

3-12-72
CONFIDENTIAL.

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3816
Confidential 956

Dated 23 July 1897

[Despatch Abstract.]

*Stating that the Court of Wards cannot as
the Law stands at present, take charge of
the Ramnad Zemindari & that the question
may however be raised again when the new
Court of Wards Bill is passed into law.*

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
f.O.	442	Rev.	1-2-95				
	5035		21-12-94				
	1888		26-5-93				
	3031		30-7-95				

FURTHER PAPERS.

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

Confidential
Revenue (1897) Department.

Go. CURRENT No. 45

From R. C. Carr Esq.

Order

No. 22

Dated 22 March 1897

Received

Registered

Enclosures

Spare copies

SUBJECT.

Re: the Ramnad Zemindar

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

D 1,000-11-6-96.

REVENUE DEPARTMENT.

D.O. No. 45

From

Secretary to the Board of Revenue,
Land Revenue

D. O. No. 22.

Revenue Board Office,
(Land Revenue),
MADRAS.

1897.

22nd March 1897.
R.

My dear Mr. Stokes,

I am directed to address my recognition
you confidentially on the subject of the Ramnad government under
Zamindari, which, so far as the Board can learn, is Ramnad has
in a very unsatisfactory condition. renunciation

2. Towards the end of 1894 the
attention of Government was drawn to certain remarks and appointed
made by the Honble the Judges of the High Court in s trustees. The
regard to the conduct of the Rajah of Ramnad in wed to Govt by
connection with a certain criminal case. The Rajah's Attorney-at-law
explanation was obtained, and the Government in 8th July 1895
its order No. 521, dated 7th August 1895, Political, deci-
ded to take no further action in the matter "in d in G.O. No. 10
view of the fact that he had transferred his 195. Beyond this
interest in the estate for the benefit of his minor the arrangement
son." This decision was communicated to the Rajah, Public, dated
through the Board and the Collector of Madura. ogition was

3. The Board understands Board may be
that the Rajah executed a deed of renunciation in

2. The question whether the Court
of wards could intervene on behalf
of the minor son & take the Zamindari
under its management was fully
considered and it was decided

BACK PAPERS.

G.O.	No	Department.	Date.

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

REVENUE DEPARTMENT.

DO. C No. 45

From

Secretary to the Board of Revenue,
Land Revenue

Dated 22nd March 1897.

San Mr. ~~Shri~~ Cross. C.I.S.
San Mr. Shri. C.I.S.

FOR ORDERS.

The Board enquires whether Govt has accorded any recognition to the present arrangement under which the Rajah of Ramnad has executed a deed of renunciation in favour of his son and appointed certain Gentlemen as trustees. The trust deed was forwarded to Govt by P. Subramani Iyer, Attorney-at-law, with his letter dated 8th July 1895 which was recorded in G.O. No 3031 of 30th July 1895. Beyond this and the reference to the arrangement made in G.O. No 521, Public, dated 7th Aug 1895, no recognition was accorded to it. The Board may be informed accordingly.

2. The question whether the Court of Wards could intervene on behalf of the minor son & take the Zamindari under its management was fully considered and it was decided

that this could not be done as the law
stands at present. (Vide G.O. 5035
of 21st Dec/94). The Board may
be left to act as it considers best i.e.
either come up to Govt. with its proposal
to take the Zamindari under the management
of the Court of wards or give up the idea
altogether.

air. 3. The above mentioned paper
26.3.97 should be closed.

I have had the benefit of
hearing Mr. Mahajan's opinion
on this case. He thinks
it doubtful whether the C. of
Wards can legally assume the
management. Though he thinks
his objection will be better if it
did so.

When an objection is to what
reply to the Govt. to the 13?

1/28/97

Dept. 2.

1/27/97.

FOR ORDERS.

I think the Govt. may be
told the extent of the recognition
afforded by Govt., as stated in
para 1 of the note.

If the Board thinks that the
estate has devolved on the son
by inheritance & that it can
advantageously take shape it
may come up in the usual way.
We need say nothing about
this.

30/3/97

31/3/97

Confidential

Department.

RENT No. 4648

Confidential No 53.



Board of Revenue,
Land Revenue

No. 1955 hris:
Conf. No. 40.

31st May 1897.

2. June 1897

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ures 6.

opure copies

SUBJECT.

Submitting to Govt. report regarding the
execution by the Rajah of Ramnad,
Madura Dt., of a Deed of renunciation
of his property in favour of his minor
son and the present financial condi-
tion of the Estate, and setting forth the
Board's views on the question of placing
the Estate under the charge of the Court
of Wards.

that this could not be done as the law
stands at present. (Vide G.O. 5035
of 21st Dec 1941)

be left to act as
either come up to
to take the decision
of the Court of wards
attorney.

26.5.97
3. The
26.5.97

I have had the
hearing Mr. Bish
opinion on this c
it doubtful whether
wards can legally
manage them.
his objection will be to
do so.

As an answer to
reply to the letter to the

1/28/97

Dept 2.
1/24/97

30/3/97

31/3/97

Revenue Secretariat,
April 1897.



RDERS.

Case

22nd March 1971
I am desired to inform
you that the only recognition accorded
to the arrangement made by the Rajah
in favour of his minor son was the
recording of the letter from the attorney,
who forwarded for the information of
the Board a copy of the deed of renunciation
and the reference made in G.O. No 521 of
2nd Aug 1895 to that arrangement.

13/4/97

much the Board has
held the object of the recognition
afforded by the Board, as stated in
para 1 of the note

of the Board which that the
estate has devolved on the son
by inheritance & that it can
advantageously take shape as
may come up in the usual way.
We need say nothing about
that.

30/3/97

31/3/97

no further
propos.

Confidential

Revenue (1897) Department.

CURRENT No. 4648
Confidential No 53.



From The Board of Revenue,
Land Revenue

Order

No. 1955 hms:
Conf. No 40.

Dated 31st May 1897.

Received 2 June 1897

Registered in

Enclosures 6.

Spare copies

SUBJECT.

Submitting to Govt. report regarding the
execution by the Rajah of Ramnad,
Madura Dt., of a Deed of renunciation
of his property in favour of his minor
son and the present financial condi-
tion of the Estate, and setting forth the
Board's views on the question of placing
the Estate under the charge of the Court
of Wards.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 13th April 1897.No. 1404th Mis:

Conf. No. 58.

READ again Government Order, No. 521 Political, dt 7th Aug.1895, forwarded to the Collector of Madras under Board's
Proceedings No. 394th Mis., Confidential No. 87, dt 9th idem.Resolution.

The Board resolves to call upon the Collector of Madras for a full and early report on the circumstances which induced the Rajah of Ramnad to execute a deed of renunciation of his property in favour of his minor son. The report, which should be submitted confidentially, should be accompanied by a copy of the above deed and of any other material papers connected therewith. The present financial condition of the estate should also be discussed.

(True Extract)

(Signed) R. C. C. Carr
Secretary.To The Collector of Madras-
(True copy)xolent
copyW. H. H. H.
Ag. Secretary

CONFIDENTIAL.

1897.
Board of Revenue
(Land Revenue),
MADRAS.

To
THE COLLECTOR OF

True copy of Board's

Proceedings, dated 13 April 1897 1895.
No. 1404 mis
Conf. No. 58.

Abstract.

CONFIDENTIAL.

200 copies
20-7-96.



Proceedings of the Board of Revenue
(Land Revenue),

Dated 31st May 1897.

No. 1955 mis.
Conf. No. 70.

READ *again* Board's Proceedings, of 13 April 1897, mis. No. 1404.

Confidential No. 58 of 1897.

Read also letters from J. Swigg Esquire, Collector of
Madura, of 23rd & 30th April 1897, Confidential Nos. 3 & 6 respectively

Resolution

The Board resolves to submit a copy of the above
Proceedings, and the Collector's replies thereto, for the information
of Government and for such orders as may be deemed necessary.
2. Towards the close of 1894 the Rajah of Ramanad
decided to make a formal relinquishment of his Estate in
favour of his minor son, and this decision was carried into
effect in July 1895. The deed of renunciation was absolute,
and stipulated that the minor, his heirs and assigns, should
have "the same kind and nature of estate, right and interest
therein as he would have had if the same had devolved
upon him from the settlor by right of inheritance according
to the said law and custom of primogeniture and Hindu Law."

(para 26 of deed) - A later para. of the deed (N^o 29) declares that the settlor thereby relinquishes all his rights & interests in the estate.

3. The estate was then placed under the control of four trustees, of whom one was made Dewan Trustee and was given executive charge of the property. This gentleman has now furnished figures of the income and expenditure of the estate for the past 10 years, but has not committed to paper any statement of the liabilities outstanding against it. The Board understands, however, from the Dewan Trustee himself that the admitted liabilities of the estate amount to some 26 lakhs, (the Collector says 25 lakhs), and that this debt is distinct from the liabilities incurred by the Rajah himself since the execution of the deed. It is believed that to meet these enormous liabilities large alienations in addition to those made by the Rajah previous to July 1895 may be expected to be made, and the joint estate, which was handed over to the Rajah in October 1889 with a handsome surplus of $3\frac{1}{2}$ lakhs, is now threatened with dismemberment.

4. The Board is unable to see how the interests of the minor are to be properly safe-guarded unless the estate be formally taken under the management of the Court of Wards, and the question for consideration is whether the Rajah's remuneration can be held to have vested the estate in his minor son by right of inheritance. It has already been represented to Government that the legal consequences of the Rajah's action were equivalent to

to his civil death, and this being so, it would seem clear that the property has devolved upon his son by inheritance.

The case would therefore seem to fall within the purview of Regulation V of 1804, and under the provisions of this enactment it is for the Board, in its capacity of Court of Wards, to intervene on behalf of the minor proprietor.

5. The Board has hesitated to consult the Government Pleader in this matter, and it cannot request Government to refer the case to the Advocate General, seeing that the Honorable Mr Bhashyam Aiyenger is one of the trustees under the deed of remuneration. But, if the view of the law, as above set forth, is correct, the Board is of opinion that it is highly desirable to act upon it, and the matter is accordingly submitted for the consideration of His Excellency the Governor in Council.

(True Extract)

W. H. W. L.
Secy. Secretary.

To The Secretary to Government, Revenue Department,
with two letters & their enclosures
in original - to be returned - with
copy of B.P. N^o 1404 dms dy 13 April 1897.
Conf. No 58

Copy to the Collector of Madurai.

Adm. L.
Copy to P.P.

CONFIDENTIAL.

1898.

Board of Revenue

(Land Revenue),

MADRAS.

To

THE

Proceedings, dated

1898.

No.
Conf. No.

Abstract.

The Hon. Mr. Grose C. J.
The Hon. ^{Mr. Henry} B. B. B. C. J.

I am distinctly of opinion
that the Court cannot take
charge because the property
has not devolved to an heir
by inheritance; & I do not
see what would be gained
by referring the point again
to the Law Officers. It is
impossible that they should
destroy the doubt Mr. O.
Pallinam told us existed
(see papers lately circulated
about the Vignayagaran
estate). After the Court
of Wards Bill is passed
into law, as it probably
will be before the end
of this year the doubt
will be set at rest.

28
13/7/98

A. S. H. 2.7.98

Wm. S.

11/8/98

C.O. 4648 of 97

Note

The question
for consideration
is whether the Court
of Wards can inter-
vene and take
charge of the Rannad
Lemindasi on be-
half of the minor
son, in whose favor
it has been relin-
quished by the ^{father} Rajah
Baskara Sethupathi.
The question was
fully considered
in 1894 on the
suggestion of Mr.
(now Justice) Subra-
mani aiyar and
the Govt arrived
at the conclusion
that as the juris-
diction of the Court
of Wards is limited
to cases in which
property devolves
by inheritance, the
Court could not
intervene in the

present case.

2. That the minor has not obtained the estate by inheritance is recognized in the deed of renunciation itself by which the property was conveyed to him, for it says that the minor is to have the same kind of and nature of estate, right and interest in the said Zemindari and other properties hereby settled on him as he would have if the same were now to devolve on him from the settlor by right of inheritance according to the said law and custom of primogeniture and Hindu law. But the Board holds that as the elder Raja has

// This is to why the estate the
devolution carry with it the
incident of superintendence by
the Court of Wards.

11/15/1877.

relinquished all his rights and interests in the estate his action is equivalent to his civil death and that the property should therefore be considered to have devolved upon his son by inheritance so as to make the case fall within the purview of Reg. II of 1804. The Board ^{also expresses the opinion} ~~expresses~~ that if the view of the law as above set forth is correct, it is highly desirable to act upon it.

3. As the Board's opinion differs from that expressed by Govt in the notes under G.O. No. 5035 dt 21-12-94, it is submitted that before any final ~~order~~ decision is arrived at in this matter

the Govt Law officers
should be consulted.
The Board states it
"has hesitated to con-
sult the Govt Pleader
in this matter and
it cannot request
Govt to refer the
case to the Advocate
General, seeing that
~~Edwards~~ the Honble Mr
Bhashyam Aiyangar
is one of the trustees
under the deed
of renunciation".
This objection does
not appear to be of
much force: the Honble
Mr Bhashyam Aiyangar
in giving his
opinion on the sub-
ject is not likely
to be influenced
by the fact that
he is one of the trustees.
On the other hand,
he seems to have
informed the
Secretary that
though it was doubtful

whether the Court of
Wards could legally
assume the manage^{ment}
ment of the estate
~~however of opinion~~ the
~~there is~~ no objection is
would be taken ab
if it did so. This
seems also evident
from Mr Justice Subram-
niam Aiyar's letter
under G.O. No. 5035 d. Wards
21-12-94.

4. It is submitted
that the Board's Res^{olution}
(with the first Sen-
tence of para 5
thereof omitted) may be
forwarded to the
Govt Pleader and
the Advocate General
for their joint or
separate opinion.

P.
12.7.97.

I have kept this book pending
the arrival of some papers from
Madras but they do not
throw any light on this case
11/12/97.

11 June 1897

12/7/97

Read C.N. 4648/97

His Excellency the Governor.

A.S.H. 22.7.97

G.P. mis No 3816 of 23 July 1897

The Government does not agree with the Board of Revenue. It is clearly of opinion that the estate cannot be said to have devolved ~~to~~ to the minor by inheritance and that, therefore, the Court of Wards cannot, ~~the~~ as the Law stands at present, take charge of it. The question may, however, be raised again when the new Court of Wards Bill is passed into law.

For orders

To the B^d of Rev (L.R.)
Ltr 5 and return.

(A.)
19 July 97

24/7/97

Re: Ramnath Zaminidari

Towards the close of 1894, the
Rajah of Ramnath decided to make
a formal relinquishment of his
estate in favour of his minor
son and this decision was
carried into effect in July 1895.
The deed of remuneration executed
by the Rajah was absolute and
stipulated that the minor his heirs
and assigns should have "the same
kind and nature of estate right
and interest therein as he
would have had if the same had
devolved upon him from the settlor
by right of inheritance according
to the said law and custom of
primogeniture and Hindu Law".
The estate was then placed under
the control of four trustees of
whom one was made Deewan
trustee and was given executive
charge of the property. In its
Prop No 1955 vis 31.5.97 the
Board recommended that the
estate should be taken under
the management of the Court
of Wards as it was of opinion
that

that otherwise the ~~estate~~
~~dismemberment~~ of the estate was inevitable.
 The Govt. however, was of
 opinion that as the estate did
 not devolve on the minor by
 inheritance the Court of Wards
 could not take charge of the estate
 under the present Regulation.
 At the same time the Govt. states
 that the question might be brought
 forward when the new Court
 of Wards is passed into law.

ack.
 30/9/97

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

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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