

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2807

DATED 3rd June 1897

[Despatch Abstract.]

Directing the Collector of Malabar to
continue the payment of
~~the~~ the Malikana due to Thambi
Nair, the Valiamayar of Edathora
Cusom, Palghat Taluk, unless
restrained in due course of law.

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.

Paper received from
D. A. Jones 1975

CURRENT No. 3474

20-1, 2nd B.C. Chig.

3. 10. 1944 50. 50.

1. *Phragmites australis* (Cav.) Trin. ex Steud.

1575

146,000 2c/5 **From**

Thunter Hair,
Edatara Ansam,
Ralphat Len

No.

Order

Dated 17th April 1897

Received 25-4-47

Registered 28-H-87

Enclosures 2

Spare copies

SUBJECT.

Praying that the 3rd instalment of the Malikhana for 1071 may be ordered to be paid to him.

12.9.1977

BACK PAPERS.

G.O.	No.	Department.	Date.
	15678	Rev	24-8-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Read again G.O.s $\frac{1668}{24.8.96}$
 $\frac{614}{24.3.97}$
 C.No. 3474/97

Rev CNO 3474/97.

Rev. Dept.

Note for the Head Clk.
 Chief Secretarial

Please see the acknowledgment
 mcn 3474/97
 which appears to have
 been signed by Mr Panioff
 The petro says that he it
 is a receipt for the copy
 of the Collector's order, ^{in the case} which
 he forwarded in September
 last & which does not
 appear to have been
 received in this Dept.
 Please trace its whereabouts
 & let me know the result.
 L.B.
 Head Clk.

For the Head Clerk R.D.

The Coris order does not appear to have been recd in any of the desk the under the Chief Secy's Papers relating to a revenue matter are never detained in our office & they are sent away then & there

A.

25/5/97

Respectfully

[Signature]

The Hon^{ble} Mr J. Gove C.I.E.

Collected after
flagged C.

C-34/5/97
Rajesh

Read again G.O.s 1668
24.8.96
614
24.3.97
C.No. 3474 of 97.

For orders.

The petr, as the valia Nair of Edathara, in Edathara Anusom, Palghat Taluk was in receipt of the sum of Rs 1031-6-4 per annum being the total Malikana due to his family. In January 1896, the third Nayar applied to the Collector for the grant of a Certificate under the Pensions Act to enable him to institute a suit against the petr for the recovery of the arrears of his share. The Collector thereupon issued a notice to the petr. saying that the payment of the Malikana would be stopped if he did not clear up the arrears due to the Junior Member before the 13th June 1896. The petr did not do so but contended that he was not bound to pay anything out of the Malikana to his ancestor.

- save

anandaravars (Juniors) and
that the payment depended
on his free will and pleasure.
The Collector then stopped
the disbursement of the mali
Kana to the petitioner and
recommended to Govt the
grant of a certificate
under the Pensions Act
to the 3rd and 4th Nayars
to enable them to file suits
in the Civil Courts to esta-
blish their claim to a
share in the allowance.
The Collector's recommenda-
tion was sanctioned in
G.O. no 3405 of 21.8.96.
The petr now appeals
against the Collector's order
under which the payment
of the malikana has been
stopped.

From para 2 of the Collector's
letter of 16.7.96 in G.O. no
3405 of 21.8.96, it appears
that out of the sum of
Rs 1031. 6. 4 per annum,
which the petr used to re-
ceive direct from Govt,
only Rs 314-4-10, is, under

a

100/1000

Page 20

Page 20

Admitted that the juniors
have been asked to file a suit
to get the pension pending the
decision of the suit. For Govt
or the Court to stop payment
of the malikana (pension) because
the juniors are not paid and to
submit to the question
as to the rights of the juniors. This
question the Court has yet to decide.

a long established custom
reserved for distribution
among the 2nd, 3rd and
4th Nayars and the different
branch towards.

It is therefore a question
for consideration whether
the full amount of the
malikana should be with-
held from the petr, pend-
ing the result of the Civil
Suits filed by the 3rd
and 4th Nayars.

It is submitted that the juniors
having got sanction to file a suit
they can now ask the Court to
attach ^{or restrain payment of} the pension pending the
decision of the suit. For Govt
or the Court to stop payment
of the malikana (pension) because
the juniors are not paid and to
submit to the question
as to the rights of the juniors. This
question the Court has yet to decide.

It is established or admitted
that Govt has to pay the pension
to the petr. If he pays it, why
Govt will not have to make it
good to the anandaravars. and
26/5

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again $\text{EP.}^s \frac{1668}{24.8.86} \frac{644}{24.8.87}$ Clos 3476987
Comise n^o 2807 of 3.6.97

The Govt observes that the fact that the distribution of the malikkhana is in dispute between the petitioner and his juniors will not justify the nonpayment of the malikkhana to the petitioner. The Collector

2. I should therefore continue payment of the malikkhana to the petitioner unless restrained in due course of law.

2. The petition is referred to the Collector of Malabar who has received order on the subject of his petition

[Signature] 3/6/97

8/6
3/6

Secy fr. o.

To the Collectn of Malabar
with petns + encls.
To the Peti (para 2)

625-10-6-97

the question of its distribution and the manner of its use his solely between them - the fact that such circumstances I submit the law is not justified in withholding the pension.

12/5/97

The case and its merits
1/6/97

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

189.

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENTS WITH DITTO.

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

N.B.—

A = Copy in full.
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