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Revenue Department.

Minutes of Consultation.

12th March 1858.

Back Nos 9 & 10.

Order No 284 of 3rd March 1858.

12 Sheets

செப்பனிடுபவர் பெயர்
செப்பனிடுவதற்காக எடுத்துக்
கொள்ளப்பட்ட நாள்
செப்பனிட்டு முடித்த நாள்
சரிபார்க்குநர்
மு. நி. பா. எழுத்தர்
ஆராய்ச்சி உதவி
யாளர்
கையொப்பம்

Fort Saint George, Revenue Consultation of 12th March 1858.

No. 9. Read the following Extract from the Proceedings of the Board of Revenue; dated 13th February 1858, No. 611.

Read letter from the Collector of Cuddapah dated 28th November 1857* with Tabular Statement, respecting a lapsed Bhatavritty enam in the village of Panta Cuddapah.

**In Consultation 13th Feby. 1858, No. 4802.*

(Here enter No. 122.)

2. This enam is a Bhatavritty enam bearing an assessment of 77½ Rupees.

3. No Sunnuds are forthcoming and it is not known when or by whom it was granted.

4. In the Pymaish account its appears in the names of M. Ramabhotloo, and Ramoodoo, and in the enamity account in that of the son of the former, Cadaparoydoo.

5. The last incumbent was one Cadaparoydoo, but it seems doubtful whether he was the person of that name entered in the Enamity account. The deceased has left a daughter named Soobummah. The last holders title has long been disputed by the Nephews of Ramabhutloo, Ramiah and Soobiah who had an elder brother (since dead) also named Cadaparoydoo. The pretensions of these persons came before the Board in 1845, and they then abstained from interfering as Cadaparoydoo (the last incumbent) had been in possession for upwards of 30 years but desired the Collector to intimate to Ramiah and Soobiah that if desirous of having their claims formally investigated they should address Government under Regulation IV. of 1831.

F. C. 4th Sept. in Cons. 16th Oct. 1845.
To Cuddapah 28th May 1846.

6. This course does not appear to have been followed by these parties who however now again prefer their claims.

7. The evidence before them is so unsatisfactory and conflicting that the Board feel unable to form any decided opinion on their claims.

From Cuddapah 10th April.

8. As Enams of this description have usually been continued in Cuddapah on the ground of long possession the Board recommend as the most expedient course, that Soobummah be placed in possession of the enam as nearest heir of the party who held possession of it for a lengthened period and that the other claimants be referred to the Courts, to establish their rights.

In Cons. 28th May 1846.

9. The alienated portions can either be resumed or restored to Soobummah at the pleasure of Government, the alienations being set aside for the reasons given in paras. 6 and 7 of the Collector's letter above recorded.

10. The Enam will be subject to report on the next lapse whether retained by Soobummah or adjudged to the rival claimants by any future decree of Court.

11. The lapse now reported should have been submitted for orders at a much earlier period.

(A true Extract.)

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

No. 10. ORDER THEREON, No. 284; dated 3rd March 1858.

Lapsed Bhatavritty enam in Cuddapah.

	A.	C.	A.
Extent	7	24	13.
	Rs.	*A.*	*P.*
Assessment	77	8	5.

In 1852, Cudaparoydoo who had for 36 years been in possession of this enam, died leaving a son, who survived him but a short time, and whose widow Soobumma claims to succeed.

Cudaparoydoo claimed to hold the enam of right as adopted son of Ramabhotloo whose name appears in the Pymaish accounts, and in the Enamaty accounts this enam is entered in the name of "Cudaparoydoo, the son of Mereyalu C. Ramabhotloo."

The right of the deceased Cudaparoydoo was not undisputed during his life time.

In 1845, two individuals, Ramiah and Soobiah (who have now renewed their claim) asserted their right to the enam in preference to that of the deceased, styling themselves sons of one Pooliah, who they said was brother to Ramabhotloo, and affirming that the Cudaparoydoo whose

name appears in the Enamaty accounts was not identical with the deceased, but was an elder brother of their own, who had many years before gone to Benares, and not since been heard of. They also denied the truth of the adoption of deceased by Ramabhotloo, and excused their prolonged silence while the enam was in possession of the deceased, by asserting their absence from the district.

The relationship of their father Pooliah to Ramabhotloo was denied by the deceased (as were all their other assertions), and the evidence produced on either side to this fact was very contradictory.

Letter from Collector to Board dated 10*th April* 1846, *para.* 9.
Para. 10.
From Bd. to Collr., dated 28*th May* 1846.

The Collector stated his opinion that Ramiah and Soobiah had failed to establish any claim to the estate, and his belief that the adoption of deceased by Ramabhotloo had really taken place, and the Board maintained the deceased Cudaparoydoo in possession, and left Ramiah and Soobiah at liberty to seek permission for filing a civil suit on the subject, which they have never done.

As these individuals have now re-asserted their claim, it is necessary that Government should express their opinion on it.

The evidence as to the relationship of their father to Ramabhotloo (whose right of possession is undisputed by all parties) was contradicted by that of the witnesses produced by the deceased, and was not held to establish their claim by the Collector in 1846.

Letter dated 28*th November* 1857 *paras.* 2 *and* 4.

That on their behalf, given by the curnums of the village, and adverted to by the present Collector as of some weight, appears to Government to be deserving of little credit as coming from persons capable of the conduct, admitted by themselves, and recorded in para. 6 of the present Collector's letter, and it may be noted as worthy of remark that in 1846 the Collector did not consider it even deserving of mention.

See para. 5 *Collr.'s letter of April* 1846.

The Memorandum in the Enamaty account of Fusly 1229 (A. D. 1820), that the Estate was then placed temporarily in the charge of Bollaya, brother of the deceased, during his absence on pilgrimage to Benares, strengthens the probability of the deceased having been really the person to whom the entry in the enam accounts of "Cudaparoydoo, son of Mereyaloo C. Ramabhotloo" was intended to refer, and the mode in which the present claimants attempted by a manifest forgery to turn that circumstance to their own favor tends to throw discredit on the whole of their statements, which is still further increased by the circumstance recorded in para. 7 of the Collector's letter of 1846, and by those connected with the pretended alienations from the enam detailed in paras. 6 and 7 of the present Collector's letter of November last.

On consideration of all the circumstances connected with this claim preferred by Ramiah and Soobiah, its inherent improbabilities, its associated frauds, its late assertion, after the deceased had been 30 years in possession, and the fact that the claimants have subsequently during a series of years taken no step to bring their claim before a Court of Law, the Government are of opinion that it is altogether undeserving of consideration, and that there is now no sufficient reason for permitting them to prosecute it in the Courts.

In 1846, the Collector pronounced himself satisfied of the truth of the adoption of the deceased by Ramabhotloo, and the question of its legality, which the present Collector seems disposed to raise, does not in the opinion of Government call for much consideration in a case such as the present, when no absolute legal right to succeed to the enam could be asserted by any one, the succession being primarily dependant on the consent of Government to its renewal; but they also think it still further unnecessary, because the "blood relations" whose preferable claim the present Collector is disposed to advocate would appear to be no other than the self-styled "nephews" of Ramabhotloo, the claimants Ramiah and Soobiah, in whose asserted relationship the Government are not disposed to place any reliance whatever.

The only remaining claimant being Soobummah, the widowed daughter-in-law of the deceased, the Right Honorable the Governor in Council authorizes the continuance of the enam to her, for her life, and directs that it be resumed after her death. The whole of the enam will be placed in her possession, the alienations stated to have taken place, bearing palpable indications of the same fraudulent intention, which has so long been at work to injure the deceased, and being otherwise such as the Government would not be disposed to recognise.

Very reprehensible delay has occurred in bringing to notice this lapse which took place in 1852.

(Signed) H. FORBES,
Acting Secretary to Government.

№ 1206.

From,

T. Pycroft Esqr.

Secretary to the Board of Revenue

To

J. H. Cochrane Esqr.

Acting Collector of Cuddapah.

Sir,

I am directed by the Board of Revenue to acknowledge the receipt of your letter of the 10th April last reporting upon the claims advanced to a Bhutwar-tee Enam in your District, and leaving it "for the higher authorities to decide whether the disputed Enam under all the circumstances of the case is to continue in the possession of the Defendant, or to be presumed on behalf of Government".

2. From your report it appears that the present holder of the Enam has been in possession of it for the last 30 years, under a title which, if it be not altogether free from doubt, need not

for,

for the present at least be called in question - As respects this person therefore no immediate interference with his holding nor reference to Government seems necessary. When a lapse occurs it should be reported for orders under the usual rule.-

3. The Board do not consider it within their provines to offer any opinion upon the pretensions to the Enam advanced by the Complainants Ramunnah and Soobiah. The Enam being Bhutwartee or Charitable falls clearly under Regulation IX 1831, and claims to it can be adjudicated only by Government. If therefore those parties are desirous that their right to it be formally and regularly brought to issue they should apply to the Governor in Council with whom, should he see grounds to permit the enquiry, it will rest to order it to be conducted "by such persons and in such manner as he may deem fit."

fit." You will be pleased to communicate this to the Complainants.-

Revenue Board Office,
Fort St. George,
28th May 1846.-

I have &c.
/Signed/ J. Pycroft
Secretary.

To,
J. H. Cochrane Esqr.
Acting Collector of
Cuddapah.

/A true Copy/
G. D. Forbes
Secretary.

Encl:

In the Board's Proceedgs to the Actg Rev: Secretary to Government dated 13th February 1858 No 611.

R 221/58

Copy

of Board's letter to the Actg Collector of Cuddapah dated 28th May 1846. No 1206.-

Regarding Bhuttavatty Enam.-

No. 611.

Extract from the Proceedings of the Board of Revenue, dated 13th February 1858.

In Con. 13th Feby. 1858, No. 4802. Read letter from the Collector of Cuddapah dated 28th November 1857 with Tabular statement, respecting a lapsed Bhatavritty enam in the village of Pauta Cuddapah.

(Here enter No. 122.)

2. This enam is a Bhatavritty enam bearing an assessment of 77¼ Rupees.

3. No Sunnuds are forthcoming and it is not known when or by whom it was granted.

4. In the Pymaish accounts it appears in the names of M. Ramabhotloo, and Ramoodoo, and in the enamity account in that of the son of the former, Cadaparoydoo.

5. The last incumbent was one Cadaparoydoo, but it seems doubtful whether he was the person of that name entered in the Enamity account. The deceased has left a daughter named Soobummah. The last holders title has long been disputed by the Nephews of Ramabhutloo, Ramiah and Soobiah who had an elder brother (since dead) also named Cadaparoydoo. The pretensions of these persons came before the Board in 1845, and they then abstained from interfering as Cadaparoydoo (the last incumbent) had been in possession for upwards of 30 years but desired the Collector to intimate to Ramiah and Soobiah that if desirous of having their claims formally investigated they should address Government under Regulation IV of 1831.

P. C. 4th Sept. in Con. 16th Oct. 1845.

To Cuddapah 28th May 1846.

6. This course does not appear to have been followed by these parties who however now again prefer their claims.

From Cuddapah 10th April In Con. 25th May 1848.

7. The evidence before them is so unsatisfactory and conflicting that the Board feel unable to form any decided opinion on their claims.

8. As Enams of this description have usually been continued in Cuddapah on the ground of long possession the Board recommend as the most expedient course, that Soobummah be placed in possession of the enam as nearest heir of the party who held possession of it for a lengthened period and that the other claimants be referred to the Courts, to establish their rights.

9. The alienated portions can either be resumed or restored to Soobummah at the pleasure of Government, the alienations being set aside for the reasons given in paras 6 and 7 of the Collector's letter above recorded.

10. The Enam will be subject to report on the next lapse whether retained by Soobummah or adjudged to the rival claimants by any future decree of Court.

11. The lapse now reported should have been submitted for orders at a much earlier period.

(A True Extract.)

Sub Secretary.

H. FORBES, Esq.

Acting Secretary to Government

Revenue Department.

Copy to the Collector of Cuddapah.

Rec. 1858 Department
by to Canal 12th March
No 221.

Extract from the Proceedings
of the Board of Revenue

Date 1st
Rec'd 18th February 1858.
12 Encls.
Mr. Retired
No 611.

No 284. 3rd March 1858.

Reporting on the case
of certain Lapsed Shut
-ters Known as the Dustic
of Kuddapah.

RD

No 284. 7F

Extract from the Minutes of Consultation
Under date the 3rd March 1858.

Read the following extract
from the Proceedings of the Board of Rev.
(Here entered 13th February 1858 No 611)

Pakanerty
Lapsed Inam in
Cuddapah.

A. C. A
Estt. 7.24.13.
Assd. J.B. a. P.
V. S. S

In 1852. Cudapah applied
for had for 36 years
been in possession of
this Inam. Distt. Comm
-ission. The investigation
but a short time. and
there Vizier Sobrumna
claims & succeeded.

Cudapah applied
& held the Inam of right
as adopted son & claimed that
their name appears in the
Pymash accounts. and
in the Inamdy accounts
this Inam is entered in the
name of Kadapayyah.

Son of Chirayalu. (Rama
Lutchmi:

The 28th of the
Deceased (Kuddapa Coyndoo. was
not disputed during his
Life time
in 1845. his Individuals
Social. and Sorbial
(his Lawful Natural Heir
claim / asserted their right
& the Inam in preference to
that of the Deceased. claiming
as being themselves Sons of
one Sobiah. who they said
was Brother to Ramalutchmi,
this assertion that the
said appearing Kuddapa Coyndoo whose name
appears in the Inquiry
Extract to was Son of Adultical
with the Deceased. but
was an Elder Brother
of their own. who had
many years before gone
to Bengal. and not
since been heard of.

8

They also denied the truth
of the adoption of Deceased
by Ramalutchmi. and pleaded
their prolonged silence
while the Inam was in
possession of the Deceased /
by absence from the district.

The relationship of their
Father Sobiah to Rama
Lutchmi was denied by the
Deceased (as well as their
other assertions) and the
Evidence produced on either
side to the fact was very
contradictory.

The Collector stated
in his opinion that Samiah
& Sobiah had failed to
establish any claim to
the Estate - and his belief
that the adoption of Deceased
by Ramalutchmi had really
taken place. and he
had maintained the deceased
Kuddapa Coyndoo in possession
and left Samiah &
Sobiah at liberty to sue

Letter from Collector 27th
dt. 10. April 1846.
para 9.

para 10.

Ist Folio
dt. 28. May 1846.

commissioner for plea, a civil cause
in the subject which they have
never done.

As these individuals have
now re-asserted their claim
it is necessary that Govt.
should express their opinion
on it.

The evidence as to the Eula:
tionship of their father & Ramu:
both which rights of succession
is disputed by the petitioners /
is contradicted by that of the
witnesses produced by the Peruvian.
and was established & established
their claim by the Collector in
1826. That on this behalf given
by the inmates of the village and
advocate & by the present
Collector as proves right-
afford Govt. with little credit
in deciding upon claims
of the ~~kind~~ nature
credit is now admitted by the memo
Collectors letter. and it may be noted as in the opinion that
in 1826. the Collector did not
consider it even
deserving of mention.

Letter dy. 28th Oct 57.
paras 2. & 4.

The memorandum
July 1829 that the Estate

Copies 5. Sole Letter
of April 1826.

99

was then placed temporarily
in the charge of Bollagee
brother of the Zulaca daing
his absence on pilgrimage
to Benares. Although the
probability of the Deceased
having taken locally the person
& known the Entry in the
Enam account of Mudapa
Coydoo. son of Mariyabo C.
Ramachundo was attended
& upon: and the mode
in which the pretended
acts attempted by an
manifest forgery & turn
that circumstance & their
now favour tend & throw
discredit on the whole of
their statements. which
is still further increased
by the circumstances re:
corded in para 7. of the
Collectors letter. of 1826.
and by those connected
with the pretended
alienations from the
Enam detailed in paras
6. and 7. of the present

Collectors letter of November last.

The consideration of all the circumstances connected with this claim preferred by Hannah & Sobiah. its intrinsic improbabilities. its associated frauds. its late assertion. after the Deceased had been 30 years in possession. and the fact that the Claimants have subsequently during a series of years taken no steps to bring their claim before a Court of Law. the Govt. are of opinion that it is altogether undeserving of consideration and that there is not sufficient matter before them to prevent the Collector from disposing of it in the Court.

In 1866. the Collector pronounced himself satisfied of the truth of the adoption of the Deceased by Rama bottoo. and the question of its legality. which the present Collector states the Govt. declined to dispose of. does not in the opinion of Govt. call for much consideration in a case such as the present where no absolute legal right to succeed to the Estate could be asserted by any one. the succession being primarily dependant on the consent of Govt. to dispose of the Estate. but they also think it right for the information of the Collector to state that the "adoption" by which the claim to the Estate is disposed from the Collector is disposed of does not differ from the ordinary case of a childless Hindoo adopting a Nephew of Ramabottoo the Claimants Father Hannah & Sobiah. whose assertion of relationship the Govt. are not disposed to dispute whatever reliance whatever.

The only remaining claimant being Sobhanee the widowed daughter in law of the Deceased. the Govt. of India authorises the continuance of the Grant to her for her

Revenue 1858 Departt.
Dft. to Comr. 12th March

No. 284
Extract Minr. of Comr.
Dated 3d. March 58.

Ex. from the Proc. of the Board of Revr.
5/37 Jany 59 C. No. 164 Comr.
8th Feb.

Authorising the continuance of the lapsed Khatawarilly Inam in the Cuddapah District, assessed at Rs. 77-8-5 in the name of Sootrumma widowed daughter-in-law of the deceased holder for her life and directing its resumption after her death - observed that reprehensible delay has occurred in bringing the lapse to notice which occurred in 1852.

C No. 9 & 10

ejn. and limits that it be
assumed after her death.
The whole of the Inam will
be stated in the possession
of alienations since the
time of the
indications of the same
fraudulent intention, which
for so long a period would
require the Inam to be
resumed.
and being shewn back
as the Government would
not be disposed to require
any unjust hardship
has occurred in bringing
this lapse which occurred
in 1852.

20 Feby 1858.

Report to the Bd of Rev.
with a Draft Orders &c.