Revenue Department.

G.C No 1301 of 24.9.1858

Back No 25-26

Diary 28.9.1858

No. 25. Read the following Extract from the Proceedings of the Board of Revenue, dated 14th September 1858, No. 3466.

In Con. 8th July 1858. Read again letter from the Collector of Vizagapatam, dated 10th June 1858.

In Con. 10th Augt. 1858. Read again also letter from the same Officer, dated 28th July 1858.

Resolved that the above letters be submitted for the orders of Government.

2. Muntri-rutnum Nursammah, widow of Ramanooja Charloo one of the sharers of the Agraharum of Kylasaputnum within the proprietary estate of Woorutlah in Vizagapatam, appealed to the Board from a decision by the Collector, dated 28th November 1857, in which he rejected her claim to receive possession of the Estate, landed and otherwise, of her late husband, and maintained in possession Balaramanooja Charloo, the nephew (sister's son) and it is said, adopted son of the deceased.

3. The widow had before this filed a Pauper suit before the Principal Sudder Ameen, claiming the Estate on the ground that the adoption of a sister's son is opposed to the Hindoo law, and this plea was admitted, and her claim would have been tried on its merits, but that certain Agraharum land is included in the Estate sought, and to sue for this, the Principal Sudder Ameen held that the prior permission of Government was necessary. He added that he thought Petitioner could obtain adjustment of her claims without a Civil suit through the Revenue authorities, under the Enam rules.

4. On this hint she applied to the Collector, who addressed the Pundits of the Sudder Court on the question of the legality of the adoption and on the opinions given, passed the decision from which the widow now appeals.

5. Mr. Reade's decision is drawn out after the fashion of a decree in a Civil suit, and professes to decide who is the legal heir of the deceased in direct opposition to the opinion of the senior Pundit of the Sudder Court and of all standard books on Hindoo Law.

6. As a decision on this point which he had no power to decide, the Collector's decision is of no legal weight whatever ; but as it purports to maintain in possession a near relative of the deceased, it is perhaps unobjectionable as a temporary measure.

7. The question at issue must evidently be decided yet by a competent Court, and the Board therefore called on the Collector to report whether any objection existed to the grant of the necessary permission under Regulation IV. of 1831.

8. In his reply, above recorded, he states his opinion that such formal permission is not required in the case of Agraharums, on which it is sufficient for the Board to remark, that the Government in Extract Minutes Consultation 22d May 1857, No. 487, R. D. have decided otherwise.

9. They will therefore state the facts connected with the Agraharum for the orders of Government.

10. It is included in the proprietary Estate of Woorutlah and was granted in 1790, by the then Zemindar to the father of the deceased Ramanooja Charloo.

11. Deceased and his two brothers divided the family Estate, and enjoyed the Agraharum in three distinct shares. There seems no doubt that the family is a divided one, and the question of succession to the share of deceased whether by his widow, or his nephew, depends on the legality or otherwise of the alleged adoption as declared by a competent Court.

12. The Board therefore resolve to recommend to Government that permission be granted under Regulation IV. of 1831, to the widow Muntri-rutnum Nursammah, to prosecute her claim to this Agraharum land in the Civil Courts.

(A true Extract.)

(Signed) J. HUDLESTON, *Sub-Secretary.*

No. 26. ORDER THEREON, No. 1301; dated 24th September 1858.

Under the provisions of Sec. II. Reg. IV. of 1831, the Right Honorable the Governor in Council grants authority to *Mantri-rutnam Narasammá*, to prosecute her claims in the Courts for

the share of Agraháram land which she represents to be wrongfully withheld from her by *Balarámánujáchárlu*. This permission is granted on the distinct understanding that the claims of the State in the Agraháram in question are to be in no wise affected thereby.

(Signed) T. PYCROFT,
Chief Secretary.

No. 3466.

Extract from the Proceedings of the Board of Revenue, dated 14th September 1858.

In Con. 8th July 1858. Read again letter from the Collector of Vizagapatam, dated 10th June 1858.

In Con. 10th Augt. 1858. Read again also letter from the same Officer, dated 28th July 1858.

Resolved that the above letters be submitted for the orders of Government.

2. Muntri-rutnum Nursammah, widow of Ramanooja Charloo one of the sharers of the Agraharum of Kylasaputnum within the proprietary estate of Woorutlah in Vizagapatam, appealed to the Board from a decision by the Collector, dated 28th November 1857, in which he rejected her claim to receive possession of the Estate, landed and otherwise, of her late husband, and maintained in possession Balaramanooja Charloo, the nephew (sister's son) and it is said, adopted son of the deceased.

3. The widow had before this filed a Pauper suit before the Principal Sudder Ameen, claiming the Estate on the gronnd that the adoption of a sister's son is opposed to the Hindoo law, and this plea was admitted, and her claim would have been tried on its merits, but that certain Agraharum land is included in the Estate sought, and to sue for this, the Principal Sudder Ameen held that the prior permission of Government was necessary. He added that he thought Petitioner could obtain adjustment of her claims without a Civil suit through the Revenue authorities, under the Enam rules.

4. On this hint she applied to the Collector, who addressed the Pundits of the Sudder Court on the question of the legality of the adoption and on the opinions given, passed the decision from which the widow now appeals.

5. Mr. Reade's decision is drawn out after the fashion of a decree in a Civil suit, and professes to decide who is the legal heir of the deceased in direct opposition to the opinion of the senior Pundit of the Sudder Court and of all standard books on Hindoo Law.

6. As a decision on this point which he had no power to decide, the Collector's decision is of no legal weight whatever; but as it purports to maintain in possession a near relative of the deceased, it is perhaps unobjectionable as a temporary measure.

7. The question at issue must evidently be decided yet by a competent Court, and the Board therefore called on the Collector to report whether any objection existed to the grant of the necessary permission under Regulation IV. of 1831.

8. In his reply, above recorded, he states his opinion that such formal permission is not required in the case of Agraharums, on which it is sufficient for the Board to remark, that the Government in Extract Minutes Consultation 22d May 1857, No. 487, R. D. have decided otherwise.

9. They will therefore state the facts connected with the Agraharum for the orders of Government.

10. It is included in the proprietary Estate of Woorutlah and was granted in 1790 by the then Zemindar to the father of the deceased Ramanooja Charloo.

11. Deceased and his two brothers divided the family Estate, and enjoyed the Agraharum in three distinct shares. There seems no doubt that the family is a divided one, and the question of succession to the share of deceased whether by his widow, or his nephew, depends on the legality or otherwise of the alleged adoption as declared by a competent Court.

12. The Board therefore resolve to recommend to Government that permission be granted under Regulation IV. of 1831 to the widow Muntri-rutnum Nursammah, to prosecute her claim to this Agraharum land in the Civil Courts.

(A true Extract.)

Sub Secretary.

To

T. PYCROFT, Esq., *Chief Secretary to Government.*
Copy to Collector of Vizagapatam.

D/to Cons 26th May/27/1849

Revenue 1858 Department
D/to Cons. 28th September
No. 1466

Extract from the Proceedings of the Board of Revenue

Dated 11th } September 1858,
Recd 15th }

8 Enclo:

No. 3466.

Submitting with the Board's remarks, letters from the Collector of Vizagapatam relative to the claim preferred by the widow of one Ramanuja Charloopa Share in the Agraharam of Kylasa put=nam within the proprietary Estate of Woorutlah in that District, to the property of her late husband and recommending that she be permitted to prosecute her claim in the Civil Courts.

No. 1301. 24th September 1858

With an Order

No. 25026.

c 17th Sep 1823

No. 1301

Under the provisions of § II Regn of 1831 the R.H. the G in C grants authority to Mantri-sahnam Narasamma to prosecute her claims in the Court for the share of Agrahāram land which she represents to be wrongfully withheld from her by Balarāmānujāchārla. This permission is granted on the distinct understanding that the claims of the State in the Agrahāram in question are in no wise affected thereby.

True Extract

24 Sept/58

3 Copies to the Board, 1 ... Dist. ... with 8 Encls