M.R.O. 1—77,006—8-6-37.

(1) Number of pages 20

(2) Date of repair 4-5-40

(3) Initials of the Reference

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT

G.O. No. 3284 —Press— Mis.

Dated 29-5- 1890.

Not to be folded or roughly handled

Extract from Standing Order No 403. (Dalyell's edition)

Collrs are not at liberty to increase the number of village ~~servants~~ officials without special sanction. Indeed the number should never be increased without the Board's sanction (see the Secs C. O. of the Board dy 4-7-65).

CHIEF SECRETARY
18 MAY 90
GOVERNMENT OF TAMIL NADU
REVENUE DEPARTMENT
15 MAY 90

To

The Right Honorable the
Governor in Council,
Fort Saint George.

The humble petition of Sinnakamu Pillai, Karukkattampatti village, Tirumangalam Taluq, Madura District.

Most Respectfully Sheweth:—

1. That the village of Puthur in the said Taluq had only one Curnam from the Faisal or Ayakat year till 1851, when in consideration of the heaviness of work, an additional Curnam office was created and was conferred on Petitioner's father, Muthukumaru Pillai.

2. That during the demarkation, the village was split into two villages Usilampatti and Pothampatti. The Curnam as well as the additional Curnam, respectively had independent charge of the divided villages.

3. That Petitioner's father who was Curram of one of the 2 villages died in February 1888 and Petitioner was appointed in his stead.

4. That one Periakaruthakannu Pillai, whose paternal uncle, Chockalingam Pillai is in possession of the Curnam office of another village, brought a suit before the Deputy Collector in suit No. 9 of 1889 under the Regulation VI of 1831 to obtain possession of the office held by Petitioner.

5. That the Deputy Collector while declining to disturb Petitioner in his enjoyment of the office, removed the said Chockalingam Pillai for permanent incompetency to do the work and put the Plaintiff (Periakaruthakannu Pillai) in his place. But on appeal the Collector with reference to the ruling of Government No. 515 dated 20th June 1889 dismissed Plaintiff's suit on the ground that he (Plaintiff) has no locus standi to bring a suit under Regulation VI of 1831 in respect to a village office newly created in 1851. But the Board reversed the Collector's decision, on the observation that the appointment of additional "Curnam in 1851 was made without any authority; that the ruling of Government quoted "by the Collector applied only to the office of a bona-fide assistant Curnam paid by Government and not to the office of additional Curnam who was paid by a share of the original "emoluments and that therefore the Plaintiff and not Petitioner who has the hereditary right "to the office." Petitioner's application to Board to reconsider their order was refused.

6. That the Petitioner humbly submits that the Board's decision is evidently erroneous and cannot be sustained with reference to the following reasons and the ruling of the self same Honorable Board upheld as it was by Your Lordships in Council in a similar analogous case quoted below.

7. That it is evident from the Board's Proceedings appealed against that the office of additional Curnam was created in 1851. *The order which require Board's sanction for increasing the number of village officers was passed only on the 4th July 1865. Before that time Collectors' had full authority and liberty to increase the number of village officers. Therefore the appointment of additional Curnam

*Board's Mis. C. O. 4-7-65 [illegible]

× Comfy with Collrs [illegible] 14-6-65 No 1310

Pet. 3452/90

made in 1851 cannot be invalidated by the subsequent ruling of 1865 passed 14 years after the office was created; nor does the fact that the additional Curnam having been paid by a share of the emoluments assigned to the original Curnam office make the office of additional Curnam part and parcel of the office continuing from Faisal, for the Inam is government property and not the private property of the Faisaldar. The Collector in 1851 considered the Inam which consisted in land assessed at Rs. 128, was sufficient to remunerate the services of 2 Curnams and ordered them to enjoy it in equal shares. From this it deos not follow that to treat the newly created Curnam office as a distinct one fresh Inam should have been assigned to it.

8. That the Collector's order of 1851 clearly shows because the village is large the services of additional Curnam was necessary and there can be no difference between an assistant and additional Curnam as both are intended to render service to Government along with the Curnam who cannot do the work himself. Therefore the ruling of Government quoted by the Collector equally applies to the additional Curnam also.

9. That the Collector's order of 1851 further shows that the Curnam office then created and conferred on Petitioner's father, was a distinct and independent office unconnected with the one existing from Faisal and to this newly created office any member of the Faisal family can have no right whatever and he will have a right only to the office held by his ancestor at the Faisal and that Faisal office is now held by Plaintiff's paternal uncle whom the Deputy Collector has ordered to be removed from office for permanent incompetency to do the work.

10. That the Faisal family has evidently no right to more than one office and it was accordingly ruled by the Board themselves in the case of Curnam of Cambam village in this District and this ruling was also upheld by Your Lordships in council. In that case there were 3 Curnams at the Faisal: subsequently an additional or 4th Curnam was appointed. The emoluments of the 3 Curnams were then divided into 4 shares and the additional Curnam was given one of those 4 shares. The office of additional Curnam fell vacant in 1884. A representative of one of the 3 Faisal Curnams claimed to be appointed to the vacant additional or the 4th Curnam. The Collector upheld his claim on the ground that the additional Curnam was paid a share of the original emoluments just as the Honorable Mr. H. W. Bliss did in the present case. But the Board reversed the Collector's decision on the view, that the Faisal Curnam's heir has no right to more than one office and restored the additional Curnamship to the representative of the person appointed to the additional or newly created Curnam office and that decision of the Board was also confirmed by Government (Vide Board's Proceedings 8th May 1885 No. 4202, 15th March 1886 No. 1947 & G. O. 24th June 1886 No. 3750).

11. That Petitioner's case is quite consistant with the case covered by the decisions of the Board and Government above quoted as well as the ruling of Government No. 515 dated 20th June 1889, referred to in the Collector's decision.

Wherefore Petitioner most humbly prays that the Board's decision appealed against may be reversed and that of the Collector restored.

For which act of Justice,

Petitioner as in duty bound,

will ever pray.

Madura.
30 April 1890.

Rec: 44 53/70

19/5

(1890.)

REVENUE DEPARTMENT.

No. 3368

G.O. 575 of 29-1-85
375 of 24-1-86

ABSTRACT.

From Sinnakamu Pillay &
Kanchikaimbathi
Sinnaraya Chetty &
Arasiya Do

Dated 30 April

Received 9 May

Enclosures 7

No.

SUBJECT.

Petition praying that a certain Karnam office of the Tahsildari

Rev. 19/5
" 23/5

REVENUE DEPARTMENT.

C No. 3368/90

From

Dated 30 April 1890.

FOR ORDERS.

Petitioner's family

D Muttukumaru Pillay
(appointed in 1851)
|
E Sinnakamu Pillay
(Petitioner)

Respondent's family.

Balakumaru Pillay
|
Chockalingam Pillay
|
A Balakumaru Pillay . B Chockalingam Pillay
|
Periakaruthakannu Pillay (Respondent)

The respondent's family is the mirasi one, the present incumbent being B, who succeeded his brother A as C was a minor at his death in 1851, the village was provided with an additional Karnam owing to the heaviness of work. The appointment was given to D, (the brother in law of A) who held it till his death in 1858; he was succeeded by E, but C opposed his appointment. The Dy Collr tried C's suit under Regulation VII of 1831 and in deciding it, ordered

and was remunerated by a half share in the office in ques-

the ~~ordered the removal of B~~
ordered, subject to the confirmation
of the Coll:, the removal of B
who was incompetent and had
been performing the duties of
his office by a gumastah; and
the appointment of C in his
stead. The Coll:, to whom the
matter went in appeal, held
that the appointment claimed
by C was one ~~coming~~ coming within the
operation of S.O. 20-6-89 No 515
and that therefore no suit under
Regulation VII of 1831 could lie
for the office or emolument held
by E. The Board thought otherwise
and ordered the registry of the
office in the name of C. The
effect of this order seems to be
that B's office is transferred
to C, B continuing in his old
appointment.

This case seems analogous
to that disposed of in C.O.
3750 of 24-6-86. There the
additional appointment was
given to the non-mirasi family.

REVENUE DEPARTMENT.

Current No.

From

Dated 18 .

FOR ORDERS.

The Collector, Mr. Welsh, seems
to have been clearly wrong in
holding that D's appointment
was on the same footing as
that of an Assistant Curnam,
and that in consequence no
suit would lie under Reg. VII/31.
The Board has recognized this
fact and points out that
"the village has been divided
"and each curnam is independent"
it however declares that C's
claim to the office lately held
by D is clearly better than E's,
and it accordingly directs that
C should be registered and if
competent appointed.

The pet[r] (E) case rests
on the assertion ~~that~~ made
by the Board, that the two
offices are separate. This
assertion is perfectly well
founded. The order [illegible]

Collection from increasing the number of village offices as that the Board's sanction was only passed in 1865 and the subdivision of the office now in question was made in 1857. It is clear therefore that the validity of this subdivision cannot now be questioned, and that there are now, & have been since 1857, two entirely separate curnikeen, each being remunerated by a half share of the curnamee in arm. From the Colr's ord. of 1857 it would appear that even before that date the minor curnam only had a half share of the in arm, so that the order in question did not affect the minor family of any right.

This being granted it is submitted that D and his descendants have the prior claim to the new office, and that their position with regard to it

FOR ORDERS.

Current No.

Dated 18 .

FOR ORDERS.

is exactly the same as that of A. R and C. with regard to the other office. This principle was affirmed in the decision on a similar case in G.O. mis. 24. June. 86, and seems to be strictly equitable. Taking this view of the case, the Board's order creating E, the son of D, in favor of C, a member of the original senior family is wrong, and in any case this action was unnecessary. B. the present holder of the original office, has been declared by the Dy Colr. to be incompetent, and he should therefore give way to C, who is the descendant of the senior branch. C. will then be provided for and be can retain his father's post.

This was the course suggested by the Dt. Collector and it is not clear why the Board did not adopt it. The effect of its order was to leave an incumpetent curnam in the original office and to oust the proper holder of the new post, in favor of a man who had the best of claims to the former one, but none to the latter.

It is submitted therefore that the Board's order may be reversed, and while E is reinstated, the Board be told to turn out B and give C that office.

Rem
15.5.90

I quite agree
C.
7/5

Mr. 19/5
@ 25/5

FOR ORDERS.

Petition from
Sivakamme Pillai
Madura.

The Hon. Mr. Garstin
C.S.I.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read Cno. 3368/90.

G.O. Misc. No 328 dated 29th May 1890

The petr. appeals against the order of the Board of Revenue dated 8. Nov. 89. No. 6836 Misc. admitting the claims of one Sivakamiathammal Pillai to the curnam's office of Pattur, Madura Dt.

2. It appears that in 1857 a second curnam was appointed for this village, as the work was found to be too heavy for one man. The Collector seems to have acted on his own authority in creating this appointment, but the order prohibiting Collectors from increasing the number of village offices without the Board's sanction was not passed until 1865, and the subdivision of the office now in question was made in 1857. It is clear therefore that the validity

of this subdivision cannot now be questioned, and that there are at present two, and have been since 1857, two entirely separate offices and emoluments, each being remunerated by a half share of the curnam's inam. From the Collector's order of 1851 it would appear that even before that date the mirasi curnam was only entitled to a half share of the inam, so that the order in question did not deprive the mirasi family of any right.

3. The above facts have been partly recognized by the Board, and it has rightly reversed the Collector's order, dismissing Periakaruttia Kaunan Pillai's suit on the ground that the second curnam's post was on the same footing as the appointment of Assistant curnam, to which the Regulation does not apply. The Govt does not however

PROCEEDINGS OF THE MADRAS GOVERNMENT.

thinking that Periak: Pillai's claims are superior to those of the Petr. The first holder of the new office was one Muttukumaran Pillai, and the Govt considers that the position of this man and of his descendants with regard to the said office is exactly the same as that of the original mirasi family with regard to the Inam office. The present Petr is the son of Muttukumaran Pillai, and has therefore the prior claim to the office created in 1857, and the Board's order is accordingly reversed.

4. It is observed that the present holder of the original office has been declared by the Dy Collector to be incompetent, and he should therefore give way to Periak: Pillai, who is a descendant of the Inam-

branch. The Board appears to have overlooked this fact, and the practical effect of its order was to leave an incompetent Canaan in the original office and to oust the holder of the new one in favor of a man whose claims to the former post were undisputed. The Collector should be directed to ~~restore~~ reinstate Sivakamma Pillai, the petr., in her father's office, and to arrange for Periaki Pillai's appointment in succession to Chokalingam Pillai, the ~~present holder~~ representative of the original hereditary family, provided that he considers that the former to be competent and the latter incompetent.

Sivakamma Pillai's case.

Draft G.O. from orders

Rem

28-5-5

28/5/

2. The petr is referred to the Board of Rev: which has received orders in his case.

To the Comr. of L.R. with petn. Dlw. 30-5-5.

22/9/39 RTE.

[7]

MISCELLANEOUS SERIES.

REVENUE DEPARTMENT.

G.O., DATED 29 May

1889,

No. 3289

MOP 24/33/4 — C.L. 652/16

When given for copying

[Despatch Abstract.]

Memorial from the
Maharaja of
Travancore Kanum Pillai
to the Viceroy &
Governor General, Madras.