(1) Number of pages 24

(2) Date of repair X. 10. 92

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 926 Press Mis.

Dated 5 - 10 - 1891.

Not to be folded or roughly handled

Sectt. II-27—45,000—9-11-24.

(193-) Department.

SERIES.

G.O. No. 926

DATED 5-10-1891

[Despatch Abstract.]

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from W. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 27th August 1891, Ref. on C. No. 3477—P-91:—

I have the honour to submit, for the orders of Government, the following facts connected with the malikhana attached to the stanom of the First or Valia Rajah of the Pálghat Rajah's family.

2. The family comprises 22 branches with 5 stanoms or rajahships attached thereto. The total amount of malikhana paid is Rs. 18,099–3–3 per annum. According to the distribution list approved by Government and recorded in Extract Minutes of Consultation, dated 16th December 1857, No. 1309, the disbursements made from the treasury were as follows:—

		Rs.	A.	P.
(1)	To the First or Valia Rajah	14,587	0	0
(2)	„ Elaya Rajah	2,857	3	3
(3)	„ Valia Tampuratti	137	2	3
(4)	„ Naduvil Edom	517	13	9
	Total ...	18,099	3	3

Nos. 1 and 2 are two of the five title-holders (rajahs) and No. 4 one of the 22 branches above referred to. The other branches and title-holders receive their shares from the Valia Rajah, who has not always discharged his trust to the satisfaction of the members concerned.

3. The continued non-payment of the shares due to the two branches named in the margin for several years together called for the interposition of Government which, in its order, dated 30th August 1870, No. 1356, authorised the Collector to deduct the sum claimed by each branch from the Valia Rajah's malikhana and issue it separately from the treasury.

	Rs.	A.	P.
Kizhake Konikkal Edom ...	170	13	9
Elayachchan Edom	517	13	9

4. The present distribution list based on the orders of 1857 and 1870 stands therefore as follows:—

	Per annum. Rs.	A.	P.
Title-holders—			
(1) Valia Rajah	13,898	4	6
(2) Elaya Rajah	2,857	3	3
(3) Valia Tampuratti	137	2	3
Branches—			
(4) Naduvil Edom	517	13	9
(5) Elayachchan Edom	517	13	9
(6) Kizhake Konikkal Edom	170	13	9
Total ...	18,099	3	3

5. For the information of Government, the allotments made by the Valia Rajah from the amount drawn by him, as appear from a statement furnished by the Tahsildar, are given in appendix A, which is abstracted below :—

		RS.	A.	P.
(1)	Amount set apart for the Valia Rajah's personal use ...	6,234	2	4
(2)	„ disbursed to the three junior rajahs and nineteen branches	4,412	11	2
(3)	„ allotted for the maintenance of temples ...	2,777	2	4
(4)	„ „ „ of charitable institutions ...	474	4	8
	Total ...	13,898	4	6

The distribution shows how all but a third of the whole malikhana is either appropriated or directly administered by the Valia Rajah, and the system of payment through and by the Valia Rajah has never given satisfaction to the recipients. Applications have from time to time been made to the Collector for the disbursement of the respective shares direct from the treasury, but except in the case of the two branches whose case was disposed of by G.O., dated 30th August 1870, No. 1356, no steps have been taken to grant the prayer of the applicants.

6. There has been a number of disputes about succession since the death, on 4th January 1886, of Kavasherry Meladathil Chathu Achchan, the then Valia Rajah. The names of the individuals as they stood in the order of succession in 1886 and the stanoms to which they have subsequently succeeded are given in the annexed table.

Names.	On 4th January 1886.		—
	Age.	Stanom attained.	
1. Puzhakkel Edom Chathu Achchan, till 4th January 1886, 2nd Rajah.	67	Valiah Rajah ..	Died on 19th May 1890 and has been succeeded by No. 2 as Valia Rajah.
2. Kizhake Meladathil Kunju Kombi Achchan, 3rd Rajah.	64	Elaya do. ..	Elaya Rajah till May 1890 and Valia Rajah since.
3. Maliyakkel Meladathil Pangi Achchan, 4th Rajah.	63	Third do. ..	Died in Medom 1061, April 1886.
4. Valia Konikkal Edom Kombi Achchan, 5th Rajah.	62	Fourth do. ..	Attained the 3rd Rajah's stanom in April 1886 and 2nd Rajah's stanom in May 1890.
5. Vadake Meladathil Andi Achchan	61	Fifth do. ..	Attained the 4th Rajah's stanom in April 1886 and 3rd Rajah's stanom in May 1890.
6. Elayachchan Edathil Pangi Achchan ..	61	....	Attained the 4th Rajah's stanom in May 1890.
7. Kizhake Konikkal Edom Kombi Achchan..	60	....	Do. 5th do. do.

7. I will briefly allude to the principal claims that have been brought forward from time to time since 1886.

(i) Kelankulangara Edom Kombi Achchan claimed at first the 4th Rajah's stanom and subsequently, on the death of No. 3 in the above table, the third rajahship.

(ii) Valia Meladom Chathu Achchan sought recognition as the 5th Rajah and subsequently as the 4th Rajah.

(iii) Vadake Meladom Andi Achchan and Kizhake Konikkal Edom Kombi Achchan set up rival claims for the fifth stanom.

The last-named individual even filed a suit in the District Munsif's Court, Temalprom, for a declaration of his alleged status as 5th Rajah. The case was carried up to the High Court which held that the plaintiff being entitled to sue for further relief than the declaration of his title and having omitted to do so, the suit must be dismissed (*vide* Indian Law Reports, 13, Madras 75).

8. In these disputes the Valia Rajah found a plausible excuse for withholding payment of the shares due to the three junior stanomdars and some of the branches, with the result that petitions complaining of the conduct of the Valia Rajah and praying for the adoption of remedial measures have been repeatedly presented.

9. Seeing that there was no prospect of an amicable settlement, I held an elaborate enquiry on the 13th September 1890, at which the claimants represented by their vakils were heard at length and I passed the following order :—

"In the list prepared in 1023 — 1847, and in the list prepared in 1049 — 1874, the latter under the orders of the Collector, it is shown beyond all doubt that the petitioner * is senior to the counter-petitioner and therefore entitled to the third stanom. The list submitted by the Valia Rajah is directly opposed to two statements made by him in 1886 and no reliance can be placed on it.

* Andi Achchan.

"With regard to the fourth stanom, the name of Pangi Achchan is entered in the list of 1874 as senior to Kombi Achchan although in the list of 1847 he is junior. There is no other trustworthy evidence and the more recent and carefully prepared list of 1874 must be followed. . . ."

Andi Achchan, Pangi Achchan and Kombi Achchan (Nos. 5, 6 and 7) were thus declared 3rd, 4th and 5th Rajahs, respectively, and in a communication, dated 30th September 1890, the Valia Rajah expressed himself satisfied with the decision.

10. The Valia Rajah has, however, since changed his tactics and attempts are now made with his connivance to reopen the question and postpone payment of the shares due to the stanomdars.

11. On the 15th May last the Valia Rajah put in a petition in which he represented that Kizhake Konikkal Edom Kombi Achchan (the 5th Rajah) and Kelan Kulangara Kombi Achchan claiming the malikhana payable to the third and fourth stanomdars, respectively, were threatening him with civil suits and that the former had actually sent him a registered letter notifying his intention to sue. The Valia Rajah at the same time urged that, in the event of the civil courts deciding for the claimants as against the persons declared by the Collector, it would be impossible to recover any sums paid to them under the Collector's orders.

12. This petition viewed with the one presented subsequently by Andi Achchan, the 3rd Rajah, complaining of the non-payment of his allowance, in spite of my decision, warranted the conclusion that the Valia Rajah was acting in collusion with the pretenders. I accordingly informed the Valia Rajah that he would not be liable to a suit for making payment in accordance with the Collector's orders, and that, if he did not act up to those orders, his contumacy would be reported to Government and suitable measures recommended. However, pending the production of acknowledgments of the 3rd, 4th and 5th Rajahs in token of their having received all the arrears due to them, I have stopped payment of the Valia Rajah's malikhana.

13. On the 18th and 19th June last, when the 3rd Rajah demanded payment of the arrears due to him, the Valia Rajah put him off with excuses till the 22nd idem, the date on which the Pálghat Courts reopened after the annual recess. On that day the 5th Rajah filed a suit in the Pálghat Munsif's Court and obtained an entirely *ex parte* injunction prohibiting the Valia Rajah and the 3rd Rajah, respectively, from paying and receiving the share of malikhana due to the stanom of 3rd Rajah.

14. The Valia Rajah followed up this manœuvre by presenting a petition on the 23rd June in which, among other things, he referred to the issue of the injunction and prayed for the payment of the amount of his malikhana withholding the portion due to the 3rd Rajah.

15. The plaintiff in the present case has not applied for the certificate required by section 6 of Act XXIII of 1871. If the suit is maintainable on the ground that plaintiff seeks a declaration of his status as well as the recovery of monies had and received by the Valia Rajah for the use of plaintiff, there is nothing to justify the Valia Rajah's apprehension that he will become liable for payments made in accordance with the orders passed by the Collector under section 5 of the Pensions Act. The Honorable Mr. Justice Muttuswami Ayyar in the course of his judgment in 13, Madras, 75 (Indian Law Reports) refers to the decision in *Baboji Hari* v. *Rajaram Ballal* and remarks that that decision "proceeded on the ground that Act XXIII of 1871 was intended not only to guard the Executive Government against responsibility to the civil courts in respect of pensions, but also to keep the distribution of what is regarded as a bounty of Government in the hands of its executive officers."

16. It will thus be clear that in withholding payment the Valia Rajah's action in refusing to obey the Collector's instructions cannot be justified, but in reality he answers the description given in 1870 of his predecessor by Mr. MacGregor and "is in his dotage and is entirely guided by his intriguing agents."

Under these circumstances, a perpetual recurrence of disputes is inevitable, and if matters are left in their present state, the ruin of some of, if not all, the branches of the family cannot long be averted.

17. Hence following the precedent of 1870, of which the results have been very satisfactory, I beg to solicit the sanction of Government for payment of the shares fixed for the 3rd, 4th and 5th Rajahs as noted in the margin direct from the treasury on their individual receipts.

	RS.	A.	P.
3rd Rajah	857	2	4
4th do.	428	9	2
5th do.	214	4	7

APPENDIX A.

ENCLOSURE.

COPY and translation of statement showing the allotments of malikhana made by the Pálghat Valia Rajah to the 3rd, 4th and 5th Rajahs and the various branches of the Rajah's family.

Serial Number.	Proportionate share of the malikhana to the deceased as well as to the surviving persons.	Amount of fanams.	Or its equivalent in RS. A. P.
1	For Rajah's own expenses to be incurred out of the gross amount received as per receipt of Valia Rajah.	20,010	(a) 5,717 2 3¾
2	For the support of temples belonging to Rajah	9,720	2,777 2 3¾
3	Do. of charitable institutions	1,660	474 4 6¾
4	Penmazhi Edom Rajah	1,812½	(a) 517 13 8¾
5	For 3rd Rajah	3,000	857 2 3¾
6	For 4th do.	1,500	428 9 1¾
7	For 5th do.	750	214 4 6¾
8	Elaya (Junior) Rani	240	68 9 1¾
9	To the Akkaraparuvakkaledom of Thekkctharapenmazhi	604	172 9 1¾
10	Do. Thekkeparuvakkaledom	604½	172 11 5½
11	Do. Kunnasscriparuvakkaledom	604	172 9 1¾
12	Do. Chittilancheri meledom of Vadakketharapenmazhi	322	92 0 0
13	Do. Kavasseri meledom	644	184 0 0
14	Do. Malikka meledom	276	78 13 8¾
15	Do. Thazhatti meledom	322	92 0 0
16	Do. Kizhakke meledom	322	92 0 0
17	Do. Kelankulangaraedom	828	236 9 1¾
18	Do. Vadakke meledom	184	52 9 1¾
19	Do. Vilambilikkaledom	184	52 9 1¾
20	Do. Pulakkaledom	966	276 0 0
21	Do. Valiakonikkaledom	1,018	290 13 8¾
22	Do. Kavasserikonikkaledom	500	142 13 8¾
23	Do. Nellikkaledom	368	105 2 3¾
24	Do. Kuttipulikkaledom *alias* Eravata edom	828	236 9 1¾
25	Do. Kuttipulikkaledom	690	197 2 3¾
26	Do. Maruthinkaledom as well as to Tarur Puthan edom.	552	157 11 5½
27	Do. Cherukothira edom	138	39 6 10
	Total ..	48,647	13,899 2 3¾

Note.—(a) In a statement furnished by the Tahsildar in 1882, the Valia Rajah's allowance is given as Rs. 6,234-2-4, which apparently includes the two items marked (a). The total amount given in this statement is Rs. 13,899-2-3¾. The actual sum disbursed to the Valia Rajah is Rs. 13,898-4-8. The difference the Tahsildar explains is due to the omission of 3 fanams or Re. 0-13-8¾ from the amount originally fixed. This explains also the difference under (a) above. There are slight differences in the column of pies between this statement and the one furnished in 1882.

This statement was submitted by the Tahsildar of Pálghat in December 1890 and bears the signature of the Valia Rajah.

ORDER—dated 5th October 1891, No. 926, Revenue.

Miscellaneous.

The Collector's recommendation in paragraph 17 of his letter is approved and sanctioned.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Collector of Malabar.
„ the Accountant-General.
Copy to the Commissioners of Land Revenue

Exd. A. Aubert.

50 Copies.

Abstract 24

287/00

12-7-99 . 27/8/00

23.7.36 II

Govt. of {1891} Madras.

REVENUE.

Issued

Recd. Encl.

G.O., 5th October 1891, No. 926.

Read the G.O. 12-8-1891 / 91 / 13-10-91

OCTOBER.

Malikhana.

The recommendation of the Collector of Malabar for the payment of the shares fixed for the third, fourth and fifth Rajahs in the — attached to the stanom of the first Rajah of Pálghat direct from the Government Treasury on their individual receipts, approved and sanctioned.

Encl. to G.O. Appendix A

3

Copy and translation of statement showing the allotments of Malikhana made by the Palghaut Valia Rajah to the 3rd 4th & 5th Rajahs and the various branches of the Rajahs family.

Serial No.	Proportionate share of the malikhana to the deceased as well as to the surviving persons	amount of fanams	or its equivalent in Rs	as	ps	Note
1	For Rajah's own expenses to be incurred out of the gross amount received as per receipt of Valia Rajah	20010	(a) 5717	2	3 3/7	(a) In a statement furnished by the Tahsildar in 1882, the Valia Rajah's allowance
2	For the support of temples belonging to Rajah	9720	2777	2	3 3/7	
3	For the support of charitable institutions	1660	474	4	6 4/7	
4	Pennmazhi Edom Rajah	1812½	(a) 517	13	8 4/7	
5	For 3rd Rajah	3000	857	2	3 3/7	is given as Rs 6234-2-4
6	For 4th Rajah	1500	428	9	1 3/7	which apparently includes
7	For 5th Rajah	750	214	4	6 4/7	the two items marked (a)
8	Elanja (Junior) Rani	240	68	9	1 5/7	The total amount
9	To the Akkharaparuvakkaledom of Thekkethara pennmazhi	604	172	9	1 3/7	given in this statement is Rs 13899-2-3 3/7.
10	Do Thekkeparuvakkaledom	604½	172	11	5 4/7	The actual sum distributed
11	Do Kunnasseriparuvakkaledom	604	172	9	1 3/7	to the Valia Rajah is
12	To the Chittilancheri meledom of Vadakke thara pennmazhi	322	92	"	"	Rs 13898-4-8. The difference the Tahsildar
13	Do Kavasseri meledom	644	184	"	"	explains is due to the
14	Do Malikka meledom	276	78	13	8 4/7	omission of 3 fanams
15	Do Kazhatti meledom	322	92	"	"	or Rs 1-13-8 4/7 from
16	Do Kizhakke meledom	322	92	"	"	the amount originally
17	Do Kelanthulangara Edom	828	236	9	1 3/7	fixed. This explains
18	Do Vadakke meledom	184	52	9	1 3/7	also the difference
19	Do Vilambilikkaledom	184	52	9	1 3/7	under (a) above.
20	Do Pulakkaledom	966	276	"	"	There are slight
21	Do Valia Konikkaledom	1018	290	13	8 4/7	differences in the
22	Do Kavasseri Konikkaledom	500	142	13	8 4/7	Column of pice
23	Do Vellikkaledom	368	105	2	3 3/7	between this state-
24	Do Kuttipulikkaledom alias Eravata Edom	828	236	9	1 3/7	ment and the
25	Do Kuttipulikkaledom	690	197	2	3 3/7	one furnished in
26	Do Maruthinkaledom as well as to Tarur Puttan Edom	552	157	11	5 4/7	1882.
27	Do Cherukothina Edom	138	39	6	10	
	Total	48647	13899	2	3 3/7	

This statement was submitted by the Tahsildar of Palghaut in December 1890 and bears the signature of the Valia Rajah

W. Winterbotham

Ag Collector.

Ask

S. P. 1

Malabar Collector's office
Calicut 27th August 1891.

From

W. Dumergue Esqr
Acting Collector of
Malabar

To

C. A. Galton Esqr
Secretary to Government
Revenue Department

Sir,

I have the honor to submit for the orders of Government the following facts connected with the Malikhana attached to the stanom of the First or Valia Rajah of the Palghaut Rajah's family.

2. The family comprises 22 branches with 5 stanoms or Rajahships attached thereto: The total amount of Malikhana paid is Rs 18099-3-3 per annum. According to the distribution list approved by Government and recorded in E. Mis. C. dated 16th Decr 1857 No. 1309 the disbursements made from the Treasury were as follows:-

1.	To the First or Valia Rajah	Rs 14587-4-4
2	" Elaya Rajah	Rs 2857-3-3
3	" Valia Tampuratti	Rs 137-2-3
4	" Naduvil Edom	Rs 517-13-9
		Rs 18099-3-3

Nos 1 and 2 are two of the five title-holders (Rajahs). and No 4 one of the 22 branches above referred to. The other branches and title-holders receive their shares from the Valia Rajah who has not always discharged his trust to the satisfaction of the members concerned.

3. The continued nonpayment of the shares due to the two branches named in the margin for several years together called for the interposition of Government which in its order dated 30th August 1870 No 1356, authorized the Collector to deduct the sum claimed by each branch from the Valia Rajah's malikhana and issue it separately from the Treasury.

4. The present distribution list based on the orders of 1857 and 1870 stands therefore as follows

1	Title-holders	Valia Rajah	Rs 13898-4-6 per annum
2		Elaya Rajah	Rs 2857-3-3 — Do —
3		Valia Tampuratti	Rs 137-2-3 — Do —
4	5 Branches	Naduvil Edom	Rs 517-13-9 — Do —
5		Elayadchan Edom	Rs 517-13-9 — Do —
6		Thekkathe Konikkal Edom	Rs 170-13-9 — Do —
			Rs 18099-3-3

5. For the information of Government, the allotments made by the Valia Rajah from the amount drawn by him, as appears from a statement furnished by the Tahsildar, are given in appendix (A) which is abstracted below.

* Thekkathe Konikkal Edom Rs 170-13-9
Elayadchan Edom — Rs 517-13-9

Vide 43 to 48 of the List of Annuitants
D.O 3614/20-10-84

1. Amount set apart for the Valia Rajah's personal use — Rs 6234-2-4

2. Do disbursed to the 3 junior Rajahs and 19 branches — Rs 4412-11-2

3. Do alloted for the maintenance of temples — Rs 2777-2-4

4. Do — Do Do Charitable Institutions Rs 474-4-8

Total Rs 13898-4-6

The distribution shows how all but a third of the whole malikhana is either appropriated or directly administered by the Valia Rajah, and the system of payment through and by the Valia Rajah has never given satisfaction to the recipients. Applications have from time to time been made to the Collector for the disbursement of the respective shares direct from the Treasury but except in the case of the two branches whose case was disposed of by G.O. dated 30th August 1870 No 1356, no steps have been taken to grant the prayer of the applicants.

6. There has been a number of disputes about succession since the death, on January 4th 1886, of Kavasherry Meladattil Chathu achchan, the then Valia Rajah. The names of the individuals as they stood in the order of succession in 1886 and the

stanoms to which they have subsequently succeeded are given in the annexed table.

No.	Names	On January 4th 1886 age	stanom attained	
1	Puzhakkel Edom Chathu achchan till 11th January 1886, 2nd Rajah	67	Valia Rajah	Died on 19th May 1890 and has been succeeded by no. 2 as Valia Rajah.
2	Uzhakke meladathil Kunju Kombi achchan 3rd Rajah ———	64	Elaya D°	Elaya Rajah till May 1890 and Valia Rajah since.
3	Malingakkel meladathil Pangi achchan 4th Rajah. ———	63	3rd D°	Died in Medom 1061 / April 1886
4	Valia Konikkal Edom Kombi achchan 5th Rajah ———	62	4th D°	Attained the 3rd Rajahs stanom in April 86 & 2nd Rajahs stanom in May 1890.
5	Vadake meladathil Andi achchan	61	5th D°	Attained the 4th Rajahs stanom in April 86 and 3rd Rajahs stanom in May 1890.
6	Elayachchan Edathil Pangi achchan	61	—	Attained the 4th Rajahs stanom in May 1890.
7	Uzhakke Konikkal Edom Kombi achchan	60	8	D° 5th - 5th - 5th

7. I will briefly allude to the principal claims that have been brought forward from time to time since 1886.

(1) Uzhakkulangara Edom Kombi achchan claimed at first the 4th Rajah's stanom and subsequently, on the death of no. 3 in the above table, the third Rajahship.

ii. Valia meladom Chathu achchan sought recognition as the 5th Rajah and subsequently as the 4th Rajah.

iii Vadake meladom Andi achchan and Uzhakke Konikkal Edom Kombi achchan set up rival claims for the 5th stanom.

The last named individual even filed a suit in the District Munsif's Court Tamalpram for a declaration of his alleged status as

[1] Andi achchan

fifth Rajah. The case was carried up to the High Court which held that, the Plaintiff being entitled to sue for further relief than the declaration of his title and having omitted to do so, the suit must be dismissed. (vide. I.L.R. 13. Madras 75)

8. In these disputes the Valia Rajah found a plausible excuse for withholding payment of the shares due to the three junior stanomdars and some of the branches, with the result that petitions complaining of the conduct of the Valia Rajah and praying for the adoption of remedial measures have been repeatedly presented.

9. Seeing that there was no prospect of an amicable settlement I held an elaborate enquiry on the 13th September 90 at which the claimants represented by their vakils, were heard at length and I passed the following order:-

"In the list prepared in $\frac{1023}{1847}$ and in the list prepared in $\frac{1049}{1874}$ the latter under the orders of the Collector, it is shown beyond all doubt that the petitioner is senior to the Counter petitioner and therefore entitled to the 3rd stanom. The list submitted by the Valia Rajah is directly opposed to two statements made by him in 1886 and

no reliance can be placed on it.

With regard to the 4th Stanom the name of Pangi achchan is entered in the list of 1874 as senior to Kombi achchan although in the list of 1847 he is junior. There is no other trustworthy evidence and the more recent and carefully prepared list of 1874 must be followed xx

Andi achchan, Pangi achchan and Kombu achchan (nos 5, 6 & 7) were thus declared 3rd 4th and 5th Rajahs respectively and in a Communication dated 30th September 1890 the Valia Rajah expressed himself satisfied with the decision.

10. The Valia Rajah has however since changed his tactics and attempts are now made with his connivance to reopen the question and postpone payment of the shares due to the Stanomdars.

11. On the 15th may last the Valia Rajah put in a petition in which he represented that Hizhathe Honikkal Edom Kombi achchan (the 5th Rajah) and Helan Kulangara Kombi achchan claiming the malikkhana payable to the 3rd and 4th Stanomdars respectively were threatening him with civil suits and that the former had actually sent him a registered letter notifying his intention to sue. The Valia Rajah at the same time urged that, in the event of the Civil Courts deciding for the claimants as against the persons declared by the Collector, it would be impossible to recover any sums paid to them under the Collector's orders.

12 This petition viewed with the one

presented subsequently by Andi achchan, the 3rd Rajah, complaining of the non-payment of his allowance, in spite of my decision warranted the conclusion that the Valia Rajah was acting in collusion with the pretenders. I accordingly informed the Valia Rajah that he would not be liable to a suit for making payment in accordance with the Collector's orders, and that, if he did not act up to those orders, his contumacy would be reported to Government and suitable measures recommended. However, pending the production of acknowledgments of the 3rd 4th and 5th Rajahs in token of their having received all the arrears due to them, I have stopped payment of the Valia Rajah's malikkhana.

13. On the 18th and 19th June last when the 3rd Rajah demanded payment of the arrears due to him, the Valia Rajah put him off with excuses till the 22nd Idem. the date on which the Palghaut Courts reopened after the annual recess. On that day the 5th Rajah filed a suit in the Palghaut Munsiff Court and obtained an entirely ex-parte injunction prohibiting the Valia Rajah and the 3rd Rajah respectively from paying and receiving the share of malikkhana due to the stanom of 3rd Rajah

14. The Valia Rajah followed up this

manoeuvre by presenting a petition on the 23rd June in which, among other things, he referred to the issue of the injunction and prayed for the payment of the amount of his maintenance withholding the portion due to the 3rd Rajah.

15. The Plaintiff in the present case has not applied for the certificate required by Section 6 of Act XXIII. of 1871. If the suit is maintainable on the ground that Plaintiff seeks a declaration of his status as well as the recovery of monies had and received by the Valia Rajah for the use of Plaintiff, there is nothing to justify the Valia Rajah's apprehension that he will become liable for payments made in accordance with the orders passed by the Collector under section 6 of the Pensions Act. The Honorable Mr. Justice Muthuswami Aiyar in the course of his judgment in 13 Madras 75 (I. L. R.) refers to the decision in Baboji Hari V. Rajaram Ballal and remarks that that decision "proceeded on the ground that act XXIII. of 1871 was intended not only to guard the Executive Government against responsibility to the Civil Courts in respect of Pensions, but also to keep the distribution of what is regarded as a bounty of Government in the hands of its Executive officers."

16. It will thus be clear that in withholding payment the Valia Rajah's action in refusing to obey the Collector's instructions cannot be justified, but in reality he

answers the discription given in 1870 of his predecessor by Mr. Mac. Gregor and "is in his dotage and is entirely guided by his intriguing agents".

Under these circumstances a perpetual recurrence of disputes is inevitable. and if matters are left in their present state the ruin of some of, if not all, the branches of the family cannot long be averted.

17. Hence following the precedent of 1870, of which the results have been very satisfactory I beg to solicit the sanction of Government for payment of the shares fixed for the 3rd 4" and 5" Rajahs; as noted in the margin direct from the Treasury on their individual receipts.

I have the honor to be,

Sir,

your most obedient servant.

[illegible]

Acting Collector.

our subs are these Rajahs?

at is the question.

[illegible]

[illegible]

Recd 1 Nov 1891 Dept 4

Circuit Number 6910

From.

The Collector of Malabar

To,

The Secretary to Government
Revenue Department

Dated 27th August 1891
Desp.d 29th August 1891
Rec.d 31.8.91
Encl 1

GOVERNMENT OF MADRAS
31 AUG 91
REVENUE DEPARTMENT

Enclosures 1

Subject

Malikhana.

Recommending that sanction may be accorded for the disbursement, direct from the Treasury, of ——— to the 3 junior Stanomdars or Rajahs of the Palghat Rajahs Family on their individual receipts.

Rev Dept 3/9

(4)210
E 2.11.10

15 — 17

REVENUE DEPARTMENT.

C. No. No. 6910

rom

Dated 18

FOR ORDERS.

The present 5th Raja who has filed a suit for the 3rd Stanom.

For orders as to whether the Collector's recommendation in para 17 of his letter may be approved and sanctioned.

The Collector appears to have held an elaborate enquiry into the claims of Komlikkechan for the 3rd Stanom, and has decided that he is entitled only to the 5th. This decision, so far as it relates to the claim for a share in the malikhana, cannot be upset by a Civil Court, and the Valia Raja runs no risk in paying the 3rd Rajah's share to the person recognized by the Collector as the 3rd Rajah. If the malikhana were paid to the Valia Raja simply on

the understanding that it shall be distributed among the various branches of the family in accordance with law and custom, then he would be responsible to the Civil courts for paying the shares to the persons who may be declared by the courts to be legally entitled to receive the shares. But where the persons to whom the shares are to be paid are determined by the Collector, the courts appear to have no power of interference although the Collector's decision may not be in accordance with custom or the law of succession. The Valia Raja has no justification for not carrying out the Collector's order, and it is submitted that the Collector's proposal to pay the shares due to the 3rd, 4th & 5th Rajahs direct from the treasury on the receipt of the persons recognized by the Collector as 3rd, 4th & 5th Rajas may be approved and sanctioned.

The distribution

FOR ORDERS.

This is the effect of the decision reported at p.p. 75 et seq: of Vol x 111 Madras ~~English~~ Law Hugh Court Reports (Paras 3 of J. Muthusami Ayyar's judgment)

Go. vide Letter 5. Dec XX/14 7/1571. Ch.

Ch. 3/9

REVENUE DEPARTMENT.

No.

From

Dated 18

FOR ORDERS.

hereafter, if the Collector's decision turns out to be wrong.

2. In para 12 the Collector says that he has stopped payment of the Malikana pending the production of the receipts of the 3rd, 4th & 5th Rajas in token of their having received all the arrears due to them. This is punishing not only the Valia Raja but also all the branches who receive their shares from him. It is submitted that the proper course will be to detain only the amount of arrears due to the 3 junior Rajahs and pay the rest to the Valia Rajah with a warning that if he does not produce the receipts

[illegible] the Valia Raja and the [illegible] pay it.

The Collector probably does not [illegible] the 3 junior Rajas or [illegible] cannot be the case in [illegible] Raja & pay it to the [illegible] Rajas. Ch

18

within a certain time. The arrears will be paid to the Rajas from the treasury.

The Collector sees no objection to the proposition and his recommendation is accepted.

RS
16/9

CL
23/9

MM
24/9/10

H
21/9/10

G.O. — 30th Oct. 1891 to 926

The Collector's recommendation in para 14 of his letter is approved and sanctioned.

CL
3/10

List from orders

RS
3/10

To the Collector of Malabar.
To the A.G. dated 4/10.
Copy to Comrs of L.R.

Copy dated 28/10/10

5/3

FOR ORDERS.

C. No 6910

Re: a Malikana allowance in Malabar.

The Hon: Mr Carslin C.S.I.

Putting Vol x III I.L.R. Madras
+ Vol I I.L.R. Bombay.

This paper circulated from Room No. 10 to Room No. 5 for disposal and thence to the Chief Secretary's Office for record.

E.17

CL
24/10

23