Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 2091

DATED 12.11.97

[Despatch Abstract.]

INFORMING Anantasayam Pillai, late kurnam Anamallur Village, Arcot Taluk, N. Arcot District, that, under section 23 of Madras Act III of 1895, as amended by Act II of 1897, no appeal lies to Government.

BACK PAPERS.

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

FURTHER PAPERS.

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

O/18 4,000—19-7-97.

Revenue (1897) Department.

CURRENT No. 9665

From

Anantasayana Pillai
late Surnamoy Amanallur Village
Arcot Zy
N. Arcot Dist.

Order

No.

Dated 5 Nov.

Received 9 "

Registered " "

Enclosures 1.

Spare copies.

SUBJECT.

Praying for restoration.

Jan 11.11

BACK PAPERS.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

3936

REVENUE DEPT.

CHIEF SECRETARY
6 NOV. 1897
GOVERNMENT OF MADRAS

To

His Excellency,

THE GOVERNOR IN COUNCIL,

Fort Saint George,

MADRAS.

The humble memorial of ANANTASAYANA PILLAI, *late Karnam of Anamallur Village, Arcot Taluk, North Arcot District.*

MAY IT PLEASE YOUR EXCELLENCY:—

Your Petitioner begs to prefer this memorial from the Proceedings of the Board of Revenue, Land Revenue, No. 3343, Miscellaneous, dated 7th September 1897, ousting Your Memorialist from the office of Karnam of the above named village.

2. Veera Pillai, the original Registered holder of this office resigned his appointment on 12th October 1895, and requested the authorities to appoint one Narayanasami Pillai, Respondent herein as Karnam. Your Petitioner was acting as the gumastah of the said Registered holder who was incompetent to look after the duties himself.

Your Petitioner had further passed the Survey test, and was recommended by the Tahsildar as a very deserving candidate. Upon such recommendation, Mr. Vaughan, the Acting Sub-Collector passed an order on 21st November 1895, appointing Your Petitioner to the office and refusing the request of the Registered holder to appoint Narayanasami Pillai.

3. Thereupon the said Registered holder appealed aganist that order to the Collector Mr. Wynne, but the appeal was rejected. Then the said Narayanasami Pillai himself appealed but his appeal also was rejected and he was referred to a regular suit if he was so advised.

Veera Pillai, the said Registered holder then petitioned the Collector to reconsider his order and sought for the appointment being restored to himself. This petition was rejected by the Collector on the ground that Act III of 1895 did not contemplate gumastas for incompetent persons and it would be against the law to restore him to the office and allow him to discharge his duties through a gumastah.

4. After thus failing on the merits a number of times before both the Officers of the District, the said Narayanasami Pillai instituted a revenue suit under Act III of 1895 for the Karnam office of the village.

5. Narayanasami Pillai in this suit asserted his relationship with the Registered holder, who had resigned as the foundation of his claim. The geneological tree shows that the Registered holder is the grand uncle's daughter's son of Narayanasami Pillai. The Sub-

Collector referred to Mayne's Hindu Law, IV edition, section 472, and observed that although the relationship did not find place amongst those mentioned in Mitakshara as constituting Banthuship and conferred the right of succession, yet inasmuch as it was held that the list of Bandhus in Mitakshara was illustrative and not exhaustive, the grand uncle's daughter's son would succeed as a Bandhu. That is to say Veera Pillai would succeed to Narayanasami Pillai. But the converse need not be and is not correct.

6 Petitioner submits that granting the geneological tree to be correct, Narayanasami Pillai is not a Bandhu. The High Courts have held that Bandhus is a term limited to certain classes of relationship. Moreover Act III of 1895 requires, that succession to the office of Karnam should be regulated by the law of Primogeniture applying to impartible Zemindaris. The said decision is opposed to the law of succession in such cases. This was recognised as a sound doctrine by Mr. Wynne, the Collector and on appeal by Your Petitioner the decision of the Sub-Collector was reversed. On appeal to the Board of Revenue by Narayanasami Pillai, the Board passed Proceedings in his favour on the ground that he was a Bandhu.

The questions in this case are—

(1) Is Narayanasami Pillai a Bandhu in the technical sense of the term in Mitakshara?

(2) Even if he is a Bandhu, is or is not the appointment opposed to the provisions of Act III of 1895.

Supposing the office to be of the nature of an impartible Zemindari would a Bandhu be entitled to succeed to it? The decisions of the High Court make it clear that a relation such as Narayanasami Pillai is, is not a Bandhu and even if he were a Bandhu he would not be entitled to succeed.

Petitioner moreover rests his case upon the broad ground of his superior qualifications which are undoubtedly found to be true by the Tahsildar.

Petitioner's long experience of 15 years, Petitioner's having passed the Survey test, these, Petitioner submits, are facts which cannot be alleged and pleaded for the Respondent. He therefore prays that Your Excellency may be pleased to peruse the above petition and direct the restoration of the Petitioner to the office of Karnam in the village of Anamallur.

Enclosures.

I. Dis No. $\frac{3569}{Rev}$ of 95 of the Sub-Collector.
II. Dis No. $\frac{4451}{Ver}$ of 95 of 15-12-95 of the Collector
III. Dis No. $\frac{595}{Ver}$ of 96 of 15-3-96 of Do.
IV. Dis No. $\frac{1022}{Ver}$ of 96 of 25-3-96 of Do.
V. Revenue Suit No $\frac{2}{1896}$ in the Court of the Sub-Collector.
VI. Dis No $\frac{72}{Ver}$ of 97 of 26-2-97. Revenue appeal No. 10 of 97 in the Court of the Collector, North Arcot.
VII. Proceedings of the Board of Revenue, Land Revenue, No. 3343, Mis. dated 7th September 97.

Madras.
5th November 97

Government of Madras.

Read c.no. 9665 of 97.

REVENUE DEPARTMENT.

Endorsement No. 2091. d/12.11.97

15/12/(4)(7)

The Subcollr's decision in the case was passed on 17-12-96.

THE petitioner is informed that no appeal lies to Government under Section 23 (1) of Madras Act III of 1895.

11 Nov. 97

(By Order.)

(O.C.)

Under Secretary to Government.

FORT ST. GEORGE,

189 .

To the petr. with Endt.

16-11-97 sns

8/11/97

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READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
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STATEMENT WITH DITTO							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

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