

Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 685

DATED 29th March 97

[Despatch Abstract.]

INFORMING Mudlukamachiappa ind., late Nattamangai
of Kovil Kurinithurai Village, Madima Taluk, Madima

District, that, under section 23 of Madras Act III of 1895, as amended by Act 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.

Revenue (1897) Department.

CURRENT No. 2649.

Order

From Muthukamachiappah Mutt
late Nattamaigar, and Munsif
of Kovil Kurivithurai Village,
Madura Taluk & Dt.

No.

Dated 19th March 1897

Received 24th " "

Registered 25th " "

Enclosures

Spare copies

SUBJECT.

Submg. an appeal regarding
his claim to the office of Natta-
maigar and Munsif of the
village.

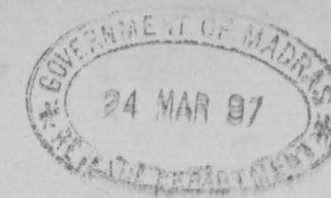
Regd. Clerk
26/3/97.

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



To,

HIS EXCELLENCY

THE GOVERNOR IN COUNCIL

FORT SAINT GEORGE

MADRAS.

PETITION

9277

REVENUE DEPT

*Humble Memorial submitted by MUTHUKAMACHIAPPA
MUDALIAR, late Nattamaigar and Munsif of Kovil
Kurivithurai Village, Madura Taluk and District,
appealing against the Proceedings of the Board
of Revenue, Land Revenue, dated 3rd July
1893, No. 3925 Mis;—*

RESPECTFULLY SHOWETH :—

That your humble Memorialist was the Nattamaigar and Munsif of Kovil Kurivithurai village and one Subbaraya Pandither was the Nattamaigar and Munsif of Ayan Kurivithurai village. During the settlement conducted in 1890, the above two villages were clubbed together and the latter having been made mother village, its head was appointed as Munsif of the group in the Revision of the village establishment in August 1890 and the petr. ousted from his office.

2. That the petr. objected to the above appointment on the ground that he (petr.) possessed hereditary title to the office of the Village Munsif of the subsidiary village of Kovil Kurivithurai and that the respt. possessed no such title to the office of either of the village. On this, petr. was informed that he should establish his title by a Regulation suit;—vide decision of the Dy. Collector in the concluding portion of para 14 of the village establishment Register dated 16—8—90 (Ex. G).

3. That your Memorialist, in obedience to the above order, sued the defendant in No. 18 of 1891 in the court of the Dy. Collector on general duties under Regulation VI of 1831.

4. That the Dy. Collector, after making a full enquiry of the case and satisfying about the seniority of the ptner's claims and weakness of the respondents, unjustly passed judgment in favour of the latter remarking in the concluding portion of para 11 of his judgment. "Though the latter (plaintiff) has satisfactorily established his hereditary title to the office of Nattamai of the subsidiary village, yet I think he cannot supersede the head of the main village in whose family the office continues since fasli 1217 almost continually. (Vide his decision dated 31st December 1891 (Ex. A).

5. That your Memorialist then appealed to the Collector on 4—2—1892 who on perusing the records of the case and hearing both the parties, passed judgment in ptner's favour, having found on enquiry that the ptner. has got better claims (vide his decision dated 9—6—1893) (Ex. B).

6. That the respondent then appealed to the Honourable Board. To the

Ptner's great surprise and sorrow, the Honourable Members, in their Pro. No. 3925 dated 3—7—1893, assuming that the action of the Collector was not governed by G. Os. 1168 dated 24—11—1892 and 563 dated 8—2—1893 set aside the suit decisions of the Colr. and restored the office to the respt. Vide their Pro. (Ex. G)

Hence this appeal Memorial is submitted to your Excellency against the said decision.

7. That your Memorialist humbly begs to point out that the Honorable Members of the Board of Revenue are wrong in applying G. Os. 1168 and 563 in the case under question as can be plainly seen from the following arguments. Under G. O. dated 21st November 1893 No. 1004, the said Proceedings of the Board of Revenue No. 3925, setting aside the Collector's decision in ptner's favor in suit No. 10 of 1892, should be cancelled as the decision of the original Court (Court of the Dy. Colr.) was passed on the 31st December 1891, i. e. prior to the G. O. dated 24th November 1892 No. 1168 inasmuch as the last G. O. provides that Mirassi right to offices in the clubbed villages should be recognized if suit was brought and decided by an original Court before the G. O. of 24th November 1892 No. 1168. Hence the opinion of the Honorable Board, giving retrospective effect to G. O. No. 1168 dated 24—11—1892 which is against the views of the Govt. conveyed in G. O. No. 1004 dated 26th November 1893, is quite unfounded.

8. That the ptner, further begs to point out his seniority of claims over those of the respondent.

(a) **Petitioner's family:** One Thandavaraya Mudaly was the Faisaldar of Kovil Kurivithurai village. On his death, his son, Muthuthandavaraya Mudaly succeeded. On his demise one Sangaralinga Mudaly (brother-in-law of the latter and the husband of the Faisaldar's daughter) came to the office. Again on his death, his son Punnavana Mudaly (ptner's father) succeeded to the post and resigned it in favor of his minor son in 1877. His son (ptner) attained majority and performed the duties from 1890 up to the date of revision. Hence these facts go to show that the ptner. is a direct descent of the Faisaldar. Besides this, these facts have also been admitted by both the parties and is so remarked in para 2 of the Dy. Collector's decision (Ex. A).

(b) **Respondent's family:**—One Venkatanarasimma Deechatar and another Anantier were the Faisaldars of Ayan Kurivithurai village. Deechadar died in 1811 and was succeeded by Subbier. Anantier died in 1807 (Fusly 1217) and was succeeded by Venkatasuramier. After his death, his son-in-law Kasi Vasi Subbier took charge of the office in 1830. Again after his death, his son-in-law Venkatanarasimmier succeeded and on his demise, his son (Subbaraya Pandither, Respondent) came to the office. It follows from the above that the respondent is the daughter's daughter's son of Venkatasuramier, the Nattamaigar of Fasly 1217. The respondent wanted to impress in the minds of the authorities that he is a direct descendant of the Faisaldar, but he is not in a position to produce any documentary evidence to establish the same and the Dl. officer did not equally attach any weight to the oral evidence adduced by him (vide para 6 of Ex. A.) Again in column 6 of Ex. G. the defendant is entered as the son of the grand daughter of the Faisaldar through his son. Assuming this relationship to be conclusive i. e. assuming that the deft. is a descendant of the Faisaldar, the Dl. officer gave a preferential claim to the respondent and directed the petr. to sue under Regulation VI of 1831

as stated in para 2 above. From a glance over the above arguments and a perusal of para 9 of Ex. A. (Dl. officer's Judgment) Your Excellency in Council can come to a final conclusion that the respondent's statements are unfounded and the original suit decision of the Dy. Collector (passed against the petr) is without any foundation. From this it can be reasonably presumed that the respondent makes fancy statements as he pleases without containing any atom of truth in them. But on the other hand, the Dl. officer has remarked in para 8 of his decision that the documentary evidence adduced by your Memorialist is in favour of a presumption that Venkatasuramier of Fasly 1217 was not the cousin or blood relation of the Faisaldar Venkatanarasimma Deechather. Besides this, the whole of para 9 of the Dy. Collector's decision speaks about the respondents' claim as vexatious, frivolous and weak as pointed out below. Therein the Dy. Collector has remarked that the Faisaldar, (Deechather) died in 1811 and was succeeded by one Subbier apparently an outsider and not (as alleged by the respondent) by Venkatasuramier who had succeeded the other Faisaldar Anantier in 1807 and was a contemporary Nattamaigar with the above Deechather. Collector's order No. 325 dated 27-9-1834 (Ex. D) appointing one Seetharamier as successor to Subbier styles the latter as "Pettai Subbier" and describes Venkatasuramier as அபாத்தியஸ்தன் i. e. one possessing no hereditary title to the office. In the Inam Register [of 1863 (Ex. E), the respondent's father who was the Nattamaigar when it was prepared, has been treated as an "Alienee". From these arguments, it is pretty clear that the father and grandfather of the respondent had been under the impression that they are not the hereditary Mirasidars because they had admittedly no Faisal right as surmised by the Dy. Collector in para 9 of his decision (Ex. A). Even the present Inam Commissioner when enfranchising the Inam lands held by the respondent as Nattamaigar, has concluded that he (respondent) though a representative of the office bearer of Fusly 1217 is only a Ghair Mirassidar because he has no Faisal right and has accordingly issued puttah charging full assessment for the Inam lands held by him. It is only those who possessed Faisal Mirasi right to a village office obtained the benefit of the enfranchisement, but all those who came in office subsequent to Faisal, has been treated by the Inam Commissioner as Ghair Mirassidar and full assessment has been charged for their Inams. In like manner, the respondent has been declared as only Ghair Mirassidar (vide remarks in Ex. F).

9. That as pointed out in para 4 above, the Dy. Collector who 1st held enquiry of the case, has rightly understood the true nature of the petr's and the respondents' claims elicited in sub paras a and b of the 8th para and has plainly marked out the same from paras 6 to 9 of his decision (Ex. A). Having admitted the petr's Faisal right to the office, he (Dy. Colr.) gave the appointment to the respondent on the mere simple reasoning that he (respondent) was the Nattamaigar of the main village (though without any Faisal right).

10. That according to the spirit of the Rules and Precedents above quoted, it is very very plain that the Honorable Members of the Board of Revenue were entirely wrong in assuming that G.O.Nos. 1168 and 563 affect the petr's case. The fact that the respondent is not a Faisal heir is equally clearly established and the respondent's vain contention that he belongs to a Faisal family cannot for a moment stand in the face of Exs. D. E. and F. (Inam Commissioner's order of enfranchisement) respectively describing his grandfather as Abathia then அபாத்தியஸ்தன் (one who

has no hereditary right), his father as an Alianee and himself as a Ghair Mirassidar.

11. That irrespective of other senior claims pointed out above, your Memorialist has also passed Upper Primary School examination conducted in 1884 in English and Tamil while the respondent possessing inferior claims has not passed any examination; vide his certificate (Ex. H). He (petr.) is thus qualified for the post even according to the recent rulings.

12. That, for the foregoing reasons, your humble Memorialist most reverentially craves that your Excellency in Council will be graciously pleased to condescend to accord to his (petr's) case your pitiful and compassionate consideration and after perusing the records herewith submitted and calling for others if necessary cancel the unjust decision of the Board of Revenue No. 3925 Mis. dated 3rd July 1893 and confirm the suit decision of the Collector dated 9th June 1893 (Ex. B) in revision petition No. 10 of 1892.

For which act of charity and kindness, your Memorialist, as in duty bound shall ever pray.

19-3-97.

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List of records submitted with the above petition.

- | | |
|---|---|
| A. Order of the Dy. Collector on general duties in Regulation suit No. 18 of 1891 dated 31st December 1891. | 1 |
| B. Order of the Collector dated 9-6-93 on revision petition 10 of 1892 | 1 |
| C. Proceedings of the Board of Revenue No. 3925 Mis. dated 3rd July 1893. | 1 |
| D. Collector's order No. 325 dated 27-9-1834. | 1 |
| E. Extract from the Register of village Service Inams prepared during July 1893. | 1 |
| F. Do. prepared during March 1891. | 1 |
| G. History of the service &c. of the village establishment of Ayan Kurivithurai village prepared during the settlement on 8-8-90. | 1 |
| H. Upper Primary Examination certificate. | 1 |

Total. 8

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Government of Madras.

Read case 2649 of 97

REVENUE DEPARTMENT.

Endorsement No. 685 Rd 29. 3. 97

Note

The petition is
dt 19-3-97

(A.
26 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.

1/19/97

(By Order.)
(cc.)

Under Secretary to Government.

FORT ST. GEORGE,
189

To the petr
with Encl

628-1-497
L 6.7-1-897

26/3/97

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When given for copying
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When examined
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, BRING MOUNT FOR DESPATCH
IN ORIGINAL.

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