

Revenue Department

Minutes of Consultation.

18th May 1858

Back no 8 & 9

Order no 628 27/4th May 1858

பாடகாப்பு பிரதி - 1

செப்பனியுபவர் பெயர்: S. ஜார்ஜ்

செப்பனியுபவர்காக எடுத்த - 07/10/8
சொல்லப்பட்ட நாள்

25/11/08

சரிபார்க்கும்
முதல் முப்பாள
கையொப்பம்

சரிபார்க்கும்
2ம் முப்பாள
கையொப்பம்

உறுதிப்படுத்தும்
உறுதியாளர்
கையொப்பம்

Fort Saint George, Revenue Consultation of 18th May 1858.

No. 8. Read the following Extract from the Proceedings of the Board of Revenue, dated 19th April 1858, No. 1364.

Read letter from the Collector of Rajahmundry, dated 31st December 1857, furnishing information called for in paras 8 and 9 of Extract Minutes Consultation of the 1st October 1856, No. 1046, R. D. regarding the tenure of certain lands in the village of Dowlaishweram.

(Here enter No. 161.)

The circumstances to which these enquiries referred were stated in detail in the above mentioned Extract Minutes Consultation and are briefly as follows.

2. The village of Dowlaishweram is one of four Jaghire villages resumed by the Government in 1794, the family of the Jaghiredar succeeded however in fraudulently retaining in their possession a portion of the lands of this village, and as several years elapsed before the fraud was discovered, these lands were not directly resumed but remained in the possession of their holders under a light assessment which was temporarily imposed with the understanding that it would at a future time be increased.

3. The whole land thus assessed is stated in the Extract Minutes Consultation at 170 1/2 Pootties; subsequent measurement however give its extent at Pootties 176-4-0.

4. The attention of Government was drawn to this subject in considering certain arrangements for taking possession of land for a new Cantonment and to which arrangements the Commissioner of the Northern Circars had requested their sanction. It then appeared that a small portion of this land (two Pootties forming part of the holding of one Khajah Mahomed Khan) was included in the 176 Pootties above alluded to, and as the land was of right the property of Government and held under an assessment liable to increase, the Collector was desired to state what compensation he considered to be due to the holder under the peculiar circumstances of his title.

5. Mr. Purvis proposes to allot land of equal extent with that so appropriated, and to assess it at the same rate as it may be determined to fix upon the rest of the 176 Pootties. The amount of this increased Assessment was the second point referred for the Collector's opinion; in reply he forwards a statement shewing the manner in which the lands are now appropriated, their present rate of Assessment and that borne by the lands adjoining them, and as many changes have taken place, by inheritance, purchase, mortgage and other transactions, he recommends in each case the treatment which he considers called for by present circumstances.

6. Thus having in para. 5 enumerated the holdings which now divide the 176 1-5th Pootties, he proposes that Nos. 1 and 2 in this list, comprising together Pootties 90-5-4 should be continued to their present possessors for life without additional cess. This proposal is grounded on "long undisturbed enjoyment" and on the circumstance that the present tenure of the land as received what Mr. Purvis considers to be the sanction of Government, owing to the transfer of other similarly circumstanced land having taken place with their cognizance. Mr. Purvis is not very explicit on this point, but the Board gather from a subsequent para. of his letter (para. 8) that he refers to a suit there mentioned, in which one Padsha Sahib a member of the family which had in the first instance gained fraudulent possession of some of the Jaghire lands (as already detailed), succeeded in regaining 15 Pootties of the same, of which he had been dispossessed by the Ramchendrapooram Zemindar as mentioned in para. 3 of the Extract Minutes Consultation already alluded to.

7. In obtaining execution of this decree it appears that this Padsha Sahib produced Purwanas and Chuknamas specifying the lands he sued for, and unless Mr. Purvis means to infer that these documents were held to confer upon him a title of possession independent of the

Fort Saint George, Revenue Consultation of 18th May 1858.

conditions on which he and other holders of Jaghire lands fraudulently obtained were allowed to keep possession of them, (an inference which is quite inadmissible) the Board do not perceive in what way this transaction is considered to affect the question.

8. If the Government are disposed to make no change in the light Assessment borne by these lands during the life time of present incumbents, (an indulgence which the Board think scarcely called for under the circumstances,) it will still be necessary to fix a rate of Assessment to be imposed at their death.

9. From what is stated elsewhere the Board infer that Mr. Purvis would then recommend the full Assessment borne by lands of that class.

Nos. 3 and 4 comprise Pooties 1-6-4 the whole of which space is occupied by a tomb and houses, it will therefore be necessary to strike off the Assessment entirely. Nos. 5 and 6, comprising Pooties 76-17-8 have been alienated from the original holders without authority as Mr. Purvis observes, and he recommends their being assessed at the full rate—a proposal in which the Board entirely concur. Cases 8 and 9 are still under enquiry.

10. Mr. Purvis further states that the pensions granted by Mr. Robertson have all long since lapsed, he does not however explain whether he means to include in this category the grants of land given by Mr. Robertson in commutation of some similar pensions. The Board will direct Mr. Purvis to explain this when he communicates the result of the enquiries still pending in cases 8 and 9.

11. The last point noticed by the Government was the Assessment which should be fixed upon 60 Pooties of land which formed a part of the fraudulent appropriations made by the Jaghiredar's family, and of which the Ramchandrapoorum Zemindar had dispossessed them. Mr. Purvis states that Padsha Sahib had, as already described, recovered 15 Pooties of this land by Civil Process, and that for the remaining 45 Pooties a money compensation was paid to others of the family. As these 45 Pooties of land passed into the possession of Government in 1846 when the Ramchandrapoorum Estate was resumed, they already pay a Government Assessment, and the Board infer that it is on this account Mr. Purvis has not noticed the question of a further cess.

(A true Extract.)

(Signed) G. S. FORBES, *Secretary.*

No. 9.

ORDER THEREON, No. 628; dated 14th May 1858.

In passing orders upon the question of granting compensation to those whose lands had been taken up for the formation of the Sapper Cantonment at Dowlaishwaram, the Government, in Extract Minutes Consultation No. 1046 dated 1st October 1856, called for further information respecting certain land, which had been fraudulently retained by the family of a Jaghiredar whose Jaghire was resumed in 1794.

2. The Collector was desired to state his opinion as to whether the quit rent fixed on the 170½ pooties which was the extent of the land in question, by the order of Government dated July 12th 1825, and then expressly declared liable to increase, might be raised, so as to bring it to a fair assessment, at the same time stating what compensation would be required for the two pooties of land which were required for the Dowlaishwaram Cantonment.

Secondly the Board were asked to enquire and report, whether certain pensions recommended by Mr. Robertson for continuance on the discovery in 1823 that new names had been fraudulently substituted on the death of the original grantees, have since lapsed.

Thirdly, full enquiry was ordered, into the state of the tenures of some land which was given in lieu of certain pensions stopped by Mr. Robertson, and fourthly, the opinion of the Collector was required as to the assessment which it would be proper to impose upon 60 pooties of land which formed part of what was fraudulently retained out of the resumed Jaghire, but which had, by some unexplained means, come into the possession of the Ramchandrapoorum Zemindar.

Fort Saint George, Revenue Consultation of 18th May 1858.

3. In their Proceedings recorded at the head of this paper, the Board of Revenue reply to the orders of Government alluded to, but not in a manner calculated to enable Government finally to dispose of the question.

4. The first point discussed in the Collector's letter of 31st December last is the compensation to be given for the 2 pooties of land which have been taken up for the Cantonment. Mr. Purvis proposes to allot land of equal extent with that so appropriated, and to assess it at the same rate as may be determined upon for the 170½ pooties referred to in para. 2, and which on measurement have extended to pooties 176½. The Governor in Council observes that, in the former order of Government, it was shewn that all the compensation

Para. 8 end.

which could be justly claimed, was that to which the owner would be entitled if the land were Zeroyaty and not Enam. The Collector's proposal would seem to be in accordance with the instructions given, but it does not seem certain that the holder of the land to be given up will consent to resign it on merely receiving other and waste land assessed with Government Revenue. If this is found to be the case it will be the duty of the Collector to make a further reference to the Board, otherwise his proposal is sanctioned.

Para. 4.

5. Regarding the amount of assessment to be imposed upon the 176½ pooties, Mr. Purvis has forwarded a statement shewing the manner in which the lands are now appropriated, their present rate of assessment, and that borne by the lands adjoining them, and "as many changes have taken place by inheritance, purchase, mortgage, and other transactions, he recommends, in each case, the treatment "which he considers called for by present circumstances."

6. The Government observe first, that "long undisturbed enjoyment" can by no means be admitted as an argument in favour of further indulgence to the incumbents, when their holding the lands at all on rent-free-tenure, has been wholly a matter of grace and favour; secondly, Mr. Purvis is not warranted in saying that the present tenure of the land has received the sanction of Government, merely because they were "cognizant" of the transfer of other similarly circumstanced land. Thirdly, Government fully concur with the Board in viewing as inadmissible, the Acting Collector's inference, that certain Purwanahs produced by one Padsha Sahib, (who recovered 15 Pooties of the land fraudulently obtained from the resumed Jaghire by his ancestors confer upon him a title of possession independent of the conditions on which he and other holders of Jaghire lands fraudulently obtained, were allowed to keep possession. And the Government must also concur with the Board of Revenue that it is unnecessary to allow any more indulgence to the holders of these 170½ Pooties, and they accordingly direct that the whole be at once assessed, according to the rates fixed on the adjoining lands, the assessment to remain in force until the general survey. Nos. 3 and 4 comprising Pooties 1-6-4 the whole of which space is occupied by a Tomb and houses, will be of course exempt.

Board, Para. 9.

7. With reference to Mr. Robertson's pensions, Mr. Purvis reports that they have all lapsed but he does not state whether the grants of land made by that officer in commutation of some similar pensions have been resumed. The Government will look for this information at an early date.

8. Lastly as regards the 60 Pooties of land which the Ramchandrapoorum proprietor had by some means or other, acquired, 45 Pooties passed into the possession of Government in 1846 when the Ramchandrapoorum Estate was resumed, and the remaining 15 Pooties have been recovered by the aforesaid Padsha Sahib by civil process. It is not explained that they have been assessed with the Government Revenue, but this should be at once done.

(Signed) W. H. BAYLEY,

Acting Secretary to Government.

No. 1364.

Extract from the Proceedings of the Board of Revenue, dated 19th April 1858.

Read letter from the Collector of Rajahmundry, dated 31st December 1857, furnishing information called for in paras 8 and 9 of Extract Minutes Consultation of the 1st October 1856, No. 1046, R. D. regarding the tenure of certain lands in the village of Dowlaishweram.

In C on. 19th April 1858
In Con. 18th Oct. 1856

(Here enter No. 161)

The circumstances to which these enquiries referred were stated in detail in the above mentioned Extract Minutes Consultation and are briefly as follows.

2. The village of Dowlaishweram is one of four Jaghire villages resumed by the Government in 1794. The family of the Jaghiredar succeeded however in fraudulently retaining in their possession a portion of the lands of this village, and as several years elapsed before the fraud was discovered, these lands were not directly resumed but remained in the possession of their holders under a light assessment which was temporarily imposed with the understanding that it would at a future time be increased.

3. The whole land thus assessed is stated in the Extract Minutes Consultation at 170½ pootties; subsequent measurement however give its extent at Pootties 176-4-0.

4. The attention of Government was drawn to this subject in considering certain arrangements for taking possession of land for a new Cantonment and to which arrangements the Commissioner of the Northern Circars had requested their sanction. It then appeared that a small portion of this land

Pro. to Govt. from Com-
missioner Northern Circars
10th July 1856

(two Pootties forming part of the holding of one Khajah Mahomed Khan) was included in the 176 Pootties above alluded to, and as the land was of right the property of Government and held under an assessment liable to increase, the Collector was desired to state what compensation he considered to be due to the holder under the peculiar circumstances of his title.

5. Mr. Purvis proposes to allot land of equal extent with that so appropriated, and to assess it at the same rate as it may be determined to fix upon the rest of the 176 Pootties. The amount of this increased Assessment was the second point referred for the Collector's opinion; in reply he forwards a statement shewing the manner in which the lands are now appropriated, their present rate of Assessment and that borne by the lands adjoining them, and as many changes have taken place, by inheritance, purchase, mortgage and other transactions, he recommends in each case the treatment which he considers called for by present circumstances.

6. Thus having in para. 5 enumerated the holdings which now divide the 176 1-5th Pootties, he proposes that Nos. 1 and 2 in this list, comprising together Pootties 90-5-4 should be continued to their present possessors for life without additional cess. This proposal is grounded on "long undisturbed enjoyment" and on the circumstance that the present tenure of the land has received what Mr. Purvis considers to be the sanction of Government, owing to the transfer of other similarly circumstanced lands having taken place with their cognizance. Mr. Purvis is not very explicit on this point, but the Board gather from a subsequent para. of his letter (para. 8) that he refers to a suit there mentioned, in which one Padsha Sahib a member of the family which had in the first instance gained fraudulent possession of some of the Jaghire lands (as already detailed), succeeded in regaining 15 Pootties of the same, of which he had been dispossessed by the Ramchandrapooram Zemindar as mentioned in para. 3 of the Extract Minutes Consultation already alluded to.

7. In obtaining execution of this decree it appears that this Padsha Sahib produced Purwanas and Chuknamas specifying the lands he sued for, and unless Mr. Purvis means to infer that these documents were held to confer upon him a title of possession independent of the conditions on which he and other holders of Jaghire lands fraudulently obtained were allowed to keep possession of them, (an inference which is quite inadmissible) the Board do not perceive in what way this transaction is considered to affect the question.

8. If the Government are disposed to make no change in the light Assessment borne by these lands during the life time of present incumbents, (an indulgence which the Board think scarcely called for under the circumstances,) it will still be necessary to fix a rate of Assessment to be imposed at their death.

9. From what is stated elsewhere the Board infer that Mr. Purvis would then recommend the full Assessment borne by lands of that class.

Nos. 3 and 4 comprise Pooties 1-6-4 the whole of which space is occupied by a tomb and houses, it will therefore be necessary to strike off the Assessment entirely. Nos. 5 and 6, comprising Pooties 76-17-8 have been alienated from the original holders without authority as Mr. Purvis observes, and he recommends their being assessed at the full rate—a proposal in which the Board entirely concur. Cases 8 and 9 are still under enquiry.

10. Mr. Purvis further states that the pensions granted by Mr. Robertson have all long since lapsed, he does not however explain whether he means to include in this category the grants of land given by Mr. Robertson in commutation of some similar pensions. The Board will direct Mr. Purvis to explain this when he communicates the result of the enquiries still pending in cases 8 and 9.

11. The last point noticed by the Government was the Assessment which should be fixed upon 60 Pooties of land which formed a part of the fraudulent appropriations made by the Jaghiredar's family, and of which the Ranchundrapoorem Zemindar had dispossessed them. Mr. Purvis states that Padsha Sahib had, as already described, recovered 15 Pooties of this land by Civil Process, and that for the remaining 45 Pooties a money compensation was paid to others of the family. As these 45 Pooties of land passed into the possession of Government in 1846 when the Ranchendrapoorem estate was resumed, they already pay a Government Assessment, and the Board infer that it is on this account Mr. Purvis has not noticed the question of a further cess.

(A true Extract.)

G. D. Purvis

Secretary.

To
H. FORBES, Esq., Acting Secretary to Government. R. D.
Copy to Collector of Rajahmundry.

Revenue 1858 Report
By C. W. 12/10/58

Extract from the
proceedings of the Board of
Revenue.

Dated 19th April 1858.
Recd 21st April 1858.

2 Encls. Returned
11/13/58.

S. E. No. 628 7/4 11 May 1858.

Submitting with
the Board's observations,
a letter from the Collector
of Rajahmundry, furnishing
information called
for in E. M. Com. 1st Pet
1856 regarding the tenure
of certain lands in the
Village of Daulairah.
Name.

R. Com. 7th October 1856 No. 192
" 20th June 1858 - 25-230
" 18th Nov 1858 - 12-18
" 12th July 1858 - 8-9
" 5th Jan 4, 55 - 34-35

6+8

C. W. 8.

2280 April 23/58

5 829

(5)
Revenue Department

No 628.

Extract from the Minutes of Consultation

Under date the 14th May 1858.

Read the following
Extract from the Proceedings
of the Board of Revenue.

(Here enter 19th April 1858

No 1364.)

In passing orders
upon the question of
granting compensation to
those whose lands had
been taken up for the
formation of the Sapper
Cantonment at Dowlesha
waran, the Government,
in Extract Minutes Con-
sultation No 1046 dated 1st
October 1856, called for
further information res-
pecting certain land which
had been fraudulently
returned

A

W

W

retained by the family
of a Jaghirdar whose
Jaghere was returned in
1794-

2 The Collector was
desired to state his
opinion as to whether
the quit rent fixed on
the 170 1/2 pooties which
was the extent of the
land in question, by the
order of Government
dated July 12. 1825, and
then expressly declared
liable to increase, might
be raised, so as to bring
it to a fair assessment,
at the same time
stating what compensa-
tion would be required
for the two pooties ^{of land} which
were required for the Sou-
barishwarum Cantonment.

Secondly the Board
were asked to require

6 819 and report, whether
certain pensions re-
commended by Mr.
Robertson for contin-
uance on the discovery
in 1823 that new names
had been fraudulently
substituted on the death
of the original granters,
have since lapsed.

Thirdly, full enquiry
was ordered, into the state
of the tenures of some
land which was given
in lieu of certain
pensions stopped by
Mr Robertson, and
fourthly, the opinion
of the Collector was
required as to the
assessment which it
would be proper to
impose upon 60 Pooties
of land which
formed

formed part of what
was fraudulently
retained out of the
revenue of Jyphire, but
which had, by some
unexplained means,
come into the possession
of the Pamachandra
Jemindars.

3 In their Proceedings
recorded at the head
of this paper, the
Board of Revenue reply
to the orders of Govern-
ment alluded to, but
not in a manner cal-
culated to enable the
Government finally to
dispose of the question.

4 The first point
discussed in the Col-
lector's letter of 31st
December last is the
compensation to be
given

7 8 + 9

given for the 2 Pooties
of land which have
been taken up for the
Cantonment. Mr. Parris
proposes to allot land
of equal extent with
that so appropriated,
and to accept it at the
same rate as may be
determined upon for the
170th Pooties referred to in
para 2, and which are
measured have con-
tained to Pooties 176¹/₂.

The Governor in Council
observes that, in the
former order of Govern-
ment, ^{it} was shown that
all the Compensation
which could be justly
claimed, was that to
which the owner would
be entitled if the land
were hereditary and
not

Para 8. mid

not aware. The Collector's
proposal would seem
to be in accordance
with the instructions
given, but it does not
seem certain that the
holder of the lands to be
given up will consent
to resign it and merely
receiving other and
waste land apportioned
with Government Revenue
if this is found to be
the case it will be
the duty of the Collector
to make a further re-
ference to the Board,
otherwise his proposal
is sanctioned.

5 Regarding the
amount of apportionment
to be imposed upon the
176½ Pottages Mr. Purvis
has forwarded a
statement

Paras

819
Statement showing the
manner in which the
lands are now appropri-
ated, their present rate
of apportionment, and that
borne by the lands at-
joining them, and as
many changes have
taken place by inheri-
tance, purchase, mortgage,
and other transactions,
he recommends, in each
case, the treatment
which he considers
called for by present
circumstances.

6 The Government
observe first, that "long
undisturbed enjoyment"
can by no means be
admitted as an argu-
ment in favour of
further indulgence
to the incumbrants
when

when their holding
the lands at all on
rent free tenure has
been wholly a matter
of grace and favour,
secondly, Mr. Purvis
is not warranted in
saying that the present
tenure of the land
has received the
sanction of Government,
merely because they
were "cognizant" of the
transfer of other Simis.
Early circumstanced
land - thirdly, Govern-
ment fully concurs with
the Board in viewing
as inadmissible, the
Acting Collector's inference,
that certain Purwanahs
produced by one Padshe
Sahib (who recovered
15 Pooties of the
land

Q. 879 land fraudulently obtained
from the resumed
Jaghire by his ancestors)
confer upon him a title
of possession independent
of the conditions on
which he and other
holders of Jaghire lands
fraudulently obtained,
were allowed to keep
possession. And the Govern-
ment must also concur
with the Board of
Revenue that it is un-
necessary to allow any
more indulgence to the
holders of these $170\frac{1}{2}$
Pooties, and they accord-
ingly direct that the
whole be at once assessed,
according to the rates
fixed on the adjoining
lands, the assessment to
remain in force until
the

the general survey of
3 and 4 comprising

P 1-6-4 the whole
of which space is
occupied by a Town
and houses will be
of course exempt.

7. With reference to
Mr Robertson's pensions
Mr Purvis reports that
they have all lapsed
but he does not state
whether the grant of
land made by that
Officer in commutation
of some similar Pensions
have been resumed.

The Government will
look for this infor-
mation at an early date.

8. Lastly as regards
the 60 Potties of land
which the Ramachandrapoornam
Decepoornam

Board Para 9

Q 8¹⁹

(10)
Ramachandrapoornam
proprietor had by some
means or other acquired
45 Potties paid into
the possession of Govern-
ment in 1846 when the
Ramachandrapoornam
estate was resumed and
the remaining 15 potties
have been recovered
by the aforesaid Padstun
Chahib by civil process.
It is not explained
that they have been
deposited with the Govern-
ment Revenue but
this should be at
once done. RZ

Mr
May 1.

Copy to the R. S. P. R.
with 3 fields. Dis. 17.

Revenue 1858 Depart^{ts}
Dy. to Cons. 18th May

N^o 628
Extract of Cons.
Dy 14th May /58.

Bo of the Bd of Rev Dy 30th Augt /57.
No. 1624 in Cons.

Observing with reference to
the Reply of the Board to the
question of granting compensation
to those whose lands have been taken
up for the formation of the Sapper
Cantonment at Daulatpur, that it is not submitted in a manner
most calculated to enable Govern-
ment finally to dispose of the
question, and directing that the
lands of a certain village in Rajah
mundry, which was fraudulently
retained by the Family of a
Chieftain and resumed by the Govern-
ment in 1794 be at once offered
according to the rates fixed on the
adjoining lands, the offerment to
remain in force until the general
survey.

N. 849

c28 April 23rd May