M.R. O. 1—39,000—16-10-23.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 5-35 Press
Mis.

39-41

Dated 2 ~~19~~ March ~~19~~ 1889

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Revenue Department,*
*2nd March* 1869.

Read the following:—

No. 39. Proceedings of the Board of Revenue, dated 27th November 1865, No. 7,558.

Read the following letter from the Collector of Salem, to the Secretary to the Board of Revenue, dated 4th September 1864, No. 188.

1. I have the honor to report upon Petition 326 of 1862 addressed to Government by Semba Gounden, Zemindar of Conganapoorum Mootah, in the District of Salem.

Board's No. 38 of 1863.

2. Petitioner complains, that forty years ago the then Collector of the District, usurped 6,091½ Goolies of land, belonging to the two hamlets attached to his Mootah, and included the same in the Government lands, without making the proportionable reduction from the Peisheush; that from that time his father had petitioned the Government, Board, and the Local authorities several times, but no notice was taken; submits a number of old petitions addressed to the Revenue Officers by his father; and prays that under the circumstances stated in the petition, and on consulting the Olungu and Ayacut Accounts, all shewing his right to the land, justice may be done to him by the restoration of the land to his Mootah.

3. It appears from the records that the subject matter of this petition is the restoration of the claim laid by the Petitioner's ancestors for a certain jungle (Gidigavel) land, situated in the Conganapoorum Mootah, which was finally settled by the Board in their Proceedings, number and date as per margin, on the receipt of a Report (dated 23rd November 1835, No. 124) from Mr. Ogilvie, the then Sub-Collector of this District, on a former Petition No. 575 of 1834, from Nanchyeppa Gounden, the father of the present petitioner.

4th January 1836.

4. The matter having been thus finally settled, I do not see occasion to reopen the question and investigate the matter again, unless the Board wish it to be done.

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Enclosure No. 1.—Petition.

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In the foregoing letter the Collector explains, that the claim advanced by the present petitioner, to certain Gidigavel land said to belong to his Mootah, was advanced many years since by his father, and was finally rejected by the Board of Revenue, by endorsement, dated the 4th January 1836, on Petition No. 575 of 1834.

2. The Board referred in that endorsement to a report made by the Sub-Collector of Salem, dated 23rd November 1835, from which it appears that the land in question was reserved by Government at the time the Permanent Settlement was made, and that in consequence, the petitioner had no proper claim to it as forming part of the assets of his estate. The question whether the land was included in the Mootah, or whether it formed a portion of the reserved lands (Porumboke), could only be determined by a reference to the Schedules prepared previous to the Permanent Settlement, shewing the extent of land to be included in each estate under the three heads, (1) land under cultivation in Fusly 1211 (the year before the Settlement was made); (2) land waste but cultivated in previous year; and (3) imm

morial waste available for cultivation. If the land was entered in this Schedule under any one of these three heads, the Mootahdar was entitled to it as land included in the assets of the Mootah, but if, on the contrary, the land was entered in the Settlement Accounts under a different head, or in a separate Schedule, exhibiting all the land which, for special purposes, were reserved by Government, the Mootahdar had no right to such land.

3. The Board cannot doubt, on referring to the Sub-Collector's report, that the Gidigaval land now in question was reserved by Government; but looking at the endorsement given to petitioner by Mr. Puckle, Deputy Director of Revenue Settlement, leading the petitioner to imagine that he could justly claim this land as included in his Mootah, the Board resolve, before reporting on his case to Government, to request the Collector will again refer to the Schedule and other accounts connected with the Permanent Settlement of the Conganapoorum Mootah, and will assure himself that these accounts bear out the reports made by the local Officers in 1836.

4. The Collector should submit translated extracts from the Schedule, and should shew to what head of account the abstract furnished by the Sub-Collector in his letter, dated 23rd November 1835, belonged. They also wish to see a copy of the Istimrar Sunnud given to the petitioner, and a copy of the order of Proclamation issued at the time of the Permanent Settlement, explaining to the people that the Schedule referred to above was intended to exhibit all the land to be included in each estate.

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No. 40. Proceedings of the Board of Revenue, dated 19th August 1868, No. 5,972.

Read again Board's Proceedings, dated 27th November 1865, No. 7,558.

Read also the following letters:—

From the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 31st July 1867, No. 207.

1. I have the honor to reply to the Board's Proceedings, under date the 27th November 1865, No. 7,558, calling for a report on the claim advanced by Shemba Gounden, Proprietor of the Conganapuram Mootah for certain Gidigavel lands situated in his Mootah.

2. The Board wish me to refer to the accounts connected with the Permanent Settlement of the Mootah, and to report whether the land was included in the Mootah, or whether it formed a portion of the reserved lands (Porumboke.)

3. The Accounts forthcoming in connection with this Moottah are:—

I. Pymash Olungu.

II. The Ayacut Account of the year Dhurmuti or Fusly 1211 (1801).

III. A Mahratta Account shewing the Beriz of the Mootahs in the Senkerry-droog Talooks for ten years, viz., from Fusly 1202 to Fusly 1211.

IV. A Mahratta Account shewing the Permanent Settlement of the Mootahs in the Salem District.

V. An English Account shewing the allotments or estates into which the Salem District was divided at the Permanent Settlement.

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VI. Copy of a Tooloochit in Tamil said to have been given when the Mootah was purchased at the auction in 1802 (1212).

VII. Tooloochit Pudvi or the entry of the Tooloochit in Mahratta.

4. Of the foregoing, the first two are the only attested ones. They bear the stamp of "M. D. Cockburn."

5. The Pymash Olungu which was prepared in Fusly 1205 (1795), shews the boundaries of the several villages forming the Conganapuram Mootah. All the Porumboke including the Gidigavel lies, according to this account, within the boundaries of the villages as a matter of course.

6. No. II. the Ayacut Account of Fusly 1211, (1801) or the year preceding the Permanent Settlement shews the boundaries of the villages in different thaks or divisions, and gives the Ayacut of the several villages forming the Mootah under the different heads, of Cultivation, Waste and Porumboke. Enclosed A. and B. are extracts (in English) of the Ayacut Accounts of Vellakulputty and Gengaputty, the two villages of the Mootah in which the Gidigavel lands claimed by the Mootahdar are situated. In the Vellakulputty village, the Gidigavel lands appear under the head Porumboke thus—"Lands covered with Jungles, Goolies 1,572$\frac{3}{4}$ or Acres 1,330-39-12." In the Genkaputty village they are not included under the head "Porumboke." They appear under the head waste thus—"Waste" covered with Jungle Punjah, 4,518$\frac{3}{4}$ Goolies or Acres, 3,824-5-6; Nunjah 467$\frac{1}{4}$ or Acres 1039-10. In this village the boundaries of this particular item of waste are also given, as will be seen from Extract B.

7. The Mahratta Accounts Nos. III. and IV. bear no seal, signature, or date. On the fly leaf of No. IV. there is a note made in the Mahratta to the effect that it is an account of Permanent Settlement submitted to the Board. Extracts in English, of these accounts, so far as they relate to the Konkanapuram Mootah, are enclosed, marked C. and D. In neither of these accounts it will be seen that the Gidigavel or any other Porumboke has a place. The Cultivation, the Podugal or assessed waste, and the "*Anathy thorus*" or immemorial waste, in Extract C., tallies in every respect with the particulars given in the copy of the Tooloochit. I am inclined to think that these two are the accounts upon which the Permanent Settlement was made, It is a pity that these accounts do not bear any attestation. I believe, however, that the Board have in their Office the English version of these accounts, and they must bear the signature of the Collector who submitted them.

1. The copy of the Tooloochit No. VI. was furnished by Shemba Gounden who has himself only an unauthenticated copy. What became of the original he does not know. He, however, has stated at the foot of the copy that it is exactly the same as the original that was given in 1802 when the Mootah was sold. The Tooloochit Pudivi or the Tooloochit entry (No. VII.) is also an unattested copy found on my records. A translation of the Tooloochit and the Tooloochit Pudivi are enclosed.* In this document also it will be seen that the Gidigavel or any other Porumboke has no place.,

* Marked F. and G.

9. The English Account, No. V., an extract† of which also accompanies, seems to have been prepared some time before the settlement, and contains the

† Marked E.

average Beriz of only eight years up to 1209. This account appears to have been subsequently laid aside, and the Permanent Settlement formed upon ten years' average Beriz up to Fusly 1211.

10. The Mootahdar has not in his possession the Istimrar Sunnud, and he does not know what has become of it, as the Mootah was acquired by his father some time subsequent to the Permanent Settlement. There is no copy on my records, of the sale advertisement. I am informed that all the papers connected with the Permanent Settlement, and the correspondence and Proceedings held with the Special Commissioner, were placed in a sealed box, which is supposed to have been sent to the Board's Office years ago for safety.

11. It is impossible upon the foregoing papers to tell to a certainty that the Gidigavel lands were reserved by Government. It is clear, however, that these (Gidigavel) or any other Porumboke lands have no place in the Tooloochit, and the Permanent Settlement Accounts above referred to. It may, therefore, be inferred, that these lands were not included in the assets of the Mootah. There is nothing, however, to shew that these were specially reserved to Government; but if not, what was the use of the Tooloochit. The head Porumboke does not appear in any of these accounts or the Tooloochit, and there is no other account shewing them except the Ayacut Account of the Dhurmuty year Fusly 1211, which of course contains every inch of ground within the limits of the several villages. In this, as above stated, the Gidigavel lands are included under the head "Porumboke" in one of the two villages, while in the other, they are excluded.

12. The Mootahdar, it should be remembered, claims all the land included within the boundaries of the villages. That the Gidigavel lands are situated within the boundaries of these villages is beyond dispute. I myself rode over nearly the whole boundary only the other day, having the Pymash Accounts with me. It is, therefore, for us to shew, that these lands though included within the Mootah boundaries, were specially reserved to Government. It should be ascertained by a reference to the accounts and correspondence held by the Special Commissioner, which I believe are in the Board's Office, whether there is anything in them to shew that the Gidigavel lands in these Mootahs were reserved to Government. I may mention two Statements which are likely to throw light on the point. These are, Statement A, which accompanied the letter of the Special Commissioner to the Collector in the Baramahal, under date the 8th September 1802, referred to in the Board's letter to the Collector of Salem of the 8th January 1827, and Statement B. referred to in paragraph 3 of the Board's Proceedings to Government, dated the 20th July 1835. These Statements are not forthcoming in my office. They were not forthcoming even in 1826, as the then Collector reported to Board in his letter of the 3rd July 1826, paragraph 8.

13. The only papers in my office which refer to any special reservation is the letter of Major McLeod to the Special Commissioner, and his reply thereto. In Appendix C. to his letter of the 11th November 1800, Major McLeod gives a list of the articles not included in the estates, and suggests their being added to the estates. No. 9 of these articles is stated by Major McLeod to be rent of a Jungle farm near Senkerrydroog- eight or ten square miles in extent. This will prove that Government did reserve lands in some of the Mootahs sold in 1802. The



Special Commissioner, in his reply of the 8th September 1802, paragraph 5, directed that this Article (No.9) should be reserved to the State. It is on this reservation Mr. Anfrire, one of the late Judges of Salem, based his decision‡ when he rejected the claim of the Mootahdar of Senkerrydroog to certain Gidigavel lands. Though these lands lie within four miles of the village of Senkerrydroog, yet I am afraid they do not form a part of the reserve above referred to. If instead of ten square miles, ten miles square was mentioned, the lands now claimed would certainly come under the reserve. The lands referred to by Major McLeod are, I am of opinion, those classed as the Ain Gidigavel of Senkerrydroog, which are about ten square miles in extent, and surround the Senkerrydroog Fort. It appears that these lands were specially reserved at the formation of the Mootah of Senkerrydroog, and were expressly excluded from the Mootah boundaries. The Board too seem to have taken the same view as I do, of the reserved lands referred to by Major McLeod, as will be seen from paragraph 6 of their letter of the 7th August 1826.

‡Dated 2nd April 1807.

14. It is a matter for consideration whether the Mootahdar has a right to any more land than what is entered in his Tooloochit. In my opinion, he has certainly not. In the present case, as already mentioned, neither the Tooloochit nor the Permanent Settlement Accounts have any of the lands known as Porumboke included in them; but on the other hand the Board and Government have on different occasions surrendered to Mootahdars certain lands (Gidigavel included) classed as Porumboke, and in their Proceedings to Board of the 16th February 1824, the Government have deliberately waived their right to Porumboke lands situated in Mootahs. It is on these acts of the Board and Government, the Civil Courts of Salem, in Original Suit No. 57 of 1847, in which the Mootahdar of Periapullum Puray, claimed certain lands of the description now in question, based their decisions adverse to Government.

15. If it is decided that the Mootahdar has no right to any more than what is shewn in his Tooloochit, and that he should be left to try his claim in the Civil Courts, I think it is advisable to have all the lands in the two villages surveyed, and to satisfy ourselves that he has in his possession all the land to which he is entitled, or in other words all the land that is entered in the Tooloochit.

16. The subjoined Abstract shews the total ayacut, cultivation, and waste of the Gidigavel lands of the two villages for the past three years :—

| | | Vellakulputty. | | Gengaputty. | |
|---|---|---|---|---|---|
| | | Extent. | Assessment. | Extent. | Assessment. |
| | | Acres. | Rs. | Acres. | Rs. |
| Ayacut ... ... ... ... | | 1,383 | ..... | 2,066 | ..... |
| Cultivation... | Fusly 1274 ... ... | 365 | 266 | 1,625 | 1,218 |
| | Fusly 1275 ... ... | 365 | 266 | 1,642 | 1,235 |
| | Fusly 1276 ... ... | 363 | 265 | 1,646 | 1,242 |
| Waste ... ... ... ... | | 1,020 | ..... | 419 | ..... |

17. I may, in conclusion, refer the Board to the correspondence and papers noted in the margin, which more or less have reference to the subject now at issue. For the sake of ready reference I send these papers enclosed, and shall feel

Shewn in a separate List accompanying.

obliged by their being returned for record in my office. I would just mention that our accounts shew that prior to the Mootah being formed, some of the lands in dispute were rented out by Government as grass land and continued so for some years after, and are now paying the usual tax for the land on puttah.

18. Shemba Gounden's petitions to Board, Nos. 507 of 1864, and 230, 1,530, and 1,828 of 1865, are herewith returned.

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ENCLOSURE No. 1.—Correspondence.

ENCLOSURE No. 2.—Five Petitions.

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From the same Officer, dated 14th April 1868, No. 93.

1. With reference to my report* on the claims advanced by Shemba Gounden, the Proprietor of the Conganapoorum Mootah for certain Gidigavel lands, I have the honor to enclose the translation of a petition since presented to me by Shemba Gounden. In this petition, he modifies his claim in regard to the kists collected by Government on the Gidigavel lands.

* Dated 31st July 1867, No. 207.

2. In his former petition he asked that the whole of the revenue collected by Government since the formation of the Mootah should be made over to him together with the lands. He now asks that three-fourths of the net assessment, that is, the assessment after deducting the Establishment charges, may be paid to him for seventeen years only. This is an important point, and is one attended with advantage to Government, should the Board's ultimate decision in regard to the Mootahdar's claims for Gidigavel lands be in his favor.

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To C. N. POCHIN, Esq.,
Collector of Salem.

ENCLOSURE No. 1.

The humble Petition of SHEMBA GOUNDEN, the Proprietor of Conganapoorum Mootah, in the Senkerry Division of the Trichengode Talook.

I presented a petition to Government on the subject of some portions of land, (included in the Ayacut of the said Mootah,) which have been taken possession of by Government as forests, on which an endorsement was made on the petition to the effect that an inquiry should be instituted and a report forwarded. In accordance with the endorsement, you have personally inspected the lands in question, and sent a report ; but I am not aware of any order you have finally passed on the subject. About thirty years ago, one Paramasiva Gounden, Proprietor of the Komaramangalam Mootah, held possession of the said Conganapooram Mootah, which he bought at the Government auction sale. About seventeen years ago, Kylasa Gounden, son of the said Paramasiva Gounden, sold the said Conganapooram Estate to Ramasawmy Gounden, my elder brother, who, after enjoying it, left it to be occupied by me. There are not only several documentary evidences to shew that the said lands are included in the Ayacut of my Mootah, but also a provision made to that effect in the Istimirar Sunnud. Under these circumstances, we are lawfully entitled to the recovery of the assessments collected from the said lands ever since the said Paramasiva Gounden obtained the said Mootah by purchase. Though this may be denied to us, I request that out of the collections made ever since my elder brother Ramasawmy Gounden purchased the estate, the charges of the establishment maintained by Government should be deducted and three-fourths of the net amount

*Proceedings of the Madras Government, Revenue Department, 2nd March* 1869.

be paid to me, and that the said lands in question included in the Ayacut of my Mootah, and which is brought under cultivation by Government, should be made over to me. I am lawfully entitled to the said lands and assessments collected therefrom. In similar cases, in regard to some Mootahs called Periapallamparai Ivaly, in Senkagherry and Balukurichi, the several Mootahdars preferred their claims for the reasons above stated, and recovered their lands (included in the Ayacut of their respective Mootahs, but reserved by Government,) and the assessments collected from them. In like manner, I request you will kindly be pleased to order the said lands and the assessments collected therefrom to be made over to me. There are necessary public records as well as documents delivered by me to throw light on the subject. I, therefore, beg you will inspect the records and do me justice.

(Signed) SHEMBA GOUNDEN.

(True translation.)

(Signed) C. N. POCHIN,
*Collector.*

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THESE papers relate to a claim made by Shemba Gounden, Mootahdar of Conganapooram, to some 5,000 acres of Gidigavel lands, lying within the limits of his Mootah.

2. The claim is in all material respects similar to that of the Mootahdar of Pareyapolliem, which the Board negatived in an Order, dated 20th July 1835, on the ground that the Gidigavel lands had been reserved when the Mootah was sold at the time of the Permanent Settlement. Government confirmed this decision, in Minutes of Consultation, 7th August 1835.

3. Subsequently, the Mootahdars filed a suit before the Salem Subordinate Court, which resulted in a decree in their favor. An appeal to the Zillah Court was sanctioned at the expense of Government in Minutes of Consultation, 1st July 1848, but there also the result was unfavorable. A special appeal was contemplated, but not persisted in, because it would not have raised or settled the question of the rights of Government. In Extract Minutes of Consultation, 28th August 1854, the Government said :—"Looking at the length to which litigation has "been carried in the present suit, the Governor in Council would not be willing "now to plead the Statute of Limitations, but he is of opinion that the plea may "properly be raised in bar of any further similar action that may be brought by "other parties."

4. The Board have again searched the records of the Permanent Settlement of 1803 carefully, but they have not found any information which has not been thoroughly considered in the Proceedings referred to above.

5. The decision at which the Board and Government arrived in 1835 was, that when the Gidigavel lands were found to have been entered in the ayacut of the Permanent Settlement Accounts as part of the Mootah, and included in the Tooloochit, they should be made over to the Mootahdar, but that when the opposite was the case, as it is in Conganapuram, they should be retained by Government.

6. The Board see no reason for re-opening the question, but they think that as these lands are included within the boundaries of the Mootah, it would be expedient to hand them over to the Moottahdar on his consenting to a corresponding increase in his Peishcush.

*Proceedings of the Madras Government, Revenue Department, 2nd March* 1869.

No. 41. ORDER THEREON, 2nd March 1869, No. 535.

Land Revenue.

1. Before expressing his concurrence in the views of the Board of Revenue as above set forth, the Right Honorable the Governor in Council desires to know, whether the Board are satisfied that the entries relative to the estate under consideration, in Statement B, which formed an enclosure of a letter from the Special Commissioner, dated 8th September 1802, prove beyond doubt that the lands in question were not included in the Permanent Settlement.*

2. This document was not before the Collector when he wrote his letter, under date 31st July 1867, No. 207, but in that letter (paragraph 11) Mr. Pochin appears to think that it is not possible to declare positively whether in the present instance the 'Gidigavel' lands were reserved by Government or not.

(True Extract.)

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

To the Board of Revenue.

Rxd. G. A. Turton.

5th Aug 1/24 Sept 19-20
2 Sept 1/24 — 3-4
7 Augt 1/35 — 19-20
4 July 1/46 — 22-23
28 August 1/37 — 32-34

Revenue 1868. Department.

No. 2775.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 19th August 1863.

Dept 24-
Rec'd 25th
P. 46.

No. 5,972.

Expressing opinion that it would be expedient to hand over to Moottahdar of Konkanapuram in Salem District certain Gidagavel lands claimed by him, on his consenting to a corresponding increase in his peishcush.

9/3/94 Fin. Cor. 1869

13-6-94 ✓

18/8/94

# Govt. of {1869} Madras.

## REVENUE.

To

THE BOARD OF REVENUE.

*Dated March, 2nd.*

*Recd.* *Encl.*

*G. O., 2nd March 1869, No. 535.*

Trustee Cor: 9th July 1869 pp 194-196.

**MARCH.**

**Nos. 39-41.**

*Zemindary of Conganapooram in Salem District.*—Board of Revenue to report whether the entries relative to this Estate in Statement B, which accompanied the Commissioner's letter prove that the lands, claimed by the Zemindar, were not included in the Permanent Settlement.

No 535. JK

2d March 69.

List RH

Before expressing his concurrence in the recn of the Bd of Revenue as above set forth, the Ht Honble the Gov. in Council desires to know whether the Board are satisfied that the valuations of the Estate under consideration, entries in Stat B, which formed an enclosure of a letter from the Special Commissioner dated 8th Septr 1802, have beyond doubt that the lands in question were not included in the permanent settlement.

This document was not before the Collector when he wrote his letter

under date 31 July 1867 No 207,
but in that letter (para 11) Mr
Tochin appears to think
that it is not possible to
decline [illegible] whether
in the present instance the
Lidigavel' lands were
reserved to [illegible] or not.

[illegible]

[illegible]

H. Copies to the B. of Rev. Despd.

[illegible]