M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 527 Press Mis-

21-22

Dated 14 March 1869

Not to be folded or roughly handled

No. 21. Read the following Proceedings of the Board of Revenue, dated 4th February 1869, No. 759 :—

Read the following letter from the Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Coringa, 3rd December 1868, No. 306.

1. There is a small Estate in the Ernagoodem Talook called Malakapilly, yielding an annual assessment of Rupees 3,182, and paying Peishcush of Rupees 2,282. This estate, consisting of only one village, is held jointly by the two persons noted in the margin, namely, two-thirds by the first, and one-third by the second, a woman.

1. Karamuri Tataya.
2. Koduri Sarvamma.

2. The estate was registered in their names in the year 1843, and this was approved of by the Board, in their Proceedings, dated 26th October 1843. Sarvamma died subsequently on the 7th October 1862.

3. When she was alive, she transferred her portion to one Immidi Venkanna, an inhabitant of Purushattupally, in the Tanuku Talook, and requested it to be registered in his name. On inquiry it was found that, Sarvamma was a childless widow, and that she was not eligible under the provisions of the Privy Council order * to transfer the estate by sale. The registry was therefore not made.

* Circulated with the Board's Standing Circular, 13th June 1862, No. 3,826,

4. After her death, one Pendialu Seshachellum, son of Sarvamma's sister, and son-in-law of Immidi Venkanna, stated before the Tahsildar that he was an adopted son of Sarvamma, and that he has no objection to the registry being made in the name of Venkanna. He obtained a certificate from the Court, under Act XXVII. of 1860, to collect debts, &c., of the deceased.

5. The Certificate and Proceedings of the Court on the subject are herewith sent (to be returned) for the information of the Board. He does not appear to have been legally and regularly adopted, by Sarvamma obtaining the consent of her husband, under the Hindoo law. Perhaps he was merely reared up by her, he being her sister's son. This would not give him any title to the estate. He is not a collateral heir to her husband. Under these circumstances, his admission to the transfer and registry of the estate, is of no use.

6. Another person named Koduri Muttialu claimed the estate, on the ground that he is the brother's son of Sarvamma's husband, Chitty, but he afterwards relinquished all claim to the estate.

7. One Gundu Venkataroydu and Kaurumuri Tatayya also claimed Sarvamma's portion, and objected to the registry on the virtue of certain pecuniary transactions and stipulations between them and Sarvamma as well as her husband, but they both relinquished their claims in writing, subsequently. It seems that all these parties concerned have settled their claims in favor of Venkanna, by some compromise amongst themselves.

8. It appears from the Tahsildar's report, that Koduri Muttialu is a nephew of the deceased's husband. The person who claimed as the deceased's adopted

son, produced before the Tahsildar of the talook, in October, a copy of the Court's order authorising the grant of a Certificate to collect the debts of the deceased. He was ordered to produce it in the belief that the Proceedings might say conclusively whether the Court recognised the adoption or not; but this the document does not I think show.

9. I have, therefore, the honor to request the instructions of the Board, as to how I should act in the matter.

ENCLOSURE No. 1.—Certificate.

ENCLOSURE No. 2.

ABSTRACT.—Proceedings of the Court regarding the heir of the late Koduri Sarvamma.

SUBMITTED for the information of Government.

2. The Board are of opinion that there is no ground for the interference of the State, while there is a nephew of the late holder's husband alive, as his superior heirship bars the claim of Government to take the property as an Escheat.

No. 22. ORDER THEREON, 1st March 1869, No. 527.

Miscellaneous.

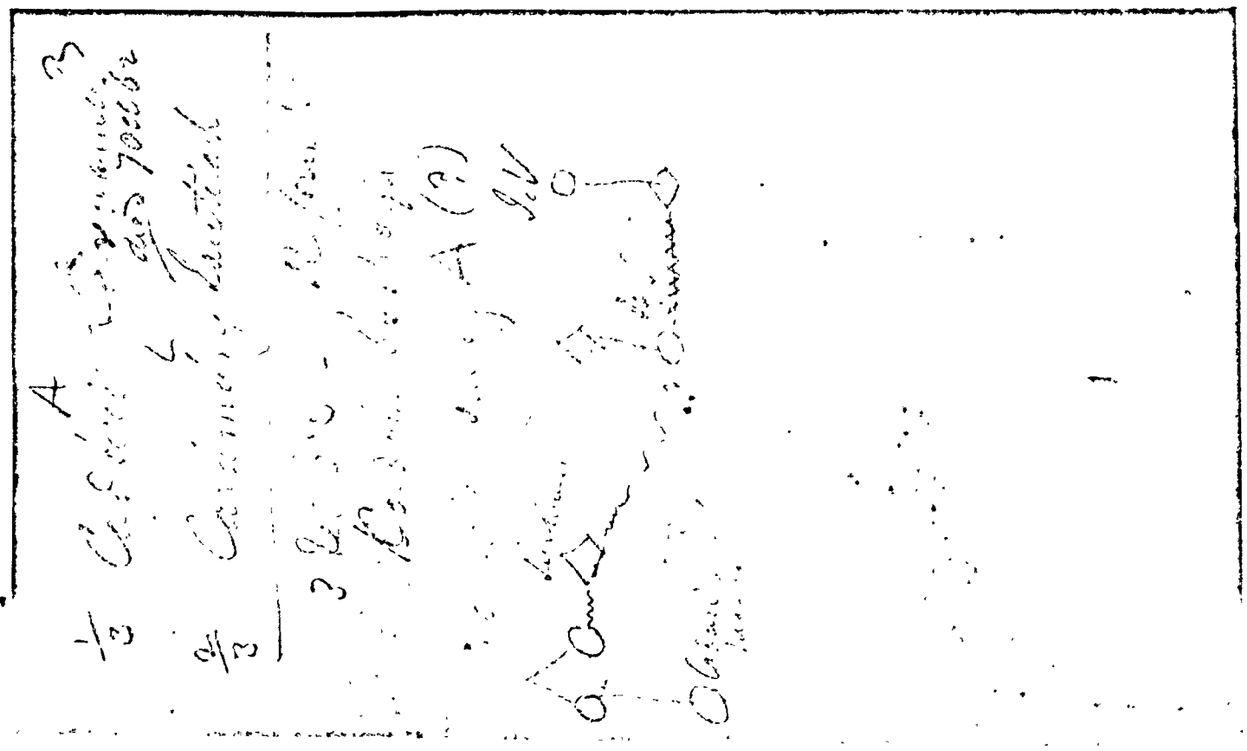
Ordered to be recorded.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Exd. G. A. Turton.



Govt. of Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated March, 1st.

Read.

1st.

G. O., 1st March 1869. No. 527.

MARCH.

Nos. 21-22.

Malabar Waste in Golavery District—Board's Proceedings intimating that Government interference is not necessary in connection with that portion of it which belonged to the late Sarvamanya Record.

Revenue Department

No. 527.

PROCEEDINGS of the MADRAS GOVERNMENT

Under date the 1st ~~February~~ March 1869.

Read the following. Ltr. of the 13th of Novr. ...

Submitting to Govt. with remarks Godavery Coll.r's letter requesting instructions relative to registry of a portion of Malakapilly Estate in Yernagoodem Talook. (H.E.L. 4th Feby./69 No. 757)

1. In the foregoing papers the Collector of the Godavery Dist. requests the instructions of the Board as to registering the one-third share of the Malakapilly estate, which belonged to the late Vedivi Sarvanna. The Bd. Content themselves with remarking that, in their opinion, there is no ground for the interference of the State, and have omitted to record their opinion on the question in

Lr. to Sl. 1 Mar 1869

in whose name Sarvamma's share is to be registered.

2. There are, or rather have been, several claimants

(1) Immidi Venamma, an alleged transferee of the widow Sarvamma

(2) Pudiala Seshachellum, son of Sarvamma's sister and claiming to be the adopted son of Sarvamma.

(3) Koduri Muttialu, son of Sarvamma's husband's brother

(4) Pindi Venkatayadu.

(5) Narumanchi Valliya Sarvamma's partner in the estate.

The Civil Court granted a Certificate under Act XXVII of 1860 to Pudiala Seshachellum on 29th January 1863, and he was thereby entitled to collect the debts due to the deceased Sarvamma.

It does not appear that Koduri Muttialu has

in any way impugned the right of the Certificate holder by a counter petition to the Civil Court, but no information is given as to whom the debts of the Estate have been paid since Sarvamma's death in 1862.

3. The Collector should now be called upon to report whether Pudiala Seshachellum and Koduri Muttialu are really desirous of relinquishing their claims in favor of Immidi Venkamma for this purpose he should personally examine them and in the event of their wishing to transfer their rights to Immidi Venkamma, he should record the fact and correct the Register accordingly.

4. The Court further desire explanation of the delay which has taken

~~to claim placed in dis-~~
~~-posing of this matter.~~
~~More than disregard~~
~~Court's adopted Legal~~
~~Law ordained death.~~

463

I doubt the necessity for a Amendment of this Petition. — As is generally the case with the Collector of Jaffna, he states short of stating what he really wants; but states his Narrative to mean, that he wants to be instructed whether he is to write the $\frac{1}{3}$ of Malabar pillay held by the late Mr. Sarvamma, in the name of Lummidi Benhamma. Mr. Ribeyrol says, & I think rightly, that because a nephew of the husband of the late holder (Mr. Sarvamma) is alive, there is no ground for the intervention of the State.

On receiving this intimation, it will rest with the Collector to refuse to move the matter until the right party has signified in a proper formal manner by attested deed of relinquishment of his rights, that he withdraws in favour of Court's Petitioner.

The Proceedings of the Board being submitted for confirmation &c. Lavrook thinks we should do

18. 2. 69.

10 gpw

N.

AJR

Copy
Malabar Kylasam
Estate in Ellore
Gen. Dist.

Rev.l Department

No 529

Proceedings of the Madras Government

Under date the 1st ~~February~~ March 1869.

Read the following

Proceedings of the Board

of Revenue.

Submitting to Government with remarks Godavery Collector's letter requesting instructions relative to registry of a portion of Malabar Pilly Estate in Gerra-gudem Taluk. (R.C. 4th February 1869 No 759)

Ordered to be recorded.

14 Copies to the Bd of Revr with Sheets Despd

2/6

Sd H Stokes

217 Jany 69 RCs