

2B

Revenue Department

E.M.C. dated 20th Jan 1857

Back 22 - 23

Order no 69 dated 20th Jan 1857

(15 shillings)

Fort Saint George, Revenue Consultation of 20th January 1857.

No 22. Read the following letter from J. D. SIM, Esq., Acting Secretary to the Board of Revenue, to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, dated Fort Saint George, 17th December 1856, No. 4292.

Sir,

From Comr. N. C. Pro. to Rajahmundry 14th May 1855.

From Rajahmundry 29th Sep. in N. C. Con. 11th Oct. 1855.

From Colr. 2d Sep. in Con. 17th Dec. 1856.

I am directed by the Board of Revenue to submit for the consideration of Government, the accompanying papers connected with the claim of an Enamdar in the Rajahmundry District to a refund of the proceeds of his Enam under the following circumstances.

2. A former Zemindar of Peddapore in that District granted a village, subject to a Cuttoobady of Pagodas 100, to one N. Venkatacharloo, by whom it was enjoyed as well as by his son, and on their death it was held by their widows. The Zemindar however subsequently resumed it, and in lieu granted the widows 16 Pooties of land, assessed at 123 Pagodas, out of which, 1½ Pooty was transferred by one of them to the grandfather of the present claimant in 1796.

3. In 1809 the then Zemindar fixed a Cuttoobady of 50 Pagodas on the entire extent of 16 Pooties, but this quit rent was paid only on 14½, the remaining 1½ being enjoyed rent-free by the present claimant until Fusly 1250, when the then Proprietor resumed the entire grant.

4. The present claimant's title being borne out by the accounts, the Commissioner in October 1855 ordered restoration of the Enam.

5. The Enamdar now claims repayment of the proceeds of the Enam from Fusly 1250 to Fusly 1264. The actual collections were Rupees 365-11-2 of which Rupees 26 were realized by the Zemindar himself in Fusly 1250, Rupees 44-8-0 were collected in Fusly 1251 to Fusly 1253 while the Estate was under attachment and credited to the arrears against the Estate and the balance Rupees 275-3-2 was carried to the account of Government, into whose possession the Estate had passed.

6. Under the circumstances above explained, the Board consider that the Enamdar is entitled to the two last mentioned sums both having in reality been realized by Government and they desire me to request sanction for payment of the aggregate amount, Rupees 339-11-2.

No. 23.

ORDER THEREON, No. 69; Date: 20th January 1857.

The Board submit with their recommendation an application from M. Rungah Charloo an Enamdar in Rajahmundry for the refund of the proceeds of his Enam for the period during which he has been kept out of possession of it; the same having been resumed by a Zemindar of Peddapore and restored by the Commissioner.

2. The Enam in question ½ Pottie in extent was transferred to the grandfather of the present claimant in 1796 by an Enamdar out of an Enam of 16 Potties granted to him by the Zemindar. It was enjoyed accordingly till Fusly 1250 (1840-41) when the proprietor resumed the entire grant. Fifteen years after or in October 1855 and when the Estate had become the property of Government, the Commissioner restored the Enam and now Government are asked to pay the intermediate profits.

3. It is a rule well known that a Zemindar can only alienate land for his own life, and that a succeeding Zemindar is at liberty to resume such a grant. In the case under notice the original grant was an entire village; but the grantor subsequently resumed it and in lieu assigned the 16 Potties of land above alluded to, thus proving that the grant was not irreversible. Further, the acquiescence of the holder of the resumed portion in its resumption, for a term of fifteen years, proves that he did not doubt the legality of the resumption. The general right of resumption would indeed be qualified if it could be shown that the Enam was given before the permanent settlement, and was excluded from the assets of the Estate, but nothing is said on this point.

பாதுகாப்பு பிரிவு

செயலிடுபவர் பெயர் : *செ. ராமச்சந்திரன்*

செயலிடுவதற்காக

எழுத்துக்கொள்ளப்பட்ட நாள் *20/1/2006*

செயலிட்டு முடித்த நாள் *20/1/2006*

செ. ராமச்சந்திரன்

சரிபார்க்கும்

சரிபார்க்கும்

ஆர். வி. சி

முதல் மு.நி.பா.எ.

2ம். நி.பா.எ.

உதவியாளர்

கையொப்பம்

கையொப்பம்

கையொப்பம்