CONFIDENTIAL.

Revenue (1894) Department.

G.O., No. 525
Confidential No. 632.
DATED 8 February 94

[Despatch Abstract.]

Communicating to the Board of Revenue
Pro. of the Judicial Deptt directing the Collector
of Ganjam to restore Sabattola & 16 other
villages to the Zemindar of Mandasa

BACK PAPERS.

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

FURTHER PAPERS.

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

17TH JANUARY 1894, No. 101, JUDICIAL.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again G.O., dated 6th April 1893, No. 710, Judicial.

ABSTRACT.—Passing orders on the suggestions of the Agent to the Governor, Ganjám, in regard to the dispute between the zamíndár of Mandasa and the Bissoyi of Sabakóta.

READ—also the following papers:—

From C. J. WEIR, Esq., Acting Collector and Agent to the Governor in Ganjám, to the Chief Secretary to Government, dated Camp Dowgam, 16th November 1893, R.C. No. 120/Ag. of 1893.

With reference to G.O., No. 1158, Judicial, dated 8th June 1893, I have the honour to submit the further report now called for.

2. My predecessor, Mr. Higgens, inquired into the allegations contained in the petitions of the zamíndár herewith forwarded, and, before leaving, prepared an incomplete draft letter to Government. At the last, however, Mr. Higgens was not satisfied that all the facts available had been collected, and he directed the deputy tahsildar of Sompet to make a further confidential inquiry on certain points. The deputy tahsildar's report has only been recently received by me.

3. Mr. Higgens' letter deals fully with the allegations in the zamíndár's petitions, and I think it best to reproduce it here. Its terms are as follows:—

"Referring to the last paragraph of my letter dated 25th May 1893, R.C. No. 120/Ag. of 1893, I have the honour to submit herewith the following petitions of the zamíndár of Mandasa:—

"(1) Dated 19th May 1893.

"(2) Dated 25th May 1893, mentioning certain facts in addition to those mentioned in the former petition and producing documents to support the facts stated in the two petitions.

"(3) Dated 17th June 1893, containing some additional facts, and arranging in order the facts referred to in this and two previous petitions and producing some more documents in support of the facts stated. The papers produced with the petitions are detained here. In general they support the facts in regard to which they have been produced.

"2. The substance of the zamíndár's petitions, as stated at the end of the last petition, is—

"(1) That there was never a mukhása consisting of 36 villages and paying an annual kaṭṭubadi of Rs. 100.

"(2) That no such mukhása was ever attached to the office of Bissoyi.

"(3) That the zamíndár never resumed such a mukhása and assumed the authority possessed by Government.

"(4) That the village of Sabakóta has been in the enjoyment of his family for generations past as a jiráyati village excepting a few minor inams paying a kaṭṭubadi of Rs. 70.

"(5) That the other *16* villages in the plains were never mukhása villages, but jiráyati villages in the possession and enjoyment of his family.

"(6) That he holds the 16 villages on the ghâts through the Bissoyi and receives a nazzar of Rs. 15 a year.

"3. In connection with these assertions of the zamíndár, I submit the following notes —

"(*a*) Of the 36 villages claimed by the Bissoyi as forming his mukhása, the 17 villages noted below are not to be found in the list of villages given in the maliah sanad, they being in the plains:—

1. Sabakóta.
2. Nuvagam.
3. Chinnaramgamutya.
4. Singupuram.
5. Manikyapatnam.
6. Budambo.
7. Ragapuram.
8. Bondikaro.
9. Cheepi.
10. Puthuro.
11. Bellupadra.
12. Ponkalobado.
13. Bodokolo *alias* Bettikolo.
14. Gourangasayi.
15. Bavanapuram.
16. Gonogono.
17. Venugopalapuram.

"The maliah sanad contains 28 villages and the zamíndár states that they constitute the Saba and Dubarasingi muttas and that some of them have since been deserted and some villages newly built as shown below:—

Saba mutta.

1. Yedangsayi.*
2. Kombagam.
3. Dhimirigam.
4. Bengasayi.
5. Bodobusunda.
6. Gongabado.
7. Babadenula.
8. Sunnadevulo.
9. Chamundia.
10. Bodapachudiya.
11. Sogodiya.
12. Baroghoro.
13. Gurangi.
14. Omarangi.
15. Burangi.
16. Muntasayi.†
17. Sankuda.†
18. Loba.†
19. Akhada.†
20. Burasingi.†

"The total number of villages excluding deserted villages and including those newly built —19.

Dubarasingi mutta.

1. Bolodha.
2. Antarasingi.
3. Karandi.
4. Lakhidigam.
5. Angarasingi.
6. Yellasaro.
7. Bamsogam.
8. Oijya.
9. Mulukusayi.
10. Bunjuda.
11. Tentuligam.*
12. Kusumalo.*
13. Bhalyagam.*
14. Chonogam.†
15. Hukuma.†
16. Burasingi *alias* Burosayi.†

* Deserted.

† Villages newly built.

"The total number of villages excluding deserted villages and including those newly built—13.

"The zamíndár argues that it is the 19 agency villages above named which form the Saba mutta under the Bissoyi and it is for them that the Bissoyi used to pay him an annual nazzar of Rs. 15 (not Rs. 100) a year, and that none of the 17 villages in the plains have ever been enjoyed by the Bissoyi.

"(*b*) None of the 17 plain villages now in dispute except Sabakóta are to be found in the old zamíndári sanad of 1804 unless, indeed, as is possible, No. 17 Venugopalapuram be identical with Gopalapuram or with Kasba Pata Kota shown in the sanad as Nos. 20 and 30—see the Zamíndár's petition No. 3 (paragraph 5) where, however, he alludes to Nos. 29 and 30. In the said sanad the village of Sabakóta is, as already reported, shown as jághir. Very probably the other plain villages were included under the name of 'Sabakóta' and it is possible also that there was another village included under Saba which was called Venugopalapuram, besides the Gopalapuram or Kasba Pata Kota which adjoins the zamíndár's fort. The Hakikat account of faslis 1195 to 1210 shows Sabakóta as a 'jághir of three peons (Bagusing and two others) pertaining to the mukhása jághir of the Mandasa Raja.' In another account which is also styled Hakikat of faslis 1195 to 1210 and which appears to be an abstract of the account referred to above, Sabakóta is shown as 'mukhása of Bagusing and two others under Mandasa zamíndár.' In paragraph 10 of Mr. Johnson's proceedings appended to his letter dated 31st October 1892, printed in G.O., dated 6th April 1893, No. 710, Judicial, it is said that in the Hakikat accounts of 1812, Sabakóta is given as a jiráyati village. I believe Mr. Johnson was in error in so saying, because in the records of this office there are no Hakikat accounts of 1812, and in the Hakikat accounts which I have referred to above the village in question is mentioned as a jághir and not as a jiráyati village.

"(*c*) The late zamíndár in his letter to the then Agent Mr. Horsfall, dated 31st January 1888, stated that the jághir of Sabakóta was, subsequent to the date of the permanent sanad, resumed by the estate and was being enjoyed by his family as 'jiráyati' for a long time and that *in his time* he gave to the Bissoyi some land in the village as service inam for peon's service. This may be true, but there is nothing to prove it.

"(*d*) In the last of the three petitions herewith forwarded, it is stated that, as to the rights claimed by Government over mukhása villages, a formal inquiry was held so long ago as 1862, and final orders were passed in G.O., dated 28th October 1862, No. 2298, Revenue, by which Government waived its claims to mukhásas. From the said Government Order it appears that Government has relinquished its reversionary right to 250 jághir or mukhása villages in the zamíndáris in this district, but as a copy of the list of the said 250 villages is not forthcoming in the records of this office, I cannot say whether or not the village or jághir of Sabakóta is included in it. From the Government Order it seems however clear that Government has relinquished its reversionary right to all the jághir villages in the zamíndáris in this district except Parlakimedi, Kallikot and Jalantra. Possibly however this order would not apply to jághirs attached to the office of Bissoyi.

"(*e*) In the Gudikattu Samjyayishi account dated July 1853, the following villages are given as 'maliah jághirs':—

1. Chapakota (Sabakóta).*
2. Bellupadra.*
3. Rajapuram.*
4. Putturu.*
5. Chipi.*
6. Boppakaro (Bondikaro).*
7. Manda.
8. Gopolapuramkota.*
9. Belluvayi.
10. Puttuva.
11. Dubarasingi.

Seven villages (marked *) out of these 11 are amongst the 17 villages now in dispute. The fact of the villages having been there mentioned as 'maliah jághirs' does not, I think, prove that they constituted a service inam granted to the Bissoyi as such. If they did then form the jághir of the Bissoyi, they must have been resumed by the estate at a date subsequent to 1853. On the other hand, the entries of the accounts of fasli 1257 (1847) and subsequent years produced with the zamíndár's last petition (see paragraph 10) seem to show that Saba and some other villages, though still styled mukhásas, contained lands of considerable area under the zamíndár's own cultivation, which the demand, collection and balance accounts of the late zamíndár show 'Sabasingupuram' or 'Saba, Singupuram and other villages' as 'mukhása' even in faslis 1280, 1281, 1282, 1283, 1284 and 1285, though the revenue was largely from holdings which were apparently on jiráyati tenures. The name mukhása has survived though the reason for it has gone—possibly as asserted by the Bissoyi, because of the appropriation of the lands of Saba and the villages attached to it by the late zamíndár.

"(*f*) Copies of Mr. Horsfall's proceedings, dated 2nd May 1888, and 23rd April 1890, disallowing the Bissoyi's claim to the seven villages above mentioned and two others (Singupur and Nuvagam) which are amongst the 17 villages in dispute are herewith enclosed. In the said proceedings there is no mention of the remaining eight villages, viz., (1) Chinnarangamattia, (2) Manikyapatnam, (3) Badambo, (4) Ponkalobado, (5) Badokhala, (6) Gourangasayi, (7) Bhananapuram, and (8) Gonagona, which Mr. Horsfall probably took as hamlets of the other villages dealt with by him.

"3. I have not been able to find anything on record to *prove* that any of the 17 villages in question formed part of the Bissoyi's service inam as originally constituted or that an annual sum of Rs. 100 has ever been paid to the zamíndár as kattubadi or nazzar on his service inam. On the other hand, the name of the Bissoyi's mutta 'Saba mutta' is in favour of Saba itself, and the hamlets adjoining it being part of the mutta and tradition seems to support this view. There is also no clear proof adduced by the zamíndár that Rs. 15 was the total amount of yearly payment made to him by the Bissoyi as nazzar. The demand, collection and balance accounts of faslis 1280 to 1285 already referred to merely show that Rs. 15 was due and paid on account of 'maliah gutta' (rent of maliahs) as part of the demand of the mukhása of 'Sabasingupur' or 'Sabasingupur and other villages,' but it is not stated by whom it was due or paid."

4. The points on which Mr. Higgens directed further inquiry were the following:—

(1) Whether Dubarsingi village or any other villages or hamlets in the Mandasa zamíndári are held by Bissoyi of Dubarsingi as jághir on account of his services as Bissoyi, and, if so, what these villages are and if they contain any jiráyati land of the zamíndár or subsequent inams. Mr. Higgens, I presume, wished to argue on the analogy of the facts ascertained in this inquiry.

(2) Whether there was ever any other village of the name of Venugopalapuram in the Saba mutta besides the one adjoining the Mandasa fort.

Paragraph 3 (*b*) of Mr. Higgens' draft letter will explain the object of this inquiry.

(3) Whether the late Bissoyi was descended from the peons who are shown as having held the village at the time of the permanent settlement.

5. As regards No. 3, the deputy tahsildar reports that the late Bissoyi was not descended from the original holders, but that his grandfather had been brought up by one of their descendants. This point, however, does not seem to me to be of any importance. If the villages in question were attached to the office of Bissoyi, then the zamíndár had no right to resume, whoever was the incumbent. As to (2) it has been ascertained that there was formerly another small village in the plains of the name of Venugopalapuram which has since disappeared. The village of that name at present attached, which is situated at the head-quarters of the zamíndár, has evidently been included among the disputed villages by mistake.

6. The deputy tahsildar reports that the Dubarsingi Bissoyi is enjoying certain lands in Dubarsingi and two other villages, and that for the last six years the zamíndár has been enjoying as jiráyati portions of two villages.

7. Leaving out of consideration for the present the village of Sabakóta, I consider the zamíndár's claims to the remaining 18 villages in the plains stands on very strong grounds. There is no evidence worth anything in my opinion save such vague entries against them as "maliah jághirs" to show that they were ever attached to the office of Bissoyi. Such entries would, I think, be explained by the remarks in paragraph 2 (*b*) of Mr. Johnson's letter No. 405/Ag., dated 31st October 1892, read in G.O., No. 710, dated 6th April 1893, Judicial. On the other hand these lands are situated in the plains and are presumably within the area covered by the zamíndár's permanent sanad. They were, it is clear, not in existence at the time of the permanent settlement, but it cannot, I think, be disputed that the zamíndár took rents on all lands newly brought into cultivation within the limits of his estate as given him by the permanent settlement.

8. As regards the village of Sabakóta itself. It was undoubtedly held as a jághir originally and held no doubt for long by the Bissoyi. Whether it was held by him in return for his services as Bissoyi is not so clear, and I doubt if any presumption would arise that it was so held. In this connection I would invite the attention of Government to the query raised at the end of paragraph 3 (*d*) of Mr. Higgens' draft.

9. The zamíndár undoubtedly intends to sue if the attachment on these 19 villages is continued. The suit might perhaps be successfully opposed as regards Sabakóta itself, but I much doubt if we could answer his claim to the other villages.

From the Agent to the Governor in Ganjám, dated Chatrapur, 25th December 1893, R.C. No. 349/Ag. of 1893.

ABSTRACT.—Forwarding a copy of list of villages attached to Mandasa zamíndár's sanad granted in 1804.

ORDER—dated 17th January 1894, No. 101, Judicial.

G.O. dated 6th April 1893, No. 710, Judicial, was passed under a misapprehension. It was understood from Mr. Johnson's letter of the 31st October 1892 that the following facts were undisputed:—

(1) that the Sabakóta Bissoyi holds an inam of 36 villages for which he pays an annual nazzar of Rs. 100 to the Zamíndár of Mandasa;

(2) that the Zamíndár had resumed 20 of the inam villages, forgoing the said nazzar.

2. But the case as now put bears a very different aspect. The existence of the mukhása of 36 villages is disputed; the payment of the nazzar of Rs. 100 is

denied and the Zamíndár asserts that, with the exception of a few minor inams paying a kattubadi of Rs. 70 in Sabakóta, all the villages concerned (17 in number apparently) are jiráyat.

3. No evidence is forthcoming to refute the Zamíndár's claim to 16 villages. The seventeenth (Sabakóta) appears in the Sanad-i-milkíyat Istimrár as "jághir" but beyond that there is little, if anything, to show that it was originally a State-inám and nothing to prove that it was ever attached as such to the office of the Bissoyi. Moreover, as the Zamíndár points out, the Government in G.O. dated 28th October 1862, No. 2298, Revenue, decided, as a matter of policy, to waive its claim to the mukhásas in the ancient Zamíndárís of Ganjám. The Agent raises the question whether this Proceedings of 1862 applies to Bissoyi-ináms; the answer will be in the negative but the matter need not be considered in the present case as Sabakóta is not proved to have ever been an inam of this description.

4. Under these circumstances the Collector will restore Sabakóta and the other 16 villages on the plains to the Zamíndár and will express to the Zamíndár on behalf of Government regret for the course adopted in the first instance.

5. It appears from the correspondence that the Bissoyi enjoys certain minor inams in the village of Sabakóta. If the inams in question were annexed to the Bissoyi's office by the State the Zamíndár is of course precluded from interfering with them.

6. The following telegram will be despatched to the Collector and Agent:—

"22. Your letter 16th November. Release Sabakóta and other 16 villages from attachment. Order follows."

(True Extract.)

Chief Secretary.

To the Collector and Agent of Ganjám.
" Revenue Department. with 4 sp. copies.

Exd. S. J. Pereira.

1894

Govt. of {1894} Madras.

JUDICIAL.

Current No 994

CONFIDENTIAL.

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Recd.

GOVERNMENT OF MADRAS
5 FEB 94
REVENUE DEPARTMENT

Encl.

G.O., 17th January 1894, No. 101.

JANUARY.

Zamindar of Mandasa and the Bissoyi of Sabakota.

Directing, under the circumstances stated, the Collector to restore Sabakóṭa and the other 16 villages to the Zamíndár of Mandasa and to express regret on behalf of Government for the course adopted in the first instance.

Confidential

G.O nos No 525 & 8-2-94

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