0/9 2,000—5-8-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2601

DATED 18th June

[Despatch Abstract.]

Passing order on the Proceedings Soliciting orders of the further Govt in regard to the exemption from the payment and forfeiture of areas of dry and wet lands in Inam villages which are shown in the Inam registers of those villages to have been cultivated even at the time of enfranchisement with wet Crop and Second Crop respectively

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
20	3						

Revenue (1898) Department.

CURRENT No. 2549

From the Board of Revenue, Revenue Settlement, Land Records and agriculture, Madras.

Order

No. 276 Miscellaneous

Dated 29th March 1898.

Received 31 —

Registered 1 Apl

Enclosures 3.

Spare copies

Memo sent 10/5/98.

SUBJECT.

Soliciting further orders of Government in regard to the exemption from tuwajasti and jasaljasti of the areas of dry and single crop wet lands in Inam villages which are shown in the Inam Registers of those villages to have been cultivated even at the time of enfranchisement as wet crops and with a 2nd crop respectively.

BACK PAPERS.

G.O.	No.	Department.	Date.
PP	1786	Revell	9.3.97
Rp	5882	Rev	16.11.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Disposal No: 818 of 1896. Inam Commissioner's office
Madras, 14th December 1896.

From

The Honorable Mr. C.S. Crole
Inam Commissioner.

To

The Secretary to the Board of Revenue,
Land Revenue, Madras.

Sir,

In reply to Board's Reference on above General Register No: 1717 of 1896 (confidential) dated 15th April 1896, the enclosure to which is herewith returned, and in continuation of this office letter R.C. No: 312 dated 20th August 1896, I have the honor to submit a copy of letter No: 4514/Rev. dated 3rd December 1896 since received from the Collector of Tanjore.

2. According to the practice of the Inam department, the Inam Deputy Collector, in submitting the Inam Register records in Cols: 5 and 7 of the register the extent and assessment as they exist at the time of the Inam Settlement. If the Inam Settlement takes place after the completion of the Revenue Survey and Settlement when the correct extent and assessment

the holding is determined, the charge for the excess extent and water-rate for the Nirvajasti and Fasaljasti is determined and charged. If the Inam Settlement takes place before the Revenue Survey and Settlement, this is left to be done by Revenue Authorities. Accordingly in the cases in question, the Inam Commissioner does not appear to have taken into consideration the question of water-rate in confirming the Inams on the existing Jodi. It is observed that there is nothing in the Inam Register or in the correspondence on the subject either disallowing Mr. Kindersley's order of 1836 or ratifying the same.

I have &c.

(Signed) C. S. Crole.

Inam Commissioner.

(True Copy)

R. V. Srinivasan
Secretary.

8

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25/9

(Sett. 24 2,060—29-10-96.)

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture.)

Dated 29th March 1898.

No. 2176 Miscellaneous.

Head.....

Resolution

In its order No 853, Revenue dated 27th February 1894, Government, on a petition from the proprietor of the entire Inam villages of Kadaram-Kolam and Samuthendrapuram in the Ambasamudram Taluk of the Tinnevelly district, observed that as it appeared from the Inam Register that at the time of enfranchisement 26·27 acres in the former village and 79·99 acres in the latter were under second crop cultivation, those areas were exempt from fasaljasti. The Inamdar applied to the Collector for refund of

of the second crop charge levied from fasli 1300, but the Collector considered that retrospective effect could not be given to the Government Order, and sanctioned the refund of the charge for fasli 1302 only, to which it appears the petition to Government related. The Inamdar has appealed to the Board for refund of the charge for the remaining two years.

2. In the case of another Inam village, named Vagai. Kolam, in the same taluk, it is stated in the Inam Register that 46·73 acres of single crop wet land were cultivated with second crop and 20·25 acres of dry land were cultivated with wet crop. Following the rule laid down in the Government Order referred to above, the Collector, on the application of the Inamdar, exempted the areas specified above from second crop charge and water rate respectively in fasli 1304. The Inamdar applied to him for refund of the charge imposed in previous years, but the Collector rejected the application on the ground that the Government Order sanctioned a new concession and that retrospective effect should not, therefore, be given to it. The Inamdar has appealed to the Board.

3. In these cases, though the Inam Deputy Collector stated in his remarks given in the Inam Registers, that second crop was raised on certain single crop wet lands and wet crops on certain dry lands, no second crop charge or water rate in respect of such areas was taken account of in estimating the value of the village for purposes of fixing the quit-rent. It is therefore, doubtful whether it was intended that the areas referred

referred to should be exempt from the usual extra charges. From the Inam Commissioner's letter to the Board dated 14th December 1896, which was submitted to Government with Board's Proceedings No. 1780, dated 9th March 1897, and a copy of which is resubmitted herewith, it appears that in cases, in which the Inam settlement preceded the Revenue Survey and settlement, the practice of the Inam department was to take no account of such extra charges but to leave them to be determined and charged by the Revenue department. In these circumstances and in view of the general principles enunciated in the Advocate-General's opinion communicated with Government Order No. 5883, dated 16th November 1897, it appears to the Board doubtful whether the Inamdars are

are entitled to exemption from second crop charge and water rate on the areas referred to. As the ruling of Government involves a new concession, which will have very wide effect, the Board deems it desirable to lay the matter before Government and solicit its further orders. For ready reference, copies of the Inam Registers of the three villages mentioned above are submitted herewith.

(True Extract.)

R. V. Srinivasan
Secretary.

To

The Secretary to Government,
Revenue Department, with
3 Inam Registers, and a copy of
the Inam Commissioner's letter Dis. 813.
14.12.96

Ed. A.G. 30/iii

Read again G.O. 853 27.2.94
C.No. 2579 of 1898.
B.P. (R.Y.) No 2176 d 29.3.98

For orders.

In the inam registers prepared at the time of the inam settlement in 1864 for the two villages of Kodaramkolam and Samuthendrapuram in the Ambasamudram Taluk of the Tinnevelly District, the areas of 'dry lands', 'single-crop wet' lands and 'double-crop wet' lands according to the paimash accounts were entered and in the remarks Column it was stated that among other things that 'second crop is raised on 'single' 26.27 (acres) of one 'Crop land' in the first village and '79.99 acres of one crop land' in the second village.

2. In 1894, the inamdar of the two villages who had been charged with

Dept. 11916/98.

A.

The adv. Gen's opinion (3.0. 5883 16.11.97) makes it clear that inamdars are not entitled to a free water-supply for second crop on land rented in two inams. If the Deed bore single-crop land, or for a wet crop on land rented in the Deed bore dry land, unless a right to it had been acquired by way of easement, which the Deed was granted. G.O. 853 27.2.94 was issued for enhancement to the extent that it granted the free use of water enjoyed at the time of enfranchisement, in such cases as mentioned above without its being ascertained that the inamdar had thus acquired by way of easement a right with the order should, accordingly, be cancelled, & ingoing water as regards the villages referred to in it, & the villages now under consideration, whether as regards to the land there had been created by way of easement when the inam was enfranchised. DS 6/6/98

27/5/98 C3 6/6/98

DS 6/6/98

B.

with Pasalgasli on some of his lands, preferred an Appeal to Govt. Thereupon in G.O No 853 d 27.2.94, the Govt ordered that the extent of single crop wet land which was mentioned in the inam registers as having been under second crop cultivation at the time of the enfranchisement should be exempted from Pasalgasli.

3. It now appears that the Collector of Tinnevelly has followed the ruling above laid down in the Case of another inam village named Vagai-Kulam and that the two inamdars have appealed to the Board of Revenue praying that the above Govt order may be given retrospective effect and that the extra charge levied during previous years may be refunded to them.

here 2 ½ cross (B.P. 2716 / 23.3.98)

B

4. The Board of Revenue however, now doubts whether the inamdars are entitled to the concession which was ordered to be granted by Govt in G.O No 853 d 27.2.94 and before disposing of those appeals lays the matter again before Govt. It points out that though in the cases in question, the inam Deputy Collector stated in the remarks in the inam registers, that second crop was raised on certain single crop wet lands and wet crops on certain dry lands, no second-crop charge or wet rate was taken into account in estimating the value of the village for purpose of fixing the ~~village~~ quit-rent and that in cases in which the inam settlement preceded the Revenue survey and settlement the practice of the inam department was to take no account of such extra charges but to leave them to be determined and

and charged by the Revenue Department. The Board adds that in these circumstances and in view of the general principles enunciated in the Advocate General's Opinion in G.O No 5883 d 16.11.97 it appears doubtful whether the inamdars are entitled to exemption from the Second crop Charge and water rate in the areas referred to.

5 From the concluding portion of the then secretary Mr Gallie's note in G.O No 8538 d 13.2.94. it will be seen that at the time the order was passed, the possibility of the valuation of the inam villages having been made at the time of the enfranchisement, without reference to the second crop cultivation on areas not registered as second crop in the Peimash account was not ignored. It does however appear that the inamdars will be legally liable to pay assessment for second crop cultivation in excess of the area entered as 'double crop' in the inam title-deeds even though the inam registers may show that at the time of the enfranchisement a certain extent of the usual single crop wet lands were cultivated with a second crop.

In the Conf'l Cover.

C

MK
24/5/28.

Secy

There can be no doubt that an inamdar is entitled to pay assessment so much water as is sufficient for the irrigation of two crops on so much of his inam as was registered double crop at the time of inam settlement & was entered as such in his title deed.

The question is whether he is entitled free of cost to

water for 2nd crop on a portion of his inam on the ground that at the time of inam settlement an equal

Extent of this single crop land was cultivated with a second crop and the fact mentioned in the main register.

The fact that the 2nd crop charge on this extent was not taken into account in estimating the value of the village for the purpose of fixing the quit rent while it does not as noted by Collector under G.O. 853 of 13-2-94 constitute an conclusive argument against the mamdars claim does not, it is submitted help that claim in any way.

The question seems

flagged Z in the confdl cover.

Flag A
11/6/98

O/Mr
What has been done since 11-97. Papers to be called for from the Collr in this file
Secy
2-6-98

flagged A and sent to the Secy. The papers appear to have been returned by the Secy with another current which was linked with this file
Mly
2/6/98.

to be one of the legal conclusion to be placed on the terms of the main register settlement.

It is submitted that the matter may be referred to the Advocate General. Copies of the opinion in G.O. 5883 of 16-11-97 & of the forms of the main register settlement might be supplied to him & he may be at the same time asked to refer to the Bd for any further information he may want as to the nature of the Inam Commissioners work.

Mly
30-5-98

A. Ins. & Rem. Sir. M. Ms

I doubt the correctness of the ruling in G.O. 27th Feb. 94 No 853. It has been laid down

by the High Court that public grants must be strictly construed and it follows that no one is entitled under a title deed to water to a larger extent than is there in the grant. Hence what is said in the Imam Rights is of no consequence and the fact that it is there stated that Lands [illegible] the title deed has been cultd with 2nd crop will not give a right to water for second crop for that land. To hold to which be to change the classification of land to in the face of the title and a right to water for 2nd crop required by easement when granted by classification of Imam Statement in the Imam that certain land is entitled to water for 2nd crop owing to no proof of the easement.

J.P.
2/4/98.

Please see draft order put up on separate sheet below for approval.

Read again G.O. 853
27.2.94.
C.R.O. 25797/1898.
B.P. (R.G.) No 217629.3.98

G.O. Misc. No. 2601 of 18th June 98.

~~From the opinion of the Advocate-General Communicated with G.O. No 588 dated 16th November 1897,~~ it is clear that the Inamdars are not entitled to a free use of water for a second crop on land described in the Inam title-deed to be 'single crop' land or for a wet crop on land stated in the title-deed to be 'dry' unless a right to it had been acquired by way of easement at the time when the title-deed was granted. G.O. No 853 dated the 27th February 1894 insofar as it conflicts with the above view is cancelled.

~~to the extent that it grants the free use of water enjoyed at the time of the [illegible] Cash [illegible]~~

para 4.
in Cuttack cover

27/6
18/6/98.

B.

without its being ascertained that the inamdar had acquired a right to it by way of ~~easement~~ prescription. The order will accordingly now be cancelled, and as regards the two villages of Kodaramkulam and Sacunthendrapuram referred to ~~therein~~ in the above G.O., and the village of Vagai-Kulam now brought to notice, the Collector should institute enquiries and ascertain whether a right to the free supply of water for a 2nd crop on single crop wet land to the extent enjoyed at the time of enfranchisement, had been created by way of easement when the inamdars were enfranchised.

Mk
13 VI 98

(from orders)

8/6

To the Board (R&S)
with Encls.

Dated 24.6.98

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189

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

No.

ENCLOSURES TO G. 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.								

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
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