Revenue Department

Minutes of Consultation

11th May 1858

Back No 65 & 66

Order No 617 & 8 11th May 1858

செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக
எடுத்துக்கொள்ளப்பட்ட நாள் 07/08

செப்பனிட்டு முடித்த நாள் 10/08

சரிபார்க்கும் முகாமைப் பொறியாளர் ஆராய்ச்சி உதவி
மு. நி. பா. எ. கையொப்பம். கையொப்பம்

No. 65. Read the following Extract from the Proceedings of the Board of Revenue, dated 22d April 1858, No. 1428.

In Cons. 22d April 1858. Read letter from the Acting Collector of Madura, dated 19th February 1858.

(Here enter No. 50.)

In Cons. 29th January 1858. Resolved that the above letter with its enclosure and the Acting Collector's previous report dated 26th November last, be laid before Government with reference to their Endorsement on Petition No. 1269 of 1857.

2. The Petitioner urges that a certain village in the Shevagunga Estate was granted as enam by the former Government to his predecessors, and that in 1838. the holders agreed to enjoy it in 25¼ shares. In 1848, the Zemindar increased the number of shares to 27, diminishing proportionately the profits of the other recipients, and complaint was made to the Collector who confirmed the new arrangement. The Petitioner therefore endeavoured to set it aside by a civil suit which was rejected in consepuence of his not having the permission of Government to sue, as required by regulation IV. of 1831. He therefore solicits that this obstacle may be removed.

Para. 3 *of letter dated 26th November* 1857, *in Cons. 29th January* 1858, *and do. dated 19th February in Cons. 22d April* 1858.
Section XII. Regulation XXV. 1802.

3. From the Acting Collector's reports it appears that the village is entered in the Istimrary accounts as "Ayn" (*i. e.* as part of the assets of the Estate) and consequently cannot be alienated by the Zemindar, so as to relieve it from its share of the assessment. Petitioner's request for permission to bring a suit is, therefore, inadmissible and unnecessary, as the village is not an authorized enam protected by Section IV. of the Regulation above quoted.

4. As the Estate is under the charge of the Court of Wards, it only remains to consider whether the order of Mr. Parker, dated 18th April 1854, is correct or not.

5. It appears that the village was granted by the Zemindar Mootoovadooganatha Taver, 120 years ago, as remuneration for certain services to be performed by the holders, and that it is customary in the Madura District for Zemindars to resume such grants at their pleasure. The alienation, moreover, is not one of those which under Section XV. Regulation XXX. of 1802, are binding on all future proprietors.

6. Under these circumstances the Board are of opinion that Mr. Parker acted rightly in refusing to set-aside the then Zemindar's arrangements.

(A true Extract.)

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

No. 66. ORDER THEREON, No. 617; dated 8th May 1858.

It appears that the Enam in dispute is not one of those referred to in Regulation IV. of 1831, but was granted 120 years ago by a former Zemindar as remuneration for certain services to be performed by the Holders, and that the alienation is not one of those which, under Section XV. Regulation XXX. of 1802, are binding on all future proprietors but is resumable at the pleasure of the Zemindar for the time being; but the Shevagunga proprietor being now under age, the Collector, as Agent of the Court of Wards, has made the arrangement which Petitioner seeks to set-aside by a Civil Suit. The Collectors decision has been duly approved by the Court of Wards, and Petitioners application is obviously inadmissible.

Ordered that the following endorsement be made on Petitions 1269 and 3946 of 1856.

"Petitioners request cannot be complied with. The arrangements ordered by the Collector and Court of Wards will continue in force while the Estate is under the management of the latter authority; afterwards it will be for the Zemindar to interfere or not, as he thinks proper."

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

26566

No. 1428.

Extract from the Proceedings of the Board of Revenue, dated 22d April 1858.

In Con. 22d April 1858. Read letter from the Acting Collector of Madura, dated 19th February 1858.
(Here enter No. 50.)

In Con. 29th Jan. 1858. Resolved that the above letter with its enclosure and the Acting Collector's previous report dated 26th November last, be laid before Government with reference to their Endorsement on Petition No. 1269 of 1857.

2. The Petitioner urges that a certain village in the Shevagunga estate was granted as enam by the former Government to his predecessors, and that in 1838 the holders agreed to enjoy it in 25½ shares. In 1848, the Zemindar increased the number of shares to 27, diminishing proportionately the profits of the other recipients, and complaint was made to the Collector who confirmed the new arrangement. The Petitioner therefore endeavoured to set it aside by a civil suit which was rejected in consequence of his not having the permission of Government to sue, as required by Regulation IV of 1831. He therefore solicits that this obstacle may be removed.

Para. 3 of letter dated 26th Nov. 1857, in Con. 29th Jan. 1858, and Do. dated 19th Feb. in Con. 22d April 1858.

3. From the Acting Collector's reports it appears that the village is entered in the Istimrary accounts as "Ayn" (*i. e.* as part of the assets of the Estate) and consequently cannot be alienated by the Zemindar, so as to relieve it from its share of the assessment. Petitioner's request for permission t ing a suit is, therefore, inadmissible and unnecessary, as the village is not an authorized enam protected Section IV of the Regulation above quoted.

Section XII Regulation XXV 1802.

4. As the Estate is under the charge of the Court of Wards, it only remains to consider whether the order of Mr. Parker, dated 18th April 1854, is correct or not.

5. It appears that the village was granted by the Zemindar Mootoovadooganatha Taver, 120 years ago, as remuneration for certain services to be performed by the holders, and that it is customary in the Madura District for Zemindars to resume such grants at their pleasure. The alienation, moreover, is not one of those which under Section XV, Regulation XXX of 1802, are binding on all future proprietors.

6. Under these circumstances the Board are of opinion that Mr. Parker acted rightly in refusing to set aside the then Zemindar's arrangements.

(A true Extract.)

Sub Secretary.

To H. FORBES, Esq.,
Acting Secretary to Government, R. D.

No. 899.

Extract from the Proceedings of the Board of Revenue, dated 12th March 1858.

Read letter from the Collector of Chinglepnt dated 16th January 1858.

(Here enter No. 14.)

Ordered that the following Endorsement be passed on Petition No. 4006 of 1857.

"The Board have considered the objections urged by the Collector but do not think them sufficient to justify the denial to Petitioner of a copy of the document under which he holds his estate. The Petitioner must however obtain the sanction of Government before a copy can be furnished to him."

(A true Extract.)

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

To
C. J. SHUBRICK, Esq., *Collector of Chinglepnt.*
Copy to Petitioner.

To
M. Norman Esq.
Deputy Secretary to Government
Petition Department.
With reference to his official Memo
dated 19th April 1858.

6566 4

Revenue Depart.

No 617

Extract from the Minutes of Consultations

Undersdated the 8th May 1858.

Read Extract from the Proceedings of the Board of Revenue dated 22 April 1858 No 1428 reporting on Petitions 1269 and 3946 of 1857.

It

Wdl

It appears that the Grant in dispute was not referred to in Reg IV of 1831, but was granted 120 years ago by a former Zemindar in remuneration for certain services to be performed by the Holder, & that the alienation is one of those which, under § XV Reg XXXVI of 1802, are binding on all future proprietors but is resumable at the pleasure of the Zemindar for the time being; but the Shevaguiya Inspectors being

now under age, the Collector,
as agent of the Court of Wards,
has made the arrangement
which Petr. seeks to set aside
by a Civil Suit. The Collector's
decision has been duly approved
by the Court of Wards, and Petrs
application is obviously inadmissible

Ordered that the following
Endorsement be made on
Petitions 1269 and 3946 of
1856

"Petrs request cannot be
"complied with. The arrange-
"ments ordered by the Collector
"and Court of Wards will con-
"tinue in force while the
"Estate is under the manage-
"ment of the latter authority;
"afterwards it will be for the
"Zemr. to interfere or not, as
"he thinks proper.

B.

Indd. Ap 26

1st Jany Desp. with Extract Pro 12 Jany

Revenue 1858 Septr
Dr. Cons: 11 May

No. 617

Extract Minutes of Cons:
Dr. May 1858.

Ex: Pro: from Bd. of Revn. ... 5:
Nos. ... 23

Endorsement on Petitions Nos. 1269 and 3946 ... 1856 ... that the arrangements ordered by the Collector and Court of Wards will continue in force while the Estate is under the management of the latter authority; and that afterwards it will be for the Zemindar to interfere or not.

No. 65 of 66

69