

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 1205

DATED 28th June

[Despatch Abstract.]

*Informing Subbarami Aiyar, Coimbatore
etc., that the Govt. declines to interfere
on his behalf.*

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
Political (1897) Department.

CURRENT No. 2879.

From *Subbubani Vijay,*
Cochinatore St.

Order

No.

Dated 5th June 1897

Received 11-6-97

Registered

Enclosures

Spare copies

SUBJECT.

Subing. certain Encls.
to his previous petition to
Govt.

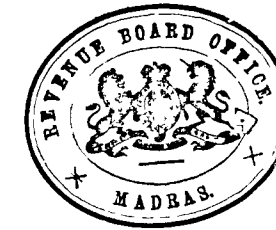
22/10/6

BACK PAPERS.

G.O.	No.	Department.	Date.
	715		
	4355		
	1353		

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Land Revenue)

No. 5282 Misc., dated 20th March 1894.

Read again B.P. 4798
Read again B.P. 1429
Read letter from Subbusamien Aiyer, late Asstt. Karnam of Perundalyur village, Satyamangalam Taluk, Coimbatore Dt. C/o of Mr. B.C. Karayanasami Aiyer B.P. 6-6-94
 Read the following letter from H. Bradley, Esquire, AG. Collector also.

of Coimbatore, to the Secretary to the Commissioners of Land Revenue, Madras, Ref. on No. 1735/sub. of '94, dated 4th September 1894.

Adverting to para 2 of B.P., dated the 16th March last, Miscellaneous No. 1429 of 1894, I have the honor to report on the petitions of one Subbusamien and Subbramanian Aiyer regarding their claims to the Karnam office of the Perundalyur village, Satyamangalam taluk.

2. In this village there were two karnams from the time of palmash, and at the revision of the village establishment, one of them, a Head karnam and an assistant karnam were appointed. Seshagiri Aiyer and Venkatanarasien were karnams at the revision.

3. In R.S. No. 2/91 on the file of the Deputy Collector Northern Division, Coimbatore, Subbusamien (Board's appellant) sued Venkatanarasien who was the assistant karnam appointed at the revision and succeeded, *as he was found to be descended from* Venkatesien who held office in fasli 1217 and as Venkatanarasien was not a mirasdar.

4. Against this decision Venkatanarasien (defendant) appealed to the Collector who in Revenue appeal No. 183 of 1891 dismissed the petition.

5. Having obtained the post of Assistant karnam, this Subbusamien brought a suit to recover the Head karnam's post

from Seshagiri Aiyen mentioned in para 2. This was R.S.No.51 of 1891 on the file of the Head quarter Deputy Collector. The Deputy Collector decreed in favour of Subbusamien (plaintiff) as he found him to be a mirasidar deriving his mirasi right from the Venkatesion of fasli 1217-42 (c.f. para 3), while the defendant Seshagiri Aiyen was a non-mirasidar appointed for the first time in 1859 to one of the two karnams' posts which fell vacant in consequence of the dismissal of the two mirasi holders, one of whom was the father-Setharamien of Subbaramania Iyen, the Board's Review petitioner vide para 11 of judgment in R.S.No.5 of 1882, on the file of the Deputy Collector, Northern Division, Coimbatore, filed in R.S.No.51 of 1891.

6. Seshagiri Aiyen then appealed to the Collector, and in Rev. appeal No.262 of 1892 Mr. Sturrock modified the order of the Deputy Collector finding that "as he (Respondent) was not in office at revision and the Appellant (Seshagiri Aiyen) had been in office for 30 years, he (Seshagiri Aiyen) ought not to be disturbed during his life time." It is against this order Subbusamien has appealed to the Board.

7. The Review petitioner Subbaramania Aiyen claims one Sitharamien as his father. This Sitharamien is a non-mirasidar appointed in 1861 along with Seshagiri Aiyen, Head karnam to succeed 2 mirasidars who were dismissed for misconduct (Vide para 11 of the Judgment in R.S.No.5 of 1882). At revision Sitharamien was appointed as assistant karnam and succeeded on his death by Ramasawmi Aiyen, probably also his son.

8. This Ramasawmi Aiyen was also dismissed for misconduct in connection with a Revenue sale and one Venkatanarasien, a thrown out karnam of Ammapalaiyam was appointed in his stead, in Proceedings of the Deputy Collector, Northern Division, dated the 5th December 1890, No.1495/Genl. of 1890. The Board's Review petitioner is therefore descended from a non-mirasidar who was appointed in 1861 and who was confirmed as Assistant karnam at revision.

9. In para 4 of his petition, the petitioner contends that the Board has, on the petition of Subbusawmien, restored Venkatanarasier as assistant karnam on the impression that he was appointed at revision as Assistant karnam and that as it was his father Setharamien that was in office and was confirmed at revision, he and not Venkatanarasien should be given the post of Assistant karnam.

10. The B.P.No.4798, dated 18th August 1893 L.R. appears to be based on a misconception of Sitharamien (petitioner's father) was karnam at revision and was confirmed as Assistant karnam, whereas Venkatanarasien was appointed only in December 1890, i.e., after the revision.

11. The records as per list enclosed are submitted together with the enclosures to the Board's Proceedings under reply returned.

Resolution

The office of Assistant karnam not being hereditary, the decision in Reg. suit No.2 of 1891 decreeing the Assistant karnamship to Subbusami Iyan, are set aside, and Venkatanarasian who was ousted by the suit decisions, is now restored to office. Subbaramaniyan has no claim through his father to the office which is not hereditary.

2. The Collector's decision in Suit No.51 of 1891 giving a declaratory decree in favor of Subbusamiyan for the Head karnamship, is revived. Seshagiri Aiyen having been in office for 30 years and more is protected by the three years' rule, and the Board sees no reason to modify the Collector's decision.

3. The appeals of Subbusamiyan and Subramaniyan are accordingly dismissed.

(True Copy & Extract)

/signed/ L.M.Wynch
Secretary.

To

The Collector of Coimbatore, for information and guidance and for communication to the parties concerned with records to be returned to petitioner.

/True Copy/

K. S. S. S. S.
30 MAR 1897
Asstt. Secretary.

Id. R. H.

1894.
Board of Revenue
(Land Revenue),
MADRAS.

To

True Copy of Board's

Pro. No. 5282 Misc.
Dated 20th September 1894.

Subject.

PETITION

8190
REVENUE DEPT.
To

CHIEF SECRETARY
9. JUN. 1897
GOVERNMENT OF MADRAS

GOVT. MADRAS
11 MAY 97
REV. DEPT.

His Excellency the Governor of
Fort Saint George in Council.
May it please your Excellency
in Council,

With reference to the Endorse-
ment N^o 715 R, (Revenue Depart-
ment of Madras) dated
2nd April 1897, your Excellency,
Petitioner Subbusami aiyar
late Assistant Kurnam of
Perundalur village, Talukam,
Tanjore District, most
respectfully submits herewith
a Certified Copy of Board's Proceedings
dated 18th August 1893, N^o 4798,
therein called for.

2. He begs permission to add
that the same was not submitted
with his memorial, as the said
Proceedings of the Board was subse-
quently cancelled by the Board
themselves in B.O. N^o 1429 dated
16th March 1894 - which is
also now submitted for your

Enclosure's ready reference.

3. A copy of the appointment order of Venkatarasasaiyar for the Assistant Karam's office is also now submitted in support of the 9th para of the Memorial (printed), as well as to show that the Board has made a mistake of fact in

saying in B.O. No. 4798 ^{18.8.93} that "Venkatarasasaiyar who appears to have been appointed at the Revision ... will now be restored."

Petitioner craves for justice.

Camp: Udumalpet
5th June 1897

Jijy Sado Seneo

Late Assistant Karam
Perundalur
c/o
D. C. Narayanaswami
Phoder, Coode

Government of Madras
Revenue Department

Reference on Endorsement

N^o 715R

Indmt to Mr. Clerk

1897

To the Petr
with Encls.

1897-7-97

Read case 4879 of 97
G.O. R. no. 1205 of 28th June 97.
The Govt de-
clines to interfere
on the petr's behalf

1897

List

Note

This is an appeal
in respect of the
post of assistant-kar-
nam. The case is a
rather complicated
one but the facts,
so far as they are
necessary for the dis-
posal of the present
petition, are as follow:-

Prior to the revision
of village establish-
ments, the village
of Perundalayur
in the Coimbatore
district had two
independent kar-
nam. In that arrange-
ment

Petition of Subbarama aiyar
late Assistant Karam of
Perundalayur village, Sattia-
mangalam Taluk, Coimbatore
District.

Enclosures:- 3

Dated 5th June 1897.

Despatched 7th June 1897

Received:-

Prayer:-

Submitting certain
records called for in the
above reference in con-
nection with his memorial
already submitted.

arrangement, ~~only~~
one ^{principal} karnam ~~was~~
~~appointed~~
and one
assistant karnam

were allowed for
the village. In December
1890, one Venkatanasa-
sien was appointed
assistant karnam
and against him
the p^{tr} filed a suit
to recover the office
under Repⁿ II of 1831.

The Dy coll who tried
the case observed
that "there were two
karnams for the village
from before the passing
of Repⁿ VI of 1831 and
that, at revision, one
of these was styled the
karnam and the
other, as the assistant
karnam. As the post
is therefore not a new
creation it is a misasi
appointment for which
a suit can lie." The
Dy coll held that
the p^{tr} was a misasid

and accordingly
appointed ~~him~~ him
to the office. This
decision which was
also affirmed by
the coll was how-
ever reversed by the
Board of Revenue
which said: "The
office of assistant
karnam not being
hereditary, the de-
cisions in Repⁿ Suit
No 2 of 1891 decreeing
the assistant kar-
namship to Subbu-
samin are set aside
and Venkatanasien
who was ousted by
the suit decisions is
now restored to office.
The p^{tr} who thus
lost the assistant
karnam's post now
appeals to the Govt.
The appointment
having been created
at the revision, the
Board's view that
it is not hereditary

is correct. Under
G.P. No 515 d, 20-6-89,
Govt does not enter
tani petitions in
respect of appoint-
ments to the post of
assistant karnam.

(P)
24 June 97

There is another ground viz that
as the Mr. Kurnam ship was created
at Mysore it is a new office
to which no one has a Mysore
claim.

24/6/97

24/6/97

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.P.-

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