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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1042 Press —Mis.—

Dated 25 11 1886.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

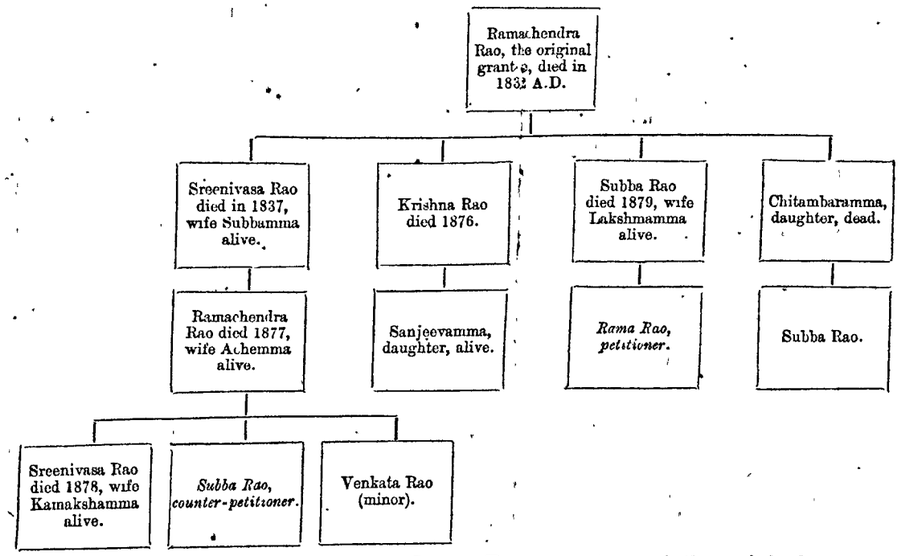
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 14th October 1886, No. 2237:—

Read—the following letter from F. A. NICHOLSON, Esq., Acting Collector of Anantapur, to the Secretary to the Board of Revenue, dated Guntakal, 25th September 1886, No. 453:—

I have the honor to forward the accompanying case for the decision of Government according to the rules contained in Standing Order No. 138-1 under the Pensions Act.

2. A jaghire, consisting of two villages (Pulamati and Kotipi) in Hindupur taluk, was granted as a good service pension to Ramachendra Rao in 1809; he died in 1832, and the family tree to date is as follows:—



3. In August 1885 petitioner, Rama Rao, grandson of the original grantee, presented a petition to this office under section 5 of the Pensions Act, complaining that Subba Rao, counter-petitioner and great grandson of the grantee, was collecting the entire revenue of the jaghire and appropriating it in contravention of the family "custom" by which the income was enjoyed in two equal shares, of which one share should go to petitioner and the other share to counter-petitioner and his brother. Petitioner further claimed that he was himself the nearest heir, as grandson, and, as such, entitled to the whole jaghire, and wound up with a prayer that he might be declared sole jaghiredar and the order published in the villages.

4. Counter-petitioner, Subba Rao, declared that he was the jaghiredar; that the grantee had established the custom of *primogeniture;* and that consequently he, as descended in the eldest branch, was head of the family and sole jaghiredar.

5. The case was referred to the Head Assistant Collector, who received the evidence and has forwarded his report, in which he considers that the evidence is altogether in favor of counter-petitioner Subba Rao, whom he would recognize as the managing member of the family under Standing Order No. 138. With this opinion I agree.

6. As regards petitioner's claim, he evidently asserted too much and practically abandoned his claim to be sole jaghiredar. His admission of a bipartite division of income became admittedly a modification of his claim to be sole jaghiredar, the modification being evidently necessary, because it was absolutely impossible to prove at any time the status claimed for petitioner's father, the utmost provable being that petitioner's father had occasionally done acts as *a* jaghiredar. There is no evidence on record to show that petitioner or his father ever occupied the status of sole jaghiredar. The whole evidence produced has been to rebut counter-petitioner's claim. Petitioner's claim to be sole jaghiredar may be dismissed.

7. As regards his claim to a bipartite division, there is an indefiniteness about the claim which prevents its admission at present; while orginally asserted as a division of income, it apparently became an assertion of division of the jaghireship. So indefinite is it that not a tittle of evidence has been produced in support of it, and all that can be said is that on some occasions petitioner's father did acts as a jaghiredar. Moreover, it is doubtful for the following reason: petitioner speaks of it as a "family custom," and says that his father Subba Rao enjoyed half and counter-petitioner's father the other half by "custom." Now petitioner's father died in 1879, counter-petitioner's in 1877, and Krishna Rao, son of the grantee and brother of petitioner's father, in 1876; hence till 1876, there should have been three shares, and petitioner now admits this. Hence the so-called custom can at the outside be of one year only, and was not a custom at all until 1873. The absence of evidence and this inconsistency prevent any decision in petitioner's favor as to the so-called customary bipartite division, whether of the jaghire or of income. A division of the jaghire is also inconsistent with the nature of the grant (Standing Order No. 138).

8. Turning to counter-petitioner's Subba Rao's claim, this—viz., a claim that the custom of primogeniture was established—is unusual, but there is considerable evidence in its support.

(*a*) Most of the documents filed in the case came from his custody; this tends to show that the management was really in the elder branch.

(*b*) The evidence produced even by petitioner against counter-petitioner goes to show that affairs were managed (1) by Krishna Rao, (2) Ramachendra Rao (counter-petitioner's father), and (3) by Subba Rao. Now Ramachendra Rao was but a young man, much younger than his uncles; and if Krishna Rao and Subba Rao were really nearer heirs than himself, why should the youth take the management during his uncles' lifetime? But further, the gumasta Lingappa, called by petitioner as thirteenth witness, and who managed affairs as gumasta for twenty-one years, declares that counter-petitioner's father, Ramachendra Rao, had the management and appointed him as gumasta; that while Ramachendra Rao was in the village, he usually managed, and Krishna Rao and Subba Rao only during Ramachendra Rao's absence; that the jaghire records were always in Ramachendra Rao's possession, and that the others sent to him for money; that he was succeeded by his eldest son Sreenivasa Rao, who died in 1878, whereupon, as counter-petitioner was a minor, Subba Rao, petitioner's father, managed till his death in 1879. This is strong evidence and is but little weakened by the fact that witness owes counter-petitioner money; this itself tends to show that though the gumasta of the estate, he was the dependent of the elder branch. The evidence for the counter-petitioner corroborates this Lingappa, and tends to show that Krishna Rao only did work while Ramachendra Rao was a minor, and that Ramachendra Rao assumed the management on coming of age in succession to his father Sreenivasa Rao, eldest son of the grantee. It is also asserted that though there were times when Krishna Rao and Subba Rao acted during Ramachendra Rao's lifetime, it was only during his absence from the village, which was on several occasions and for several years owing to law suits. The impression produced by the whole evidence distinctly is that, though Krishna Rao and Subba Rao acted occasionally, the general manager was Ramachendra Rao, though the youngest of the three.

(*c*) Other evidence is also in favor of counter-petitioner. During the inam inquiry a statement was put in, in which Ramachendra Rao (counter-petitioner's father) is entered *alone* as the inamdar, and it is asserted by one of the attesting witnesses (Puttappa, No. 14) that this was done by Krishna Rao, the uncle. It is true that in the inam register all three names appear, but even there Ramachendra Rao, though the youngest, appears first on the list, and it is not clear whether these three are not entered merely as members of the inamdar's family. In a petition to the Board of Revenue in 1865, it is Ramachendra Rao who writes and alone signs the petition, though it mentions his uncles; and in a letter (Ex. 32) from Krishna Rao to Ramachendra Rao, the former tells him to represent to the Collector that he, Ramachendra Rao, is the representative of the elder branch and will not consent to his uncle's action in a certain matter.

9. Though there are doubtless exhibits showing the signatures of all the three persons, yet there is little doubt in my mind that Ramachendra Rao was the general and recognised manager, but that matters were not so strictly managed but that the others also worked as jaghiredars, and were considered as such, while Ramachendra Rao was certainly absent for long periods, it is said, on estate business.

10. While the interests of the family are that the jaghire should not be divided, it is equally for their interest and for that of the village ryots that there should be no division of authority or managership; local division cannot be permitted, and it is not advisable that two persons, or rather three when counter-petitioner's brother comes of age, should claim to exercise joint authority over the ryots in collections or other landlord's work. I therefore suggest that counter-petitioner Subba Rao be recognized as representative of the jaghire, and that, as such, he should be the managing member. The division of the collections is a separate question, and he will be liable if he does not allot proper maintenance.

Resolution—dated 14th October 1886, No. 2237.

Submitted for the orders of Government.

2. The Board support the suggestion made in the last paragraph of the Collector's letter.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Collector of Anantapur.

ORDER—dated 25th November 1886, No. 1042, Revenue.

Miscellaneous.

The Board's recommendation is approved.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Board of Revenue.

Exd. W. H. French.

40 Copies.

3/5/86 ✓
6-5-00
26-12-04 ✓
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2-10-14

Original

Govt. of {1886} Madras.

REVENUE.

Issued

Recd. Encl.

G.O., 25th November 1886, No. 1042,

NOVEMBER.

Jaghire.

Approving B l's recommendation in regard to the managemen of certain — in the Hindupur taluk, Anantapu district.

REVENUE DEPARTMENT.

Current No. 8717

From Board of Revenue

Dated 14 October 1886.

FOR ORDERS.

The foregoing paper relates to a dispute between one Rama Rao and Subba Rao regarding the right to the management of a jaghire granted as a good service pension to their forefather Ramachandra Rao, late principal Shirastidar in the Ceded districts. Each of the said disputants claims to be recognized as the head of the family and sole jaghirdar. The facts of the case are clearly set forth in the collector's letter and the evidence taken by him appears to support the claim of the counter-petitioner. The Collector and the Board are of opinion that

in the interest of everybody concerned the fishing should not be divided and that the claims of the counter-petitioners should be upheld. Submitted that the Board's recommendation be approved. The fishing is presumably unexpended but the fact is not clearly stated.

The fishing is a perpetual grant (Order E.R. & C. No 182 dated 23rd. August 1909): it is hereby unexpended

22.11.

FOR ORDERS.

A dispute regarding the right to the sole management of jaghire.

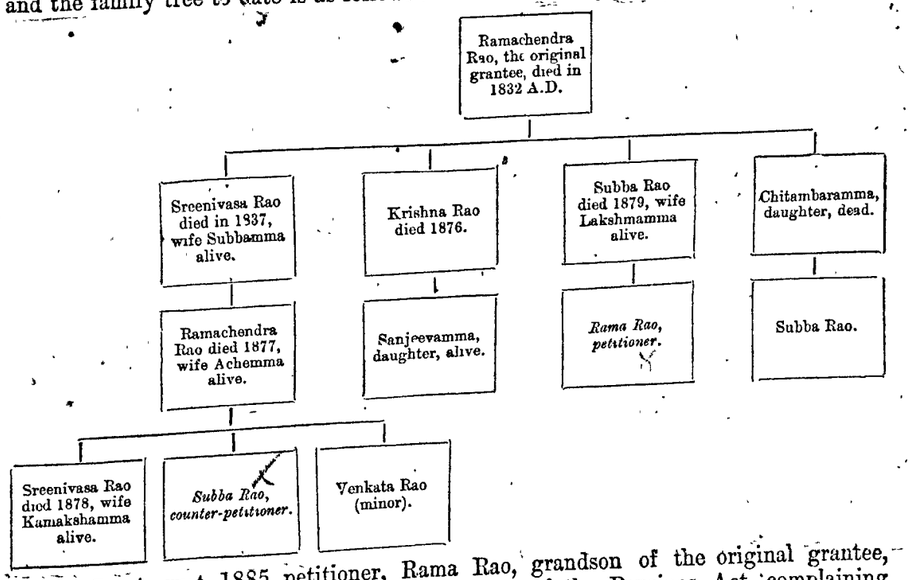
Board of Revenue, 14th October 1886, No. 2237.

PROCEEDINGS OF THE BOARD OF REVENUE.

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RESOLUTION—dated 14th October 1886, No. 2237.

Submitted for the orders of Government.

2. The Board support the suggestion made in the last paragraph of the Collector's letter.

(A true Copy and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Collector of Anantapur.

Exd. J. Henricus.

fo. no: 1042 a/ss. 11.86

The Board's recommendation is assumed

25/11

Remarks

16 The Board of Revenue D.O. No. 2237 dated 14th October 1886 forwarding proceedings of the Board of Revenue No. 8717 dated 14th October 1886 submitting, for the orders of Government, with Board's support, proposals of the Collector of Anantapur in regard to the management and division of profits of a *jaghire* in Hindupur taluk, granted as a good *service pension* to Ramachendra Rao in 1809.

40/2

REVENUE DEPARTMENT.

1886.

Board of Revenue,

MADRAS.

No. 8717

SECY. GOVT. MAD. 31 OCT 86 REVN. DEPT.

Printed October nd.

RD 27

Proceedings, 14*th October* 1886, *No.* 2237.

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