

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 1445

DATED 30th July

[Despatch Abstract.]

Forwarding to Venkata Shobapala
Chavala the packet containing
No 3244 of 17-5-94 and the six encl-
ures received from him, which was
returned by the Dead Letter Office.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cro	8488/97						

M. O. P. 21/7

Revenue (189) Department.

Red 24/7

CURRENT No. 6143

List

From

Venkata Itholappala
Charloo.
Bellary St
No.

Order R. no. 14458/30th July 97.

The packet contain-
ing Encl. No 3244, dated 17th
August 1894 and the in-
enclosures received from the
petitioner, which was re-
turned by the deall letter
office on the ground that
the addressee was not
found, will now be for-
warded to the petr.

Dated 12th July 1897

Received

Registered 20

Enclosures

Spare copies

SUBJECT.

Requesting the
return of the papers sent
with his petition to Govt.

11/11/97

To the petr
with the packet
(in Encl. 3244 dated 24)

The petr gives the
same address as before.

16-8-97

BACK PAPERS.

G.O.	No.	Department.	Date.
	3244	Rev.	17.8.94

FURTHER PAPERS.

G.O.	No.	Department.	Date.

TO

HIS EXCELLENCY THE GOVERNOR.

IN-COUNCIL, FORT ST. GEORGE

MADRAS.

*The humble petition of Venkata
Tholappala Charloo Jahghir-
dar of Krishnapuram in the
Hospet Taluk, Bellary Dis-
trict.*

RESPECTFULLY SHOWETH,

The petitioner above named begs to appeal against the order of the Board of Revenue contained in its proceedings No. 5468 dated 31st August 1892, disallowing the right of the petitioner to the Nirbhatta (tax for the distribution of water) levied by him from the Minor Inamdars of the Jahghir and directing it to be levied by the officers of Government.

That the grounds of his appeal are the following:—

(1) This is a source of Revenue which petitioner has been enjoying ever since the grant of the Jahghir to him in 1806 and long before the village was enfranchised by the Inam Commissioner.

(2) The officers of Government have recognised and allowed it. In the year 1885 when Mr. M. D. Bell was in charge of the Hospet Division, a question was raised as to the legality or otherwise of this source of income to the Jahghirdar and he ordered that the petitioner should not be disturbed from its enjoyment. Vide his order No. 627 dated 18-12-85 (herewith submitted).

(3) It is contended by the Collector that *Nirbhatta* is a contribution by the minor Inamdars towards the cost of repairs executed by Government to the Main channels from which their wet Inam lands receive their supply. This is not so even with reference to the Minor Inams situated in Government villages, because its incorporation with the "Irrigation cess fund" when that cess was in existence shows that it was being levied from Inamdars for the petty repairs to minor channels such as those which can be done by Kudimaramut or village labour. As regards the Jahghirs and Shrotriems the Jahghirdars and Shrotriemdars are entitled to collect the Nirbhatta for the up keep and maintenance of minor distributing channels which carry water to their wet lands. This work is not being done by Government and the Government is not therefore entitled to it. The fact that the petitioner has been executing these repairs as far as his Jahghir village is concerned is evidenced by the fact that the Deputy Collector in charge of Hospet division took this circumstance into his consideration when he assessed the petitioner to Incometax in 1873 when he allowed 100 Rupees for his expenses under this head while the petitioner's claim was for Rs. 150. Vide para 5 of his Takeed No. 147 dated 22nd March 1873 to the Hospet Tahsildar.

(4) The Sannad granted to the Petitioner by Sir William Bentick and the orders of the Board of Revenue were not duly considered in depriving the petitioner of his income by the levy of Nirbhatta. The former expressly gives him

the right to enjoy the revenues derivable from the lands belonging to Krishnapoor and the latter distinctly lay down the general principle that when Shrotriendars and Jhaghirdars had an interest in an item of extra source of Revenue before the settlement made by the Inam Commissioner they must be allowed to enjoy the same in future. The Nirbhatta cess in question is no doubt a Revenue derivable from the minor Inam lands in the Jahghir and is an item of extra source of Revenue in which he had an interest from the year 1806. This is a contribution to the petitioner for the work done by him to the distributaries a work which benefits the minor Inamdars to the same extent as the Jahghirdar.

(5) The order of the Board of Revenue will deprive the petitioner of the enjoyment of the right to collect Nirbhatta from minor Inamdars which he has been enjoying for nearly a century with the tacit permission of Government. The Revenue accounts submitted by the petitioner to Government from time to time showed this item of Revenue and no objection was taken to the levy of the cess by the petitioner by the successive Collectors for about 90 years.

(6) The fact that the Inam Commissioner at the time of settlement did not take this income into consideration in fixing the assets is no argument to deprive the petitioner of this source of income to which he had a right by long enjoyment. Probably the Inam Commissioner did not think it equitable to take this into account in fixing the quit rent on the village as it was an extra source of revenue enjoyed by petitioner long before settlement. Whatever may be cause for his omission it does not at any rate justify the deprivation of the petitioner's right to enjoy the Nirbhatta to which he is entitled from a long time past.

In these circumstances the petitioner states that he has been unjustly deprived of an annual income of Rs. 30 or 40 by the levy of Nirbhatta from the minor Inamdars of the Jahghir by Government direct and requests that the Government will be pleased to pass orders allowing the petitioner to enjoy the same as heretofore.

LIST OF DOCUMENTS.

Serial No.	No. of Documents.	Date of Documents.	Description of Documents.	Remarks.
I	627	18-12-1885	Order of the Head Assistant Collector of Hospet Division.	Shows that he is entitled to enjoy that source of income.
II	...	2-7-1891	Proceedings of the Collector of Bellary.	
III	147	22-3-1873	Takeed of the Deputy Collector of Bellary to the Tahsildar of Hospet.	
IV	...	27-10-1806	Sannad granted by Lord William Bentick.	Shows the grant of village Krishnapoor to the Petitioner and his heirs.
V	5468	31-8-1892	The order of the Board of Revenue appealed against.	Shows that he is deprived of the enjoyment of the right to collect Nirbhatta from minor Inamdars which he has been enjoying for a century by Government permission.

BELLARY,

July 1894.

CHIEF SECRETARY
16 JUL 1897
GOVERNMENT OF MADRAS

SEC. GOVT. MEDICALS
17 JUL 57
REV. DEPT.

212

1. THE UNITED STATES OF AMERICA

in the month of July 1894

The appeal
was argued by
Mr. J. B. C. C.
17.8.94
The appeal was
allowed by
the Judge.

I beg to remain sir

Yours most obedient servant

*Jahrgelder Kristinapuram
Korpet Paluk*

12/July/94 }

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

189

READ AGAIN G.O., No.
 189

DATUM

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILLED UP, BEING MEANT FOR DISPATCH
 IN ORIGINAL.

N.B.—

- A = Copy in full.
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- P = Copy abstract only.
- Q = Copy heading only.