

CONFIDENTIAL.

G.O., No. 3276

Confidential No. 609.

DATED 6 September 93

[Despatch Abstract.]

Agreeing with the Board of Revenue in considering
that the intervention of the Comptroller of Wards is
unnecessary in regard to Narganti police.

BACK PAPERS.

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

FURTHER PAPERS.

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

NOTE FOR THE ^ESecretary

Please see draft inside below the initials of the Hon. members.

No reference is made in the notes to the Board's proposal ^(at the top of the back page) to authorize the collector to furnish the Ministry's relations with copies of the Govt. Pleader's opinion & other useful papers on the subject.

6 Sep 93. P.P.O.

BACK PAPERS.

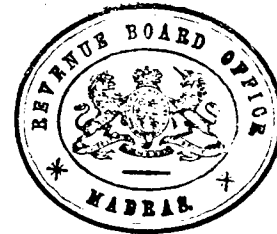
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

I wish think the Bd. but return
on that point - It is in do as it
thinks fit in the matter -

hly 6/9.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 15th September 1892,

No. 5766.

READ again Board's Proceedings dated 16th July
1891. No: 4972 his.

(2) End^g of the Coll^g of L. Acct, dated
20th July & 8th August 1891. Nos: $\frac{4680}{8534}$

$\frac{4800}{8149}$

(3) Petition from the mother of the late
graindars of Karaganti, L. Acct^g of
8th 12th August 1891.

(4) Petition from the Senior widow
of the late graind^g: 8th 12th D. 91.

(5) Petition from the junior widow
of the late graind^g: 8th 24th D. 91.

Read (6) Petition from the ^{widow} ~~husband~~ of the
late ~~land~~ by M. R. R. P. Subra-
maniam Esq. Attorney at Law. dated
23rd Sept 91; and Reference thereon
to the Coll of h. A. No. 30-9-91.

"The Collector will be
requested to report if there are good
grounds for considering that the
lease could be sued against, with
success.

(7) Letter from the Collector of
h. A. No. 19. 2. 92. Ref No. $\frac{622}{\text{S. No.}}$

Resolution:-

The papers read above
will be forwarded to the Government
Pleader with the request that he
will advise the Board as to the
validity of the lease of the Estate
to Mrs. Ramasami Pillai and
the

the chances of getting it set aside in
the event of its being thought desirable
to take the Estate under the
management of the Court of Wards.

(True copy Protract)

(Signed) W. S. Meyer

As Secretary-

To

The Joint Pleader.

(True copy)

W. S. Meyer

As Secretary

Succesful
Board Prop.
5866 hrs
15. 9. 92

1903
REVENUE DEPARTMENT.
Enclosure No. 1
To C. at No. 6458



Proceedings of the Board of Revenue
(Land Revenue),
Dated 14th November 1892,
No. 7400 hrs.

Confidential

READ Letter from the Dy Government Pleader
Madras, dated 31st October 1892

Resolution:-

The acting Government
Pleader's opinion contained in the
second paper read above will be com-
municated to the Collector of North Arcot,
who is requested to submit a full &
early report on the points indicated
indicated in the concluding portion of
para 1 of the opinion. It will be seen
from

from the remaining portions of the opinion
if "a position of active confidence" -
between Mr. Ramabhai Raje and the
late Rajmardan can be satisfactorily
established there is every probability of
impeaching the agreement with success. The
Collector is requested to report how the
requisite funds for the necessary suit
can be obtained if it should be
decided. Place the Estate under the
management of the Court of wards.
(Transacted)

(Signed) W. S. Meyer.
As Secretary.

To
The Chief Justice.
Copy to Mr. P. P. P. P. P.
(Transacted)

W. S. Meyer
As Secretary

First

Return

Despatch

By Order

Present

Closure

By Order

By Order

By Order

By Order

By Order

Confidential
1892
Board of Revenue
(Land Revenue),
MADRAS.

True copy of B.D.

Proceedings, dated 14-11-1892
No. 7400 Mis. Routine. Enclosures.

Subject.

1893
RECEIVED
2
6458

First
Return
Despatch

AG

CURRENT

ENCLOSURES

OF

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IN

N.



Proceedings of the Board of Revenue
(Land Revenue),

Dated 26th May 1893,
No. 3200 Mis.

READ again Board's Proceedings No 5866 mis dated 15th Sep.
tember 1892, and No 7400 mis dated 14th November 1892.
also letters from the Collector of North Arcot dated
7th February 1893 and 10th May 1893, Ref on lft. by:
No 495 and Ref on Board No 892 of 1893 respectively.

Resolution.

The Collector of North Arcot's letter dated
the 7th February 1893 and its enclosures will be
forwarded to the Acting Government Pleader
with reference to his letter of the 31st October last,
with the request that he will favor the Board
with his further opinion as to whether in the
circumstances now brought to notice, there is a
prima facie case in favor of the late palaya-
gar's son, so that a suit might, with fair
prospects of success, be instituted for the
cancellation of the lease to M^r Ramaswami Raju.

2. The Board observes that the Deputy
Collector's enquiry was not as thorough
as

as it should have been. He could have easily ascertained what fiduciary relation existed between the lessee and the deceased palayagan, and whether any of the litigation in which the former appeared for or advised the palayagan was actually pending at the time when the lease was executed, also exactly who the creditors were and what repayments have been made in the last 2½ years. A list of the creditors is given in the deed of the 1st December 1890, forwarded by the Collector with his letter of May 10.

3. The Collector is requested to give more detailed information, with more precise dates, on the points indicated in the preceding para, and to state clearly what the present financial position of the estate is and what are its revenue capabilities.

4. An early reply is requested.

(True Extract).

(Signed) R. C. C. Carr

Ag Secretary

To

The Acting Government Pleader
Collector of North Arcot.

(True Copy)

Ag Secretary

First

Return

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URGENT

ENCLOSURE

MR OF C

MR OF C

STATEMENT

APERS NOT

IN

N.

True Copy of Board's
Proceedings dated 26th May 1893
No 3200 his



Proceedings of the Board of Revenue,

(Land Revenue),

Dated 14th July - 1893.

No. 4098 Mis.
Routine.

READ Letter from the Government Secy,
Madras, 14th July 1893, No. 400.

Resolution:-

The paper read above will
be communicated to the Collector of
North Arcot who is requested to expedite
the further report called for from him
in Board's Progs. 26th May 1893, No 3200.

(Immediatly)

(Signed) W.S. Meyer.

Ag Secretary

To the Coll. of N. Arcot.

(True Copy)

W.S. Meyer

Ag Secretary.

1893
REVENUE DEPARTMENT
No. 3
6458

Confidential

1893.

Board of Revenue

(Land Revenue),

MADRAS.

To

The Collector, Madras

True copy of Board

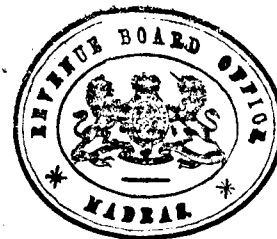
Proceedings, dated 14th Dec 1893,
No. 4098, ^{Mis.} Routine.

Subject.

3

4
4458

First
Return
Despatch



Proceedings of the Board of Revenue

(Land Revenue),

Dated 12th August 1893,

No. 4669, Mis.

READ *Letters from the Collector, dated*
7th & 8th August 1893 Referring to
nos: 4686 & 4697.

Resolution:

The two letters read above
will be forwarded to the Acting
Government Pleader with reference
to his letter of the 25th July 93 nos. 4686 & 4697.
2. The Board requests that the
Government Pleader will be asked
as to ascertain, if possible, from
the records of the High Court, what
action was taken by Mr. Ramaswami Reddy
on

on behalf of the late Poligar in
the two suits referred to in the
2nd paper read above and to
advise the Board whether the
facts elicited are likely to establish
the relation of active confidence
between the parties in question,
so as to render a suit for the
cancellation of the lease referred
to successful.

3. It has been suggested to the
Board that, under Sec. 7 of
the Limitation Act, the minor
might be able to set aside the lease
at any time up to the attain-
ment of his majority and for
3 years beyond it. The Board
would be glad of Mr. Subramania
Iyer's opinion on this point also.
The

4. The favor of a very early reply
is requested.

(True Extract)
Signed / W.S. Iyer
Ag Secretary.

To

The Ag. Secy. Pleader.

(True Copy)

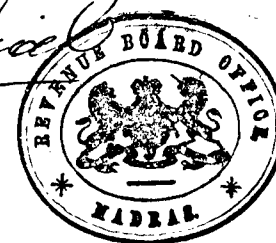
W.S. Iyer
Ag Secretary

1893.
Board of Revenue
(Land Revenue),
MADRAS.

Cum Copy of B.D.
Proceedings, dated *12-8-1893*
No. *4669* Mis. Routine. Enclosures.
Subject.

1303
REVENUE DEPARTMENT.
Enclosure No. *5*
To Current No. *6458*

Confidential
Urgent



Proceedings of the Board of Revenue

(Land Revenue),

Dated *20 August 1893*

No. *4946*

Read again Board's Proceedings of 15.9.92 ho: 5066 his

of 14.11.92 ho 7400 his

of 26.5.93 ho 3200 his

of 14.7.93 ho: 4090

of 12.8.93, ho: 4669.

Read also letter from the Government Pleader, dated
18 August 1893 ho: 617.

Resolution:-

The papers read above are
submitted to Government with reference to
G.O. dated 1st August 1891 ho: 4277 Rev:
2. The remainder of Baraganti died on
the 2nd July 1891, leaving behind him,

a mother, two widows, a son by his
second wife then aged about four years,
and a daughter by his first wife then
about three months old.

3. The estate consists of 66 Villages
(53 Ayan & 13 Inam) yielding an
annual income of about Rs 22,000. The
pachtash, land cess, and other Government
dues amount to Rs 10,643 a year. The
estate also owns a bungalow at Vellore
likely to fetch a monthly rent of Rs 30/ and
the reversionary interest in a house at
Chittoor.

4. The estate was under the management
of the Court of wards for 15 years during
the late Zamindar's minority, and was
handed over to him in ^{over} Feb. 1290 with
a cash balance of Rs 10,000. The Zamindar
spent this amount, contracted debts
heavy debts, and finally, leased
(with possession) the whole estate, ex-
cepting the house at Vellore and
Chittoor, for seven lakhs of rupees
to Mr. Ramasami Papi, Bar. at Law,
for

for a period of 32 years, one month,
and 16 days, following from 1st December
1890. Among other conditions, the lease
requires that the lessee shall discharge
or otherwise satisfy within that period
the whole of the Zamindar's debts, amount-
ing to Rs 100,192-12-0, and shall pay
the Zamindar or his heirs a monthly
allowance of Rs 200, besides a monthly
allowance of Rs 102 to some of the
Zamindar's relations.

5. So long as this lease is in force,
if the estate is taken charge of by the
Court of wards, its duties will merely
consist in receiving the monthly
allowance of Rs 200 from the lessee,
and the rent of the bungalow at Vellore,
and distributing them among the
late Zamindar's two widows, his
minor son and daughter, and his
mother. For these reasons the Collector
considered that the Court's interference
was

was unnecessary.

6. The minor's mother, however, urged that the lease was invalid on the following, among other, grounds, —

(1) That at the time of its execution the lessor was the legal adviser of the lessee, and thus stood in a peculiarly confidential relation to him; that the lessee, as he had at that time no independent legal adviser; and that the document was executed under circumstances, which would render the transaction void.

(2) That several of the lessee's creditors' debts having been contracted for improper and immoral purposes, the minor's liability to pay them is open to question;

(3) That the terms of the lease are unduly favorable to the lessee, in as much as it contains no stipulations

as to the time when the debts are to be discharged, as to the redelivery of the property free of encumbrances on the expiry of the lease, and as to terminating the lease if the debts are not paid up by the lessee within a reasonable time.

7. The Collector was requested to enquire into these allegations and report if there was good ground for thinking that the lease could be set aside by Civil Court suit. He replied that there was no evidence to show that the transaction was not bona fide, and that none of the arguments urged against the lease was sufficient to set it aside, though some of them were strong enough to entitle the lessor or his representatives to sue for damages.

8. The question was then referred to the Government Pleader for opinion, as the expediency of taking up the management

a mother, two widows & son & d.

management of the estate under the
Court of Wards depended on the
chances of obtaining possession of
the property by getting the lease
set aside -

9. From the Government Pleaders
letter disposed of in the second of the
Proceedings read above, it will be seen
that he was of opinion that if a
position of active confidence could
be established between the parties at
the time of the transaction, the
lease could be successfully impeached -

10. In his letter dated 7th February
1893 read in Board's Proceedings 26th
May 1893 No 3200. the Collector reported
that on enquiry he was not able to
elicit anything more than that ~
Mr. Ramabansi Raju had acted as
Counsel for the minor zamindars in
certain cases; and the Government
Pleader to whom this letter was also
referred & for opinion, considered
that

that the facts there stated threw no
additional light on the matter, and
that he was unable to find in them
such satisfactory evidence that Mr. Ra-
-masansi Raju was at any time the
zamindars' Confidential adviser, as
would bring the lease in question -
within the principle of S. 111 of the
Indian Evidence Act; and that he
could not therefore say that there
was a "prima facie" case in favor
of the late Pleiger's son, so that a
suit might with fair prospect of success
be instituted for the cancellation of the
lease. Vide his letter read in Board's
Procs. 14th Feb 1893 No 4098.

11. The Collector, who had been asked
to give more detailed information
(with dates) as to whether Mr. Ramabansi
Raju had appeared for or advised the
late zamindar himself in any case, ~
quoted two cases, in which that
gentleman was said to have been engaged
for

for the late zemindars; but then
Government Pleader states, that of
these two cases one is not connected
with this estate, and that the number
of the suit quoted in the other is in-
correct. The case therefore stands
practically in the same position that
it was before.

12. It must be remembered that
the property now in the hands of the
estate will not be sufficient to meet the
costs of a suit for setting aside the
lease, even if it were thought advisable
to file one on behalf of the minor,
and it will not be possible to raise a
loan on the leased property while
the lease remains in force. Further
if the lords title were contested
he would probably stop payment
of the monthly allowance to the minor
zemindar, so for taking charge of the
estate without getting possession of the
leased

leased property, the Board fears that
the scanty allowance paid by the lessee
would be hardly sufficient to meet the
expenses of management. The minor's
mother has already quarrelled with
the other ladies of the family and
the latter have asked for monthly
allowance of Rs 70, + 95 respectively for
their maintenance. Heavy expenses
will ^{again} have to be incurred in the
future for the maintenance and
education of the minor when he grows
up, and for the marriage of his sister.
13. In these circumstances the Board
considers that the intervention of
the Court of wards is unnecessary,
and it is not prepared to advise
Government to advance money for
litigating on behalf of the minor.
The

The Board is however, of opinion
that the Collectors might be authorized
to furnish the minor relations with
the opinions of the Government & Reader
and any other papers on the subject
that may be useful to them, and to
leave them to take action or not at
their own risk and discretion. The
case is no doubt a most peculiar
and disadvantageous one, but it is
very improbable that the Court of wards
could do anything to remedy this evil
in. As the limitation period for
filing a suit against the case
will expire by the 15th September next,
the Board requests the favour with
the orders of Government by telegram -
(Immediatly)

S.
The Secy to Govt. Secy.
with Collectors & other persons in charge of the matter
with Collectors & other persons in charge of the matter.

in a suit to ask him -
known that there are no funds -
submitted that there is no
security for Government &
take up the case against the
line - 4/9.

Lagu
4/9/93
5/9/93

G.O. No: 3276 d. 6-9-93
The Govt. agrees with the
Board of Revenue in con-
sidering that the intervention
of the court of wards is un-
necessary.

2. The following telegram
will be despatched to the Board.

Govt. agrees with Board
in considering court of
wards intervention regarding
Naragantipolliem unnecessary.

ordinary
6/9/93

4/9/93
To the Comrs of R.
with 209 u. n. n. n.
6/9/93

Confidential
1893. N^o 43

Board of Revenue
(Land Revenue).

MADRAS.

To

Current Number 6458

The Secretary of Govt.

RD

The Hon. Mr. Justice C.J.D.

The Hon. Secy. H.B. S. 1893.

Proceedings, dated 27 AUG 93 189 3
No. 4966 ENCLOSURES. 25

Subject.

Recommending Govt.
that the intervention
of the C.J.D. is unnecessary
in regard to taking up
the Mangalore Polliam.
In fact H.B. & myself
advise Govt. in
the matter.

P.T.O.

For orders

As to whether the Board's
opinion ^{may} be accepted.
There seems to be very little
legal ground for contesting the
lease, although some of the
provisions appear to be very
unfair, particularly the stipula-
tion that no accounts are to
be rendered by the lessee to the lessor.
On the other hand the position of
active confidence which is necessary
to prove undue influence on the
part of the lessor is not proved.
The Board also points out that
the estate has no funds independ-
ently of the ^{lands} leased, ~~from~~ to enable
the carrying on of a suit.

The Board requests instructions
by wire before the 15th instant
on which date the suit to set
aside the lease will become time-barred.

The Board's opinion is based
upon the advice of the Govt.
Sd/- Mr. Subramaniya Iyer.
The bargain made with the late
Polliam by Mr. K. Annaswami
Pillai is not above suspicion
and is advantageous to his estate.
And he is in possession of the
lands but he is in possession of the
2-9-93 is little prospect of success

First copy sent to Press.

Returned for Signature.

Despatched.

AGAIN G.O., N.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

NUMBER OF GOVERNMENT

TER OF GOVERNMENT

MENT WITH DITTO

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