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42-43

Revenue Department

Minutes of Consultation

25th May 1858

Back nos. 42 & 43

Order No 670 of 21st May

(6)

1858

செப்பனிடுபவர் பெயர்
ராஜேஸ்வரி நாயகி
செப்பனிடுவதற்காக எடுத்துக்
கொள்ளப்பட்ட நாள் 7/2008

செப்பனிட்டு முடித்த நாள் 9/2008

சரிபார்க்கும்
மு.நி.பத.எழுத்தர் கையொப்பம்

அரசுத்தீர்வு
பிரிவு
கையொப்பம்

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42-43

Fort Saint George, Revenue Consultation of 25th May 1858.

No. 42. Read the following Extract from the Proceedings of the Board of Revenue, dated 29th April 1858, No. 1535.

In Cons. 5th Nov. 1857, *and 29th April* 1858. Read letters from the Collector of Salem, dated 30th June 1857 and 22nd March 1858.

(Here enter Nos. 93 & 25.)

Resolved that the above reports be laid before Government, with reference to their Endorsement on Petition No. 363 of 1857.

2. The Enam in question is a Bhutvurty grant of 34½ Goontahs, registered from the time of the Survey in the name of one Gopalier.

Note.—The date is not stated.

3. Prior to 1823, a moiety of it passed to Petitioner's cousin, son of Gopalier, and the other moiety to Petitioner and his brother. In 1823 Petitioner's cousin mortgaged his moiety to one Soobarien, who in 1824 transferred it on mortgage to Petitioner.

4. In 1827 Petitioner mortgaged this moiety and his interest in the other half to his brother, who thus held the whole Enam. In 1840 Petitioner's brother for Rupees 71 Annas 13 mortgaged the whole again to Petitioner.

5. Petitioner's cousin, the son of Gopalier, in 1848 got possession of the whole land, and Petitioner now seeks permission to bring a suit of ejectment against him.

6. The Collector considers that Petitioner can claim only the right of occupation until his mortgage is satisfied, as he seems to have transferred his proprietary right to a quarter of the Enam to his brother in 1827. A suit limited to this extent may, the Board believe, be brought without permission from Government under Regulation IV of 1831.

Board's C. O. 9th July 1856, *p.* 62.

7. The Enam must now be considered as held in two shares by Petitioner's brother and cousin, and on the death of either the question of its continuance will come under the consideration of Government, unless it has already been declared to be a life grant.

(A true Extract.)

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

No. 43. ORDER THEREON, No. 670; dated 21st May 1858.

1. Under the explanation afforded by the Collector in the last para. of his second letter, that Petitioner only claims to recover possession until his mortgage be satisfied, the Government will not object to concede permission to that extent, but they disapprove of the frequent transfers of these Enams, such as are shewn to have taken place in the present instance. As remarked by the Board of Revenue in para. 7, the Enam must now be considered to be held by Petitioner's brother and cousin and the lapse must be reported for orders on the death of either of those two individuals.

2. Ordered that the following endorsement be made on Petition No. 363 of 1857.

"1. Permission is granted to the Petitioner to sue his cousin for right of occupation of "the Enam which he claims by virtue of a mortgage bond, until the terms of the mortgage be "satisfied."

"2. The permission thus granted is not in any way whatever to affect the right of Go- "vernment to resume the Enam whenever they may see fit to do so."

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

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42-43

No. 1535.

Extract from the Proceedings of the Board of Revenue, dated 29th April 1858.

In con. 5th Nov. 1857. and 29th April 1858.

Read letters from the Collector of Salem, dated 30th June 1857 and 22d March 1858.

(Here enter Nos. 93 & 25.)

Resolved that the above reports be laid before Government, with reference to their Endorsement on Petition No. 363 of 1857.

2. The enam in question is a Bhutvurty grant of 34½ goontahs, registered from the time of the Survey in the name of one Gopalier.

Note—The date is not stated

3. Prior to 1823, a moiety of it passed to Petitioner's cousin, son of Gopalier, and the other moiety to Petitioner and his brother. In 1823 Petitioner's cousin mortgaged his moiety to one Soobarien, who in 1824 transferred it on mortgage to Petitioner.

4. In 1827 Petitioner mortgaged this moiety and his interest in the other half to his brother, who thus held the whole enam. In 1840 Petitioner's brother for Rupees 71 Annas 13 mortgaged the whole again to Petitioner.

5. Petitioner's cousin, the son of Gopalier, in 1848 got possession of the whole land, and Petitioner now seeks permission to bring a suit of ejectment against him.

6. The Collector considers that Petitioner can claim only the right of occupation until his mortgage is satisfied, as he seems to have transferred his proprietary right to a quarter of the enam to his brother in

B.'s C. O. 9th July 1856, p 82. 1827. A suit limited to this extent may, the Board believe, be brought without permission from Government under Regulation IV of 1831.

7. The enam must now be considered as held in two shares by Petitioner's brother and cousin, and on the death of either the question of its continuance will come under the consideration of Government, unless it has already been declared to be a life grant.

(A true Extract.)

To

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

Sub Secretary.

R D

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№ 670

Extract from the Minutes of Consultation
Under date the 21st May 1858

Read Extract from the Proceedings
of the Board of Revenue dated
26 April 1858
Reporting on Petition } (See Entry No 1585.)
863/1837 Govt File

I have the Explanation offered
by the Collector in the last
para of his second letter. That
Petr only claims & never hoped
Lien until his mortgage be
satisfied the Govt will not object
& concede permission to that
Extent, but they disapprove of the
frequent transfers of these Inams
such as it appears to have taken
place in the present instance
& remarked by the Board of
Revenue in para 7, the Inam
must now be considered to
be held by Petitioners brother
and cousin and the Copies
must be reported for order.

Extract from the Proceedings of the Board of Revenue. —

Dated 29th April 1858
Read 1st May

Submitting with
the Boards opinion Letters
from the Collector of Salem
reporting on Petn № 863
of 1857. —

1042.

on the death of either of those
two individuals.

2. Ordered that the following
Endorsement be made on
Petition No 363 of 1837

"1. Permission is granted to
"the Petitioner to use his custom
"for right of occupation of the
"Quarry which he claims by virtue
"of a mortgage bond, until the
"terms of the mortgage be satisfied.
"2. The permission thus granted
"is not in any wise to affect
"the right of Government to resume the
"Quarry whenever they may see
"fit to do so."

W.R. May 4.

WRB 5/5

Copied in Book of Rec
with 2 Encls
Desp. No. 77

Copy sent to Desp.
with No. 12 Encls to No. 25 Army.

Revenue 1858 Depart.t

D.o to Cens. 25.th May

N 670

Extract Mins. of Cons.

D.o 25.th May 1858.

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Passing an Endorsement on Petition No. 363 of 1857 informing the Petitioner "to sue his cousin for right of occupation of the Enam which he claims by virtue of a mortgage bond, until the terms of the mortgage be satisfied."

No. 42 & 43.

Copy sent
25.th