

(1) Number of pages 28
(2) Date of repair 12-11-43
(3) Initials of the Referencer R

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	221	Press Mis.
Dated	12-1-	1892.

Not to be folded or roughly handled

Petitions — Pitchayya, B.

Cuddapah Collectors Office
17. September 1889.

No: 7225
17.9.89

Encls. as per list enclosed.

From

E. J. Sewell Esquire

Ag: Collector of Cuddapah

To

The Secretary to the Commissioners of
Land Revenue, Madras.

Sir,

In reply to Board's reference dated
the 30. July last on petition Register No. 2269
of 1889, I have the honor to report that
the Board's petitioner B. Raghavandra Row
was not a party to the appeal disposed of
by me in May 89. He was admitted as
a Plaintiff in Suit No. 2 of 1887 before
the late Temporary Dy: Collector. The
petitioner's father Subramoniam was Curman
of this village and was dismissed by
Mr: Sefanu who in his order No. 256
dated 21.4.86, distinctly directed that
persons unconnected with the dismissed
office

Officer holder should be appointed for this village. As his father is still alive, the Dy. Collector decided against the petitioner. The Board will observe that the decision under appeal is expressly stated only to hold good during the life of Subramaniam. The records called for are submitted as per list enclosed.

I have the honor to be

Sir

your most obedient servant

(Sd.) E. J. Sewell

Ag. Collector.

(True Copy)

Ag. Secretary

MS
10/11

Ref: on C. no. $\frac{1811}{1890}$ of 1890
Dated 5. 11. 90

Cuddapah Collectors office
5. November 1890.

3

From

E. J. Sewell Esq.
Collector of Cuddapah

To

The Secretary to the Commissioners
of Land Revenue, Madras.

Sir

With reference to the Board's Proceedings no. 6774 Miscellaneous dated 6. November 1889, I have the honor to state that the man appointed at the Revision was one Woddayya and not Kaddayya. This man was removed from office within 3 years from the date of the Revision. His successor Subramaniam who was dismissed was also appointed within 3 years from the Revision. A suit against this man was filed and disposed of within 3 years

years from the Revision. As the above proceedings were all taken within 3 years from the date of Revision, I beg to observe that the Mirasi family had not lost its hereditary claim and the suit by Subbamma was therefore not barred.

I request therefore to be informed whether the Board will not in consequence modify the proceedings in question.

I have the honor to be
Sir

your most obedient servant
(Sd:) E. J. Sewell
Collector

(True Copy)

Ag. Secretary

mt
10/11

5
Cuddapah Collectors office

Disposal no. $\frac{275}{ver}$

28. 2. 1891

Encls: 3 Files.

From
E. J. Sewell Esquire
Collector of Cuddapah

To
The Secretary to the Commissioners
of Land Revenue, Madras.

Sir

I have the honor to forward herewith the record connected with the petition of B. Narayana Row, Curnam Mirasidar of Kamalapuram, Cuddapah Taluk, together with the Record in Regulation suit no. $\frac{17}{1884}$ on the file of the Temporary Dy. Collector against Subramaniam, dismissed Curnam of the same village, as called for in Board's Reference on petition Register no.

5488 of 1890 dated 22nd Nov. 90.

1. 2 files of records in Rev.
Suit no: 17 of 84.
2. Records in Regulation
Suit no: $\frac{8}{1888}$ on the file
of the Dy. Collr: & $\frac{7+14}{1888}$
on the Collr's file.

mt 10/11

I have the honor to be
Sir

your most obedient servant
(Sd:) E. J. Sewell
Collector
(True Copy)
Ag. Secretary.

cro: 7226
17.9.89

Cuddapah Collector's Office

17. September 1889

Encls / appeal petition to Board & its Encls,

From

E. J. Sewell Esquire
Ag: Collector of Cuddapah

To

The Secretary to the Commissioners
of Land Revenue, Madras.

Sir,

With reference to the Board's petition
(herewith sent) Register no: 2579 of 1889, I have the
honor to state that I have very little
to add to my decision in the case. The
appellant's father was not re-appointed
at revision but an outsider / one Vaddeya,
appointed who was succeeded by the
Subramoniam whose dismissal led to the
vacancy and this suit. Just before
revision appellant's father had been
in office but his predecessor was
respondent Subbamma's husband.

2.

It therefore appeared to me
that

that the only ground on which the
rival claims could be decided was
that of hereditary title. For the reasons
given in the judgment Subbanna succeed-
ed to have the best hereditary title
and she claimed at the hearing before
me to have adopted Pitchayya a
minor and representative of the eldest
branch.

3. The adoption was not then
questioned and so no evidence on
that point was called for or recorded.

I have the honor to be
Sir

Your most obedient servant

(Sd.) E. J. Sewell

Ag. Collector.

(True Copy)

Ag. Secretary

Ant
404

PETITION

948

REVENUE DEPT

To

HIS EXCELLENCY THE GOVERNOR AND PRESIDENT IN COUNCIL
OF THE MADRAS PRESIDENCY,

Fort Saint George
MADRAS.

The humble Appeal Petition of Basavaraju Pitchayya late Minor
Munib Kurnam of Kamalapuram in the Juttk and District
of Cuddapah through his guardian and adopted mother
Subbamma.

MAY IT PLEASE YOUR EXCELLENCY,

That Your Excellency's humble petitioner begs to submit this appeal against
the enclosed (B) Proceedings of the Board of Revenue, (Land Revenue) dated 29th
May 1891 No. 3751 Mis., in which it has passed a Resolution to the effect that
under the circumstances reported by the Collector the Board resolves to cancel its
order dated 6th November 1889 No. 6,774, and to modify the decision of the Collec-
tor as follows.

"It will save confusion on Subramanyam's death if his minor son
is registered as Kurnam and some one simply appointed to act for him while his
father is alive. The present arrangement should be noted therefore as an acting
one, otherwise Subramanyam's son will not be able to turn out a three years
holder of the office at the time of his father's death. The Collector's note is
hardly sufficient for this purpose".

2. That the above order of the Board was passed without considering the
following circumstances.

I. The enclosed (A) Proceedings in Appeal No. 7/1889 & 14/1888 to the
Collector of Cuddapah shows that the petitioner has a better claim to the above
post of Kurnam and was appointed until he attains his majority to work by a
deputy.

II. That from that period the petitioner was registered as a Munib Kurnam
and a Gumastah appointed in his behalf.

III. That the enclosed (C) authenticated copy of Geneological tree of the
petitioner's family will show that Vaddayya son of Appayya and uncle of the
petitioner was the first Kurnam that was appointed in the late Revision of Village
Establishment and he was thrown out of employ for incompetency and Kanta
Subramanyam holder of another maty was appointed although he was a ghire-
missal Kurnam. He was also dismissed for incompetency and his Appeals for res-
toration to the Board and Government were rejected.

IV. That the petitioner in considerations of his superior hereditary right was appointed Munib Kurnam of the village as observed by Mr. Sewell in his Proceedings marked (A) in para 8 of which he remarked that it is very necessary that none of the Mirasidars should have any thing to do with the office for a while since the village has been a nest of intrigue and many of those who hold land in it are connected with office holders in Cuddapah.

V. That the petitioner being the representative of Vaddiah who was appointed at Revision, he is entitled to succeed to the post according to the Resolution of the Board of Revenue dated 31st October 1884. Mis., No. 10,221 in which it is said that the questions decided at Revision are closed questions and the individuals or families whose claims were then rejected cannot urge them afresh and that the office descends to the heir of the man chosen at Revision.

VI. That the petitioner being a minor, he could not advance his claim to the above office but his adopted mother and guardian advanced her claims at the late revision which at last proved successful after the dismissal of Subramanyam. It is moreover a fact which the Honorable Board did not properly notice that the family of the petitioner held the office of Kurnam from and before fasly 1,220 and continued up to the removal of Vaddiah petitioner's uncle after the late Revision; whereas the family of Kanta Subramanyam was in ghiremissal from the beginning up to the time he was employed after Revision by virtue of the ghiremissal right of Lutchmamma his adopted mother.

VII. That your humble petitioner is 13 years old and he is studying in the Municipal School, Cuddapah, both English and Telugu; he will be able to pass his Examination prescribed for the post of Kurnam.

3. That Your Excellency's humble petitioner sent in a review to the Honourable Board on the 20th July last to reconsider their Resolution passed in its Proceedings dated 29th May 1891 No. 3751 Mis., marked (B) for the above reasons stated in para 2 *supra* of this petition but the Board observed in their enclosed (D) resolution dated 8th August 1891 No. 5,657 Mis., that Petitioner represents Vaddiah whom he styles his uncle and who was appointed at the Revision of Village Establishments which closed the question of Mirasi claims and the Board finds that Appellant's relationship to Vaddiah is a very distant relationship indeed and that the Judgment at Revision having been contested within 3 years by a suit under Regulation VI of 1831 did not close the question of Mirasi claims and that further it declined to reconsider its decision.

4. That the Honourable Board have not procured evidence to suppose that Vaddiah holds a distant relationship of the petitioner. It simply passes its opinion upon the face of the Geneological tree marked (C) from which it is quite evident that the relationship is very close. The Board have not also considered the minority of the petitioner during which he is unable to set up his claims for the office. The criterion in this case is not that the Judgment at Revision had been contested within three years but the dismissal of Subramaniam who is alive and whose heirs cannot be appointed during his life time as remarked by Mr. Sewell

in the 8th para of his Proceedings marked (A), which was confirmed by the Board's Proceedings dated 6th November 1889 No. 6,774 Mis.,

5. That according to the recent orders of the Government, the questions decided at Revision are not in any way impediment to the claims of Minors who were unrepresented at the time of Revision. The petitioner comes within that category and when he was old enough to reach the time of Upanayana, he was taken into adoption by his guardian who is also a mirasi claimant and her claim coupled with that of the petitioner was sanctioned by Mr. Sewell as embodied in his Proceedings marked (A).

6. That the Honorable Board not having taken into its consideration the fact that the petitioner is not only a member of the Mirasi family in the senior branch, he also owes the right of adoption by his guardian and adopted mother Subbamma wife of the petitioner's uncle Bhaskara Rau apart from the family and Maty of the dismissed Kurnam Subramanyam, he was highly aggrieved by the two decisions of the Honourable Board.

7. That the dismissal of Subramanyam took place in the year 1885 and from that time forward, petitioner's guardian and adopted mother was trying for the post and she eventually succeeded in favour of the petitioner who held the Munib post for about three years. In such a case, it is utterly unjust nay uncharitable to appoint the minor son of dismissed Kurnam Subramanyam under the orders of Government subsequently passed in October 1889, which have no retrospective effect to apply to the case of Kurnam Subramanyam dismissed in 1885.

8. That a perusal of the records pertaining to this case from the beginning up to the present date will prove that the petitioner is a superior hereditary claimant and that he was represented by his uncle Vaddiah holder of the late Revision of the village establishment and a senior member of the Mirasi family.

9. That in the above circumstances, Your Excellency's humble petitioner most respectfully craves Your Excellency in Council will be pleased to call for and peruse all the records connected with his poor deplorable case by ordering his restoration to the post of Kurnam of Kamalapuram by setting aside the orders of the Board appealed against.

For this act of justice and charity, your Excellency's humble petitioner will, as in duty bound,

EVER PRAY.

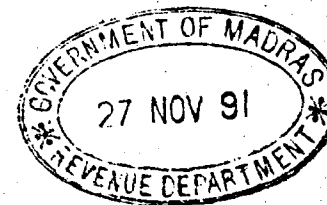
September 1891,

Kamalapur.

Shankar Basuvaraj Subramanyam
Guardian & adopted Mother of
Pilchayya - 24-11-91

I.

13



His Excellency the
Governor and President in
Council of the Madras
Presidency.

PETITION

1135

REVENUE DEPT

Fort Saint George
Madras

The humble Appeal Petition
of Basavaraju Pitchayya late
Minor Muni Karam of Kamalapuram
in the Taluk and district of Bellary
through his guardian and adopted
mother Subbamma.

Most humbly sheweth.

That, In obedience to His
Excellency's Endorsement No 1229 Dated
9th October 1891, His Excellency's humble
petitioner most respectfully begs
to present here with the
humble petition of petitioner
Signed as also two authenticated
Copies

Copies of the proceedings of the
Board of Revenue Nos 67 by Dated
5th November 1889 No 674 Dated the
6th November 1889 as directed in the
above.

That His Excellency's humble
Petitioner also begs to submit
that there is no any other order from
the Deputy Collector directing the
Petitioner's removal from the office
of Kurnam of Kamalapuram, Except
that with reference to the proceedings
of the Board of Revenue marked (B)
submitted along with the Petitioner's
petition.

That ~~the~~ His Excellency's humble
Petitioner begs to submit all the
Enclosures received in the above
Endorsement order.

If on this act of justice, and
Charity your Excellency's humble petitions
will as in duty bound, Every Day

22nd November 1889 Mark of Subbarayan

1229 R 79. 1091

(189/.)

REVENUE DEPARTMENT.

ABSTRACT.

Current Number 9593

From

Basavaraju Pithayya
Late Minor Munsif Curram
Kamalapuram
Cuddapah Dy & Dist.

Dated 24 Nov.

Received 27/11

Enclosures 4

No.

SUBJECT.

Resubmitting his petition
duly signed with enclosures
and also with two authenti-
cated copies of Records Progs. Nos.
6767 & 6774 of 1887.

REVENUE DEPARTMENT.

C No 9593/91

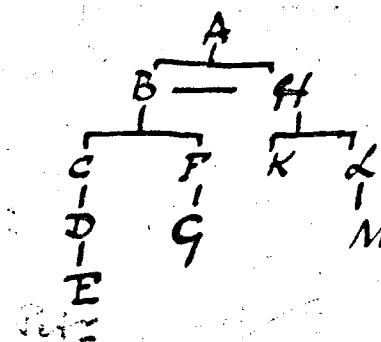
From

B. Pithayya, Cuddapah Dy.

Dated 24 November 1891.

FOR ORDERS.

The records in this case
are not complete
following appear to be the
facts.



- A = Appachalam
- B = Gannachalam
- C = Gannachalam
- D = Pithayya
- E = Pithayya (adopted by G's widow, Pithayya)
- F = Subbarao
- G = Bhaskara Rao (his widow, Subbarao)
- H = Subbarao
- K = Subbarao
- L = Subbarao
- M = Subbarao

On the death of G.,
the office of Karam of Kamal.
was conferred upon L, another
member of the mirasi family.
The revision took place soon
after but L was not confirmed
in his appointment on account
of his incompetency and was
transferred to another village a
village. One Vadayya,
stranger was then a
successor.

ing his life-time. A
tranger, Venkata Subbappa
by name, was therefore
appointed. Four members of
the mirasi family thereupon
brought suits under the Regulation.
They were

one of the dismissed
summons. His suit was
summarily rejected on account
of Mr. de laun's order above
referred to. On appeal, the
Board said that the minor
could urge his claims on
the death of his father.

(2) M (vide genealogical tree
on previous page). This
person's claims were rejected
because he belonged to the
junior branch of the family.

(3) E (the present petitioner
representative of the
family)

This was quite wrong. The
suit should have been heard
+ if the claimant collected
his rights he should have
been appointed as guardian
a person being appointed
to perform the duties during
his dismissed father's lifetime.

Let
Ch

The decision was expressly
stated by the CMs to hold good
only during Subramoniam's
life-time.

(4) The office
was considered as having
the best claim but was not
appointed on account of
her sex. The office was
therefore registered in the
name of her adopted
son (the present petitioner)
as he was a minor, Venkata
Subbappa was continued
as hogmashah.

On appeal, this decision
of the Colls was at first
set aside by the Board, which
made the following remarks:
- The Colls seems to have overlooked the fact that, on the
appointment of a stranger in
the revision, to set aside which
they brought a suit, the mirasi
family lost their hereditary
right altogether. It was, of
course, open to them to appeal.

therefore set aside, and he is requested to appoint to the office some one who can personally discharge its duties."

The CMs then represented that the appointment made in revision had not become a closed question as it was not disputed by the mirasi family within 3 years from the revision, and the Board thereupon issued the following revised order:— "It will save confusion in Subramoniam's death if his minor son is registered as Karmam, and some one simply appointed to act for him while his father is alive. The present arrangement should be noted therefore as an acting one, otherwise confusion will arise."

Exclusion of the Petitioner can
only be justifiable if he (the son)
belongs to the Murai family
& has a stronger Murai right
than the Petitioner. The
Board will be requested to
report as to the Murai right
of Subramaniam's son
and to state whether he or
the Petitioner has the superior
Murai right.

Rule

19.12.91

The relative value of Murai
claims to Murai rights
can only be satisfactorily
determined by law. The
Board should therefore be
instructed to inform the
Murai claimants that they
must file suits within a
fixed time & should then
present to determine their
rights. It then has the best Murai
right.

By
20/12

Lapses into the Murai
Subramaniam's son is
registered as Murai

FOR ORDERS.

C. No. 9593/91

Petition from B. Pitchayya
Cuddalore District

Secy

Secy

G.O. No. 2218/12 Jan,
The Govt approve
of Board's order and
dismisses the Petr app

Ruc

11-1-92

Wh
11/Jan/92

From orders

To the Petr with 6 Encls
Recd 15/1/91

25
FORWARDED to the Under Secretary to
Government, Revenue Department, with
reference to his Memorandum, dated 1st
December 1891.

REVENUE BOARD OFFICE,
Land Revenue,
Madras, 9th December 1891.



MISCELLANEOUS SERIES

REVENUE DEPARTMENT.
G.O., DATED 12 Jan'y
1882.
No. 221

When given for copying

[Despatch Abstract.]

Declining to interfere
on behalf of B. Pichayya
of Cuddalore Dt.

REVENUE DEPARTMENT

G.O., DATED

188

No.

When given for copying

[Despatch Abstract.]