Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2571

DATED 20th May

[Despatch Abstract.]

Declining to interfere on behalf of Mahomed Nacrudin Khan, Madras, in the matter of his prayer to restore the Inam village of Vinadampet in the N. Arcot Dt. in his name &c.

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 (1897) Department.

CURRENT No. 3158

Order

From

Mahomed Nasiruddin Saib
No. 4. Azurdin Khan Street
Triplicane

No.

Dated 9th
Received 12th } April 1897
Registered 13th

Enclosures

Spare copies

SUBJECT.

Praying that orders be issued to the Collector of N. Arcot, to register a certain village in the Sadiallam Taluk, N. Arcot Dist, which had originally been set apart for the up-keep of a certain tomb, in the petitioners name.

Rs 1.0

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

3823

REVENUE DEPT.

CHIEF SECRETARY'S DEPARTMENT 9/
9 APR 1897
GOVERNMENT OF MADRAS

To

His Excellency the Right Honble
the Governor in Council
Madras

Most please your Excellency

That the estate of Veerapatan Jalal Sahib
Great Sir was originally granted
by H.H. Tippu Sultan Sahib to Peer
Habib for services to Peer
grandfather Abdool Kadir
Khan Bahadur for the support
of the expenses of the tomb of
Sahib Tippu Sultan Khan (Peer's
great-grandfather) which
is situated at Ramapatan in

That by succession, the possession & management of the said
tomb & village passed to my elder
brother Syed Ameen Pir Sahib
Nazim Jung Bahadur who performed
the duties of the said tomb office

his predecessors; after his death his sister Rukia bon Abdool Hakim said the last Trustee succeeded him in 1876 owing to his inability & unfitness he mismanaged & misappropriated the whole proceeds of the village to his own use & entirely neglected & overlooked the incumbent duties of the said trust.

In 1877 the Govt. after full enquiry into the matter thro' the Board of Revenue & the Dt. Collector removed him & appointed your Petr. instead by G.O. 20 July 1877 No 2349 Revenue.

That your Petr. was in possession & management of the said Trust & village for about two years when the Dt. Court of North Arcot on a suit brought by the said Abdool Hakim said removed the said G.O. in 1879 & hence he was reinstated & was in enjoyment of the whole income of the village (completely overlooking the duties of the trust)

till his lifetime & died in July in 1894.

That on the death of the said Abdool Hakim said, your Petr. being his eldest male & legal heir applied the Dt. Collr. to register the village in Petr's name but the said Collr. at first, being a new officer (perhaps on the grounds of some other false claims for bonus referred your Petr also along with other claimants to the Civil Court & the Petr's memorial to Govt. dt. March 1894 about this matter produced no effect.

That the said Abdool Hakim said involved the village in various sorts of liabilities & frauds & further mortgaged the said village to a Hindu agriculturist Mookelliar for Rs 4000 at 1½ rupee interest per mensem & executed a registered deed in his favour to the effect that the said mortgagee is to pay Rs 700 of odd of the income of the said village per

And held possession of

his interest for 20 years for the debt incurred by the said Inamdar for his private purposes, & making no provision whatever for the upkeep of the said tank, for which alone the said village is endowed.

That the said Mortgagee is now in sole enjoyment of the income of the village, & can freely allowing the tank to go to ruin & overlook its duties &c.

As your Petr is interested in this landed property being the eldest legal heir of the deceased & was already appointed by Govt as the fittest person, the Petr prays that Your Excellency will be pleased to issue orders to the Dist Collector to cause the same in his name after due investigations. In case of Petrs request may not be complied with, he humbly submits that the Services of the Govt Pleader may be directed to appear & plead in behalf of the Petr in the Court of Sessions in Chingleput & in default thereof in the Court of Sessions in Madras.

For which act of justice the Petr as in duty bound shall ever pray.

(Sd) Abd Hakeem Khan
Grandson of Amin-ud-Dowlah Bey

C 7/5/97
R 20/5/97

The Hon. Mr Grose C.S.

Kyruddin-Khan
Abdul Khadir Khan
Amer-ud-dowlah
Somasumud Dowla — Abdul Hakeem Khan
Mahomed Nasrudin Khan (Petitioner)

C.P. 3158

Decorder

In 1797, the Inam village of Virdampet in the Gudiattam Taluk, North Arcot District, was granted by the Nawab of Arcot to one of the ancestors of the petitioner for the maintenance (lighting and worship) of the tomb of Nawab Kyruddin Khan and his sons, at Ranipet and for defraying the expenses connected with certain ceremonies to be performed thereat. Having been granted subsequent to 12th July 1792, it did not form one of those inams recognized as valid by Regulation XXXI of 802. The first British Collector of the district appears to have, therefore, ejected the grantee from the village and held possession of it till 1821. During this period

however, the Collector was paying the net proceeds of the village to the ancestors of the petitioner.

In February 1821, Ameer-ud-Dowla, petitioner's father, requested the Collector that the management of the village might be made over to him. The Board of Revenue, on the recommendation of the Collector, sanctioned the transfer. In 1847, Ameer-ud-Dowla applied for the registry of the village in the name of his son Samsamm-ud-Dowla. This request was granted and the registry was also subsequently ratified in the Inam Enquiry. On the death of Samsamm-ud-Dowla in 1871, the village was registered in the name of his son Abdul Hakeem Khan.

In 1875, Ameer-ud-Dowla submitted a petition to Govt: complaining of mismanagement of the

the village and the misappropriation of the income by Abdul Hakeem Khan and claiming the restoration of the village. The Govt: on receipt of a report from the Collector and the Board of Revenue, found that the complaints were well-founded; and as Ameer-ud-Dowlah died in the meanwhile, it directed the Collector "to give the late Ameer-ud-Dowlah's descendants an opportunity of choosing amongst themselves a proper Trustee of the Inam, warning them of the consequences which may ensue from any further mismanagement and neglect of the objects of the endowment". The petitioner's name was then proposed and the Govt: approved the nomination and sanctioned the transfer of possession

Go 1961 (Acct) 30-11-76.

Go 2355 (Jud C) 20-7-77

and management of the village to the petitioner.

In 1878, Abdul Hakeem Khan instituted a suit in the District Court of North Arcot against Govt: and the petitioner, for the Cancellation of G.O. 2349 d/20th July 1877 and for the declaration of his title to the management of the institution. The District Court, after enquiry, held that the Inam, being a Religious and pious endowment was governed by the provisions of Act XX of 1863, Section 4, that it did not come within the purview of the Pensions Act XXIII of 1871, Section 4., As contended by Govt: and that the trustee could not be removed without recourse to a civil suit. This decision was affirmed by the High Court and the Govt: order No 2349 d/ 20th July 1877 was accordingly cancelled and Abdul Hakeem Khan restored.

× Govt of Madras Religious Endowments Act

Vide Go 1432 d/ 5-7-79 for the judgments (7 pages)

(I.L.R. (Madras) Vol 2 page 294)

The petitioner states that Abdul Hakeem Khan died issueless in 1894, that he had grossly mismanaged the affairs of the institution and mortgaged the village for 20 years and that the mortgagee is in possession of the village and has neglected the proper maintenance of the tomb and prays (1) that orders may be issued for the registry of the village in his name and (2) that, if this cannot be granted, the services of the Govt: pleader at Chittoor, may be sanctioned to enable him to file a suit.

I.L.R. Madras Vol 2, page 294

Govt of Madras Sec 5 of Act XX of 1863

It has been decided by the Madras High Court that the Inam comes under the provisions of Act XX of 1863 as a religious and pious endowment. The proper course for the petitioner will therefore be to file a suit to eject the mortgagee

and to appoint him as the trustee, under the above Act.

As regards the second request, it does not seem necessary to help the petitioner with the services of the Govt: Pleader. The Govt: defended the suit brought against it by Abdul Hakeem Khan under the impression that the Pensions Act of 1871 was applicable to the case and that the Civil Courts had no jurisdiction.

The petitioner says that he submitted a petition to Govt: in 1894. A careful search was made and it does not appear to have been received in the office.

Suggested

G.O. Mis: No. 2571 of 20th May 97.

The petitioner is referred to his remedy under the provisions of Act XX of 1863. The Govt. is unable to interfere in the matter.

JG 19/5/97

IR. 21/5/97.

To The Pet.r Dd. 25.5.97

When given for copying ____
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When signed ____
} 189.

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.								

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