Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 158

DATED 11 Jany 1897

[Despatch Abstract.]

Passing orders on Retthen from Ramakrishna ayya, re: enfranchisement of the Kattukani Inamis attached to the office of Asian iyer group, in the Madura Taluk.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2224/97						

Order.

Revenue (1896) Department.

CURRENT No. 2224

From The Inam Commissioner Madras.

R. C. No. 684 of 96.

Dated 14th October 1896.

Received 19.10.96

Registered 23.10.96

Enclosures. 7 files (6 to be returned).

Spare copies 6 files & 11 enclos.

SUBJECT.

Reporting on the petition presented by one Rama-Krishna Iyer regarding the Enfranchisement of the Karnam Inams of Anaiyur group, Madura Taluk, Madura District.

BACK PAPERS.

G.O.	No.	Department.	Date.
	1619R		18-9-96
	3462		1-6-72
	46		22-1-71
	20		12-1-71

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

REVENUE DEPT

SECR. GOVT. MADRAS
12 SEP 96
REV. DEPT.

CHIEF SECRETARY
31 AUG 1896
GOVERNMENT OF MADRAS

To

His Excellency
The Governor in Council of
Fort Saint George
Madras.

The humble Memorial of Rama Krishna Cassi Karnam of Anaiyur Group Madura Taluq, Madura District, appealing against the order of the Inam Commissioner in his Dis. No. 263 of 1896 dated 5th May 1896.

Most Respectfully sheweth.

1. That your humble memorialist is the registered Mirrassi Karnam of the villages of Anaiyur, Pilaiyaneri and Mulakaranai comprised in the Group.

2. That your Memorialist was doing duty from 1887 to 1889 through his Gumastah Naranar while he was minor, and from 1890 downwards in person by himself.

3. That the said Naranier, who was acting Karnam after the dismissal of the previous incumbent & before the appointment of your Memorialist to the office, was appointed as Gumastah at the nomination & request of the minor (Memorialist) - Vide Enclosure 2.

and the said Naraniem has besides executed a stamped Kararuanamb to the Memorialist binding himself for the due performance of the work on his behalf, and agreeing to receive $\frac{2}{3}$ rds of the produce of the lands in question through the Memorialist for the remuneration of his services as Gumastah during the minority of the Memorialist. Vide Enclosures 3.

4. That, at the Inam Enfranchisement, the facts of possession of the Inams were by Mistake misrepresented to the Inam Commissioner, who, whereupon, by his orders in May, June & November 1893, resumed & fully assessed the lands on behalf of strangers without regard to your Memorialists' petitions to him.

5. That Your Memorialist then launched a Civil Suit in the District Moonsiffs Court of Tirumangalam in O/S No 283 of 1893, and obtained a Decree in his favor, and the lands, which are the land Emoluments of the office, were put in possession of your Memorialist under a process of the Court as per Execution petition No 754 of 1894. (Vide Jud't Enclosure 4.)

6. That the Decree of the Moonsiffs Court

(Enclosure 5.) was confirmed in appeal preferred by the Defendants in A.S. No. 861 of 1894 in the Subordinate Court of Madura (East), and the appellate Court has observed in para 9 of its Judgment, the Inam Commissioner has once recognized the rights of the Memorialist; that the Enfranchisement in favor of the defendants was wrongly obtained on a misrepresentation of facts, and that the Inam should be enfranchised at 7/8ths assessment in favor of the Memorialist (Plff), who holds the office & Murrassi & possession at the Enfranchisement

7. That, armed with the decrees, Your Memorialist moved the Collector and the Thasildar who recommended to the Inam Commissioner for the issue of a Title Deed at 7/8ths assessment in favor of Your Memorialist.

8. That the Inam Commissioner (to whom probably the papers which your Memorialist produced before the Tahsildar have not been forwarded) in reply referred the Collector to G.O. No 3462 dated 1st August 1892, and refused to reopen the matter, on the ground that the Settlement of the Inam in question has been completed on their being finally resumed

Vide Enclosure 1

Exhibit

resumed & fully assessed for the reason that they had been in the possession of Strangers at the time of Inam Settlement.

9. That the above impression of the Inam Commissioner is incorrect, and the facts of the Kangayarattam Nattamai case referred to in the above G O No 3462, are quite different from, & quite dissimilar on all fours to, and quite inapplicable therefore to the case now under appeal, would appear from the following:-

(1) That the Gumastah in the above case was one appointed by the minor therein referred to; while the Gumastah in the present case was one appointed at the request and nomination of the minor (memorialist) - Vide Enclosures 2 & 3.

(2) That the Gumastah in the above case acquired possession of the lands as lawful office holder under a Decree in Suit No 10 of 1884 under Regulation VII of 1831 instituted by him against the minor (registered office holder) & others in the Court of the General Deputy Collector Madura (Vide Judgt in S A No 743 of 1894) Enclosure 7); while the Gumastah herein had no such possession whatever, but had a possession under the stamped Kararnamah (Enclosure 3 he executed to the memorialist, tho' he colluded subsequently with strangers, and had the property fraudulently alienated to himself & others.

(3) That the Gumastah in the above case was a stranger & not a hereditary, and as he was in possession of the lands, the Government was of opinion that the lands should have been resumed and fully assessed; while in the present case the Inams have been declared by the Civil Courts to be land Inams and the same were found to have been in the possession of 1st Defendant when he was Circar Karnam's (memorialists') Gumastah - Vide para 98 Enclosure 4, and according to Mitra on limitation page 107, possession thro' a proxy, servant &c is principal's possession not fictitious or constructively, but really and directly.

(4) That the Government have also remarked in the above G O No 3462, that, because no fraud was imputed, the title deed granted to the minor hereditary cannot, however, be cancelled; while in the present case, that misrepresentation of facts as to possession, has been practised is apparent as was already pointed out in para 6 of this memorial. & therefore the wrongful order of resumption & trust of course be cancelled.

10

10. That the Government does not hold its order No 3462 a peremptory one for all cases of several natures, but passed their opinion in the circumstances of that case alone as will be seen from the order itself, which runs — "the circumstances of the case do not "in the opinion of Government, justify such a finding"; and the Inam Commissioner's application of that G.O to the present case, in which the Civil tribunals have found the Inam to be Land Inam and in the possession of a member of the Inamdar family who is an office holder himself and therefore declared that the Inam should be enfranchised in his (Memorialists') favor according to the terms of G.O $\frac{46}{22-1-91}$, must be erroneous.

11. That the Enfranchisement &c cannot be held to be completed unless & until the Title Deed or pattah was actually delivered to the parties concerned - Vide G.O $\frac{20}{20-1-91}$ -, and no Title Deed or full assessment pattah having as yet been given to any one connected with the case in question (Vide also para 9 of the appeal judgment — Enclosure 5), the settlement of the Inam is still, of course, not completed

That it is therefore prayed that

that your Excellency may be most graciously pleased to set aside the order of the Inam Commissioner appealed against (Enclosure 1) and to order the issue of a Title Deed at $\frac{5}{8}$th assessment in favor of your Memorialist and thus clerical

Your Excellency's
Most humble Memorialist
S Ramakrishnan
Karnam of Anaiyar Pmy
Inadura Ty, Madura Dt
No 2251, South Avanimoola
Street, Madura

28-8-96

N.B. The Enclosures 1 to 7 are sent today per book post duly registered

Sd

Exd

Extract from the Register of Village Service Inams in the Taluk of Madura

Number of the Case.	Office.	Name of the Inámdar.	Description and extent of the Inám.	Assessment.	Jodi.	Old extent in local measure recorded in the Standard Accounts.	Extent in Column 7, commuted into acres at the rate mentioned in Column 5 of the Memorandum, or at that of Column 6, if it is higher than that in Column 5.	Excess area of the difference between Columns 4 and 8.
1	2	3	4	5	6	7	8	9
			No 30 Anáyur			As per Kaisal acct of A 1217 and A Register		
11	Karnam	Rama Krishna Iyer	Dry Rs 56	A. C R. a P. 3. 04	3-1-0	Dry 4-2-3	2-63	0-41

No. I. R. 2,000—15-5-95.

Extract from the Register of Village Service Inams in the Taluk of Madura

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			No 30 Anaiyur			As per Kaivalaeut of A 1217 and A Register		
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			Wet Crop 68	0-99 5-7-0		Wet Crops 1-6-1	0-88	0-11
			Grand Total	4-03 8-8-0		5-9--	3-51	0-52

No. I. R. 2,000—15-5-95.

in the District of Madura

Assessment of the extent in Column 9.	Assessment of the Inám after deducting the charge on excess, *i.e.*, Column 5, *minus* Column 10.	Assessment of the original Inám after deducting Jodi, *i.e.*, Column 11, *minus* Column 6.	$\frac{5}{8}$th of the Assessment in Column 12 *plus* Jodi in Column 6.	Assessment of Column 13 reduced to $\frac{3}{4}$th of that in Column 11, if in excess of it.	Total of Columns 10 and 14.	Assessment in Column 15, simplified to be entered in the Title Deed.	Decision of the Collector.	Decision of the Inám Commissioner.
10	11	12	13	14	15	16	17	18
	G. a. k 1853----	A. C 1060.05	A. C 0.57	A. C 0.06	A. C 0.63	A. C 0.5877	The individual in Col. 3. is the Isundar and a Mirassidar appointed in November 1886, in succession to one Venkatalubbaiya, his Cousin, who was then dismissed for embezzling Government money. Recommended the Inam be confirmed. The Isundar being a minor, the work is performed by one Narayana Iyer, to whom the full assessment on the land is paid as remuneration for his services. The land is with the dismissed man who pays full assessment to the Isundar.	
0-6-7								Resumed and fully assessed. (Vide G.O. No 46 dated 22nd January 1891).
0-9-8								
1-0-3	7-7-9	7-7-9	4-10-11	4-10-11	5-11-2	5-8-0.		

[Signed] G. Venkatakrishnadas
Deputy Collector.
10.12.88.

[True Extract]

[Signed]
Inam Commissioner.

[Signed]
Inam Commissioner.
5-3-91.

R.C. no. 684-996

Inam Commissioner's office
Madras, 14 October 1896.

From

The Honourable Mr. C.J. Brole
Inam Commissioner

To

The Secretary to Govern-
-ment, Revenue Department
Madras.

Sir,

I have the honour to submit the report called for in G.O. No. 1819 Rev. dated 18th September 1896 on the petition of Ramakrishna Iyen Kurnam of Anaiyur Group, Madura Taluk, Madura District, herewith returned with

with its enclosures.

2. The petition refers to the Karnam Inams of Anaiyur, Silayaneri and Mulagarunai of Madura Taluk.— These Inams were ordered to be resumed and fully assessed in 1893 on the report of the Collector to the effect that they were not in the free enjoyment of the members of the mirassi family (Vide the marginally noted Correspondence to be returned when no longer required.)

(x) (1) Files of Correspondence ending with this office Nos 434, 528, and 1024 of 1893 and an extract from the Inam Register relating to Case no 11 of Anaiyur as regards the Karnam Inam of Anaiyur.
(2) File of Correspondence ending with this office no 436 of 1893 as regards the Karnam Inam of Silayaneri
(3) File of Correspondence ending with this office no 437 of 1893. as regards the Karnam Inam of Mulagarunai.

3. In April last the Collector brought to notice that subsequent to the order of resumption of the Inams the petitioner got possession of the lands by Civil Court process and recommended that the order of resumption might be Cancelled and the Inams enfranchised in the name of the petitioner as he was a mirassidar in free enjoyment of the same. In view of the fact that G. O. No. 46 dated 22nd January 1891 which determined the procedure to be followed in the enfranchisement of the Village Service Inams in the Madura District and which restricted enfranchisement to the

the Cases in which a member of the Mirassi family is in free possession of the lands at the time of enfranchisement and in view also of the fact that G.C. No. 3462 — dated 1st August 1892 insisted on a strict adherence to the procedure laid down in G.C. No 46 dated 22nd January 1891 I declined to reopen the question and to Consider it on the facts that transpired subsequent to the time of enfranchisement (Vide the file of Correspondence ending with this office letter No. 263 dated 5th May 1896 to be

4. The petitioner appeals against this decision and adduces grounds which are not Connected with facts as they Stood at the time of the Inam Settlement on which the decision appealed against was passed.

I have the honour to be,
Sir,
Your most obedient Servant,

C.S.W.h.
Inam Commissioner.

D 4 1,000--11-6-96.

REVENUE DEPARTMENT.

C No. 7576 of 96

Re Petition From Ramakrishna aiyar, Madura district

Dated 189 .

The Hon'ble Grose c.i.e

FOR ORDERS.

The question is about the enfranchisement of the inam lands attached to the karnam office of the Anaimpir group in the Madura taluk. The plr Ramakrishna aiyar who was a mirasdar, was appointed karnam of the village in May 1887. but as he was then a minor, one Narayana aiyar was appointed his gumastah during his minority. This Narayana aiyar enjoyed the

the lands attached to the office as emoluments, until 1888 when he, in collusion with a former dismissed karnam, allowed the inam lands to be alienated to several individuals. The pets came of age and entered upon the duties of the office in October 1890 when he demanded possession of the inam lands from the gumastah. The latter however declined to give up the lands and fraudulently set up a right in the previously dismissed karnam. The pets accordingly instituted a Suit under Regn VI of 1831 for the recovery of the inams but he was

was there met by the plea that the assessment and not the land formed the inam. Pets thereupon brought a suit in the civil courts to declare that the lands themselves (and not the assessment thereon) constituted the emoluments of the office. In this object he succeeded and the courts have decreed possession of the lands to the pets on the ground that the sales &c made by the dismissed karnam in collusion with the gumastah were fraudulent and void.

2. In the meanwhile in 1893, the inam enquiry took place and as it was

was found that
Straufss were in
possession of the
inams by virtue
of the alienations
aforesaid, the Inams
were ordered to be
resumed and
fully assessed in
accordance with
G.O. dt 22-1-91 No 46 Rev.
When the pets recover-
ed possession of the
inam lands from
the aliences, he
requested the coll.
to enfranchise
the inam in his
name at 8/8 assess-
ment, and the coll.
supported his prayer
but the Inam comr.
referred the coll.
to G.O. No 3462 dt 1-8-92
and informed
him that the inams
in question were
resumed and
fully assessed as
they had been in

in the possession
of Straufs at the
time of settlement
and that the matter
could not be reopen-
ed

3. In the case dealt
with in the G.O. of
august 1892 quoted
above, a gumastah
to a minor Vattam-
gar finding on his
appointment that
the Inam lands
attached to the
office had been
alienated by mort-
gage by a previous
holder, sued and
got possession of
the lands. They
were then ~~in~~ in the
possession of the
gumastah at the
time of the enfran-
chisement and
the circumstances
were such that
the minor could
not be held to have

have been even in constructive possession of the lands.

On the other hand, in the present case, it appears that the inams were in the enjoyment of the Karnam for the time being until 1887, ~~but in that year~~ when the peta was appointed with Narayana Anjaneya as his gumastah, the latter executed to the former an agreement by which he undertook to collect and take for himself 2/3 of the produce from the inam lands. It is thus clear that the lands must be considered to have been in the possession of the minor ~~appellee~~ on his appointment and the

and the subsequent possession of the gumastah under the agreement can only be considered as possession on behalf of the minor. This was exactly the view that the Inam Comm took in 1893 in regard to a portion of the inam which was in the enjoyment of Narayana Anjaneya and which was proposed by the district authorities to be resumed and fully assessed; but it was then reported that the gumastah was in possession of the inam not by virtue of his being the gumastah but by right of purchase and the inam was resume

and fully assessed as in the possession of a stranger.

4. There is no doubt that pete Ramakrishna Aiyar is a Mirasdar; he was also the officeholder at the time of enfranchisement in 1893; and it has been shown above that he should be considered to have been in possession of the inam at the time of enfranchisement, that the possession of the gumastah could really be held to have been on behalf of the minor only, and that the alienations by the previously dismissed karnam in collusion with the gumastah were fraudulent and void. In these circumstances, the pete seems entitled to have his inam enfranchised at 5/8 assessment under G.O.d. 22-1-91 N.46. It appears that no title deeds have been issued to the several persons dealt with by the Inam Comm. but even if they have been there is ample proof that they have been obtained by fraud and it is open to Govt to cancel them. Vide G.O. N. 841 d. 29.10.1890.

C.P.
31 Dec 96.

Mysp.

Read C.R.No. 7576 of 96

G.O.mis No. 158. dt 11th Jany 1897

The Govt regrets that it is unable to uphold the Inam Courts order in the case. It appears from the records that the inam lands attached to the Karnam office of the Ainaiyar group were in the enjoyment of the Karnam for the time being until 1887, that in that year, the petr was appointed to the office with Narayana aiyar as his gumastah and that in the year following, the latter executed to the former an agreement by which he undertook to collect and take for himself two-thirds of the produce from the inam land.

It

It is thus clear that the lands must be considered to have been in the possession of the petr from his appointment in 1887 the subsequent alienations of the inam having been fraudulent and void.

2. Moreover there is no doubt that the petr is a mirasdar and that he was also the office holder at the time of the enfranchisement in 1893. In these circumstances, the Govt considers that the petr is entitled to have the inam enfranchised in his name at 5/8" of the assessment under G.O. dt 22-1-91 No 46. The Inam Comr will be instructed accordingly.

3. The petr is referred to the Inam Comr for orders in his case.

11/4/97.

List from orders

To the Inam Comr with papers - - petr (para 3) } dt 16-1-97

CR.
11 Jan 97

8/9/97