

- (1) Number of pages 28
(2) Date of repair 26.3.45
(3) Initials of the Referencer C

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 93	Press ~~Min.~~
Dated 25-1-	1892 .

Not to be folded or roughly handled

2. Yadakkupattu is a village in the Tirupatūr taluk of the Salem district granted by Tippu Sultan for the support of the Durga of Tippu Avalia at Arcot in the North Arcot district. At the inam settlement, the village was ordered to be continued free

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in the names of the Durga and its Janisheen for the time being "so long as the Durga exists and is well kept up." The present Janisheen is one Ghulam Hussain Sahib who was appointed under the orders of Government, dated 22nd July 1864, No. 1296, prior to the appointment of a committee under Act XX of 1863.

3. In February 1889, Hyder Hussain, brother of the said Ghulam Hussain Sahib, presented a petition to the Collector of Salem stating that the Janisheen had mortgaged the jaghire with possession and that the alienation interfered with the proper performance of the Durga ceremonies. The enquiry instituted thereon showed that the service at the Durga was not duly performed, the village having been leased out for a term of 16 years from June 1887 for an annual rental of Rs. 600 and the Janisheen having further obtained a loan of Rs. 2,000 repayable with interest at 6 per cent. in annual instalments of Rs. 200 out of the rental of Rs. 600 to be paid by the lessee.

4. A notice was issued to the Janisheen requiring him to perform the service according to the conditions of the grant, giving him six months' time for doing so. But this was of no effect.

5. It is usual in such cases to move the committee appointed under Act XX of 1863 to take steps to enforce due performance of service. But the Collector reports that no such committee now exists, the one appointed having been abolished. The reason for this has not been reported nor does it concern the Board which has no *locus standi* in the matter, but it is presumed that the committee died a natural death for want of action under section 10 of the Act.

6. The only course left, therefore, is to resume the inam for breach of conditions under the view taken by the Board and approved by Government in G.O., dated 27th May 1890, No. 361.

7. As, however, it has been the policy of Government not to resume inams granted for religious and charitable purposes for the benefit of Government, and as it is for obvious reasons undesirable to reassign the land itself in the present case so long as there is a possibility of the legality of the resumption being called in question, the Board would recommend that a money grant of about the same value as the assessment of the inam should be paid to a person to be nominated by the Muhammadan community interested, on condition of the service being properly performed.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with Petition Registers Nos. 5064 of 1890, and its two enclosures,
5077 of 1890, and its translation; G.R. No. 3242, and its
twenty-two enclosures, and twelve enclosures in Petition
Register No. 1242 of 1891, in original, to be returned.

Copy to the Collector of Salem.

Order—dated 10th July 1891, Mis. No. 3949, Revenue.

The Acting Sub-Collector, North Arcot, states that there is no Muhammadan religious committee in the Arcot taluk, the one that *existed previously* having been abolished. The Collector of North Arcot should be called on to report when the committee was appointed and how, when, and by whom it was abolished, and to refer to any papers bearing on the subject.

(True Extract.)

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

To the Commissioners of Land Revenue,
with enclosures to be returned with reply.

Read—again G.O., dated 30th July 1891, Mis. No. 4231, Revenue.

ABSTRACT.—Forwarding to the Board of Revenue, for report, with reference to its Proceedings, dated 16th June 1891, Mis. No. 4173, petition from Ahmed Badshah praying that he may be appointed as the Janisheen of Tippu Avalia Durga, Arcot.

Read—also the following Proceedings of the Board of Revenue (Land Revenue), dated 2nd December 1891, Mis. No. 8572:—

MR. E. GIBSON.

Read—G.O., dated 10th July 1891, Mis. No. 3949, Revenue.

Reference thereon, dated 24th July 1891.

Communicated to the Collector of North Arcot, who is requested to furnish the information called for by Government.

Read—G.O., dated 30th July 1891, Mis. No. 4231, Revenue.

Reference thereon, dated 21st August 1891.

Forwarded to the Collector of North Arcot in continuation of Board's Reference, dated 24th July 1891, on Petition Register No. 2339 of 1891.

2. He is requested to expedite the report called for by Government in G.O., dated 10th July 1891, Mis. No. 3949, Revenue.

Read—the following letter from B. MACLEOD, Esq., Acting Sub-Collector of North Arcot, to the Collector of North Arcot, dated Vellore, 4th October 1891, No. 1024:—

[References.—(1) Your foot-note reference on Board No. 1898, dated 31st July 1891, to G.O., No. 3949, dated 10th July 1891, and (2) your reference on Board No. 2181, dated 27th August 1891, to Board's reference, dated 21st August 1891.]

In reply to the above references, I have the honour to state that there is no record either in the Arcot Taluk office or in my office to show when and how the Muhammadan religious committee in the Arcot taluk was appointed. The report submitted by the Arcot Tahsildar (No. 718, dated 25th September 1891, with enclosures sent herewith) shows that there were five members forming the committee, viz.:—

- | | |
|---------------------------|---------------------------|
| (1) Sowcar Ibrahim Sahib, | (4) Mahamad Bauker Sahib, |
| (2) Unyarsha, | (5) Bacha Miya Sahib, |
| (3) Mandi Rahiman Sahib, | |

that they are now dead, that the committee ceased to exist about ten years ago, and that none were appointed in their stead. It would thus appear that the committee died a natural death. In my letter, No. 241, dated 6th March 1891, I suggested that Ahmed Badshah Sahib may be appointed as Janisheen of Tippu Avalia's Durga at Arcot, and I think this can be done in the event of dispensing with the services of the present Janisheen Ghulam Hussain Sahib. The records are forwarded.

Endorsement by W. J. H. LE FANU, Esq., Collector of North Arcot, dated Chittoor, 13th October 1891, No. 5202-Rev. G1.

Communicated to the Secretary to the Commissioners of Land Revenue with reference to Board's Reference on Petition Registers Nos. 2339 and 2599, dated 24th July 1891 and 21st August 1891, respectively.

2. The enclosures are returned.

Resolution—dated 2nd December 1891, Mis. No. 8572.

Submitted to Government with reference to its order, dated 10th July 1891, Mis. No. 3949, Revenue, and endorsement, dated 30th July 1891, No. 4231.

2. The Collector refers to no records showing when, and how, the Muhammadan religious committee for the Arcot taluk was appointed. But the Board finds from G.O., dated 22nd October 1864, No. 1952,

- * 1. Ammundi Ibrahim Sahib.
- 2. Syed Gulam Muhammad.
- 3. Muhammad Bakir Subadar.
- 4. Sheffi Beg.
- 5. Mandi Rahiman Sahib.

Revenue, that a committee consisting of five members * was appointed for the taluk under Act XX of 1863, though two of the names, Syed Gulam Muhammad and Sheffi Beg, contained in the list referred

to in the Government Order are not found in the Collector's letter read above, but in their stead two other names (Unyarsha and Batcha Miyan Sahib) are shown. All the members are reported to have since deceased and as no steps were taken to fill up the vacancies, the committee would appear to have died a natural death.

3. Ahmed Badshah, on whose petition a report was called for in the endorsement quoted in paragraph 1 *supra*, is the son of a late Janisheen, Khadir Badshah Sahib, referred to in G.O., dated 22nd July 1864, No. 1296. At the time of the latter's death, he nominated his son, the said Ahmed Badsha, to succeed him. But Government set aside the nomination as the nominee was then an infant, and as the nomination was objected to by a large majority of the Muhammadan community of Arcot, Ahmed Badshah, on attaining his majority, petitioned the Board in 1882 requesting that he might be restored to his father's place. The Board, however, declined to interfere as it had no jurisdiction in the matter, a committee having been appointed under Act XX of 1863.

(True Copies and Extract.)

(Signed) W. S. MEYER,
for Acting Secretary.

To the Secretary to Government, Revenue Department,
with Petition Register No. 2599 of 1891, and its
enclosure, in original, returned; Petition No. 3522
of 1891; Petition No. 5064 of 1890, and its two enclosures;
No. 5077 of 1890, and its translation; G.R. No. 3242 and its
twenty-two enclosures; and twelve enclosures in Petition
Register No. 1242 of 1891, in original, to be returned.

Copy to the Collector of North Arcot.

READ—also petition from GULAM HUSSAIN, Janisheen of Tippu Avalia's Durga at Arcot, North Arcot district, dated 1st January 1892.

ABSTRACT.—Praying to be restored to the Janisheen post of the above Durga at Arcot.

READ—also petition from NAHNAY MIYAN SAHIB, Maystery, dated 18th January 1892.

ABSTRACT.—Informing that Ahmed Badshah Sahib is the proper person for the post of Janisheen of Tippu Avalia's Durga at Arcot.

ORDER—dated 25th January 1892, No. 93, Revenue.

Miscellaneous.

The Government agrees with the Board in considering that the inam should be resumed. The Board will instruct the Collector to assess the lands fully at once and to deposit the proceeds in the civil court, moving the court at the same time under section 10 of Act XX of 1863 to appoint a committee and to dispose of the proceeds of the inam.

(True Extract.)

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

To the Commissioners of Land Revenue, with s returned.
Copy to the Petitioners.

Exd. A. Aubert.

40 Copies.

Original

Govt. of (1892) Madras.
REVENUE.

19-11-02
21-6-08
5-8-07
30-8-07
15-11-07
20-2-08
21-7-11

Issued

Recd.

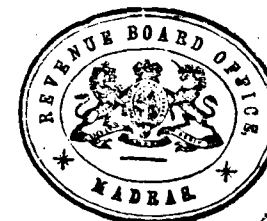
Encl.

G.O., 25th January 1892, No. 93.

JANUARY.

Tippu Avalia's Durga.

Agreeing with the Board of Revenue in considering that the inam attached to the — at Arcot should be resumed, and requesting it to instruct the Collector to assess the lands fully and to deposit the proceeds in the civil court.



Proceedings of the Board of Revenue

(Land Revenue)
Dated 2nd December 1891.

No. 8572 his.

In E. Gibson

READ G.O. dated 10 July 1891, No. 3949 his. Revenue,
and the following Revenue theorems dated 24
July 1891.

Communicated to the Collector
of North Arcot who is requested to furnish
the information called for by Government
(a) Endorsement of Government R.O. dated
30 July 1891, No. 4231; and the following
Revenue theorems dated 21st August 1891.

Forwarded to the Collector of
North Arcot in continuation of Board Ref.
dated 24 July 1891 on Petition Register
No. 2339 of 1891.

2. He is requested to expedite the report
called for by Government only, dated
10 July 1891, No. 3949 Rev.

(3) Letter from the Collector of North Arcot,
dated 13 October 1891, No. 5202
Resolution

Resolution:

6

Submitted to Government with reference to its order dated 10 July 1891. His No 3949 Revenue and Endorsement dated 30 July 1891. No 4231.

2. The Collector refers to no records showing when and how the Mahomedan Religious Committee for the Arcot Taluk was appointed. But the Board finds from G.O. dated 22 October 1864. No 1952 Rev. that a Committee consisting of five members was appointed

- | | |
|---------------------------|---------------|
| 1. Ammundi Ibrahim Sahib | for the Taluk |
| 2. Syed Gulam Mohammed. | under Act |
| 3. Mohammed Bakir Subadar | IX of 1863. |
| 4. Sheffi Beg | though two |
| 5. Maandi Rehman Sahib | of the names |

Syed Gulam Mohammed and Sheffi Beg contained in the list referred to in the G.O. are not found in the Collector's letter read above but in their stead two other names (Sungar Sha and Batcha Kirjan Sahib) are shown. All the members are reported to have since deceased and as no steps were

were taken to fill up the vacancies, the Committee would appear to have died a natural death.

3. Ahmed Badsha on whose petition a report was called for in the Endorsement quoted in para 1 supra is the son of a late Jamishan Thakur Badsha Sahib, referred to in the G.O. dated 22 July 1864. No 1296. At the time of the latter's death, he nominated his son, the said Ahmed Badsha to succeed him. But Government set aside the nomination as the nominee was then an infant and as the nomination was rejected by a large majority of the Mahomedan Community of Arcot. Ahmed Badsha on attaining his majority petitioned the Board in 1882, requesting that he might be restored to his father's place. The Board, however, declined to do so as it had

Revenue 18 91. Sept
Board of Revenue
(Land Revenue),
MADRAS.

Current Number 9843.

To

The Secretary to Govt
Rd

Read 7 days

Proceedings, dated 2. 12. 1891,
No. 8872. Mis. Routine. Enclosures. 44

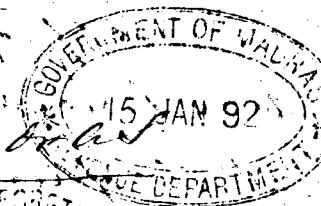
Subj: with remarks to Govt
report. Called for on letter
of Ahmed Badsha pray-
ing that he may be
appointed as the
Jainishan of Tether
Dudiah Durgah.
to Govt D.

PETITION

69

REVENUE DEPT

The Chief Secretary to
the Govt of Madras



CHIEF SECRETARY
12 JAN 92

Honored Sir

I have the pleasure to inform you that your humble petitioner Gulam Husein Jainishan of Tether Dudiah Durgah at Arcot most respectfully begs to submit the following for your honor's favorable & speedy consideration -

That on the petition dated 7th Aug 1891, submitted to the B of Revenue, your petitioner received an order - Sent that the matter of the petition is now before the Govt & will be disposed of in due course. Your petitioner begs to state that he in the said petition clearly put forward that the grant of income of a Jainishan to the Durgah would never be made, (as the office of Jainishan has not fallen vacant, but continues to be held by your petitioner, who, ever since his appointment has been conscientiously discharging the duties appertaining thereto) had it not been for the jealousy, ambition & malice of his younger brother Hakim Ali Husein & another rival Baichanick, who have no stone unturned till they succeed in their attempt of depriving your helpless petitioner of the post of Jainishan & securing the same to either of themselves; that their line of conduct does not proceed on the right principle of bringing to justice the offender, but on the selfish & sinister object of either of them filling up the vacancy which might be created by the punishment of an innocent man. This statement is strongly borne out in the Criminal Case Calendar No 30 of 1891, in which your petitioner

mechanical with
his property; but
the Tahsilwar Magis-

ter in the same petition
(where lies the Village
in Dargah) has sent in
a, accusing you of the
appropriation of Dargah
& Tahsilwar of Acreot
by whatever, giving
of my position but
rights of my brother

independent in the
the original founder
and the trustee or
agent. And in consequence,
where Ali Hussein or
whose connection with
no right to claim the
is proved guilty before
from his office

Collector of Salem
Dargah is arbitrary,
does not empower
from the Jawaharship.

Commissioner but no juris-

heaps to state that the
nominate or remove
& it is their paramount

duty to see if the services of the Dargah are properly
performed

In conclusion, your helpless & humble petitioner
fermently prays that the Merciful Government
will be pleased to peruse all the records appended
with his petition dated 7th Jan'y 1891 submitted to the
D^o, taking into consideration whether the petitioner
is liable to dismissal without any fault whatever
merely on the report of the Collector of Salem & whether
his younger brother or Brahmachari or their sons
have any just claim to succeed your petitioner
For which Act of kindness & Charity, he shall, as
in duty bound, ever pray.

7th January 1892
Acreot

I beg to remain
Hon^d Sir,
Your most obedient & humble servant
M. S. S. S.

(1892)

REVENUE DEPARTMENT.

ABSTRACT.

Current Number

647

From

Mahmud Myan Lait
Maysling

Dated 18 Jan.

Received 19

Enclosures

No.

SUBJECT.

Informing that Ahmad
Bodshah Kahlit is the proper
person for the post of Jamishun
of Tipper Ahalin's Durga at Awt.

REVENUE DEPARTMENT.

C. No. 9843 of 1891

From The Board of Revenue (Land Revenue)

Dated 22 December 1891

FOR ORDERS.

The facts of the case are fully set
out in paras 1-4 of the Board's Proceeds
within G.O. dated 10 July 1891. The
trustee of a religious endowment
appears to have mortgaged the land
and to have misappropriated the
income. A notice was served calling on him
to perform the service according to the
conditions of the grant, but it produced
no effect.

2. The Board remarked that it was for
the temple Committee appointed under
Act XX of 1863 to deal with such matters.
But as no such Committee existed in
the N. Arcot District, the one appointed
having presumably died a natural ^{death} ~~death~~
the Board was of opinion that either
the income should be resumed for breach
of the conditions on which the income was
conferred or that the endowment should
be entrusted to a person to be appointed

Mahomedan community interest in the continuance of the religious service. The Board preferred the latter alternative as being in accordance with it conceived to be the policy of Government not to resume for its benefit means granted for religious and charitable purposes. It would, however, resume the income, imposing full assessment thereon and pay the assessment as a money allowance to the trustee. The reason for adopting this course was ^{that the} the resumption of a religious service, even for non-observance of the condition was considered proper in G.O. dated 27.11.1890 No. 361, yet in the absence of any judicial decision on the point, there was a possibility of the resumption being called in question and that the Board wished to be prepared for such a decision being passed.

3. The information furnished on the subject of the Temple Committee being incomplete, a further report was called for, which is submitted in the current record above. It appears that a Committee of five persons was appointed by Government in accordance with section 8 of Act XX of 1863 and that the appointment was notified in the District Gazette (vide G.O. dated 22.10.1864 No. 155).

FOR ORDERS

Under Sec: 7 of Act XX of 1863 the app^t of a Com^{tee} by Govt. is made once for all. Then after the Govt. has taken steps with appointing the members, & filling up vacancies on the committee. These, if they occur, ^{in 3 months} will be filled up by election among the persons interested in the institution, can be filled up by the Civil Court. Apparently, the whole of the Com^{tee} originally app^d are dead & no successors have been app^d. - The Civil Ct. is the only power that can app^t them. The applicant has referred to that Court. If a Com^{tee} is then app^d it must be set aside under Sec: 13 & the trustee to look - & the Ct. may ask under Sec: 14 if the plaintiff in that case, or any other co-defendant, chooses to sue the trustee - but Govt. can do nothing. To finally answer the issue raised & give the answer to the trustee which he has come out to being

From

changing the character of the endowment without changing its value, ^{quite} as it might have to be done to the advantage of the institution the Govt. could not be asked to do more for it doing. I am doubtful, however, whether I can then do so much. I have no objection in the question by doing it - I don't see why with out for order to do so, however, I will mention the matter, according to the order, & for it to be decided by the Government - I am

5/1/92

I agree, but to what trustee does my hon. colleague refer to make the payment? Surely not to the defendant trustee? That would be to put him in a better position than he is in now, by having him of the mortgage, and making him a security for the trustee's payment. I would just answer that the trustee is not to be paid.

No.

Dated

189

FOR ORDERS.

and the notification at page 2 of the Supplement to the T. Arcot District Gazette dated 19.11.1864. It cannot be ascertained whether the appointment was also notified in the Fort St. George Gazette, but this information is unnecessary as the Act requires publication in the official Gazette which expression includes the District Gazette. A Committee having been appointed, the Government has no further concern in the matter. The procedure to be followed in filling up vacancies is prescribed in section 10 of the Act, and as the vacancies have remained unfilled for years, it is for the Civil Court to interfere, and the person ^{Hyder Hussain} (who made representation the enquiry which has resulted in the present reference was started may be referred to the above section.

4. If the Civil Court interferes and fills up the vacancies in the Committee, (which operation in the present case will

be equivalent to reappointing a fresh Committee), the misappropriation complained of will be duly enquired into. It is submitted that some time, probably a year - may be allowed and that if at the end of that time, the service is not properly performed the income may be fully assessed.

W.D.
18/12

I agree. If within one year there is no return the necessary steps to get a fresh Committee appointed under the Act to be resumed - full effect being imparted. The value of the land does not appear but the proceeds might be assigned to some trust approved by the local community for the upkeep of the Durga.

Ch
22/12.

FOR ORDERS

C. No. 9843 of 1891.

Re: the trusteeship of a religious endowment which is being misappropriated.

I meant to say the assignment of the income in case of a default by the trustee is hereby legally entitled to be made - but the plan is to assign the income to the Durga. I don't think this is the case. Do you mean to say that the income is to be paid into the Court as trustee or committee? I suggest that the income be paid into the Court as trustee or committee. I don't think this is the case. Do you mean to say that the income is to be paid into the Court as trustee or committee? I suggest that the income be paid into the Court as trustee or committee.

Very truly

W.D.
20/Jan

Notes connected with
G.O. 25 January 1892
No 93.

Read again G.O. 25 Jan 1892, no. 93.

Read C. No. 9843 of 1891.

Read also C. Nos. 513 & 647 of 1892 in abstract.

G.O. 25 Jan 1892, no. 93.

The Govt agrees with the Board in considering that the income should be resumed. For the Board's consideration: The Board will instruct the collector to assess the lands fully at once & to deposit the proceeds in the Court, moving the court at the same time under section of Act XX of 1863 to appoint a committee & to dispose of the proceeds of the income.

2. Petitions are referred to the Collector of N. Arcot.

Ch
25/Jan/92

Dist. from orders

To the Commr of Land Revenue & Revenue Sec. 8.1.92
With the enclosures returned
Copy to the petitioners.

C. No 9843 of 1891
+ 513 + 6479 1/2

27

As the endorsement attached
to the Tupper Avalias Dura
to Acute.

J. C. No 6201/12
9116/93
4545/94
1610/99

Partial but very nice
to send

25/1

C. No 25 June 1892 no: 93

MADRAS RECORD OFFICE.
Government Records.

Revenue Department.

G. O. (Printed).

Dated 25-1- 1892.

No. 93

11-7-12

18-12-13

18-12-15

25-5-16

7-4-17

28/3/31 II

14-5-36 II

14-11-42 II

8/10/93 II