Revenue (1897.) Department.

ROUTINE SERIES.

G.O., No. 674

Dated 26th March 97

[Despatch Abstract.]

Informing Venkatappa, late Kannam, of Amakur Village, Vandikodkur Taluk, Kurnool 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.

$\frac{O}{18}$ 10,000—25-3-95.

ABSTRACT.

(1896.)

REVENUE DEPARTMENT.

Current Number. 5742

From

Venkatappa
(minor)
through his mother
Lutchmamma
Atmakur village
Sandikotkur Tq
Kurnool Dt

Dated 22-7-96

Received 28-7-96.

Enclosures 6

No.

SUBJECT.

Req: the Karnam Office
of the village

Rep 31-7

SECY. GOVT. MADRAS
28 JUL 95
REV. DEPT.

UNDER SECRETARY
27 JUL 95
PUBLIC & REVENUE DEPT.

To.

PETITION
0571
REVENUE DEPT

His Excellency the Governor in Council
Fort St George
Madras.

Plaintiff
Pioneau Venkatapah (Minor) guardian his mother Lat-chamma in Atmakur village in Nandikol Kur Taluq Kurnool District

Defendant
Pioneau Lakshmanayya in the village of Atmakur in Nandikol Kur Taluq.

The petitioner most humbly and respectfully prays his Excellency the Governor in Council to the following effect.

1. In the Fasli 1270 there were previous to the Revision of Kowlaums as per Collector's Register No 73, in the village of Atmakur in Nandikol Kur Taluq Kurnool District (Copy of the Register is herewith filed.) at the time of the Revision there were Sulliah (the Plaintiff's paternal uncle) and Ahmah (the defendants father) living.

2. At the time of the Revision Sulliah (paternal uncle of the Plaintiff) was appointed

Karnam of the village of Alwarkuri. The Copy
of the appointment order No 59/24-6-61
Submitted to your Excellency.

3. Pulliah the paternal uncle of the Plaintiff
performed the duties of Karnam and died in 1869.
On his death, for some reason or other unknown
to Plaintiff Sk Kannah the father of the
Defendant was appointed to the office of the
Karnamship in Alwarkuri. The Plaintiff instituted
a Suit to recover the office of the Karnamship.
But his Suit was dismissed on the ground
that it was time barred as it was instituted
more than 3 years after Sk Kannah's appoint-
ment to the said office. The Plaintiff
preferred an appeal to the Honorable Members
of the Board of Revenue which passed an
endorsement No 3601/10-10-87 to the effect that the
Plaintiff would be the proper person on the
occurrence of a vacancy. The Copy of the
endorsement is herewith filed.

4. Sk Kannah resigned his office in
1894 in favour of his son Venkatasam the
Defendant. Thereupon the Plaintiff petitioned
the Court of the Head Quarter Deputy
Collector of Kurnool to recover the office of
the Karnamship. The Head Quarter Deputy
Collector of Kurnool enquired into the rights
of the Plaintiff and the Defendant and ultimate-
-ly passed a decree in favour of the Plaintiff

A Copy of the Judgment of the said officer is herewith submitted.

5. The Defendant thereupon preferred an appeal to the Head Collector of Kurnool who Confirmed the decision of the Lower Court and thus upheld the rights of the Plaintiff. A Copy of the Proceedings dated 1818 12-11-1895 of the Collector is herewith submitted.

6. The Defendant thereupon preferred an appeal to the Honorable Members of the Board of Revenue Madras. The Honorable Members of the Board passed an order in favour of the defendant on the ground that the defendant was the holder of the office of Karnam in virtue of Section 13 of the Act No III of 1895. A Copy of the Board Proceedings No 1776 16-4-1896 is herewith submitted.

7. It is most humbly and respectfully submitted that the decision of the Honorable Members of the Board is not Sound.

8. The Honorable Members of the Board of Revenue passed a Proceedings in virtue of para 8 of Standing order No 178 that the Plaintiff should succeed or should bring a suit after the death of the present incumbent or after a permanent Vacancy. The Plaintiff waited until a permanent Vacancy occured which happened in 1894 by the resignation of Veerannah and favours the Defendant

(a) Whether the provisions of the Act III of 1895 have a retrospective effect i.e whether the Act III of 1895 should apply to appeals preferred against the decision of Cases decided under Regulation 6 of 1831 Even though the Cases were decided previous to the passing of Act III of 1895.

(b) Whether the heirs of the Pension holders have the preferential right to the offices of the Kurnams, over the heirs of the last male holder of the offices.

whether the rights of the Pensioners holders are entirely Cancelled by the passing of the Act III of 1895

whether the Act III of 1895 affects the rights of the Pensioners holders.

whether the heirs of the Pensioners holders have any rights under the Act III of 1895 and if so what rights they have under this Act.

whether the Government has Cancelled these orders of G.O. Nos 1168 of 24 th 1892 & 484 7 6 93 which declared that the appointment of the Pensioners Creates a new hereditary right.

whether the Government has Cancelled para 8 of 1784 of Standing orders

10 These Questions are put to Excellency the Governor in Council to enable the Courts here and the legal Members in

leading other Cases ~~if~~ it is an Appeal
here on a point of Law. The decisions
of the Appeal Courts the majority of Cases
here. The act is not very clear on the
point. It is prayed that all doubts may
be cleared once for all so that there shall
be no trouble.

12 Under these Circumstances it is humbly
prayed that the Governor in Council may
be graciously pleased to uphold the
decisions of the Deputy Recorder of Penang
Collector and the Head Collector of Malacca
and thus recognize the rights of the here-
ditary pension holders if they have
any rights at all under your excellencys
assertion.

Dated 22 7 July
1896.

Thomas Scrutton Allen

Government of Madras.

Read Ctn: 5442 of 1896

REVENUE DEPARTMENT.

Endorsement No. 674 R dt 26th March 97

Rp 26/3/97

Note

The petitioner is dt 22-7-96.

CA. 25 mar 97

THE petitioner is informed that no appeal lies to Government under Section 23 (1) of Madras Act III of 1895. as amended by act II of 1897

(By Order)

(O.C.)

~~Under~~ *Secretary to Government.*

FORT ST. GEORGE,

189 .

To the petr with Enclr

DIS. 31-3-97

ent 25/3/97

When given for copying _____
When copied _____
When examined _____
When signed _____
} 189 .

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

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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