Revenue Department

Minutes of Consultations

14th September 1858

Book No 45 & 46

Order No 1241 of 13th September 1858

Fort Saint George, Revenue Consultation of 14*th September* 1858.

No. 45. Read the following Extract from the Proceedings of the Board of Revenue, dated 13th August 1858, No. 3057.

In Con. 13*th August* 1858. Read letter from the Collector of Rajahmundry, dated 15th July 1858.

(Here enter No. 80.)

In Con. 9*th February* 1857.
In Con. 18*th June* 1858. Resolved that the above letter be laid before Government, with reference to Extract Minutes Consultation, dated 20th January 1857, No. 69, R. D. and 22d January 1858, No. 88, R. D.

1. From the Collector's explanation, it will be observed that the detailed accounts of the average collections of eight years from 1778 to 1785, on which the permanent settlement was based in 1803, are not now forthcoming; and that it is impossible, therefore, to determine whether the $1\frac{1}{4}$ Pooty of Enam, restored to the present claimant, forms part of the 10 Pooties, which were deducted from the assets of the Estate.

2. The village was originally granted in 1761 by the then Zemindar. It was enjoyed, subject to a quit-rent of 100 Pagodas by the grantee and his son, and while in the possession of their widows, was resumed by the Zemindar, who, in lieu, granted them 16 Pooties, assessed at Pagodas 123. One of these widows alienated the $1\frac{1}{4}$ Pooty, now under consideration, in 1796, to the grand-father of the party now holding it. The permanent assessment was fixed in 1803, so that these transactions were prior to it.

3. In 1809, the then Zemindar placed a quit-rent of 50 Pagodas on the whole 16 Pooties; but it is alleged that this sum was paid only on $14\frac{3}{4}$ Pooties, the remaining $1\frac{1}{4}$ Pooties, the subject of this reference, being enjoyed free.

4. In Fusly 1250, A. D. 1840-41, the then Zemindar resumed the whole 16 Pooties, and four years afterwards, or in Fusly 1254 A. D. 1844-45, the Estate reverted to Government.

5. The Commissioner ordered the restoration of the Enam in 1855, when it had been 15 years out of the possession of the grantee's family, but on the other hand, its restoration was claimed in 1845, though, from some unknown cause, the application was not then disposed of. The delay was not caused by the parties interested; and assertion of the claim would bar the operation of Section IV. Regulation XXXI. of 1802.

6. The Board conclude that the 16 Pooties were not excluded from the permanent assets: they were then free of quit-rent altogether; and there is no reason to suppose, that, under such circumstances, a portion of them only would have been excluded, and the whole obviously could not have been; as the entire Enam area excluded, was only 10 Pooties. The alienation was, however, prior to the permanent assessment, and the Commissioner only restored possession, subject to the result of future enquiry.

7. It does not appear from the records of the late Commissioner's Office, that any other Enams were granted without the permission of Government.

8. With reference to para. 3 of Extract Minutes Consultation 22d January last, R. D., No. 88, the Board would explain that their Proceedings of the 14th December 1857, No. 4519, were intended solely for the Collector, and therefore touched only on the single point on which the Board were in doubt. Their transmission to Government occurred by an oversight.

In Cons. 18*th June* 1858.

(A true Extract.)

(Signed) J. D. SIM, *Secretary*.

No. 46. ORDER THEREON, No. 1241; dated 13th September 1858.

1. In their Proceedings recorded above the explanation of the Board of Revenue is submitted respecting the *Rangapuram* Inám in Rajahmundry, in accordance with Extract Minutes Consultation 20th January 1857, No. 69, and 22d January 1858, No. 88.

2. The two points on which the decision of Government is required are, first, whether the Commissioner's act in restoring the Inám shall be recognized and confirmed, or cancelled; secondly, whether in the event of the Government being pleased to take the former course, the Inámdár's claim* for mesne profits shall be admitted.

* *Rupees* 339-11-2.

3. On a consideration of the whole history of the Inám the Government do not view the claimant's title as valid. The Inám is a double alienation, and has never been confirmed by a competent authority. The act of the Commissioner in restoring it under any circumstances, without reference to Government, has already been declared irregular. As regards the claim for mesne profits the Government have no hesitation in rejecting it absolutely, as the Inám was restored by the Commissioner without authority after long resumption, and in the absence of any valid title on behalf of the claimant. It only remains to decide whether any indulgence shall be bestowed upon the present holder. Looking at all that has passed, the Government are unwilling to disturb him during his life time, but they direct that the Inám be, at his death, assessed to the revenue without further discussion or report.

(Signed) T. PYCROFT,
Chief Secretary.

Rev 1295

The Explanation of the Board of Revenue is now submitted, in accordance with E.M.C 20 Jan/57 & 22 Jan/58 and the orders of the Govt are requested (1) as to whether the Commissioners act shall be recognized & confirmed, or cancelled; (2) whether in the event of the order for the restoration of the Inám being confirmed, the Inámdars claim for mesne profits shall be admitted+. The

+ Rs 339-11-2.

question whether any other Indians than the present one have been similarly restored by the Commissioner is answered in the negative

W.H.
aug 18.

I do not consider that this Indian title as a valid title.

It is an alienation fr. an alienation not confirmed by a competent authority and being subsequent to the date fixed by the regulations it cannot be recognized.

Nor do I consider that the Govt. order for its restoration was altogether correct & must be cancelled

But as the grant was made before the permanent settlement perhaps the case might have been viewed favorably had it been reported

at the first.

On the other hand the proceedings of the Govt. left the claimant little right to set up [illegible] possession. It does appear that the remaining 10 patties are still under consideration but whether fr. lapse or what cause does not appear

Under no circs can the claim for mesne profits be recognized

The alienation took place in 1796 (more) than 40 years ago but this has an indirect title. The usurpation of the Jaggirdars for 4 years should not be allowed to destroy the title in question. I think it ought to be left as against the Government

W.H.

No 1241.

Extract from the Minutes of Consultation
Under date the 13th September 1858.

Read the following
extract from the Pro: of the
Board of Revenue —
(Rec'd enter 13th day 1858.)

1. In their proceedings recorded
above the Explanation of
the Board of Revenue is
submitted respecting the
Rangapuram Inam in
Rajamundry, in accor-
dance with S.M.C. 20 Jan
1857 No 69 and 22 Jan
1858 No 38.

2. The two points on which
the decision of Govt is requir-
ed are First whether
the Commissioners act
in restoring the Inam

shall be recognized and confirmed, or cancelled; Secondly whether in the event of the Govt being pleased to take the former course, the Inámdár's claim for mesne profits shall be admitted

+ R. 339. 11. 2.

3. On a consideration of the whole history of the Inám the Govt do not view the claimant's title as valid*. The act of the Commissioner in restoring it under any circumstances, without reference to Govt has already been declared irregular. As regards the claim for mesne profits the Govt have no hesitation in rejecting it absolutely,

* The Inám is a double alienation, and has never been confirmed by a competent authority.

as the Inám was restored by the Commissioner without authority after long resumption, and in the absence of any valid title on behalf of the claimant.

Only remains to decide whether any indulgence shall be bestowed upon the present holder. Looking at all that has passed, the Govt are unwilling to disturb him but during his life time but they direct that the Inám be, at his death, escheated to the Revenue without further discussion or report.

Sept 1.

3 Copies to the Bd of Revn Dated 11th with an Enc.

Revenue 1858 Departt.
Dr to Cons 14th Sept.

No 1246.

To Extract Mins of Cons:
Dy 13th Sept: 58.

Cons 26 June s-8 nw 23-4

No 4540.

On a consideration of the whole history of the Rungapooram Enam in Rajahmundry, do not view the title of the present holder as valid. We are unwilling, however, to disturb him during his life time; but direct that the Enam be, at his death, assessed to the revenue, without further discussion or report.

22

Sept 23