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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 377

Press
Mis.

Dated 16-3-

1883.

Not to be folded or roughly handled

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following letter from A. CRUICKSHANK, Esq., Collector of South Arcot, to the Secretary to the Board of Revenue, dated Cuddalore, 21st July 1882, No. 297 :—

Under Section 5 of the Pensions Act of 1871, and under paragraph 1 of the rules under Section 14 of the Act approved in G.O., dated 22nd July 1875, No. 1098, Miscellaneous, I have the honor to submit, for consideration and orders, a claim preferred by certain individuals for a share of the Inams held for the service of Kazi at Chidambaram.

2. These Inams consist of Acres 47-89 granted by former Governments, for which the Inam Commissioner has issued title-deeds, Nos. 1332 and 1340, on condition that they be held so only so long as the duties of the Kazi office are duly performed, and of an assignment of revenue from other lands granted in 1872 in lieu of a ready-money allowance of Rs. 387-2-11 per annum previously enjoyed under grants from former Governments and continued by the British Government.

3. By Government Notification published in page 275 of the *Fort Saint George Gazette*, dated 7th June 1881, Mahomed Ahmed Khadir Ali Sahib, the first of the applicants mentioned in paragraph 2 of my letter, No. 238, of the 19th June 1879, recorded in Board's Proceedings, under date the 3rd September 1879, No. 2517, was appointed Kazi of Chidambaram and of the villages in the Chidambaram Taluk, south of the Vellár excepting Killei. He has applied to me for a transfer of the registry of all the above Inams from the name of his deceased father into his name alone on the ground that they form the emoluments attached to the Kazi office. For portions of the said Inams there are four rival claimants—(1) Mahomed Ubadalla Sahib, brother of the abovenamed Kazi; (2) Hawid Udin Sahib, a step-brother's son and son-in-law of the late Kazi; (3) a daughter of his; and (4) a granddaughter of his, who ask for a separate registry of their shares in their own names, alleging that the Inams were not granted exclusively for service, but are semi-personal, and that under certain arrangements made by the late Kazi during his lifetime the portions of the emoluments claimed fell to their shares.

4. From a tabular statement received from the Head Assistant Collector it appears that at the death of the late Kazi, the Inams, &c., were enjoyed in five shares by the several claimants above mentioned, but the arrangement was never sanctioned by Government, and it is a violation of the orders of Government, with reference to which it is laid down in Standing Order No. 138, that the sub-division of service yeomiah is altogether prohibited.

5. In support of the contention that the grant is semi-personal, the claimants produce an old Purwanah (translation enclosed) granted by Nawab Salabin Nurkhan Bahadur in which a daily allowance of five fanams and twenty-two cashes of Inam land are sanctioned. In this it is stated that the allowances are to be enjoyed by his heirs after the death of the grantee. The claimants rely on the words "his heirs," and make out that the allowance is to be enjoyed by the office-holder as well as the other members of the grantee's family. It does not necessarily imply this, and it may be just as reasonably contended, and even more so, that it was meant that the Inam should descend to the heirs of the grantee who did the work. The Inam Commissioner has confirmed the grant to the late Kazi for the particular service of Kazi. He did not recognize the shares enjoyed by the four claimants—*vide* extract from the Inam Register herewith enclosed. It seems therefore just and proper that the holder of the office should enjoy its emoluments. The apportionment of the emoluments

made by the late Kazi must be regarded as a mere private arrangement which became null and void on his death. I therefore recommend that the claim for shares preferred by the four individuals above named be rejected and that sanction be accorded to register the present Kazi, Mahomed Ahmed Khadir Ali Sahib, as sole holder of the Inam lands, as well as of the assignment of land revenue particularized in paragraph 2 *supra*.

ENCLOSURE No. 1.—Translation of Purwanah.

ENCLOSURE No. 2.—Extract from the Inam Register.

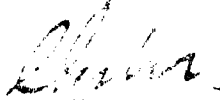
RESOLUTION—dated 12th August 1882, No. 2013.

Submitted for the orders of Government.

2. The Board agree with the Collector and support his recommendations in paragraph 5, namely, that sanction be accorded to register the present Kazi, Mahomed Ahmed Khadir Ali Sahib, as sole holder of the Inam lands, as well as of the assignment of land revenue.

3. It is observed that the rules sanctioned in G.O., dated 22nd July 1875, No. 1098, have been superseded by the revised rules prescribed in G.O., dated 4th October 1880, No. 1290.

(A true Copy and Extract.)


Acting Secretary.

To the Secretary to Government, Revenue Department,
with two original enclosures to be returned.
Copy to the Collector of South Arcot.

G.O. 4.10.80 No 1290
22. 7.75 No 1098.

G.O. No 3747
16. 5. 83.

The Governmental Council
in opinion with the Collector
and the Board of Revenue.

7/10

Exd from orders.

21-8 The Board of Revenue
withd. Secy. S.
Diss. 21-8-83.

1511-7-83.
R. 15-7-82.
C. 27-11-82 R. 15-2-83.
R. 15-3-83. R. 11-3-83.

Revenue Dept
No 4953
1882.
Board of Revenue,
MADRAS.

Recd 11 Sept
Proceedings, 12th August 1882, No. 2013.

20-12-82 2012

Recommending Government to sanction the
present Kazi of Chidambaram, South Arcot Dis-
trict, Mahomed Khadir Ali Sahib, being regis-
tered as sole holder of the Inam lands, as well
as of the assignment of land revenue attached
to his office.

4/9/82

With an order

REVENUE DEPARTMENT.

No. 4953.

From Board of Revenue

Dated 12th August 1882.

FOR ORDERS.

* Copy is put up

It seems to be clear
that the Coll^r's proposal
(para 5 of his letter) supported. Members.
by the B^d is right.

Suggested G.O.

The Gov^t concurs in
opinion with the
Collector & the B^d
Revenue of the

Agree with the Coll^r,
B^d & Gov^t Secy. & request
to have kept the papers
so long - The Hon. Mr. Sullivan
I believe, under his red ink.

Submitted for orders. The
case is analogous to that of the
Puthpagani Mattam now under
the consideration of Government
- vide Board's Pro^s d/ 16th
August 1882. no. 2041 in

Circulation with the Honble

The facts are briefly as
under:-

A late Kazi of Chidambaram
in the South Arcot Dist^r
alienated portions of the Kazi's
service Inam land and

assignments of land revenue
to certain relations of his.

His

It is now the present Kazi
desires that the Duans be
registered in his name alone
on the ground that they form
the emoluments attached to
the Office. The alienation,
in of however, object to this, and
ask for a separate registry
of their shares in their own
names on the ground that
the Duans are semi-personal.
They produce an old
Barwara, to prove this
assertion. According to it,
the allowances are to be enjoyed
by the "heirs" of the grantee
after his death. The alienation
contends that the word
"heirs" includes not only the
Office-holder, but the
other members of the grantee's

note supra, is
apprehensive that
we are bound by act
EX/63. But that
act refers only to the
endorsement of a transfer,
"in the name of the
"religious estate"
If Kazi's were classifiable
as religious offices, we
should never, as we did very
recently, have legislated
to give the Kazi the power of
appointing Kazi's, whereas
the Mahomedans might
wish for one Kazi as to
appoint - this doubt
is merely to expediently
legalize a record domestic
ceremonies amongst his own
people.

If resolutions will accept
this view, the order might
be made by the

Certainly - It would
be very wise to consider
the matter in its proper
light.

11-7
11-7
c. 27-11
11-10-11

family. On the other hand,
the Collector points out that
the word was intended to
denote the grantee's successors
in Office.

The latter theory seems
to be more reasonable, especially
when the terms are such that
the grant was conferred
to the Kazi by the Duans.
Commissioners are taken into
consideration. The terms
are that the Duans are to be
enjoyed by the grantee, only
so long as the duties of the
Kazi's Office are duly
performed. The Duans of
Collector who enquired into the
conflicting claims of the various
persons who were enjoying
shares at the time, recorded
his opinion, as follows, in

the Enam registered:—

To be continued so long
as the duties of the Kazi's Office
are duly performed. Certain
Members of the Kazi's family
are enjoying portions of the
Enam by assignment by the
registered holders, and one
of these the Kazi's brother
claims distinct recognition
of title for the portion held
by him. This is unduly,
inadmissible and similar
claims of the kind have
been disallowed, ever this &c. &c.

The Enams are then held
on service tenure. So long
they remain on that tenure,
therefore, the alienation thereof
appears to be improper.

But the question is what
can Government do to stop
alienations of a religious grant.

FOR ORDERS.

vide Enam extract
in the file—

9C

REVENUE DEPARTMENT.

No.

From

Dated

1882.

FOR ORDERS.

In accordance with the
recent decision of the High
Court, ^{in the Hindustani case,} the Govt. cannot inter-
fere with Enams of this nature
under the Revenue Act, and
the Advocate General says
that "an alteration of the law
seems to be needed, to prevent
the misapplication of property
appropriated for religious
or charitable purposes. The
only remedy in such cases,
therefore, is for the parties concerned
to bring a civil suit to set the
alienations annulled—vide
the legal opinions printed in
the marginally noted G.O.s.

Submitted that notes

G.O. 7th ^{received} 1881/2/1386

" " " no 1887

the decision of a competent
Civil Court has produced by
the present Kazi, the course
recommended in para 5
of the Collector's letter and
supported in para 2 & 2
the Board's Pros, should be
adopted as it is likely
to involve Government in
unnecessary litigation.

FOR ORDERS.

Regarding a Kazi's
Service Inam—
South Arcot

Am. M. Hallam for
present of the Kazi's Inam
note 7.10
15/3/83

8/9 21-7-82
15-7-82
C. 27-11-82 R. 15-3-83
R. 15-3-83
R. 16-3-83

16TH MARCH 1883, No. 377, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

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(A true Copy and Extract.)

(Signed) E. GIBSON,
Acting Secretary.

To the Secretary to Government, Revenue Department, with two original enclosures to be returned.

Copy to the Collector of South Arcot.

ORDER—dated 16th March 1883, No. 377, Revenue.

Miscellaneous.

The Government concur in opinion with the Collector and the Board of Revenue.

(True Extract.)

(Signed) E. F. WEBSTER,
Secretary to Government.

To the Board of Revenue, with two Enclosures.

Exd. A. Aubert.

60 Copies.

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