

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3889

DATED 28th July

[Despatch Abstract.]

Passing orders on the question of the revision of
Inam Title Decree No 292 issued for the Inam village
of Melapattu, Patthottai Taluk, Tanjore.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
0827	6157	Amrit	7-11-77				

Revenue (1897) Department.

CURRENT No. 5006



From

The Inam Commissioner
Madras.

R.O. No. 878 of 96.

Dated 12th June 1897.

Received 10.6.97

Registered

Enclosures 6 (to be returned).

Spare copies

Order.

SUBJECT.

Submitting for orders, with remarks, the correspondence on the subject of the revision of title deed No 292 issued for the Inam Village of Melappattin (erroneously treated as a religious grant) in the Taluk of Pattukkottai, Tanjore District.

41c
166

BACK PAPERS.

G.O.	No.	Department.	Date.
0841	127-10-1		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

R.C. No. 878 of 96.

Inam Commissioners Office
Madras, 12th June 1897.

From

The Honourable Mr. C. I. G. L. G.
Inam Commissioners

To

The Secretary to Government
Revenue Department
Madras.

Sir,

I have the honour to submit for ^{the} orders of Govern-
ment the marginally noted correspondence in original to be
returned when no longer required.
From Collector Ref on Petn. No. 1036 of 94
8/28-11-96. To Collector Ref No. 2.
878 of 96 of 12-12-96. For the entire Inam village of Melappathu in Pattur
From Collector Ref Kottai Paluk, Tanjore District, an Inam title deed No. 1036 of 94
8/18-12-96. was issued in the name of the Managers for the time
being of the Agorasivachari matham. In the title deed
878 of 96 of 2-2-97. the Inam in question was stated to be a religious
From Collector Ref 2459 of 97 of 26-5-97. service Inam held for the support of the matham sub-
ject to the existing quit rent of Rs 251. to be held without
interference so long as the conditions of the grant should
be fulfilled (vide title deed enclosed in original). But
in the Inam Registers relating to the case it was regarded
as a Personal Inam which had come to the possession
of the matham by virtue of an alienation; the Inam was
enfranchised accordingly on a quit rent of 1/8th of the
assessment (vide copy of the Inam Registers enclosed).

3. It having come to the notice of the local authorities that the mattam was not properly kept up and that the Village of Melappath which had been granted, according to the Title Deed, for the support of the mattam had been in the hands of aliens, in spite of the usual notice to the enjoyers and to the managers to restore the charity, it was recommended that the Inam should be resumed and putta issued in the names of the persons at present in enjoyment by virtue of alienation. To this recommendation the persons in enjoyment objected on the ground that the Inam was a Personal grant enfranchised by the Inam Commissioners by the imposition of a quit rent and thereby conferring absolute power of alienation on the trustee and that the Inam was held by them by virtue of purchase at a court sale.

4. On a reference being made thereon by the Collector to me as to whether the Inam should be treated as Personal or Religious, it was observed from the Inam Registers that the Inam was a Personal Inam, that it came to the possession of the mattam by alienation and that it was consequently enfranchised at $\frac{1}{8}$ of the assessment under Rule VII. of the Inam Rules. The Title Deed issued in the form prescribed for religious service Inams with the condition of service was therefore found to be a

mistake

mistake which should be rectified with the sanction of Government leaving it open to the persons interested in the service of ^{the} mattam, should the service fail, to resort to proceedings under the Civil Procedure Code as advised by the Advocate General in his opinion communicated in Government Order No 82 dated 11th January 1895. The Collector was therefore requested to report what objection the Inamdar had to the revision of the Title Deed. In reply the Collector reports that the Guardian of the minor trustee of the mattam objects to the revision of the Title Deed on the ground that the Inam is a Religious grant and in proof thereof requests that the records produced before the Inam Commissioners at the time of the Inam settlement may be referred to. But from the Inam Registers it is clear that no documents were produced at the time of the Inam settlement in proof that the lands were originally confirmed for the support of the mattam. The objection put forth by the Inamdar is not therefore valid, as remarked by the Collector.

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

C. S. 106
Inam Commissioner.

Please see
permanente
now full time.
but up. 13/17/77

Some two managers object,
that this must be the
result of a mistake. As
the deed stands now, the
grant is null & void because
the conditions on which it
purported to be granted are
not fulfilled.

The train seems like
a personal income, & to
have come into the pos-
session of the Manager
of Co, the Manager could
alienate it, & I cannot
reclaim it now.

A personal man died
and he ^{was} ~~was~~ ^{the} ~~the~~ manager
while working that accident hit of
paper - the ex-employee died - He
may be returned. JF 2/76

To the J. Carver with rails. 376/1
24/19

Read case 500 6 of 97
G.P. mis

The attention of the Drain Comr will be invited to C. P. No 841 dt 29-10-90 and he will ^{be} informed that unless the mandas at the time of Settlement was guilty of fraud or misrepresentation the titled deed in question cannot now be altered. The papers will accordingly be returned to that officer for further report. It is presumed that the original title deed now forwarded was obtained from the mandas for reference and was not surrendered by him for being cancelled.

11/26/77.

1008
1977-1978
Cromwell, Pa. 10
1230

Hon. Mr. G. S. S. Ch.

including the old jodi.

Note (with reference to the Honour-
able Member's remarks).

The facts of the case appear
to be these:-

The village of Melappathu was ori-
ginally a personal inam held by one
Atmanadhaiyan. It was subsequently
alienated and at the time of the inam
settlement in 1863 the alienee was
the Aghora Siva Chari Mattam. If the
alienee were a private individual,
the inam would have been enfranchised
in his name on a quit-rent of one-
eighth of the assessment under rule
VII of the Inam rules. As there was
no reason why the Government should
lose the quit-rent, simply because
the alienee was a mattam, the Inam
Commissioner proposed to levy the
quit-rent in this case also and ac-
cordingly recorded the following or-
der in the Inam Register:- " The com-
bined quit-rent is Rs. 201 and the --
village is enfranchised accordingly"

But at the same time it was clear from the Inam Deputy Collector's report given in the Register that the inam was no longer a personal inam and that it had become the property of the mattam. This being so, the Inam Commissioner probably thought that it would be preferable to issue a religious endowment inam deed ~~rather than~~ rather than a personal inam deed. His decision was:- "Under the circumstances detailed by the Deputy Collector, this village will be properly registered and confirmed in the name of the mattam to which it has been alienated". In accordance with the above decision a title deed was granted to the Manager for the time being of the Aghona-sivachari Mattam, acknowledging his title to a religious endowment inam-whole village of Melappathu- held for the support of the said mattam and confirming it to him and his successors,"subject to the existing quit rent of Rs.261-0-0 per annum to be held

Then, he thought wrong. He was not empowered to change a Personal Inam into a religious Service Inam.

Did not the High Court decide in the case of the Coronamandel Inam that Govt. could - if a Service Inam was improperly registered as a Religious Inam or vice versa?

The paper is being looked for.

please see
Judgment of the High Court
dated 22.3.1917
22.3.1917

No. Replacing one deed by another giving greater power is not practically or theologically a cancellation of the former.

"without interference so long as the conditions of the grant are duly fulfilled". The title-deed was granted on the 8th September 1863 or nearly thirty-four years ago and it is not clear how the Government can alter its terms now. Even if it could, it does not seem desirable to do so without obtaining the consent of the inamdar, unless it can be proved that the title-deed was obtained by ^{mutual mistake} or fraud. If, as directed by the Honourable Member in the concluding portion of his note, a personal inam deed is now issued, it practically amounts to a cancellation of the deed already granted and in that case it is presumed the instructions in G. O. Revenue, No. 841 dated 29th October 1890 would apply.

2. The Honourable Member remarks - "The Inam Commissioner does not recommend the cancellation of the grant, but a modification of its terms so as to give the inamdar more

power over the land. True the manager objects, but this must be the result of a mistake". The fact seems to be that the inam was alienated subsequent to the issue of the title-deed, by a previous manager of the mattam. The present manager wishes apparently to recover it from the alienees and expend its proceeds for the benefit of the mattam. He can do this only if its character as a religious endowment inam is maintained as in that case alone would the alienation already made would be null and void. Hence his objection to the proposed modification of the terms of the grant.

But if those terms be modified and the inam be treated as a personal inam, the alienations made will hold good and the present manager cannot recover ~~it~~ ^{the inam} on behalf of the mattam. Hence it is that the alienees are anxious that the inam should be treated as a personal one.

3. Should the services cease

be performed it is, as remarked

It may be asked why he objects? I presume from the recommendation for the confiscation of the inam that the inam has ceased to exist.

JG

① This is the 1st time the Mattam has been granted inam in its history.

If it was any granted during continuance of certain conditions, but had not done with it when they made the grant.

*JG
16.7.97*

*CA.
12/9/97*

by the Inam Commissioner, open to the persons interested in the mattam to resort to Proceedings under the Civil Procedure Code as advised by the Advocate General in his opinion under G. O. No. 82 Mls. dated 11th January 1895. The Government seems to have done with the inam when it levied quit-rent thereon, treating it as if it were a personal inam under rule VII of the Inam rules.

14/7/97

*Brngt. Co.
11/16/97*

34
Road C. No. 5006 of 97.

G. O. Mhs. No. 38897/26th July 97.

The proposal to modify the terms of the Religious service inam deed already granted and issue in lieu thereof a personal inam deed would, if approved, only ^{have the effect of} ~~tend to~~ confer ^{ring} greater power on the inamdar over the inam than he possesses at present. If so, it is not clear why the inamdar should object to the proposal. The point should be explained to him and his further wishes in the matter should be ascertained and communicated to Government.

2. The Inam Commissioner is also requested to report whether in the event of the inamdar not agreeing to the proposed modification of the deed, it would not be advisable to enforce its terms and resume the inam for non-performance of the conditions of the grant.

To the Inam Commissioner
with enclosures (to be returned)
Des. 4-8-97

12697/1/97
For orders
P.P.
23/7/97

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

189

READ AGAIN G.O., No.
 189

DATED

CURRY No. 2

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.

S.E.-

A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only