

Revenue (1897.) Department.

MISCELLANEOUS SERIES.

G.O., No. 119

DATED 8th Jan'y 1897

[Despatch Abstract.]

stating that the Govt. has carefully considered the arguments urged by the Manager of the Sankararama. The Temple but is not satisfied that he has made out his contention that the six inams in question were ^{of the} temple and not personal inams. The Collector's recommendation supported by the Inam Commission that the settlement of Inams already made should be left unquestioned, is approved while the Govt. declines to reconsider the orders passed in regard to the restoration of resumed Inams & the issue of a single Title-deed.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1896) Department.

CURRENT No. 4398

From the Income Commissioner

Order.

R. C. No. 415 of 1893

Dated 16 June

Received 19 ..

Registered

Enclosures 8

Spare copies

SUBJECT.

Submitting
with remarks letter from the Coltr
of Coimbatore reporting on certain
inams in Santaramanathur,
unfranchised as personal grants
in 1862, but now alleged to be
service inams in favor of
certain temples.

BACK PAPERS.

G.O.	No.	Department.	Date.
463	2201		

FURTHER PAPERS.

G.O.	No.	Department.	Date.
C. Nos 5947 6138	3496		

Ref. in Current N^o 30506 of 1895. Reu Coimbatore Collectors' Office,
3rd June 1896.

From
Herbert Bradley Esquire,
Collector of
Coimbatore.

To
The Mam Commissioner,
Madras.

Sir,
I have the honour to submit the report
called for in para 2 of G. O. R. D. N^o 463, dated
20th July 1895, communicated with your endorse-
ment N^o 415 of 1893.

2. N. G. Srinivasachari, Manager of the
Sangramanallur Devasthanam alleged in his peti-
tion to Government (para 4 (g) & (h)), referred
to in the above-quoted G. O. that six Mam's re-
ferred to in your endorsement were originally
temple Service Mam's, settled and enfranchised
during the Mam Settlement in 1862 under an
erroneous impression that they were Personal
Mam's

Inams. The report called for is as to the accuracy of this allegation.

3. The Manager relies on the documents named in the enclosed Statement which gives particulars of the evidence bearing on his allegation and argues that the six Inams were assigned originally among others as emoluments for the performance of service in the two temples; and as a result of the handling of the accounts of the Devasthanam by the Government Karmam and of the Executive Administration of the Devasthanam affairs resting in the hands of the Tahsildar before the operation of Act XX of 1863, the Village came to be treated as a Government Village and this impression - Coupled with the laxity of Control on the part of the Devasthanam over the six Inams previous to and at the time of the Inam Settlement led to the Inams being treated as Personal.

4. The parties now in possession of these Inams representing the holders of Title Deeds issued 1862 or their successors in interest deny that

that the Inams are Conditional or subject to service in the temples. They state that the grants were absolute being Brahma'dajam Bhattanai - the intended for the personal benefit of the grantees and state that they have been enjoying as such without doing any service to the temple, though they cannot say by whom or when the grants were made. They also rely on the same documents vide list A enclosed and lay stress on:-

(a) the use of the words Brahma'dajam and Bhattanai occurring in the accounts of 1802 and 1804 which would be unintelligible if the Inams were not Personal,

(b) the imposition and levy of Jodi on some of these Inams, vide Inam Register, which show that they were not treated as temple Service Inams between 1804 and 1862,

(c) the difference in the treatment in the Sannad of 1802 D. of these Inams compared with that of the temple Service Inams recognized as such, 1862,

and they strongly protest against any disturbance of the present arrangement.

5. After considering the evidence relied on by both sides, I do not consider that the *Shams* in question have been conclusively proved to have been granted as Service and not as hereditary personal grants and my chief reason for doing so is that in the *Sannad* of 1804 granted by Mr. Turdis, then Collector of Dindigul, under the orders of Government, from which the *Devastanam* derives its title to the Village, the grants for temple services are stated to be conditional and subject to the performance of services, and no such conditions are imposed on the grants now in question which are distinguished as *Brahmadayam* in the *Sannad*. This exclusion of the *Shams* from the operation of the conditions imposed on temple *Shams* coupled with the levy thereon of *Jodi* from which temple *Shams* are free, and the description as given in the earlier records viz *Battavarithe* and *Brahmadayam* makes it more likely

likely they were granted and treated as Personal *Shams* than as temple *Shams*.

6. The *Sham* Register called for in para 2 of your endorsement will be submitted shortly.

Have seen
(Signed) J. G. Wood
For Collector.

R. G. No 415 of 1893.

(True Copy)

Submitted to Government with enclosures with reference to para. 2 of G. O. dated 20th July 1895 No 463 Revenue. The undersigned agrees with the Collector and sees no reason for disturbing at this distance of time the settlement already made in the case of the six *Shams* enfranchised as Personal *Shams*.

Sham Commissioner's Office,
Madras, 16 June 1896.

C. St. John
Sham Commissioner.

The Secretary to Government

Revenue Department.

Rev 1096 Dept
From
The Inam Commissioner
Madras.

Sp. 463
20.7.95
Sp. 110
18.1.96

To
The Secretary to Government,
Revenue Department

G.O. No. 15

Recorded

Dated 16
Despatched
Received 19th June 1896.

R. G. No. 15 of 1893

Enclosures 8 (5 sent by packet post)

Subject

To

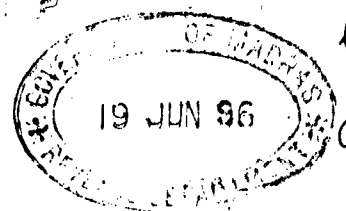
The Inam Commissioner.

Submitting, with remarks, letter from
Comptroller, Collector reporting on
the nature of certain Inams in
Santharamanallur enfranchised as
Personal grants in 1862 but now
alleged to be Service Inams by the
Devastanam trustee of the Village

As no further action seems necessary
in the matter.

f. J. O.

1896/19.6.



List of records forwarded to the Inam
Commissioner, Madras, with this office letter
Ref. on C. no. 3050 of 95 dated 3rd June 1896.
Rev.

1379 of 1893

- (1) N. C. Sreenivasachari's Petition to Government
dated 28th February 1893 with its appendices
A, B, D and I.
- (2) The undermentioned documents filed by
N. C. Sreenivasachari before the Tahsildar of
Udamalpet in connection with the enquiry
into his petition
 - (a) Certified Copy of the Kyperith given by
Karnam Sesha Aiyar in Fasli 1209 with
its translation in manuscript.
 - (b) The original Sannad given in 1802.
 - (c) Certified copy of the Inam Darialfthi
Chitta with translation, in manuscript of
extracts thereof.
- (3) An extract from the Inam fair Register
relating to the enfranchisement of the personal
Inams in question.

Comptroller Collector's
Office, 4th June 1896.

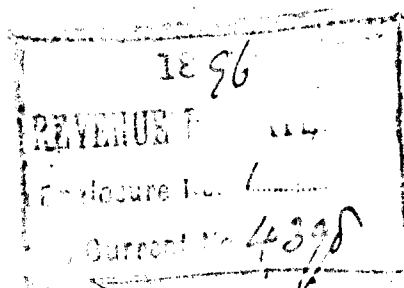
G. Wood
for Collector.

In a letter from the Collector of
Coimbatore to the Inam
Commissioner, Madras

Ref. on Cui. no. $\frac{3050 E}{Rev. of 95}$
dated 3rd June 1896.

Enclosure.

List of records forwarded to
the Inam Commissioner, Madras.



Statement showing the details of allotments of lands assigned as Bram and Pauchangam Inams in the Devasthanam Sankaramanallur village Udumalpet Taluk.

Description of Inams as given in the Paimash Clungu.		Before Paimash		Paimash								Particulars of Jodi and quitrent								Remarks.
		Nanya				Punja				new quitrent										
No.	Name	Sei	Ballahs	Extent in Kawnies	assessment in Pon. Panams	Equiva- lent extent in acres	Equiva- lent assess- ment in Rupees	Extent in Ballahs	assessment in Pon. Panams	Equiva- lent extent in acres	Equiva- lent assessment in Rupees	old Jodi	agreed to.	Compul- sory	Total	Total of Cols. 13 & 16	no. of title deeds.			
1	2	3	4	5	6	7	8 Rs. as ps.	9	10	11	12 Rs. as ps.	13 Rs. as ps.	14 Rs. as ps.	15 Rs. as ps.	16 Rs. as ps.	17 Rs. as ps.	18	19.		
235	Pauchanga kadu	"	"	8	"	"	"	1 1/2	2 2 1/2	2 6 6 1/2	4 1 6	"	"	"	"	"	Resumed in 1804.			
348	Sadagopachar Bhatta vritthi	"	12	"	1 8	3 9 6	1 98	11 9 1	"	"	"	"	"	1 8	1 8	1 8	300.	✓		
342	Brahmadayam Purana vritthi	"	12	"	1 5	3 4 7 1	1 74	10 1 11	"	"	"	"	10 2 1 10	"	1 10 1 12	401	✓			
394	Parambadi Bhatta vritthi	1	"	"	{ 1 1 2 1 1 1 2 2 3 }	4 8 13 1	{ 1 44 7 36 1 43 7 22 2 87 14 58 }	"	"	"	"	"	7 4	"	12 8	12 8 1 4	395.	✓		
									"	"	"	"	7 2	"	12 10	12 10 1 4	396.	✓		
362	Lakshmanachar Bhatta vritthi	"	4	"	14 1 2	5 1 18 5 14	"	"	"	"	"	"	"	"	"	"	Resumed in 1804.			
174	Bhatta vritthi	"	4	"	10 2	2 5 15 2	8 7 3 10 1	"	"	"	"	"	"	1	"	1 4	397.	✓		
176	Brahmadayam tarasu	"	4	"	11 2	1 6 4	9 5 3 15 1	1 82 7 9 2	"	"	"	"	"	"	"	"				
170	Bhatta vritthi	"	4	"	9 3 1 1 7	8 1 3 5 9	"	"	"	"	"	"	3 4	6 8	"	6 8 10	398.	✓		
171	Bhatta vritthi tarasu	"	4	"	9 2 1 1 2	7 9 3 4 4	"	"	"	"	"	"	"	"	"	"				
385	Brahmadayam Bhatta vritthi	"	4	"	1 1 1 1 6 2 3 1 4 2 4 12 1	"	"	"	"	"	"	"	"	2	2	2	639.	✓		
		4	"	8	9 10	20 7 3	12 6 1 60 14	1 1/2	2 2 1/2	2 6 6 1/2	4 1 6	1 1/2	1 8 6 6 1 6 7 10	9 6	"	"				

Encl

List

The S. Coimbatore Collector's Office. 4th June 1896.

20-7-3
2-2-15-2
22-10-2-2

G. Wood
for Collector.

In a letter from the Collector of
Coimbatore to the Enam
Commissioner, Madras,
Ref. on Civ. No. 3060 E 95
dated 3rd June 1896.

Enclosure.

B.
Statement showing the details
of certain manis in the
Devastanam Sankaramanallur
village.

1896
REVENUE D. 4
Enclosure No. 2
4320

Statement showing the arguments given by
Sankaramanallur village over Karmam
Tasli

1209.

Description of the document as
in the

A. Copper plate marks.

C. Samad of
by the Collector
Hardis. 1802

D. Paimash of
of fasli 12

whereby grant
situated on Copperplate
temples of Kolur Mr
Jana Varadachari
Sri Thandaves
the Country of Dh
in the Southern pro
accordance with the
the Chief of the
for the purpose of
the daily, fortnightly
and annual festivals.
above temples, and
the daily expenses
and of the temple
as has been ob
time immemorial
view to its con
long as the Sun
endure. The det
on the banks of the
and the rowanas
ing to Chakragiri,
Sharapuram, the
Sankaramanallur
south of Pushpathur
Lachal apatti, to the
and to the east of the
and the southern bits
wallur situated to

Vide appendix A to
the petition.

Vide Appendix B
to the petition.

This document gives details of
the land allotted to Brahmmins
the following are the names
temples

theory that the personal inams

what points they
prove in favour of
the contention of the
personal inamdar.

The inams now in
question form a portion
of this grant. vide
Identification Statement
B.

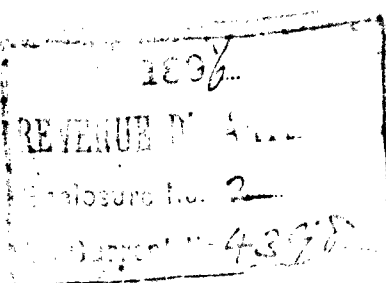
of words Brahma
ting these inams
the lands were

in regard to
Brahma inams of
imposed upon temple
lands shows that the
inams were
not treated as service inams.

of words
Brahma and
this shows that
in question
as personal.

Enclosure.

B.
Statement showing the details
of certain inams in the
Devasthanam Santharamanallu
village.



A.
into for and against the Manager's
are originally temple service inams.

translated
What points they
prove in favour of the
contention of the Manager

a Sannad
replate to
nam Sri:
rajasami
warasami
arapuram
since, in
request of
need men,
performing
They

(1) The entire village was
endowed to the temple

Spare

given to these inams.
1. Brahmadayam Bhattacharya

nam am
coroye nayon
Brahmadayam
action of debt

The whole village was
endowed to the two temples
(half)
an extent of $\frac{1}{2}$ ballah
punjagland and 4 sei
nauja was allowed to
rahmins for the services
- Vedaparayanam and
'auchangam in the two
temples. This shows that
the inams in question were
temple service inams.

Co

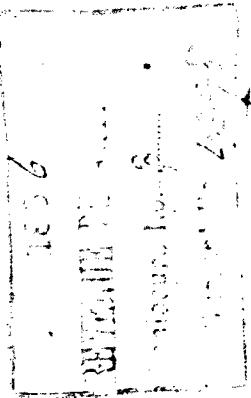
Re The whole village was
dowed to the two temples.
do

(1) The use of words 'Brahma
da' as denoting these inams
shows that the lands were
personal.

(2) The absence in regard to
these Brah. & ayam inams of
conditionⁱⁿ imposed upon temple
service s shows that the
Brah. in am inams were
made as service inams.
& treated

(1) The use of words
Bhamkhalayam and
Bhattavillu shows that
the inams in question
were treated as personal.

*
The inams now in
question form a portion
of this grant. vide
Identification Statement
B.



See

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In a letter from the Collector of
Coimbatore to the Inam
Commissioner, Madras

Ref. on Cvr. 3050 E of 95 dated
Rev. 3rd June 1896.

Revenue (1896) Department.

CURRENT No.

Order

From

R.C. Srinivasachari
Manager, Sankaranallur
Devasthanam, Udumalpet
Tal, Coimbatore
No.

Dated 16.8.96

Received 18.8.96

Registered 18.8.96.

Enclosures

Spare copies

SUBJECT

Praying that the report-cum
for by Govt. in G.O. 463 of 20,
about certain personal
matters in the above village,
may not be disposed of until
the receipt of his pet. which
will be subd. in a week.

BACK PAPERS

G.O.	No.	Department.	Date.
2240	855		

FURTHER PAPERS.

G.O.	No.	Department.	Date.
2149	6138	96	

2.

The Honorable A. J. Arundel Esq. C. S.

Revenue Secretary

Government office

Cotacamund



PETITION

0012

REVENUE DEPT

The humble petition of S. Sreenivas offering
Manager, Hindia Dairies, Sankar-
ramanallur, Udumulpet Taluk
Coimbatore District

Most respectfully sheweth that:-

1. The Government, in G.O. 463. Revenue, dated 20th July 1895, has called for a report about the correctness of the allegations made by the petitioner in his petition dated 28th February 1893, paras 4(g) & (h) about six personal Inams in the above village.
2. The petitioner put in his appearance before the lower authorities and has filed a number of public documents in support of his case; but he, to his misfortune, came to understand that the lower authorities have not put a correct interpretation on his documents, and the report must necessarily be full of misrepresentations.
3. The petitioner therefore felt sure that proper justice will not be meted out to him, unless he makes a full representation of his case to the Government for its favourable consideration and is, consequently preparing a petition which is in the press and will be ready in a week.

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Prays that, the report called for by Gov.
Ordinance in G.O. 463. Rev. 20th July 1876,
about Sir Personal Ornaments in the above village
with submitted by the lower authorities,
, disposed off, after the receipt from
in petition his petition which is in the press
and which will be submitted in a week

CURRENT No.

Devasthanam
Edumalpet-75
No. Coimbatore Dt.

Order.

Spare copies

SUBJECT.

Praying for restoration of
certain means resumed
by Gov. in 1894. &c

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

TO

His Excellency the Right Honourable,

Sir A. E. Havelock, G.C.M.G., G.C.I.E.,

Governor-in-Council,

Fort St. George,

MADRAS.

PETITION

0003

REVENUE DEPT.

*The humble petition of N. C. SRINIVASA CHARIAR,
Manager of the Hindu Devasthanam of Sankarama Nallur, on behalf of the Temple Committee
of Udumalpet Taluk, Coimbatore District,*

MOST RESPECTFULLY SHOWETH,

The Petitioner, being very much aggrieved by that portion of the G. O. No. 463, Revenue, dated 20th July 1895, relating to the cancellation of G. Os. Nos. 1379, dated 17th April 1893 and 164, dated 16th February 1893, begs to approach Your Excellency with this, his humble petition, with an earnest desire and full hope that Your Excellency will be pleased to bestow a careful consideration on the Petitioner's representations, to re-consider that portion of the G. O. abovenamed, and to do justice in the matter by restoring back the G. Os. Nos. 1379 and 164 of 1893.

2. Before entering on the main contentions of the Petitioner, it would be well for him to keep Your Excellency thoroughly informed of the facts of the case which are briefly these:—

The village of Sankarama Nallur, in Udumalpet Taluk, has been from time immemorial, an entire Inam Village, endowed for the upkeep of the two temples of Kalyana Varadarajaswami and Thandaveswaraswami in the said village. At the time of the assumption of this part of the country, by the British, from the Moslem rulers, the Government, pursuing the noble and benign policy of preserving intact the ancient religious and charitable foundations established by ancient Rajas, made an elaborate enquiry, in the year 1799, as to the nature of the endowment of this particular village, came to the conclusion that it was an entire Inam one, re-granted the same as an entire Inam Village for the benefit of the two temples abovenamed and issued a single title deed or sunnud, on the 14th July 1802, in pursuance thereof. Owing to the unsettled state of the country during the period immediately following the Mahomedan conquest, the new Government had to assume the management of these foundations as their trustees till a

permanent order of things could be restored. Consequently the management continued to be in the hands of the Government, for over half a century, when Act XX of 1863, vested the trusteeship in the hands of an independant body.

This fusion of the two functions of the grantor and the grantee in one for such a long time, was productive of far more harm than good in the long run to the interests of the Devasthanam. The discharge of duty in the capacity of the grantor often clashed with the interests which had to be protected in the capacity of the grantee and the confusion of rights and duties often proved detrimental to Devasthanam rights. The following cases will fully illustrate the result of this confusion.

(i) In 1804, during an Inam Settlement, the Government, fully forgetting its position as trustees, in the exercise of its powers as grantors, resumed certain portions of the endowment, measuring 44.91 acres of land, on the ground, that the conditions of the grant, with respect to certain minor Inams, attached to the above endowment, were not complied with. By whose dereliction of duty was the non-compliance of the conditions of the grant, was entirely ignored.

(ii) In 1862, during a Second Inam Settlement, the Government once more forgetting its position as trustees of the endowment, instead of protecting the interests of the endowment in that capacity, entirely ignored the fact that this was an entire Inam Village, considered it to be a Government village, treated (a) the inams therein as an aggregation of minor inams, (b) and the works of Irrigation and Poramboke to be Government property, and divided the inams therein into a number of classes in accordance with that new treatment.

(a) In the first class, were grouped a number of six inams, which were really inam lands allotted out of the entire Inam Village, as remuneration for the services of six periodical Brahmin servants of the two temples, but which were, however, erroneously treated as Personal Inams unconnected with the temple, and were, accordingly enfranchised as freehold tenures and for which seven separate puttass with a quit rent of Rs. 9-6-0, were issued. These are the inams which are now under enquiry.

(b) The second class represented an inam which was really an inam belonging to a minor temple subordinate to the two big temples, but which was, however, treated as an independant Devadayam quite unconnected with the temples, was settled and for which a separate putta was issued in the name of its pujari.

(c) A third class was a group of 36 inams of daily temple servants who were really subordinate to the two temples but who were, however, treated as independant inamdars holding their inams directly from Government and being subject only to the condition of doing service in the temples, whose inams were accordingly settled and to whom 36 separate title deeds were issued.

(d) In the fourth class, were brought all those inams whose incomes had been habitually devoted to the expenses of the two temples, and for which two title deeds in the names of the two deities were issued.

Thus, it will be seen that the Government, instead of, in its administrative capacity, issuing a single title deed in the name of the two

deities as was done in 1802, and in the capacity of the trustees, issuing a number of puttass to define the exact relationship existing between the trust property and its minor holdings, assumed only the position of the grantor, treated the village as Government property and issued, in the place of one, 46 title deeds.

(iii) Again, in 1883, during the enfranchisement of Village Service Inams in this district, the Inam Commissioner taking, as his precedent, the action of 1862, took this village to be a Government village, enfranchised the Village Service Inams therein, and issued 6 title deeds in the names of village office bearers.

These successive acts in 1804, 1862 and 1883, split up an Entire Inam into a number of independant inams all holding direct under Government instead of under the Entire Inamdar.

The Petitioner who was appointed Manager in 1884, brought by repeated representations to Government, between 1884 and 1889, the erroneous impression they were labouring under and, after a lengthy correspondence, the Government was pleased after deep and careful consideration to pass G. O. No. 680, Revenue, dated 8th August 1889, declaring the village to be an entire Inam Village, cancelling the enfranchisements already made and ordering the issue of a single title deed for the village as a whole. In carrying out the provisions of the G. O. the lower authorities felt a doubt as to whether they will have acted rightly if they include the inams settled in 1862, in the single title deed in question. The Inam Commissioner answering in the negative, the Petitioner was compelled once more to trouble the Government by his petition, dated 28th February 1893, praying for the rectification of the errors committed by Government in 1804 and 1862. The Government, after duly weighing the arguments set forth in his petition, by their G. O. No. 1379, Revenue, dated 17th April 1893, rectified the errors of 1862 and as regards those in 1804, declined to restore the resumed inams as the lands had been in their possession for a very long time. In the light of this G. O. an Inam Register for the village was submitted by the Collector to the Inam Commissioner with a recommendation for the issue of a single title deed. It was also represented to the Inam Commissioner that the holders of the title deeds issued for the several minor Inams refused to surrender the title deeds for cancellation as ordered by Government. The Inam Commissioner thereupon, raked up the matter once before finally decided by Government, and took objection to the cancellation of the Minor title deeds, by his letter No. 415, dated 18th April 1895. The Government, approving the recommendations of the Inam Commissioner, in G. O. No. 463, Revenue, dated 20th July 1895, cancelled the G. O. Nos. 164 and 1379 of 1893, observing that it was inexpedient and probably illegal to recall the title deeds issued for the Minor Service Inams. At the same time the Government called for submission of a report on the truth of the allegations of the Petitioner in para. 4 (g) and (h) of his petition, dated 23rd February 1893. Before the submission of the report, an enquiry was held by the Tahsildar before whom the Petitioner appeared and filed a number of documents in support of his statement. The Petitioner, however, understood that the lower authorities had not put a proper interpretation of the documents and the report submitted to Government must necessarily be full of misrepresentations. The Petitioner is therefore once more compelled to trouble Your Excellency with this petition.

He begs, herein below in Part I, to deal with his arguments in support of his prayer for the restoration of G. O. No. 1379, dated 17th April 1893, in Part II to deal with Six Personal Inams, the report on which is called for by the above G. O. No. 463, Revenue, dated 20th July 1895, and in Part III to deal with his arguments in support of the restoration of the inam lands resumed by Government in 1804.

PART I.—MINOR SERVICE INAMS.

3. The arguments in support of his prayer for the rectification of the errors committed by Government in 1862, has been fully set forth by the Petitioner in his petition dated 28th February 1893, to which, the Petitioner craves Your Excellency leave to refer. The Government, fully concurred in the Petitioner's views, and was pleased to grant his prayers in the above petition by G. O. 1379 dated 17th April 1893. The soundness of those arguments having been once approved, the Petitioner now respectfully prays Your Excellency to consider whether the arguments adduced by the Inam Commissioner in his letter No. 415 dated 18th April 1895, were such as, to outweigh the arguments which have been once approved and to necessitate the Government to cancel its own order. The Petitioner was not accorded an opportunity of meeting the arguments of the Inam Commissioner before the passing of G. O. No. 463, dated 20th July 1895 and he begs permission to deal only with his arguments herein below.

4. The arguments adduced by the Inam Commissioner are:—

- (i.) No fraud or misrepresentation was made out on the part of the holders of Minor Inam Title Deeds:
- (ii.) The practice of excluding all Minor Inams, Personal and Service, from the single title deed was observed at the time of the Inam Settlement in the case of all entire Inam Villages, and the cancellation of the minor title deeds in the Inam Village in question would lead to a similar revision of the title deeds issued in respect of other entire Inam Villages.
- (iii.) And this revision would shake the confidence already placed by the inamdars in the finality of the Inam Settlement.

As regards (i):—

5. Rule III of the Inam Settlement rules, which lays down the procedure for the settlement of Minor Inams and the issue of several title deeds in the names of actual enjoyers of the inams has no application to entire Inam Villages. (Vide G. Os. Nos. 164 and 1379 of 1893). The above conditions the existence of which will justify the cancellation of title deeds are essential only in the case of independant inams in Government villages. With such independant inams, it is quite reasonable to expect proof of existence of fraud or misrepresentation, before a title deed is cancelled. There, the creation of the Inam is not questioned but the person holding it is doubted. The Government in such cases, does not meddle with the inam but, when a claimant comes forward, examines the propriety of the person holding it. It is not till the claimant can show by positive proof that the one holding the inam has got into it by foul play such as fraud or misrepresentation, that the one holding it is disturbed. Assuming the claimant establishes the fraud or misrepresentation, on the part of the incumbent, what is the result? The previous holder is turned out and the new man is installed in that place and title deed issued in his favour. The title deed is cancelled in that case, not for the purpose of extinguishing the inam, but for setting aside the rights of one and creating right in another without disturbing the inam. Thus the consequences of cancellation of the title deeds are: (1) the continuance of the inam; (2) the extinguishment of right created by fraud or misrepresentation and (3) creation of right in a right person. In the present case before us, the inam itself, as being a direct holding under Government, is questioned. The Minor Inams cannot have any separate existence as independant

holding direct under Government. In an Inam Village such as this, the direct holder under Government is the Entire Inamdar and the Minor Inamdars are subordinate to the Entire Inamdar. The cancellation of title deeds in this particular case, produces consequences far different from those in the other case. Here it has the effect not of setting aside one person and choosing another as in the other case, but that of the renunciation of false position of the landlord which the Government had erroneously assumed in 1862 and assigning it in favour of the Entire Inamdar. Therefore no right of the Minor Inamdars is lost. There is only a change of landlord without in any way affecting the right of the tenant. The Petitioner does not require the extinguishment of right of the Minor Inamdars. He prays that no right of theirs should be interfered with, but that the Government should renounce its position of landlord which it had erroneously assumed, by cancelling the title deeds which it has directly issued to them and assign it in favour of the Entire Inamdar. Thus, Your Excellency can see that there is no illegality in the cancellation of the title deeds as has been observed by Government in G. O. 463, Revenue, dated 20th July 1895. The reason for the issue of minor title deeds in 1862, by Government, thereby assuming the false position of a landlord, was due to the misapprehension of the Government in treating the village as a Government village. But when once the initial mistake was pointed out and rectified by G. O. 680 Revenue dated 8th August 1889, there can be no possible objection on the part of the Government to cancel the transactions based on that initial mistake. Your Excellency will thus perceive that your Petitioner does not pray for the deprivation of any right of any persons but only for the renunciation of the false position of landlord erroneously assumed by Government, in favour of the Entire Inamdar. Hence fraud or misrepresentation on the part of the Minor Inamdars is not a question at issue as far as the cancellation of the title deeds is concerned. In this connection the observations of Mr. Whiteside, the then Inam Commissioner in his letter to Government, dated 14th June 1889, No. 216, embodied in G. O. No. 680, Rev., dated 8th August 1889 are worth noting. They are "They (The six Devasthanam villages in Coimbatore District) appear to have been at first granted as entire inam villages, but subsequently, the then trustees for the sake of convenience parcelled out the various service Inams out of the entire Inam and assigned them to the several office bearers in the Devasthanam to remunerate them for their service in lieu of ready money payment. During the Inam enquiry the Deputy Collector, settled these as minor Inams and those reserved for the upkeep of the Devasthanam according to actual enjoyment and hence each village *instead of having one title deed in the name of the pagoda to which it is attached*, had several title deeds issued to the several office bearers, all of them rendering service to the Devasthanam."

As regards ii:—

6. The argument resolves itself into two distinct things, viz.

- (a) That similar title deeds have been issued in a number of entire Inam Villages is itself an indication of its propriety; and
- (b) Because there are a number of cases for revision, therefore it is expedient to revise none.

As regards (a):—

7. The reason for the issue of similar title deeds in a number of entire Inam Villages is that the Government was the trustee of all entire Inam Devasthanam

Villages and that in Government was united the two—the administrative and executive—functions of all entire Inam Devastanam villages. A number of misapplications of law is no justification for its retention. A misapprehension of the Rule III by the Inam Commissioner, and the application of the rule under such a misapprehension, to a number of entire Inam Villages has caused mistakes in all. So, the issue of minor title deeds in a number of entire Inam Villages, having been caused by a misapprehension of Rule III, is no justification of its propriety.

As regards (b):—

8. The Petitioner is quite aware that the Government is always actuated by the noble policy of redressing the grievances of the ryots and of rectifying their faults especially if such faults have a tendency to entrench on the just rights of others. A similar policy has been pursued in G. O. No. 680, Revenue, dated 8th August 1889 para. (4). When the Government came to know of the injustice done to Perur in Coimbatore Taluk, in the enquiry of Sankaramanallur, it came forward and called for report about Perur, even though no claim had then been put forward with a view to redress the grievances of Perur. The existence of a number of grievances requiring redress has never been, in the annals of this Government, a reason for refusing redress for all. Grievances if really they exist must be redressed irrespective of their number. The grievance does really exist in the present case, as the continuance of the title deeds in the present condition deprives the Entire Inamdar of his right to be the landlord of Minor Inams. As has been observed by the Inam Commissioner, there are a number of deprivations of just rights. Such deprivations have been caused by Government at a time when it was itself the trustees. The deprivation of just rights of a number of entire Devastanam Inam Villages has resulted in a corresponding augmentation in favour of Government. For, Government, by such treatment, has become the landlord of these Minor Inams and when the conditions are not fulfilled, these inams must of necessity be resumed in favour of Government. Consequently, breach of trust in a number of cases has deprived the just rights of many and because there are a number of deprivations, none of them deserves restoration, on the score of expediency. Expediency has thus been a shelter under which the Inam Commissioner proposed and the Government approved to remain so as to retain, without restoration, the deprived rights of many entire Devastanam Villages.

As regards iii:—

9. The term "Inamdars" to such cases as these is surely a misnomer. These are not the cases in which the Inam Settlement, must, in the first instance, have been made and having been once erroneously made, these are not the classes of Inamdars who, as of right, can claim a finality in the Inam Settlement. If the Minor Inamdars had, as of right in themselves, been direct Inamdars from Government, they are entitled to say that their grants once made cannot be disturbed. All that is prayed for herein is not the deprivation of the rights of the Minor Inamdars but a renunciation by Government of their false position of landlord in favour of the Entire Inamdar. There is no confidence reposed at all and further there is no confidence shaken. The finality of Inam Settlement is in no way disturbed but only misapplications of rule set right. Hence it will be seen that there is no illegality or inexpediency in the cancellation of the title deeds. The interests of none are affected by the cancellation of confidence and there is no disturbance in the finality of the Inam Settlement.

10. Having met as briefly as possible the grounds of the Inam Commissioner, the Petitioner begs to submit the chief reasons which prompt the Petitioner to pray Your Excellency for the cancellation of the Minor Inam Title Deeds. They might be summarised under the following heads:—

- (a) The retention of the title deeds in their names renders their holding direct under Government and they (the title deed holders) assume a sort of semi independence and naturally go out of the control of the temple authorities.
- (b) Disobedience on their part has to be left unpunished and non-attendance and failure to perform duty has to be left unrectified.
- (c) Resumptions, in the present state of the inams necessitated by the non-compliance of the conditions, will enure to the benefit of the Government and not of the Entire Inamdar. In 1804, a similar resumption resulted to the benefit of the Government and a number of such resumptions is sure to follow as the inams would hardly be sufficient as remuneration for their services. A number of such resumptions will deprive the Entire Inamdar of all its office bearers.
- (d) The present system gives an incentive to the holders of the title deeds to alienate their lands and the purchasers are deluded into the blind belief of the existence of absolute title in them owing to the existence of title deeds.
- (e) To get possession from them in case of their removal from office and appointments of others in their stead, the Entire Inamdar must resort to the tedious and expensive course of the institution of a law suit.
- (f) The issue of title deeds disables the temple authorities from changing the present mode of remuneration to one of payment in cash, even if such a reform be eagerly desired by the servants themselves.
- (g) The fixity of tenure prevents the authorities from changing one piece of land for another, although such a change be very beneficial to both the servant and the master.
- (h) The title deeds issued in 1862 in favour of temple servants, are not in themselves final deeds, in as much as, on the occasion of each appointment, a fresh deed will have to be issued in the name of the nominee, thus proving to be source of constant trouble to the Inam Commissioner, and breaking the very principle intended to be kept up by Government, viz., the finality in the Inam Settlement.

11. It has been the noble policy of the Government not to interfere with the executive administration of each pagoda. The evil consequences abovenamed are the daily experiences of the Petitioner and the difficulties he had to surmount for enforcing an efficient administration of the executive affairs have been too numerous to find a place here. This is the chief cause for the general outcry that the administration of the Hindu pagodas is very unsatisfactory. If the servants are taken out of the control of the temple authorities and modes of enforcing strict discipline paralyzed, then it is very hard to expect an efficient management of the Hindu pagodas.

PART II.—PERSONAL INAMS.

12. The Petitioner begs respectfully to submit that his statement contained in para. 4 (g) and (h) of his petition, dated 28th February 1893, that six inams which were really Temple Service Inams, were, in 1862, enfranchised under

an erroneous impression that they were Personal Inams, is correct and the view expressed by lower Revenue authorities is erroneous. The arguments advanced on both sides are based only on the following five documents, which were produced by the Petitioner before the Tahsildar. The documents are:—

- (i.) Copper Plate Sannud given by Karthar Krishnaraja Vodiya, Maharaja of Mysore.
- (ii.) Kaifeith (Deposition) (Marked A in his previous Petitions.) given by Seshaiyar, Kurnam of Sankaramanallur Village, in Fasli 1209, (1799), on the basis of which the Sunnud iii following was granted.
- (iii.) Sunnud (marked D in his previous Petitions) (single title deed) by Mr. Hardis, Collector of Coimbatore, dated 14th July 1802, for the village of Sankaramanallur.
- (iv.) Paimash Olungu of Fasli 1212 (1802) of the Inam Village Sankaramanallur.
- (v.) Inam Daryafsthi chitta of Fasli 1214 (1804) (marked I in his previous Petitions).

13. The Petitioner begs, first of all, to put forward his arguments based on the above documents and then to proceed to meet the objections expressed by the other side. The Petitioner's arguments are:—

Document I:—Copper Plate Sannud.

14. This document evidences the grant, of the Entire Inam Village of Sankaramanallur to the two temples abovenamed, by a Mysore Maha Raja. The whole village, not excepting even an inch of ground, has been the subject of the grant. There is no reservation in favour of any independant Inamdar, in this Sunnud. Had these six inams any prior existence, or had they been created then, there would have been an express mention and reservation of them in the said Sunnud. Want of reservation is a clear indication of their non existence.

Document II:—Kaifeith, the first Government record.

15. This is an important document. This is an authenticated copy from the Collector's office. This is a deposition or Kaifeith recorded by Mr. Gundoo Bunt, Collector's Shirestadar in the year 1799, during an enquiry held just after the annexation of this part of the country to the English Dominion, and taken for the express purpose of serving as a guidance for a regrant. In para. 2 of this Kaifeith it is said "Again, during the reign of Thirumal Naik of Madura and Karthar Krishnaraja Udayar of Mysore, the whole village of Devastanam Sankaramanallur and 2 Sei in Sholamadevi and 6 Sei in Kallapuram had been endowed to the two abovenamed Devastanams."

16. Here again we see no express reservation in favour of the six inamdars in question. This is the document which disclosed the then state and the nature of this endowment and which served as a foundation stone for the rights of the Devastanams. The British, when assuming the Government of this part of the country from the Moslem rulers, actuated by a noble desire of preserving intact ancient religious and charitable endowments established by the ancient Rajas, and for the fulfilment of that desire, enquired after the existence of each Inam and, when it was assured of their previous existence, regranted them subject to the

same conditions as were in vogue originally. While such was the case, would not these six Inamdars have taken care to put forward their claims to the British and to have them reserved in the Entire Inam Villages? and would the deponent herein not have mentioned these six inams and had them reserved? The absence of precaution on the part of either and the want of reservation in this and the subsequent document very well indicates that no independant inams existed in the village at that time.

17. This kaifeith proceeds to state

"Out of the Devastana Sankaramanallur,

- (a) 1½ Bullah was allowed to the three minor temples attached to the above two Devastanams;
- (b) Punjah Bullah ½ and Nanjah Sei 4 were allowed separately to Brahmins for the services of Vedaparayanam and Panchangam in the above two big temples."

18. The lands mentioned in (b) above, are the lands allotted to 8 Brahmin servants for the services of Vedaparayanam and Panchangam in the two big temples, and set forth in detail in the Document No. IV, of which the allotments of two servants were resumed in 1804 and the remaining six inams form the subject of the present enquiry. (Vide Paimash Olungu Document No. IV). This conclusively establishes the fact that these eight inams had been endowed to eight Brahmins for doing the services of Vedaparayanam, Panchangam, Puranam &c. This document entirely negatives the theory that the six inams in question were quite independant ones and unconnected with any service in the temples.

Document III:—Original Sunnud of 1802.

19. This document follows step by step the recommendations contained in the preceding document. Herein also, we see the grant of the Entire Inam Village by the British with no reservation in favour of any independant Inamdar. This document, creating a title as it does, in favour of the Devastanam, would have been very cautious in its terms and would have expressly mentioned reservations, if independant inamdars had holdings in this Entire Inam Village. The title deeds issued to Zamindaries, Shrotriendars, Agraharamdars and other entire Inamdars, do contain express mention of independant inams, when the object of the Government was to save such independant Inams.

Document IV:—Paimash Olungu.

20. This document styles these inams as Brahmadayam Kadu (lands for Brahmin's allotment) Vedavirthi Kadu (land for reciting Vedas) Panchanga Kadu (land to read calendar) Battavirthi Kadu (land for Brahmin's service) Purana Kadu (land for reading Puranas)—These appellations do well indicate the purposes for which these lands were allotted. Because a land was enjoyed by one who reads calendar in the big temples (Panchangam), that land was called Panchanga Kadu; and so on. This document further enables us to identify the six inams now in question as having been those mentioned in Document II para 2 (b). By adding the extent of the several allotments in this document, we arrive at the figure Punjah Bulla ½ and Nanja Sei 4, the extent mentioned above said to have been allowed to 8 Brahmin's for the service named above.

Document V:—Dariafsthi Chittah.

21. This is an Inam Settlement account prepared in 1804. In this document is contained the resumption by Government of two out of the eight allotments in favour of Brahmin servants mentioned in Document II para 2 (b) and of two out of three allotments in favour of minor temples mentioned in the same para under the head (a).

1st para. herein is

	Pons.	Panams.
"The whole taram assessment of the village.	1517	7 12 $\frac{3}{4}$
For the two temples tastik	...	1462
For three Minor Temples Inam	...	9
For <i>Brahmadayam and Panchangam Service.</i>	23	1 13 2
Servants of the village	...	0 3 1 $\frac{1}{4}$
	23	0 10 0
	1517	7 12 $\frac{3}{4}$ "

The last para. :—

"Thandaveswaraswami

"Kalyana Varadarajaswami

	Nunjah Cawnies	Punjah Ballas
"The whole ayacut of the village for the two temples.	136 4 3	1191 10 3
Deduct Poramboke	...	0 14 0
	...	260 10 1
Net Balance...	135 6 3	931 0 2
Minor Inam	...	9 8 2
Village Service	...	0 0 0
	...	8 9 0
	...	15 10 1
Total ...	9 8 2	24 3 1
Net Balance Devasthanam Paditharam Tastik	...	125 15 1
	...	906 13 1"

22. In the first para, the taram assessment of the whole village which belongs to the two temples is mentioned to be 1517 Pons and 7-12- $\frac{3}{4}$ Panams. This is said to be the annual income for the two temples. Then there is a detailed statement of the several items of expenditure. One of the items allotted in this statement which is a sort of budget is for payment for Brahmadayam and Panchangam services. If those services be independant services, then there is no necessity to mention this as one of the items of expenditure in the budget of the temples. This cannot be taken as an exclusion from temple's income for this reason. One of the items of expenditure is stated to be for village servants and it is not denied that the village servants are the servants of the Entire Inamdar.

23. In the last para, the whole ayacut is mentioned to be 136-4-3 Nunjah cawnies and 1191-10-3 Punjah Bullas, and this ayacut is said to belong to the two temples. By a series of deductions, the temples Paditharam Tastik (the extent for daily expenses of the temples) is arrived at. The several parcels are detailed herein. One item is for minor Inam which includes the extent of the six inams now in question. This deduction was not intended to serve as reservation in favour of independant holders, for, along with this, the extent for village servants has also been deducted and they have been recognized to be the servants of the Entire Inamdar.

24. This is another positive proof which conclusively establishes that these six inams are service Inams subordinate to this Entire Inamdar and not independant Inams.

25. Again, in the body of this document, we find reasons assigned for the resumptions of two out of the eight allotments granted to Brahmin servants and two out of three allotments made for the use of the three minor temples attached to the big temples. In the case of the former we have this reason.

"In Komaralingam Venkataramanaswami temple in a different village in the name of Mathwamuni Achar—Kilavadi Pathu, Sandy, second sort cawny, 0-14-1 at the rate of 22 $\frac{1}{2}$ panams. The above mentioned Inam having been in use for a different temple as the Kurnam's statement shewed, was zufted (resumed.)"

"In the name of Appa Aiyangar, for the Service of Panchangam (reciting calender.) Panchangam Kadu in Ruthrapoliem, Saraly, Second Sort—Balla 1-12-0 at the rate of 13 $\frac{1}{2}$ Panam assessment Pon. 2, 2-15-2. Waste for 30 years as there was none according to the Karnams Statement was zufted (resumed.)"

26. The above quotations prominently bring out the fact, that the lands were for Vedaparayanam and Panchangam services and not independant personal Inams, and that in one case the service having not been performed in the temple for which it was granted and in the other case there having been none to perform the service and the land having been waste for 30 years, the lands were resumed.

27. Similar reasons are assigned for the resumptions of the other Inams named above.

28. Thus, a perusal of the above five documents in the light of the arguments adduced by the Petitioner, will conclusively bear out the Petitioner's statement. The want of reservation in Documents I, II and III, and the express mention of the purpose for which these Inams were allotted, in II, III, IV and V serve as negative and positive tests to establish the Petitioner's conclusions.

29. The Petitioner having narrated his arguments in support of his proposition proceeds to examine the soundness of the other theory put forward by the minor Inamdars, started from the very same documents mentioned above. Their arguments might be brought under the three following heads:—

- (i) The use of the expressions Brahmadayam, and Battavirithi, as appellations for these Inams now in question, in the Document IV, expressions which are alleged to be applicable solely to personal independant Inams.
- (ii) The imposition of Jodi—an assessment levied on personal Inams alone.
- (iii) The difference in the treatment of these Six Inams and the Temple service Inams in the Document III, Sunnad of 1802, the former being unconditional and the latter conditional.

As regards (i):—

30. It is nowhere laid down on authority that such expressions as Battavirithi and Brahmadayam, were, in the years 1802 and 1804, applied to personal Inams only. The literal meaning of these expressions does not indicate that restricted application. Even granting that such restricted application, that

alone cannot be a foundation for the other theory. The reason for this misapplication is palpable. Similar Brahmin's Inam in Government Villages were then styled Brahmadayam etc. Those who prepared the Devasthanam accounts were the same Karnams who were preparing the Government accounts. Further, the management of the temples having been in Government, the authorities made no difference in the treatment of Devasthanam and Government Villages. Hence, arose the misapplication of the technical terms applicable to independent Inams, to the Brahmin's service Inams now in question. Such misapplications as these by Government officials cannot deprive Devasthanam of its just rights. We find the expression Poramboke applied to unassessed wastes in this village, a term which is applicable to Government unassessed wastes. From this, it cannot be inferred that those unassessed wastes in this village are Government property.

As regards (ii):—

31. The imposition of Jodi cannot be a sure test. It was consequent on the application of above appellations to the Inams now in question. The Government and its officers had then two interests to guard and two duties to discharge, which, often times, owing to carelessness or want of discrimination, clashed with one another. A Brahmin's Inam in a Devasthanam village was, by want of discrimination on the part of the Government officials, named after the same inams in Government villages: with the application of the name, the natural incidents applicable to such Inams in Government villages, were also tacked, in the case of these Inams now in question. One of the incidents was resumption in favour of Government and another was the imposition of Jodi. Hence there was misapplication not only of name, but also of rules which govern only Government Inams. In the case of resumptions there was this beauty. The reasons for resumptions were the cessation of service, thereby the irresistible conclusion follows that these Inams were coupled with the condition of performing service.

As regards (iii):—

32. From Document III, two inferences in favour of the other theory are deduced:—

- (a) Because, from the extent of the entire Inam Village, viz., 55 Nunja Seis, and 222-0-0 Punja Ballas, Brahmadayam with other items measuring Nunja Sei, 4 and Punjah Balla 42-7-0 are deducted and with the remaining extent is added the extent in Government villages and the total is entered as Devasthanam Paditharam, therefore such a deduction of these six Inams was intended as reservations in favour of the Inamdars.
- (b) The conditions mentioned in the last para, have application only to Temple Service Inams and accordingly the six inams now in question had no conditions attached and therefore were independent personal Inams.

As regards (a):—

33. This argument will not stand the test of a critical examination. There are other items deducted along with this Brahmadayam. The first is Poramboke. By deducting Poramboke, is it to be inferred that Poramboke was also intended to be reserved in favour of Government? Such a reservation was not at all intended is laid down by Inam Commissioner as long back as in the year 1865. In his letter dated 4th October 1865, by the Inam Commissioner, noted in Mr. Sturrock's letter dated 11th January 1889, No. 21, embodied in G. O. 680 Revenue

dated 8th August 1889, there is this passage. "The exclusion of Poramboke from the extent of land entered in the title deeds issued for whole villages of whatever description is simply on account of the generally uncultivable character of such lands: but the exclusion is in no way intended to bar the right of the Inamdars to cultivate such lands when practicable and enjoy the same as part and parcel of their village."

34. Taking another item "Village Service Inams." From the deduction of this item, is it to be concluded that they were intended as reservations in favour of village officers? That such a reservation was not at all intended, is laid down by G. O. 680, Revenue, dated 8th August 1889, whereby the enfranchisements made in their favour were cancelled and they were made subservient to Entire Inamdar. Acting under such a direction, the lower authorities have issued orders to the village officers and they now act in obedience to the orders of the Devasthanam authorities.

35. Taking again a third item, deduction of the extent for two village deities. The Inam for one of the village deities has been resumed in 1804. The other village minor temple is under the control and supervision of the two big temples and attached to them. Is it to be inferred that because it is deducted, therefore this temple was declared independent?

36. The principle for grouping these several items and deducting their extent from the ayacut of the village must be the same, applicable to all the items. What was intended in one item of deduction must be intended for all. So, it is plain that these deductions were not intended to operate as bars to the rights of the Devasthanam.

As regards (b):—

37. The absence of conditions with regard to Brahmadayams and the presence of conditions to temple Service Inams, in the document, cannot indicate that the former was unconditional and therefore independent and the latter conditional and therefore dependant. A close examination of the documents II, III and V will bear out the Petitioner's contention and point out the reason for tacking the temple service Inams alone with conditions.

38. In para. 2 of the Document II appears.

"Again, during the reign of Thirumal Naik of Madura and Karthar Krishna Raja Udayar of Mysore, the whole village of Devasthanam Sankaramanallur and 2 sei in Sholamadevi and 6 Sei in Kallapuram had been endowed to the abovesaid Devasthanams for the performance of daily Pujah, Festivals and the salary disbursements of Devasthanam servants."

From this we must infer that the whole village not excepting even an inch of land in favour of any independent Inamdar, was endowed to the two temples in ancient times. Acting on this information, the order of the Collector in Document III proceeds in para 1 as follows.

"The Karnam of the village has given in writing about the local custom to the effect that endowment in lands as hereunder described—the villages of Sankaramanallur and others, was in use for the benefit of Sri Kalyana Varadarajaswami and Sri Thandaveswaraswami temples in the above Sankaramanallur village in the above Taluk. Order, to the effect that endowment should be continued as usual was received from Lord Clive,

the Governor of Madras by the Board of Revenue on the 21st of June 1800, and the same was communicated by the Revenue Board on the 15th September 1800. Therefore, in accordance with the above order, the endowments of these villages were regranted."

The regrant confirms the endowment as it originally stood. As above shown, the want of reservation indicates the absence in it of any independant Inam.

39. The Kaifeith proceeds to state:—

"Out of the Devastanam Sankaramanallur.

- (a) 1½ Ballas was allowed by the three minor temples attached to the above two Devastanams.
- (b) Punja Balla ½ and Nanjah Sei 4 were allowed separately to Brahmins for the services of Vedaparayanam and Panchanga services in the above big temples."

It is incontrovertible that the Inams comprised in (a) and (b) were temple Service Inams and not personal.

40. It proceeds.

"Deducting the above, the remaining Nanja Sei 51, and Punja Balla 220 of Sankaramanallur and the 8 seis of Sholamadevi and Kallapuram are being appropriated for the expenses of the abovenamed two big temples."

The object of the deduction of these Inams and the apportionment of the rest of the village among the temple servants and for temple expenses and the laying out of condition for temple servants alone, is clear from what follows.

"The village is rented by Agraharam people and village officials and out of the rent collected, pay of Karnam, Manigar, Nirani, Tandal &c., of the village) is defrayed. The remaining rent is paid in performance of daily puja etc., of the said Devastanams and for the salary of temple servants according to the list."

It will be seen from the above, that the Brahmin servants mentioned in (b) above had a treatment different from that of the other servants of the temples. The Brahmins had land allotments in lieu of their pay, while others were being paid in cash out of the rents collected by the agraharamdars. Consequently

"The temple servants complained that their pay was not paid to them regularly for some years past, lands were apportioned to them for their services and they are enjoying the same for the last 4 fuslies: We have prepared a detailed list, stating the names of all the servants with their allotted portions of land."

The temple servants finding their position unsafe, desired the position of the Brahmin periodical servants, and aspired for land allotments. The Government fully concurring in the views of the Karnam, came to the conclusion in III that the system of allotting lands for all the items of expenditure in the temple would work better than the other system, and proceeds therein to parcel out the lands as detailed in III. In III we find.

"From the year Sitharthi Fasli (1209) to Dhurmuthi (1211) out of the sum collected during the Jamabandi of the said Devastanam Inam lands, held every year, tastick was fixed for the expenses of the temples and the pay

of the servants and the payments were made in cash: Now from the year Dundubhi (Fasli 1212) lands were shared out for the expenses of the temples and servants."

41. Then the Government fixes the extent of land available for thus apportioning out for temple servants and temples' expenses, to be Nanja Sei 59 and Punja Ballas 179½. It then works out the process by which this figure is arrived. The whole ayacut of the village is taken which was Nanjah Sei 55 and Punja ballas 220-0-0. From this ayacut is deducted the extent of land which is either already allotted or which is useless for allotment. This extent is found to be Nanjah Sei 4 and Punja Ballas 42-7-0. In this is included the Six Inams now in question under the heading Brahmadayam. From the entire extent, this extent is deducted and the balance, Nunjah Sei 51 and Punja Ballas 179-9-0 is arrived, which can be apportioned for purposes for which there had not been till then land allotments. To this extent is added the lands in other villages left unallotted. Adding these two, the above figure Nanja Sei 59 and Punjah Ballas 179-9-0 is got, which is then allotted to the temple expenses (temple paditharam) and for temple servants. Then follows a long list of servants with the extent of land for each. Along with this document, two lists marked E and F in previous petitions were prepared to particularize the names of the servant and the lands assigned to each. The Document III, thus after assigning for the first time land allotments for the temple servants proceeds to dictate the terms subject to which they are to be held. Hence there was a necessity for defining in this Document the conditions subject to which the temple service Inams, were allotted.

42. The assignment to Brahmin servants, called Brahmadayam (Six Inams now in question) having been made long prior to this assignment for temple servants, the Document III does not contain conditions to the Brahmadayam Inams. It was because there was land allotment for Brahmins long prior to Documents II and III, therefore the extent of which is mentioned and deducted from the entire village, and the income derived from the remaining portion is said by the Karnam to have been utilized for the pay of temple servants and for the expenses of the temples. And it was because temple servants were not paid regularly the Karnam states that land allotments which worked better was preferable. It is again because that Government too found land allotment system was agreeable, therefore it proceeded to carry out that scheme. It was because there were land allotments already existing, they had to be set aside in fixing the extent fit for allotment. Then allotments are made and they are handed over subject to conditions. This difference in treatment was necessitated for the carrying out of the above object is plain from Document V last para and 1st para. In the last para of Document V the whole ayacut for the two temples is put down as Nanja Cawnies 136-4-3 and Punja Ballas 1191-10-3, which was the ayacut for the whole village. From this is deducted Poramboke which is quite unfit for allotment. The net balance is stated to be 135-6-3 cawnies and 931-0-2 Ballas. Then again, the extent already allotted viz, minor Inams (including the present Six Inams) and Service Inams measuring 9-8-2 Cawnies and 24-3-1 Ballas, is deducted. The net balance, the extent 125-14-1 Cawnies and 906-13-1 Ballas, is entered as having been left for Devastanam Paditaram Tastik (allotments to defray the expenses of the temples.) In a similar way in the first para is worked, the income of the village, its items of expenditure and the net balance is assigned for the expenses of the temples including pay of temple servants.

43. Now, taking the arguments advanced by the Petitioner namely, (1) want of reservation in Documents I, II and III, and (2) the express mention in II, III, IV and V as service Inams, on one scale and those put forward on the other side with the Petitioner's explanations in the other scale, the Petitioner begs to submit that the former will far outweigh the latter.

44. The Petitioner feels confident that he has done all he could to convince Your Excellency that these Inams were originally temple Service Inams enfranchised in 1862, under an erroneous impression that they were personal Inams.

PART III.—RESUMED INAMS.

45. The Petitioner, has repeatedly begged the Government by his Petitions, praying for the restoration of the 44.91 acres of land resumed in the year 1804. The Government, by its two G. Os 680, Revenue, dated 8th August 1889 and 1379, Revenue, dated 17th April 1893, has declined to grant the prayer on the sole ground that it has been in long possession of the resumed lands. The Petitioner once more prays your Excellency in Council to reconsider that question in the light of the arguments adduced by the Petitioner herein below. He proposes to deal (1) with the mode by which the Government got the possession and (2) with his arguments in support of his prayer for restoration.

46. As regards 1:—The Petitioner begs to invite your Excellency's attention to the Tabular Statement herewith appended. The first four items therein measure in survey 44.91 acres and form the subject matter of this portion of the petition. The first two items herein with item No. 5, are the allotments, which are mentioned in para. (2) (a) of the Keifeith (Document II) to have been allowed to three minor temples attached to the two big temples. The second two items with items 6 to 11 (both inclusive) are the lands mentioned, in the above document sub para (b) to have been assigned in favour of Brahmin servants for Vedaparayanam and Panchangam services. Thus, it is quite clear that these minor Inams are part and parcel of the Entire village, parcelled out for the sake of convenience for the above purposes. The several allotments of the extent mentioned in the paras (a) and (b) of the Kaifeith are set forth in detail in the Paimash Olungu (Document IV) from which the appended Tabular Statement is an extract. Out of the eleven allotments (3 in favour of minor temples and 8 in favour of Brahmin servants) two of the former (the first two items in the statement,) and two of the latter, (the second two items) measuring 44.91 acres, were, as will be seen from the Daryafisthi chitta (Document V), resumed in 1804, owing to cessation of service. The cause of the resumption in favour of Government, has been the want of discrimination on the part of the lower Revenue authorities in 1804. The management of the pagodas, had been, prior to 1804, vested in the hands of the Government. The Government deputed for the executive administration of the pagodas, the very same Government officials who were serving in Government villages. The consequence was that when there was cessation of service in relation to a portion of the religious foundation, the Government resumed them in its favour instead of rectifying them by fresh appointments. This initial mistake, was left unobserved till 1862, during which period the Government continued to act as trustees of the pagodas. Carelessness or want of discrimination in the lower authorities has been the cause of this erroneous resumption. The nature of this mode of resumption has been well

observed by Mr. Whiteside the Inam Commissioner, in his letter to Government No. 216, dated 14th June 1889, embodied in G. O. 680 Revenue dated 8th August 1889 "these 44 acres appear from the Collector's letter to have been assigned originally "for services in the Devastanam, but owing to cessation of service by the holders "thereof, they have been resumed by Government, and treated as ayan when the "Devastanam was under their management."

47. As regards (2):—The Government has fully recognized the propriety of restoring them (these 44.91 acres), but the only plausible objection for the refusal has been that the lands have remained in its possession for a long time. The other arguments of the Petitioner, would be very clear from this and other previous petitions and since his reasons indicating the propriety of restoration have been approved, he thinks it unnecessary to recapitulate them here. The restoration having been for proper reasons found to be by Government to be in accordance with justice, long possession alone should not influence it to deviate from its course. The policy of the Government has always been the non interference with ancient religious and charitable foundations established by ancient Rajas, the protection of their interests, and the restoration of illegal encroachments on the part of any. This policy has been followed in the case of Perur village when it, in 1871, found that it has illegally taken back from the religious foundation the village of Mavuthampathi, it at once came forward to restore the whole village in favour of Perur Devastanam. There are similar instances in this village itself. The G. Os. 680 and 1379 are clear indications of its benevolent and charitable disposition. So, long possession with it, has never been, in the annals of Government, a reason for refusing restoration, if it is justifiable for other reasons. Further, in this case, there has been, properly speaking no long possession. The resumption was in 1804, and till 1863, the Government continued to be trustees of the pagodas and consequently such a possession can never be taken into account. It is hardly 33 years, since the Government can be said to be in possession in its own individual capacity. Even granting that there has been a very long possession with Government, the broad principles laid down by Government in its legislature do not give protection for long possessions, in such cases as these. Sec 10 of the Limitation Act expressly lays down "no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration) for the purpose of following in his or their hands such property, shall be barred by any length of time." The Government, while it itself lays down such broad principles of justice has never taken shelter under long possessions and the Petitioner craves the extension of their benevolent and charitable disposition in the present case also. The compliance with the Petitioner's prayer causes only a very trifling loss of Rs. 24 and odd—the assessment on the 44.91 acres—which is nothing to it. On the other hand, this poor institution will gain immensely by this sum, and the Government will have its noble and benign policy pursued here as well, if the Petitioner has been granted his prayer.

48. After adducing the arguments on the three subjects in three parts, the Petitioner feels confident that he has done all he could to convince Your Excellency in Council the truth of his case. In the first part, he has clearly established the futile nature of the Inam Commissioner's arguments by showing that fraud or misrepresentation cannot be prerequisites to the cancellation of minor title deeds in this case, that the issue of similar title deeds in a number of

entire Inam villages having resulted from the misconstruction and misapplication of Rule III of Inam Settlement rules, cannot be a justification for refusing relief to all, that there is no confidence shaken and no finality of Inam Settlement disturbed by such cancellation and that the cancellation having the effect, not of depriving the rights of Inamdars but of a change of landlord, there is no illegality or inexpediency in cancellation. In part II, he has shown by positive and negative proofs that the six Inams were temple service Inams and has met the arguments of the other side, by clearly proving that the imposition of Jodi and the appendage of appellations were the result of confusion and that a difference in treatment in the title deed of 1802 was necessitated by the then circumstances. In Part III, he has endeavoured to point out how long possession alone cannot serve as a ground for refusal. The Petitioner therefore invites your Excellency in Council to a careful consideration of his arguments and prays,

- (1) that the 1st para. of G. O. 463 Revenue, dated 20th July 1895, be cancelled, by restoring G. O. 1379 dated 17th April 1893:
- (2) that the six Inams for which a report has been called for be declared temple service Inams, and their enfranchisements cancelled:
- (3) that the 52 title deeds issued in 1862 and 1883, be cancelled: and included in the single title deed to be issued:
- (4) and that the 44.91 acres of land resumed in 1804, be restored.

For which act of kindness, the Petitioner, shall, as in duty bound, ever pray.

Dated 20th August 1896.

[Signature]

Devasthanam Manager

ENCLOSURES.

- (1) II. (Marked A in his previous petitions.) An English Translation in print, of the Kaifeith (deposition) dated 1799.
- (2) III and V (Marked D and I respectively in his previous petitions.) English translations, in print, of the title deed issued by Mr. Hardis in 1802 and Dariyafsthi chitta of Fasli 1214 (1804).

[Signature]

Statement showing the particulars (as per Paimash Olungu, Document IV) of Panja Dallas 2 and Nanja Sei 4, the extent of minor Inams mentioned in his documents II and III of this petition.

Serial No.	Minor Temples' Inam or Brahmin Service Inam.	Paimash No.	Names of the fields as per Paimash Olungu (IV).	Extent before Paimash as per IV.		Extent in Paimash as per IV (Fasli 1212).		Survey.			Remarks.
				Dry Bullas.	Wet Sei.	Dry Bullas.	Wet Caunies.	Settle-ment No.	Extent areas.	Asses-ment.	
1	1	3	4	5	6	7	8	9	10	11	12
1	Minor Temple Inam in favour of Hanumantharaya swami.	91	Hanumantharayer Kadu.	0	0	2	...	5	16	1	Resumed in 1804 as per V, owing to cessation of Puja.
2	Minor Temple Inam in favour of Akasa Perumal.	214	Akasa Perumal Manyia Kadu.	0	0	2	...	...	12	74	These two were resumed in 1804 owing to cessation of Service, as per V.
3	Brahmin Service Inam for Panchangam Service.	235	Panchanga Kadu.	0	0	1	...	...	3	54	
4	Brahmin Service Inam for Vedaparanum Service.	362	Lakshmanachar Battavir- rithi Kawni.	...	0	...	0	...	2	13	
			Total ...	1	0	6	0	...	0	1	
5	Minor Temple Inam in fa- vour of Kuttukarai Kali- yuga Varadaraja Peru- mal.	144	Kattu Perumal Manyia Kadu.	...	0	1	...	...	44	91	Settled in the name of its pujari Kaveri Aiyar and title deed issued in his name.
6	Brahmin Service Inam for Vedaparanum Service.	348	Sadagopalachar Battavir- thi Cawni.	...	0	...	...	...	...	...	These six allotments have been treated in 1862, as Personal Inams, were enfran- chised and for which seven title deeds were granted to the enjoyers of these allotments. These are the six Personal Inams, in question, dealt with in Part II of this petition.
7	Do.	171	Aladi Battavir- thi.	...	0	...	...	...	...	...	
8	Do.	385	Alagu Singiengar Battavir- thi.	...	0	...	...	...	...	...	
9	Do.	170	Brahmadayam Battavir- thi.	...	0	...	...	...	...	...	
10	Do.	394	Brahmadayam Samier Bat- tavir- thi.	...	0	...	...	...	...	...	
11	Do. Purnav rthi Service...	176	Brahmadayam Battavir- thi.	...	0	...	...	...	...	...	
		177	Do.	...	0	...	...	...	...	...	
		342	Dasachar Kuppier Purana- vir- thi Cawni.	...	0	...	...	...	...	...	
		Total...	Total...	8	3	12	0	...	1	10	
		Total of minor temples and Brahmin Service Inams...	Total...	2	4	0	0	...	0	0	

[Signature]



TO

HIS EXCELLENCY,
THE GOVERNOR IN COUNCIL,
FORT ST. GEORGE,
MADRAS.

FROM

N. C. Srinivasa Chariar, Manager, Sankarama-
Nallur Devasthanam, Udumalpet Taluk,
Coimbatore District.

PETITION No.

Dated 20

Despatched 22

Received

August 1896

ENCLOSURES 2.

SUBJECT.

Praying for the cancellation of para 1 of G. O. dated 20th July 1895 No. 463 Rev., for cancellation of the enfranchisement of certain personal Inams made in 1862 by the Inam Commissioner, for restoration of certain inams resumed by Government in 1804 and for inclusion of all the minor inams in the single title deed ordered to be issued for the Sankaramanallur entire Inam Village.

C. Nos. 4398, 5947 & 6138 of '96.

Req. temple service inams
in the village of Sankaramanallur,
in the Coimbatore Dt.

Dr. L. S.
12/8/96

The Hon. Mr. G. V. S. C. J. E.

The Hon. Mr. B. S. C. J. E.

C. 3/12
12/20/12

C. Nos. 4398, 5947 and 6138 of '96

For Orders

The papers read above relate to the village of Sankarmanallur, in the Coimbatore D^o. To arrive at a correct conclusion on the points at issue, it is necessary to recapitulate the facts of the case.

2. Previous to 1889, a portion of the village measuring about 44 acres, was treated as belonging to the Govt. The remainder consisted of personal, temple, service and village service inams, and inams set apart for the upkeep of two pagodas. In 1883, Mr. Wilson, the Inam Commissioner, treated the village as a Govt. village from the fact that it was for the most part an aggregation of separate inams and ordered the enfranchisement of the village service inams

2
inams (paras 3 & 4 of the Inam
Commr's letter printed at page 9 of G.O.
No. 680 d 8 aug '89).

The manager of the two
pagodas submitted a petition re-
questing that the village might
be treated as a whole inam
village and that the enfranchise-
ment of the service inams car-
ried out by the Dy. Collector might
be cancelled. The requests were
granted in para 1 of G.O. 680 d
8 aug '89. The reference to service
inams in general in the Govt.
order was obviously to village
service inams, the enfranchise-
ment of which was objected to by
the manager.

Unfortunately, the Govt.
also directed that a single title-
deed should be issued for the vil-
lage as a whole. This order, how-
ever, could not be carried out,
as the holders of the title-deeds
declined to deliver them for
cancellation. It was also re-
ported that in the treatment
of other whole inam villages in
the Presidency, the practice of
the

3
the Inam Dept. was to exclude
all minor inams, personal in-
service, and to issue a title deed
for the remainder to the holder
of the entire inam village, and
that a departure from this prin-
ciple in one case would lead to
revisions of other title deeds in this
Presy. and would thereby shake
the confidence of the people in
the finality of the Inam Settle-
ment. The Inam Commr. ac-
cordingly recommended that
the minor inams should be left
alone. This recommendation was
accepted by Govt. and its previous
orders on this point were cancelled
- G.O. 463 d 20th July 1895.

5. In the same order,
the Inam Commr. was request-
ed to enquire into an allegation
made by the manager that six
minor inams, which were really
temple service inams, had been
erroneously enfranchised in 1862
as personal inams. In the first
current read above the Inam Com.
submits his reply. The Coll^r's letter
submitted by the Inam Comr. sets
forth

forth the arguments for and
against the contention that ^{the inams were personal. The Collr}
^{is more likely that the inams}
were granted and treated as
personal, than as temple service
inams. The Inam Comr. Agree-
ing with the Collr states that he
sees no reason for disturbing at
this distance of time the settle-
ment already made in the six
cases in question.

6. Before submitting this
current for orders, the second
current was received, in which
the manager stated that a full
petition was under preparation,
and prayed that the matter
might be allowed to lie over,
until it was received. C no 6 p 20 is the petition referred to by the Manager.

7. In para 2 of this peti-
tion, the Manager calls in ques-
tion the correctness of the view
taken by the Collr and the Inam
Comr, and solicits reference to the
following documents:

8. The first document
is a copper plate Saavad granted
by a former ruler of Mysore. It
assigned the northern and southern
por.

Vide Appx. A to C. No 4398.

portions of Sankarananallur,
with "all the forests, hills, village
sites &c..." to the two pagodas.
The Collr agrees with the manager
that the entire village was granted
as an endowment.

9. A deposition taken from
a village accountant in 1799
is the second document, for the
text of which please see appendix
A to the Manager's petition filed
with G.O. 1379 of 17th April 1893.
It states that the whole village
was granted as an endowment,
and that half a ballah of dry
land and four sai of wet land
were allowed to Brahmans for the
services of Vedaparayanam and
Panchangam in the Pagodas.
The Collr appears to have ascer-
tained that the six inams
under consideration form a
portion of these lands. The second
statement of the Accountant is
in favour of the Manager's conten-
tion, but the subsequent portion
of the deposition throw some doubt
upon it. The deposition goes on
to state that one ballah and

a half of dry land was allowed to three minor pagodas, that after deducting this extent and that allowed to the brahmins, the remainder measuring 51 sai wet and 220 ballahs dry, was appropriated for the expenses of the two pagodas, that the salaries of the pagoda servants were paid in cash, and that owing to their complaints of irregular disbursements, lands were allotted to them in lieu of cash payments.

It will be observed that a distinction was made so early as 1799, between the brahmins who held the vicams under consideration and the temple servants. The former were allotted certain plots of land apparently by the Rayasore ruler (who in the copper plate sanad refers to the request of the Chief of the learned men in compliance with which the endowment was made). The temple servants, on the other hand, were first paid in cash, and when this was found to be inconvenient, allotments of land were

were made. If the then holders of the six vicams were also servants of the pagodas, there was no reason why they should have been treated differently from other servants.

The third document relied on by the Manager is an order to the local Tahsildar by the Colr., Mr. Hurdie, 27/14-7-1882. It is printed as document D in the appx. to the Manager's petition filed with G.O. 1379 27/17-4-98. This is an important order, as it regrants the vicams and endowments granted by a native ruler. Where this order conflicts with the two documents previously referred to, the former should, it is submitted, prevail. The Order states that "the nayah and punjah lands of the two temples" were sai 59 (wet) and bullahs 179 $\frac{9}{16}$ (dry), and works out these figures as follows:

	Wet Sai	Dry Ballah
Agacut of the above said villages	55	222
<u>Deduct</u>		
(1) Poramboke		33 $\frac{1}{4}$
(2) Manyase		1 $\frac{1}{2}$
(a) Hb for three minor village deities		$\frac{1}{2}$
(c) Potahmadayam	4	$\frac{1}{2}$
(d) Service Vicams		73 $\frac{1}{16}$
Total	4	42 $\frac{1}{16}$
Remainder	51	179 $\frac{9}{16}$
Add Land Endowment in 2 Govt. villages	8	
Total	59	179 $\frac{9}{16}$

Below this calculation the details of the pagoda lands allotted to the expenses of the two pagodas and to the servants of the same are entered — vide the version of the order in Marhatta and Tamil. But they have been omitted in the English copy submitted by the Manager. This list contains the following entries:—

"Kalyanavaradanajaswami pagoda:

"Mantapushpam and Vedaparanayanam: one servant, half a sai of wet land and two ballahs of dry land.

"Sahasranamarchanai: one servant, half a sai of wet land and two ballahs of dry land.

"Tandaveswaraswami pagoda:

"Mantapushpam and Vedaparanayanam: one servant, half a sai of wet land and two ballahs of dry land.

Bilwarchanai: one servant, half a sai of wet land, and two ballahs of dry land.

Seventeen servants for the first pagoda and nineteen for the second are enumerated with

Please see the roll ~~see~~ in the file separately put up.

with a total allotment of 23 sais of wet land and 61 ballahs of dry land. Among these thirty-six servants are the four referred to in the above extract, two of whom are attached to each pagoda. One of the servants in each is to be present at the time of daily worship, and recite the vedas, and the other to be ready with the tulasi or biwa leaves. The total of the manas assigned to the thirty-six servants and of the lands for the upkeep of the pagodas is exactly the extent of lands shown as pagoda lands.

11. From the contents of Mr. Hurdis's order, stated above, the following inferences may be drawn:

(i) That in stating the pagoda lands to be 59 sais of wet lands, and $179 \frac{9}{16}$ ballahs of dry, Mr. Hurdis intended to exclude from the jurisdiction of the pagodas, poram-boke lands and manas attached to the three minor pagodas, and those granted to brahmins and village servants. The subsequent

action

16.
3 action of Govt officers in re-
admitting some of these lands,
and in imposing jodi on the
lands held by the brahmins,
supports this view.

(ii) That 'Service inams', one of the
items excluded by Mr. Hurdie,
should refer to village service, as
temple servants are separately
referred to.

(iii) That the holders of brah-
madayam lands hold them
as personal grants, not as
temple service inam lands. For
the extent of lands held by
them (four bari under wet and
half a ballah under dry) are ex-
cluded from the temple lands,
and four out of the thirty-six
servants employed in the two
pagodas were required to dis-
charge the duties which the
managrs villages were assigned
to the holders of the brahmadayam
lands, and they were given sepa-
rate inams.

12. Mr. Hurdie's Order states
"The lands allotted to the dif-
ferent services of temple servants
be

be made over to them and
secure their punctual attend-
ance to their duties. The lands
shall continue in their respect-
ive enjoyment as long as the
servants continue in their duty
without default." The Coll.
points out that no service of any
kind was required from the
holders of the Brahmadayam
lands and that no punishment
was provided for against failure
to render service. With reference
to this the managrs state, -
para 42, C. No. 6138, - that certain
conditions were imposed on pagoda
servants because lands were
allotted to them in lieu of
salaries, and that this was
not necessary in the case of
brahmins who had received
their allotments long before. This
explanation is misleading. The
deposition of the village accountant
(document No II) shows that the
substitution of land allotment
was made before 1799. In 1802
when Mr. Hurdie issued his order,
there was no reason why a dif-
ference

12.
ference should have been made
of the manager's contention is
correct.

13. The view that the six
inams under consideration were
personal grants is inconsistent
with the statement made by the
village accountant in 1799, accord-
ing to whom the inams were
granted for the recitation of
the vedas and the reading of
the calendar. The discrepancy
may be explained on the sup-
position that some of the inam-dars
were pagoda servants also. How-
ever this may be, Mr. Hurdis's order
of 1802, should prevail, as already
pointed out.

14. To the inference that
the inam lands under con-
sideration were removed from
the jurisdiction of the pagodas,
the manager raises this objection.
If Mr. Hurdis excluded one item
he must have also excluded
poramboke lands, and the lands
assigned to the minor pagodas,
and to the village servants. But
the Govt. restored the poramboke
where

13.
when it recognised the village
as a whole inam village, and
the superannuation of village
service inams was cancelled. It
must be presumed that G.O. No.
680 of 8 Aug. 89 made these con-
cessions as a matter of grace and
that no argument can be drawn
therefrom.

15. The fourth document is
a painash account prepared
in 1802. Reference appears to be
made to this to draw an argu-
ment in favour of the manager's
contention from the description of
the inam lands. A copy of this
is not available, but the description
appears in Col. 2 of Encl. B in C.No. 4398.
The terms used are 'Shettavritti',
'Puranavritti', 'Brahmadayam' and
'Panchang Kadu'. The word 'vritti'
generally means occupation and
the words 'Shettavritti' and 'Pura-
navritti' mean the occupation of a
bhatta or brahman and the oc-
cupation of a puranam reader.
It is well known that personal
grants were made by native
rulers to enable brahmins to
pursue

12.
2
p. 1. pursue their legitimate profession,
not learning and ^{then} teaching the
religious books. The import of
Brahmadayam is ^{well} known.
Panchangakam can only mean
the dry land held by a calendar
brahmin. It is difficult to see
how the idea of service can be
imported into these words. Anti-
cipating this difficulty, the Mana-
ger states (para 30, C No. ⁶¹³⁸ ~~6258~~) that
the terms were misapplied by the
officers of Govt when they were in
charge of the temple lands. This
plea can hardly be accepted.

14.
p. 16. The last document is
what is called 'Sudam Daripatti'
'chitta', of f. 12/14, for which please
see document I attached to
C No. ⁶¹³⁸ ~~6258~~. In the first portion
the following words occur:—"Details
of task to the two devasthanams,
and among the details the as-
sessment on the inams assigned
as Brahmadayam is included,
the description being Brahmadayam
and Panchangam service. The
manager considers this as proving
that the grants to Brahmans

were for service. He adds that
the resumption of two of these
inams by Govt for failure to render
service points in the same direction.
In regard to the first point, it
will be observed that the docu-
ment is a translation made by
the manager, that the 'Itetera'
probably came after 'devasthanams',
and the document being an
account relating to the whole
village specifies the assessment
on the pagoda lands as well as on
others. The account being written
from Seshayyan's dictation -
the accountant who was responsible
for the second document, the
description of the inams under
consideration as service inams
may be left ^{out} of account. Of
the two inams resumed (apparently
in 1804), one was for "the inam
having been in use for a dif-
ferent temple as the Karmam's
statement showed." The Karmam
was apparently Seshayyan again,
and if the order of resumption
is correctly abstracted in the
account, the Govt officers must
have

have been misinformed. The cause assigned in the other case was for leaving the land waste for thirty years and not for failure to render service as stated by the Manager (para 26 C No 6318.).

17. From the examination of the evidence urged by the Manager in paras ⁸⁻¹⁶ ~~7-15~~ above, it will be concluded that he has failed to make out a case, and that the recommendations of the Coll^r and the Suam Comr. may be accepted - vide para ⁵ ~~4~~ supra.

18. The manager takes this occasion to urge two requests. The first is that the lands which were resumed by Govt in 1804 might be restored. Attention is invited in this connection to the notes under G.O. 1379 of 17 April '93. All the arguments now urged were before the Govt. which declined to admit the claim after the lapse of such a long time. A further argument in support of the refusal is now available.

The

The lands resumed measuring about 44 acres were among those excluded from the cognizance of the Pagodas.

19. The second request is that all the title deeds already issued for minor inams in the village may be recalled and that a single title deed may be issued for the whole village. This question was considered fully in G.O.

^{463 dated 20th July 1895}
~~480 of 2 Aug 89~~ and no valid arguments are now urged. When the title deeds were issued there was no misrepresentation or fraud, as temple service inams were enfranchised as such. They cannot be cancelled, nor the title deeds for personal inams.

KD
27/11/96

Hy 12/6.

30/11

C. nos 4398, 5947 and 6138 of 1896
G.O. No. 119 dt 8th Jan 1897

The Gov. has carefully considered the arguments urged by the Managers of the Sankra Manallur temple in the last paper read above, but is not satisfied that he has made out ~~his~~ his contention that the six inams in question were temple service in and not personal inams. The collector's recommendation supported by the Inam Comr. that the settlement of the inams already made should be left ~~unperturbed~~ ^{unaltered} is approved.

2. The Manager's Gov. declines to reconsider the orders already passed in regard to the restoration of the resumed inams and the issue of a single title deed.

18/1/97

To the Inam Comr. } with enclosures
Petitioner } returned.

26.1.11.1897

Recd. from orders

KD
7/1/97

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