negapatam, 25th August 1877, No. 603.

With reference to your letter of the 2nd December 1876, No. 4,481, I have the honor to forward, herewith, a statement furnishing information on the several points noted in the above letter.

2. From the accounts now submitted by the Tahsildar, it appears that there are at present four puttas for the lands which belong to the Kulikarai Estate. Chokkammal holds a putta for 3 V. 18 M. 76$\frac{2}{3}$ K., Murugathalanni one for 19 V. 19 M. 76$\frac{2}{3}$ K., and there is one in the name of the Minor for 124 V. 18 M. 27$\frac{1}{16}$ K. The 4th putta is for 28 V. 16 M. 96$\frac{1}{3}$ K. set apart for the support of a Chuttram.

3. If Chokkammal and the adoptive mother of the Minor are allowed to retain possession and enjoy the produce of the lands for which puttas now stand in their names, the income therefrom will be insufficient in the case of Chokkammal for her maintenance, and more than sufficient in the case of the Minor's adoptive mother. The annual income from the lands in the name of Chokkammal is Rupees 409, of which she has to pay Rupees 176 as assessment to Government, while that of those in the name of Murugathalanni is Rupees 1,857, of which she has to pay Rupees 780 as assessment. If they are deprived of these lands they must be maintained from the income of the estate. The Tahsildar first proposed a sum of Rupees 936 per annum for both and then Rupees 704. I think if each is allowed Rupees 35 per mensem it will be ample. Should they be allowed to retain the lands, it will be necessary to supplement Chokkammal's income therefrom so as to bring it up to Rupees 35 a-month.

4. As to the Minor himself, Rupees 1,000 per annum will be required for his maintenance and education.

5. As regards the Chuttram, I think it should be left as it is. The Tahsildar submitted at first a statement showing the expenditure to be made on account of it. He puts it down at Rupees 2,089. The annual income from the lands set apart for its support is Rupees 2,217, and out of this amount Rupees 1,119 have to be paid on account of assessment, so that there are Rupees 1,098 left for the giving of food and the maintaining of the choultry and its establishment. In my opinion the expenditure should not be allowed to exceed the income and no more should be given from the estate.

6. Rupees 1,150 were at first said to be required for charitable purposes, but this appears to me too large a sum and may well be reduced to Rupees 750 or even less.

7. Up to the time when the misunderstanding arose between the Minor's adoptive mother and Chokkammal, the income derived from the lands formed a common fund from which all expenditure was defrayed irrespective of what was the income of each according to the puttas.

8 As to establishment, I agree with you that those appointed to look after the estate should be persons who have something to lose if they misconduct themselves. I would propose the following establishment: two Clerks, two Curnums, two Peons, and a Sweeper or Masalchi; the Clerks to be paid Rupees 25 and 20 per mensem respectively (this would give them 20 and Rupees 16 respectively after paying the amount due on account of their being allowed to retain their right to pension), the Curnams to be paid Rupees 8 each per mensem, the Peons Rupees 6 each, and the Masalchi Rupees 5.

9. With reference to your letter of the 1st March 1877, wishing to know what injury, if any, had occurred to the Minor's alleged property during the time that Chokkammal had the management of it, I have to state that everything seems to have gone on smoothly till the beginning of last year when Chokkappa Moodelly wished to be no longer considered as the Minor's guardian. It is only after that that Chokkammal was said to be working against the Minor's interests. She now asserts that all the lands are hers, and that the Minor has no right to them. She has got all the leases executed in Fasli 1286 drawn up in her name only, while prior to that they had been generally drawn up in the name of the Minor. Chokkammal is influential enough to get many people to come forward to say that the property has not been mismanaged. I know it myself for a fact that the one would not allow the other to cut the crops after they were ready for harvesting till the Police interfered and warned them that if any breach of the peace occurred they should be at once prosecuted. The Tahsildar reports that the rents in seven villages have been reduced to the amount of 465 kalams of paddy, and that a fresh bond of Rupees 1,500 due by one Gopalachetti of Ammiappen has been executed in the name of Chokkammal. This amount is not entered in his list as due to the estate. He has been asked to explain why it does not appear in the list, and as soon as his answer is received it will be forwarded to you. The accounts for some time back are also said to be in an unsatisfactory state.

10. The papers and arzis submitted by the Tahsildar are herewith forwarded, and I request that they may be returned when done with.

(True Copy.)

(Signed) Y. ALAGASINGARI NAIDU,
for Collector.

Enclosure No. 3.—Statement of Property.

From H. S. THOMAS, Esq., Collector of Tanjore, to H. E. STOKES, Esq., Secretary to the Court of Wards, dated Vallam, 16th January 1878, No. 137.

In continuation of my letter, No. 4,244, of 22nd December last, I have the honor to forward a petition presented on behalf of the Minor of the Kulikarai Estate, complaining that the opponents of the Minor are attempting to carry off crops worth 30,000 Rupees to the detriment of the interests of the Minor and praying for any intervention. The petitioner verbally states that the opponents have no property from which the value of the crops can be recovered. As I cannot interfere in the matter until the estate is taken under the management of the Court of Wards, early orders on the subject are solicited.

Enclosures Nos. 1 to 3.—Petitions.

Read also Petitions Nos. 5 and 92 of 1878.

It is clear that the adoption of Alagasundra Moodelly in 1862 was invalid, he being the natural brother of Chokkammal's deceased husband; two other objections, which, if founded on fact, would invalidate the adoption, are also raised at paragraph 5 of petition No. 92. So far, therefore, as the Minor's claim to the property is based on this adoption it cannot be sustained; but it seems that Chokkammal, who had a life-interest in the property transferred greater part thereof in favor of Alagasundra Moodelly, and that in pursuance of this act the mirassi of the lands was transferred to

his name. On his adoption in 1864, which, so far as appears from the papers, was perfectly valid, Thiagaraja Moodelly inherited the interest vested in his adoptive father; and the transfer of the mirassi of the bulk of the lands in his name shows that the transaction was open and acquiesced in by the other members of the family whose interests were affected. If possession really passed to the Minor, his title cannot now be questioned, the period of limitation having expired.

2. In this connection it is of great importance to ascertain clearly the position of Chokkammal. It is stated at paragraph 5 of the first letter read above that the estate is now being managed by her, and she affirms in her petition that from the date of her husband's decease the property has always continued under her control. On the other hand, the Sub-Collector states that up to Fasli 1285 bonds were, for the most part, taken in the name of the Minor and Chokkappa Moodelly (his uncle) as guardian of the Minor, but that some were taken in Chokkammal's name; also that up to Fasli 1286 the leases were executed in the Minor's name, but that subsequently they have run in that of Chokkammal's. The fact of such transactions being effected in the name of the Minor is strong evidence of his position as proprietor having been recognized, not only by the tenants, but by Chokkammal.

3. It seems that till 1876 the members of the family have lived in harmony, and it does not appear that Chokkammal's management has been otherwise than satisfactory; under these circumstances, and looking to the somewhat doubtful nature of the Minor's position, the Board are averse to interference if that course can be avoided, and would prefer to leave the property to the management of the members of the family if an amicable adjustment of the disputes which have recently arisen can by any means be effected. The Collector will endeavor to arrange a compromise; should such a settlement of the difficulty however unfortunately not be practicable, he will ascertain more definitely, if possible, what Chokkammal's position in regard to control over the property has been, and what evidence is forthcoming in support of the Minor's title to enable the Board to judge whether it is advisable to take charge of the estate, or whether litigation should be undertaken, and the Court of Wards must be prepared to sustain the Minor's claim.

(True Copies and Extract.)

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

To the Collector of Tanjore, with five Petitions.

Exd. W. J. Lewis.

Received

Read

Encl.

Board of Revenue,
MADRAS.

PROCEEDINGS, 21ST JANUARY 1878, No. 218.

JANUARY.

No. 218.

Kakkarai Estate — in Nannilam Taluq, Tanjore District.—Passing orders on letter from Collector recommending that the — be taken under the management of the Court of Wards.

No. 3,182.

PROCEEDINGS OF THE COURT OF WARDS, dated 21st December 1878.

Read the following letter from F. E. SPENCER, Esq., Acting Head Assistant Collector in charge Sub-Collector's Office, to H. J. STOKES, Esq., Acting Collector of Tanjore, dated Tanjore, 13th November 1878, No. 799:—

IN reply to your endorsement, No. 431, of the 14th February last, on the Proceedings of the Court of Wards, No. 218, dated 24th January 1878, I have the honor to report as follows.

The late Sub-Collector, Mr. Cruickshank, tried his best to effect a compromise, but without success as Chokkammal refused to come to any reasonable terms.

2. Chokkammal ever since her husband's death has been the sole managing member of the family, because her position, in consideration of her age and relationship to the original proprietor, commanded respect.

3. Her repudiation of the adoption and denial of the Minor's title to the estate are due to the latter's vicious habits.

4. At the same time I would observe that the only way in which the Minor's claim to the estate could be successfully impugned would be by denying the adoption of the Minor's adoptive father Alagasundra Moodelly by Chokkammal's late husband, and as the Court observe, she is barred from this plea by limitation.

5. The Minor is now sixteen years of age and has already earned for himself the title of debauchee

6. Under these circumstances, I think that the estate might, with advantage to all parties, be continued in the hands of Chokkammal, who appears quite able to manage it, and that the Minor be left to establish his title in a Civil Court.

7. The records connected with the case are herewith sent.

No. 4,248.

SUBMITTED to the Court of Wards with reference to their Proceedings, No. 218, dated 24th January 1878.

VALLAM,
21st November 1878.

(Signed) H. J. STOKES,
Acting Collector.

SUBMITTED for the information and orders of Government.

2. Looking to the circumstances of the family and the somewhat doubtful nature of the Minor's title, the Board do not consider it advisable to place the estate under the charge of the Court of Wards.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department, with copy of Board's Proceedings, dated 24th January 1878, No. 218.

Copy to the Collector of Tanjore.

Exd. W. J. Lewis.

Rev. Dept

1878 No. 2418

Court of Wards,
Pro. 16 January 1879
MADRAS.

To

THE SECRETARY TO GOVT.,
REVENUE DEPARTMENT.

Dated December 21st.

Printed 30th.

Received 10 Jan?

PROCEEDINGS, 21ST DECEMBER 1878, No. 3,483.

DECEMBER.

No. 3,488.

Kulikarai Estate — in Nannilam Taluk, Tanjore District.—Submitting to Government papers relating to the —, and stating that the Board do not consider it advisable to place the estate under the charge of the Court of Wards.

R. 108. 16 January 1879
Wills Order

R. 108

In Correspondence with the Court of Wards in connexion with the Kulikarai Estate in Nannilam Taluk, Tanjore District.

14 Feb. Communicated to Court of Wards.

16 January 1879

C 12-1-79
R 15-1-79

13 Nos
26/7
262