M.R.O. 1—77,006—8-6-37.

(1) Number of pages 28

(2) Date of repair 26.3.45

(3) Initials of the Referencer CL

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 93 Press ~~M.S.~~

Dated 25-1- 1892.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again the following G.O., dated 10th July 1891, Mis. No. 3949, Revenue :—

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 16th June 1891, Mis. No. 4173 :—

THE HON. MR. H. W. BLISS.
MR. G. MCWATTERS.

Read—petitions from Ahmed Badshah Sahib, son of the late Qadir Badshah Sahib, Janisheen of Tippu Avalia's Durga, Arcot, North Arcot district, dated 10th October 1890, (Address 2-14, Wallajah Road, Chepauk, Madras.)

Read—letter from the Collector of Salem, dated 30th September 1890, Ref. No. 2504 Eng.

Reference thereon, dated 20th November 1890.

Before taking steps to resume the jaghire, the Board requests that the Collector will address the religious committee on the subject and ask that body if it is prepared to take steps to enforce the efficient discharge of the duty for which the grant was made.

Read—the following letter from the same officer, dated 14th April 1891, Ref. No. 895-Eng. :—

In reply to the Board's Reference on Petitions Nos. 5064 and 5077 and General Register No. 3242, dated 20th November last, I have the honour to forward, herewith, a copy of letter, Reference on General Eng. No. 1429, dated 23rd March last, received from the Collector of North Arcot, from which it will appear that there is no Muhammadan religious committee in the Arcot taluk the one that existed previously having been abolished. Under the circumstances, I submit the records of the case and those transferred with Board's Proceedings, No. 739 Routine, dated 14th March last, for the orders of the Board.

Resolution—dated 16th June 1891, Mis. No. 4173.

Submitted to Government for orders.

2. Yadakkupattu is a village in the Tirupatúr 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

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,
(2) Unyarsha,
(3) Mandi Rahiman Sahib,
(4) Mahamad Bauker Sahib,
(5) Bacha Miya 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. Gl.

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, 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.

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

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 . . . inc . . . s returned.
Copy to the Petitioners.

Exd. A. Aubert.

40 Copies.

Original

19-11-02
21-6-05
5-8-07
30-8-07
15-11-07
20-2-08
21-7-11

M.C. 697/92 = 2007-29 15-5-52

Govt. of {1892} Madras.

REVENUE.

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.

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Land Revenue)

Dated 2nd December 1891.

No. 8572 kris.

&

Jm. E. Gibson

READ G.O. dated 6 July 1891 No 3949 Jud. Revenue; and the following Reference thereon dated 6th July 1891.

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

(2) Endorsement of Government R.O. dated 30 July 1891 No 4231; and the following Reference thereon dated 21st August 1891.

Forwarded to the Collector of North Arcot in Continuation of Board's Ref. dated 6th July 1891 on Petition Register No 2339 of 1891.

2. He is requested to dispose this petition called for by Government in G.O. dated 6 July 1891 No 3949 Rev.

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

Resolution

Resolution:- 6

Submitted to Government with reference to its order dated 6th July 1891: this No 3949 Revenue and Endorsement dated 30th July 1891 No 4231.

2. The Collector refers to no records showing when and how the Mahomedan Religious Committee for the Arcot Taluq was appointed. But the Board finds from G.O. dated 22nd October 1864 No 1952 Rev. that a Committee Consisting of five members was appointed for the Taluq under Act XX of 1863. Though two of the names

1.	Ammundi Ibrahim Sahib
2.	Syed Gulam Mohammed.
3.	Mohammed Bakir Subadar
4.	Sheffi Beg
5.	Kandi Rehiman Sahib

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 (Ameyar Sha and Batcha Mirjan Sahib) are shown. All the members are reported to have been present and as no steps were taken to fill up the vacancies the Committee would appear to have

9 V 8 9

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 Jamishara Khadir Badsha Saheb, referred to in the 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 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 interfere as it had

Revenue 18 91. Dept

Board of Revenue

(Land Revenue),

MADRAS.

Current Number 9873.

To

Full

The Secretary to Govt
R.D.

Rec'd 2 Dec

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

GOVERNMENT OF MADRAS
7 DEC 91
REVENUE DEPARTMENT

Subg: Petr seeks to Govt report. Called for on petn of Ahmed Badsha praying that he may be appointed as the Jaimisheem of Tiffree Dindigal Durgah.
to Accts D.

To The Chief Secretary to
the Govt of Madras

PETITION
69

REVENUE DEPT

GOVERNMENT OF MADRAS
15 JAN 92
REVENUE DEPARTMENT
CHIEF SECRETARY
12 JAN 92
GOVERNMENT

Honored Sir

I Your humble petitioner Gulam Hafeez Jamisheem of Tiffree Dindigal Durgah at Arcot most respectfully beg to submit the following for your honors favorable & kind consideration —

That on the petition dated 7th January 1891 submitted to the Bd of Revenue, your petitioner received an order from the Secretary that the matter of the petition as 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 previous of providing a Jamisheem to the Durgah should never remain vacant, but continues to be held by your petitioner, who, ever since his appointment has been Encumbered with discharging the duties appertaining thereto, had it not been for the jealousy, ambition & malice of his younger brother Hakeem Ali Hussain and his rival Panchamukh, who leave no stone unturned, till they succeed in their attempt of depriving your helpless petitioner of the post & his emoluments & 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

duty to see if the Services of the Durgah are properly performed

In conclusion, Your helpless & humble petitioner fervently prays that the merciful Government will be pleased to peruse all the records appended with his petition dated 7th Jany 1891 submitted to the Bd, 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 Brachamiah 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.

I beg to remain
Hond Sir,
Your most obdt & humble Servant.

7th January 1892
Arcot

...chamiah with
...his property, but
...the Tahsildar Magis-

...ter in the said petition
...(where lies the Village
...Durgah) has sent in
...accusing Your Petr
...Superintendent of Durgahs
...Tahsildar of Arcot
...whatever, giving
...this position but
...ents of my brother

...descendent in the
...original founder
...and the principal or
...ient; And in Consequence,
...Ali Hussein or
...whose Connection with
...no right to claim the
...is proved guilty before
...ved from his office

...Collector of Salem
...Durgahs is Arbitrary,
...does not empower
...ner from the Jamabandy
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...begs to state that the
...hereinafter or remove
...it is their paramount

(1892.)

REVENUE DEPARTMENT.

Current Number 647

From

Mahnay Meyan Saib
Mayaliry

Dated 18 Jany.
Received 19 "
Enclosures

No.

SUBJECT.

Informing that Ahmad Bodshah Saheb is the proper person for the post of Janisheen of Tippu Avaliar's Durga at Arcot.

ABSTRACT.

REVENUE DEPARTMENT.

C. No. 9843 of 1891

From The Board of Revenue (Land Revenue)

Dated 23 December — 1891.

FOR ORDERS.

The facts of the case are fully stated in paras 1–4 of the Boards Proceedings in this G.O. dated 10th July 1891 c. No. 39. The trustee of a religious endowment appears to have mortgaged the Inam lands 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 the Board were of opinion that either the inam should be resumed for breach of the conditions on which the inam was continued or that the endowment should be entrusted to a person to be appointed

Mahomedan community in the continuance of the religious service. The Board preferred the latter alternative as being in accordance with what is conceived to be the policy of Government not to resume for its benefit grants made for religious and charitable purposes. It would, however, resume the grant, imposing full assessment thereon and pay the assessment as a money allowance to the trustee. The reason for adopting this course was stated to be that the resumption of a religious service, even for non-observance of the condition under which considered proper in G.O. dated 27th May 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 present case 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 22nd October 1864 in Mis.

FOR ORDERS

Under Sec: 7 of Act XX of 1863 the appointment of a Committee by the Govt. is made new for all. Then after the Govt. has nothing to do with appointing the members, & filling up vacancies in the Committee. These, if they occur, are filled up by election among the persons interested in the institution, & in case of dispute settled by the Civil Court. The duty of the Govt. apparently, is that of the Court originally appointing the Committee. Should the necessity for the appointment of a Committee arise, the Civil Court has the power to appoint them. The applicant for resumption should therefore apply to the Court. If the Court considers it necessary to appoint a Committee under Sec: 13 it has to submit the matter to the Govt. for orders. The Govt. may ask under Sec: 14 if the plaintiff in the case or any person interested, should take the trustee. But Govt. can do nothing. To finally dispose of the case Govt. require the consent of the trustee with a view to avoid the necessity

From

Dated 189

REVENUE DEPARTMENT.

No.

FOR ORDERS.

and the notification at page 2 of the Supplement to the Fort St. George Gazette dated 19th November 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 whose 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

changing the character of the endowment without changing its nature, [illegible] or its using the land for the purposes to which it is devoted, would be a matter for the Civil Court to decide. I consider it unnecessary for me to do so, however, as I am fully convinced that the Civil Court would not be disposed to do anything of the kind. Should the trustee refuse to do anything which he is bound to do, the Civil Court has the power to compel him to do it. I would therefore ask the Govt. to direct the Civil Court to exercise its powers in the matter, assuming the facts stated in the enquiry to be correct.

5/11/92

Enquire, but to what trustee does the term refer? Is it the Superintendent? Enquiry as to the Superintendent? That person is not a trustee in the sense of being liable for the mortgage, and [illegible] I would fully agree [illegible]

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

WD 18/1/92

I agree. If written orders are then intended to retain the resumed Inam to a fresh Committee appointed under the Act it may be resumed: full enquiry being urged. The value of the Inam does not appear but the proceeds might be assigned to some Institution approved by the Collector Community for the upkeep of the Durga.

CG 22/1/92.

G.6-93
25.1-92

FOR ORDERS

C. No 9843 of 91.

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

I meant to pay the assistant Treasurer in case the Petitioner is finally entitled from legally entitled to receive it - but the Collector is writing to him & the Petitioner for a statement of the Petitioner's case. I don't think the Collector need do either - if pay it to the pet: the Collector can retain a certain sum to cover the expenses. I suppose the sum it is paid into Co. & that the Collector is to send to me the Court Order &c. to enable me to dispose of the proceeds of the Inam.

10/1/92

Orig with WD 20/1/92

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

Read again G.O. of 10 July 1891 No 39 & 30 July 1891, No: 4231
Read C. No 9843 of 1891
Read also C. Nos 573 & 647 of 1892 in abstract.

G.O. of 25 Jan: 1892, No: 93.

The Govt agrees with the Board in considering that the Inam should be resumed. ~~for breach of conditions~~: 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 10 of Act XX of 1863 to appoint a Committee & to dispose of the proceeds of the Inam.

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

CG 25/1/92

List from orders

WD 22/1

To The Comrs of Land Revenue & Settlement &c. 8.1.92
with the proceedings returned
Copy to the petitioners.

C. No 9843 of 1891
& 513 & 647 1½

"Ces the endorsement attached
to the Tippu Avalias Durga
& Arcot.

A. Cons 628 1/12
9116/93
4505/94
1610/99

Paid Ist Instalment
& Stamp
2-3-91

Ord 25 June 1892 no: 93

27

11-7-12 I

18-12-13 I

18-12-15 II

25-5-16 II

7-4-17 II

28/3/31 II

14-5-36 II

14-11-42 II

8/10/43 II

MADRAS RECORD OFFICE.

Government Records.

Revenue Department.

G. O. (Printed).

Dated 25-1- 1892.

No. 93