

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 3801

Confidential 1058

Dated 2nd. September 1898

[Despatch Abstract.]

Certain papers
Forwarding to the Advocate General for the
preparation of a draft answer to be filed
in the District Court of Kurnool in connection
with a suit brought against foot by one
Subba Naidoo of Dornala.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
3889	3889	Rev.	30. 9 - 98				

Order

Revenue (1898) Department.

CURRENT No. 4350
Confidential No. 41

From

The Board of Revenue,
Land Revenue,
Madras.



Dated 15th June 1898.

Received 20th

Registered 20th

Enclosures 4 (with file) x
of papers separately

Spare copies

SUBJECT.

Submitting to Govt. with remarks the papers relating to O.S.No. 12 of 1897 filed in the District Court of Kurnool by one Sayapanayani Seshachalapati Mallikarjuna Vara Prasada Nayudu for the recovery of the Dornala Zemindari in the Marikapur taluk and requesting the Collector of Kurnool to apply for an adjournment of the hearing for 3 months & to submit direct to Government the notice of suit sent to him with B.P.No. 1350 Mis., d/13th March 1894.

BACK PAPERS.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Reference on No. of 1897.

In replying the above should be quoted.

(LAND REVENUE)



Read letter from Mahomed Paza Khan Esquire, Acting Collector of Kurnool, to the Secretary to the Commissioners of Land Revenue, Madras, P.C.No.464/Genl., dated 11th March 1898.

Reference No. 656 dated 15th June 1898.
Confl. Refce-No. 15

With the above letter the Collector of Kurnool submits a copy of the plaint in O.S.No.12 of 1897 filed in the District Court at Kurnool by one Sayapanayani Seshachalapati Mallikarjuna Varaprasada Nayudu for the recovery of the "Dornala Zemindari" in the Markapur taluk. But it is not accompanied by a draft written statement as required by para 1 of Standing Order No.143; for owing presumably to the constitution of Kurnool into a separate Collectorate in 1859, the old records on the strength of which Government disallowed the Plaintiff's father's claim to the Zemindari in its Order No.830, dated 16th July 1885 are not available in the Collector's office. The Collector accordingly requests the Board to furnish him with instructions for the defence of the suit after examining the records in its possession and consulting the Government Law officers. He also considers that in view of the magnitude of the interests involved in the suit, the best legal advice should be obtained before the draft written statement is prepared.

2. The Board concurs with the Collector and resolves to submit the papers to Government with the request that the Advocate General may be asked to prepare the draft written statement to be filed on its behalf.

Note on the margin of para 1 of R.P. 20/5 A. 31-3-62

3. The following are the main facts on which the Plaintiff rests his claim for the restoration of the "Dornala Zemindari" with mesne profits, or in the alternative for the payment of the "Zemindar's" share of the net profits from the estate together with the arrears due for past years:-

(i) That the "Zemindari" was permanently settled under Regulation XIV of 1802 and that a Sannad and Kabuliyat were exchanged between Government and the Plaintiff's ancestor in fasli 1212 (1802-3).

(ii) That the Plaintiff's ancestor, the first "Zemindar" - having temporarily fallen ill in 1805, made over the management of the estate to Government, subject to an annual payment of 850 star Pagodas, one canteroy pagoda being worth Rs. 2-14-8, while a star pagoda is worth Rs. 3-8-0. The revenue realized in each year in excess of the receipts of fasli 1211 (on the basis of which the allowance of 850 canteroy pagodas was fixed).

(iii) That, as the revenue of the subsequent years did not exceed that of fasli 1211 and because the charges of Government management were increasing, the Government proposed in the year 1814 that a fixed annual sum of 850 star pagodas should be paid to the Plaintiff's ancestor so long as the "Zemindari" remained under its management, and that the "Zemindar" agreed to this proposal.

(iv) That when the "Zemindar" died in 1828 without resuming the management of his estate, Government reduced the allowance to 2/3rds of the stipulated amount and paid this sum to his widow till she died in 1861.

(v) That the claims of the "Zemindar's" adopted son and of that son's issue which have from time to time been preferred to Government since 1851 have been disallowed under the misapprehension that the annual allowance was in the nature of a pension, while as a matter of fact it represented the "Zemindar's" share of the net profits from his estate payable to him and his heirs so long as the estate is retained under Government management.

4. From the correspondence ending with Government Order No. 830 Rev: dated 16th July 1885 quoted in para 1 above, it will be seen that the Plaintiff's allegations are identical with those urged in the petition presented to Government by his father in 1882 and that they were fully considered before that petition was finally rejected. The entire history

Vide G.O. 1540 Rev. 8-12-1883
Vide G.O. 1032 Rev. C 10-9-1884
A.G.O. 830 Rev.

of the claim, as it appears from the Government records, is not however set forth in one view in any of the papers comprised in the correspondence referred to. A summary of the facts is accordingly given below for convenience of reference:-

(1) The Dornala Polliem, which was at first attached to the Doopaud taluk of the Cuddapah district and now forms a part of the Marripur taluk in Kur-nool, originally consisted of 18 villages granted to the Sayanayani family by the Vijayanagar Pajas in 1436 for Military service. The poligars subsequently held the estate under the "Hyderabad Kings" & under Aurangzebe subject to the payment of a varying peshkash. The Nawabs of Cuddapah gave the Poligar 38 additional villages, making a total of 56 villages, in return for a peshkash of 5057 canteroy pagodas or Rs. 14450.

All of them were resumed by Haidar Ali in 1779 but were subsequently rented out to the Poligar for 3892 canteroy pagodas as he was reported to be "a man of a quiet disposition". In 1791, the Nizam's officers gave him five new villages and raised his peshkash to 3988 canteroy pagodas. On the advent of the British Government, Major Munro continued to the Poligar the original grant of 56 villages at a peshkash of 2571 canteroy pagodas; but as he had anticipated a great part of his rents in order to pay military peons to protect him against a neighbouring Poligar who had seized several of his villages, there was a balance at his death of 1242 canteroy pagodas.

(2) From para 14 of Major Munro's report on the Poligars of the Ceded districts dated 20th March 1802, it appears that the Polliems situated in those districts were resumed in fasli 1211 (1801-2) in pursuance of the policy of annihilating by degrees the dangerous influence of poligars, that, as in Sirkar (Government) villages, the annual settlements of revenue were from that fasli made direct with the Potails (village heads) & karnams of the resumed villages (as the representatives of the ryots) and that the collection of the revenue so fixed was in general left in the hands of the ex-Poligars as renters from Government, during good behaviour, defraying amounts out of the collections of the villages so rented being assigned to them for their maintenance; an additional

Note on the margin of para 14 B.P. 2075 31-3-1862

Major Munro's Memo at pages 505 & 506 of the Fifth Report

*dated 20-3-1802

allowance of 10 per cent on all revenue in excess of the amount realized in fasli 1211 was also granted in succeeding faslies in order to give the renters an interest in the prosperity of the villages under their management. From the tabular statement appended to the above report it appears that before the polliem was resumed in fasli 1211 it consisted of only 40 villages yielding a net beriz of canteroy pagodas 2222-9-6,

that Seshachalapati Nayadu, the son of the previous poligar was in receipt of an allowance deducted from the rent, of 850 canteroy pagodas and that he was then managing the polliem villages as a renter. Col. of

(3) In 1813, the Collector of Cuddapah Mr. Charles R. Ross, submitted to the Board.

(i) a register of pensions payable for fasli 1223 (1813-4) consisting of the three Parts X, Y & Z described in the margin.

& (ii) a detailed statement showing the deductions made from the kistbandi (collections of revenue) in favour of poligars & others. He stated that the deductions appearing in the second statement, which consisted of the allowances to ex-poligars originally fixed on the basis of the rental of fasli 1211 (1801-2) plus 10 percent of the revenue realized in excess in succeeding faslis, were not disbursed from the treasury and did not accordingly find place in the Register of Allowances marked x. In order, therefore, to give a more correct idea of the allowances payable to persons whose offices & privileges had been assumed by the British Government in the Ceded districts Mr. Ross recommended the amalgamation of the second list with Register X. He added that even where the ex-poligars noted in the second list were not in charge of their villages as renters, their allowances were paid to them every month from the Treasury in the first instance and the amounts paid were subsequently recouped to the Treasury at the end of each year out of the collections of the villages which had formerly been in their possession.

The Board concurred in the Collector's opinion that the allowances made by deductions from the collections of rents should be included in Register X and accordingly called for a Revised Register. The Board at the same time enquired whether the arrangement made by Major Munro in 1802 under which many of the ex-poligars were managing the villages comprised in their respective polliems as renters was still being continued and whether in view to avoid the fluctuation in the additional allowance of 10 percent paid on increase of

printed as an appendix to the Fifth Report-Higginbotham's Edition. 1883, Vol. II. Vide also columns 104, 107 & 114 of the extract from the statement relating to Dornal submitted by the Collector of Bellary.

Letter in B.P. 8-10-1813

Register of allowances granted in lieu of resumed offices & privileges
Y. Register of pensions
Z. Register of allowances

para 13416 of the collection

revenue over that of fasli 1211, the allowances payable to such of them as had ceased to manage villages, might not be permanently fixed on a fair average of the receipts for previous years.

The Collector thereupon submitted an amended statement of allowances granted in lieu of resumed offices & privileges (called Register X of 1814) as well as a further statement showing (i) the allowances drawn in previous years by ex-poligars &c in the shape of 10 percent of the increase in revenue over that of fasli 1211 and (ii) the amounts which it was proposed permanently to add to the original pensions with reference to the previous years' receipts and to the excess of the decennial rents then newly introduced over the rents of fasli 1211. He proposed to fix the allowance permanently in the case of all the pensioners whether or not they were managing any villages as renters or sureties. These statements were approved by the Board and the sanction of Government was also obtained for

B.P.d/13-3-1815 the estimated charges for fasli 1223 (1813-4) as shown G.O.d/29-3-1815

in the revised Register X (of 1814) and Registers Y & Z. The pensions to ex-poligars &c as fixed in Register X appear therefore, to have been paid for the first time in fasli 1223 (1813-4); prior to that period the amounts they received were in the shape of beriz deductions.

Vide statement in B.P. 28-2-1814 In the case of Dornala, the original allowance was given as 708-15--star pagodas; and 122-9-77 star pagodas were added thereto on account of the increase in the decennial rents, making a total of 830-24-77 star pagodas. equivalent in value to 850 canteroy pagodas mentioned in Major Munro's report d/ 20-3-1802 The last mentioned amount was accordingly entered in Register X of 1814 as the permanent pension payable to the ex-poligar. The Register contains a remark that the pensioner "is security for four of

Vide para 3 of Mr. Ross's letter d/21-2-1814 and the concluding portion of para 3 of G.O. No. 1022 Rev., d/ 10-9-1884 his (the pensioner's) villages" from which it is to be inferred that he was neither a renter nor a surety in respect of the remaining 36 villages formerly comprised in the polliem.

(4) In 1828 the Collector of Cuddapah reported that on the 12th September, leaving a widow, an Statement in B.P. Dornala Subba Nayudu had died aged 35 and adopted son 13 years old, that the adoption appeared to have been regularly made 11 years previously and that it would be

allowance of 10 per cent on all revenue in excess of the amount rea-

sufficient if not more than 2/3rds of the pension paid to the deceased were allowed either to the widow or to the adopted son. The Board recommended the grant of 2/3rds of the pension to the widow; and the recommendation was accepted by the Government, the claims of the adopted son being ignored apparently on the ground *Vide para 5 to 7 of G.O. No. 1295, d/ 12-6-1862* that in the Cuddapah district pensions were hereditary, during good behaviour, to lineal descendants only.

(5) Subba Nayudu's widow died ⁱⁿ 1861; and her adopted son having predeceased her, the Board recommended the continuance of the pension to his sons; but the proposal was negatived by Government with reference to the practice in Cuddapah stated in clause (4) above and to the order passed by the Government of India in an analogous case.

(6) In 1882 Subba Nayudu presented a fresh petition to Government asserting his claim to the Dornala estate on the ground—apparently never urged before—that it had been granted to his ancestor on a permanent sannad, representing that although by a temporary arrangement it had passed under the management of the Collector, the property belonged to him by hereditary right, and praying that ^{either} the Zemindari ^{might} be restored to him with mesne profits or the annual payment of 830 star pagodas disbursed to him with arrears. He relied on the marginally noted documents in support of his allegations. The reports of

the local officers and the Board being favorable to the Petitioner's claim, the Local Government recommended to the Government of India that the allowance formerly made

1. Exhibit B-Cowle of Col: Munro d/13-3-1802
2. Exhibit C-Letter from Col: Munro d/ 8-1-1803
3. Exhibit E-Letter from Do. d/15-3-1805
4. Exhibit F-Letter from the Collector, Mr. Charles R. Ross, dated 9th Jan: 1814
5. Kabuliyat executed by the Zemindar on the 15th February 1803 in return for the sannad alleged to have been given to him at the time of the permanent Settlement.

to the Petitioner's family (830 & odd star pagodas) should be continued to him and his heirs "on the distinct understanding that the concession was to be in full satisfaction of all the demands against Government which the family might be considered to possess". The Government of India thereupon enquired (i) whether the Petitioner was prepared to abandon his claim to mesne profits in consideration of the grant of the annual allowance for the future and what the net annual income of the estate was between 1861 & 1883. It was at the same time suggested that the opinion of the Government Law officers should be obtained as to whether a suit for the arrears of allowance from 1861 could be resisted with any chance of success if instituted by the petitioner. A

of law. The Collector estimated the total yield of Dornala for the years 1861-62 to 1883-84 at Rs. 222,714 (at the rate of Rs. 9683 per annum) and intimated the Petitioner's unwillingness to waive his claims to the arrears of allowance. The Advocate General expressed it as his opinion that, if the facts of the case were as stated in Government Order No. 1540, dated 8th December 1883, Government had constituted itself a trustee at the time that it undertook to manage the estate on behalf of the Zemindar, that, as a trustee cannot set up a claim inconsistent with the trust or claim adversely to the persons for whom he is trustee, the claimant would be entitled to succeed if he brought a suit for the recovery of the Zemindari and for an account of the rents and profits, but that if he were to sue for the money claim only the claim would probably be barred except perhaps for the three years next preceding the institution of the suit.

On going through the records more carefully however Government saw reason to doubt the validity of the Petitioner's claim and the genuineness of the documents relied on by him and accordingly directed an investigation to be made in the matter with reference to the records in its own office and in the offices of the Board of Revenue and the Collectors of Cuddapah and Kurnool. Government further observed

that in arriving at the net annual yield from Dornala the Collector had omitted to deduct the peshkash of Rs. 5382 and to allow for the portion of the cost of the Taluk and Head-quarter establishments debitable to Law and Justice.

The result of the investigation was that the Board de-

clared that the Petitioner's documents were

"impudent forgeries" and that judging from the tenor of the old correspondence relating to the administration of revenue in the Ceded districts it was impossible to believe that any polliem in that tract could have been permanently settled. The Government also came to the same con-

clusion and fully and finally rejected the Petitioner's claims. A reference was at the same time to the Advocate General as to the advisability of prosecuting the claimant in respect of the forged documents but the proposal would

appear to have been dropped in consequence of the terms in which the Advocate-General's opinion, dated 21st August 1885 was couched. The Collector was subsequently directed to convey the order of Government to the Petitioner-Vide Board's Proceedings No. 11038 Misc., dated 14th December 1885-and this has led to the present litigation.

(7) In 1894, a notice of suit was presented to Government; it was transferred to the Board and by it to the Collector in Board's Proceedings 1350 Mis., dated 13-3-1894.

5 The Board submits that the following outlines of defence may be adopted in answer to the present suit with reference to the facts set forth above:-

(i) The Dornala Polliem was incorporated with Government villages in fasli 1211 (1801-2) along with the other Polliems in the Ceded districts; and Subba Nayudu was, like the other ex-poligars, allowed to manage the villages as a renter. He was at the same time granted an annual pensionary allowance of 850 canteroy pagodas in the form of deduction from the rental, like the other ex-poligars he was also allowed 10 per cent of the excess rental realized in subsequent faslis as compared with fasli 1211 on the basis of which the allowance above mentioned was fixed. At the time of the resumption the Polliem consisted of only 40 villages, whereas the No. of villages mentioned in the schedule to the plaint is 60.

(ii) The Polliem was never permanently settled under Regulation XXV of 1802 nor were any Sannad & Kabuliyat exchanged between the Government and the ex-poligar, as alleged by the Plaintiff.

(iii) The allegation implied in paras 3 to 6 of the plaint that Subba Nayudu was in possession of the villages comprised in the polliem as proprietor under a permanent sannad until 1805 is not true. He was only managing them as a renter of Government.

(iv) The payment of the annual allowance of 850 canteroy pagodas plus 10 per cent on the excess rental realized in subsequent faslis as compared with fasli 1211 was being made to Subba Nayudu out of the collections of rent in the Polliem villages till 1813-4 (fasli 1223), not in virtue of any subsisting right that he then had to the Polliem or in pursuance of any such undertaking as is referred to in paras 4 to 6 of the plaint but as a compassionate or maintenance allowance paid in consideration of the resumption in 1801-2 of the villages previously in his possession as a poligar.

(v) As the additional allowance of 10 percent on the increase in rental which was paid to the pensioner fluctuated from year to year

first two points; and the Advocate General was consulted on the question

it was in the year 1814 (fasli 1223) fixed permanently with reference to the allowances paid in previous years and to the excess of the decennial rents then newly introduced in the Ceded districts over the rents of fasli 1211. According to this arrangement the additional allowance payable to the Dornala Subba Nayudu was fixed at 122-9-77 star pagodas, which added to the original allowance of 850 canteroy pagodas or 708-15-0 star pagodas gave a total pension of 830-24-77 star pagodas or Rs. 2906-15-1. The allegation made in para 7 of the plaint that the allowance was fixed at 850 star pagodas on the grounds that the rents never exceeded those of fasli 1211 and that Government expenses had been increasing is not true; nor were payments made at the rate of 850 star pagodas a year between 1814 & 1828 as stated in para 8 of the plaint.

(VI) The amount payable to Subba Nayudu was, like the pensions paid to the other ex-poligars, included in the Register of allowances granted in lieu of resumed offices and privileges which was prepared in 1814 because it was thought desirable to discontinue the system of paying the amounts due to the ex-poligars by deductions from the Kistbundi (or rents realized) & to bring them into the public accounts of expenditure by disbursing them from the treasury.

(vii) When it was brought to the notice of Government that Subba Nayudu died in 1828 leaving a widow Subbamma, and an adopted son (by name Seshachalapati) Government sanctioned the annual payment of 2/3rds of the pension to the widow during her life-time. As Seshachalapati was only an adopted and not a natural son of the deceased, his claim to the allowance was disallowed.

(viii) It is true, as stated in para 16 of the plaint, that on the death of Subamma Government rejected the claim of Seshachalapati's son Subba Nayudu to the pension on the ground that pensions ^{granted} hereditarily were not intended to pass to adopted children.

(ix) On receipt of the petition presented by Subba Nayudu at in 1882, Government was first disposed to continue the allowance of 830 & odd star pagodas in favour of him and his heirs thereafter and accordingly called on him to state whether he would withdraw his request for the payment of arrears of allowance; but as on a scrutiny of the originals of the do-

appear to have been dropped in consequence of the terms in which the documents relied on by him and on a thorough examination of the records connected with his claim it was found that the documents were not genuine and the allegations based thereon were unfounded, Government finally & entirely rejected his claims. An important reason for this decision is found in the failure of the plaintiff's father to give a satisfactory explanation of the gross delay in preferring his claims, and in the circumstance that the documents on which those claims were based had never been brought to the notice of Government until 1882, though said to have been executed upwards of seventy years before.

(x) It is admitted that a notice of suit was served on this defendant as stated in para 27 of the plaint.

(xi) The Dornala polliem having been resumed in 1801, the suit for the recovery thereof, together with mesne profits, ⁱⁿ is any case barred by lapse of time.

(xii) The alternative claim to the continuance of the pension in favor of the Plaintiff and his heirs & to the payment of arrears is also unsustainable owing to the non-production of a certificate under Section 6 of the Pensions Act; and the claim to the arrears, even if tenable, is time barred except for the three years preceding the date of suit.

(xiii) The mesne profits asked for are exaggerated.

(xiv) The plaintiff is put to the proof of all the allegations made in the plaint which are not herein expressly admitted.

(xv) Prays therefore that the suit be dismissed with costs.

6. The suit is posted for hearing on the 30th instant. On the receipt of the Collector's report about the middle of March last, the Board had to collect the old records in its office bearing on the subject matter of the present suit and applied to Government for copies of the Advocate General's opinions obtained by Government in 1884 & 1886 and for the return of ^{the} originals of the documents relied on by the Plaintiff.

These papers, with the exception of the Advocate General's opinion dated the 13th March 1884, were received on the 13th instant. As it was known that difficulty was experienced in tracing out the records in the Government office, a separate requisition had previously been addressed to the Advocate General, in response to which the Board was furnished with the copy of his opinion forming an enclosure to these proceedings. On comparing the Kabuliyat relied on by the plaintiff with the similar documents executed by the Zemindars

in Tinnevely and Madura, which are available in the Board's records, it is observed that in the former no manuscript entries at all have been made on the page on which the vernacular translation of the Kabuliyat is printed and that the supposed signature of the plaintiff's ancestor has been affixed not on the foot of that page but on the page on which the Kabuliyat is printed in English.

7. The Board has been unable to trace any records relating to the appeals said to have been preferred to the Government of India and the Secretary of State against the decision of the Madras Government in Government Order No. 830 Rev., dated 16th July 1885. These and other records which may be available in the Government office may necessitate a modification of the draft statement now submitted. In order, therefore, to allow time to search for the necessary papers, and to consult the Advocate General, the Collector will be requested to apply for an adjournment of the hearing for three months.

8. He is further requested to submit direct to Government the notice of suit which was sent to him with Board's Proceedings No. 1350 Misc., dated 13th March 1894, as it might be required by the Law officer in connection with the preparation of the draft written statement.

Lionel Davidson

Ag. Secretary.

To

The Secretary to Government Revenue Department, with
the Collector's Letter & Enclosure and file of
records.

The Collector of Kurnool, para 7 (part) & para 8 only.

Md. F. H.

W. H. H.



Memorandum No. 1606

Read the following paper:

In addition to the papers already supplied to the Revenue Department with reference to its Requisition Memo dated the 25th April 1898, the following papers regarding Dornala Palayam are furnished:--

1. Letter from the Principal Collector of the Ceded Districts to the Chief Secretary to Government, dated 14th May 1801 (In Revenue Department Consultation, dated 5th June 1801)
2. Letter from the Principal Collector of the Ceded Districts dated to the Chief Secretary to Government dated 8th January 1802 (in Dy. to Revenue Department Consultation No.14 of 1802) - [in cover]
3. Letter from the Principal Collector of the Ceded Districts to the Secretary to Government, Revenue Department, dated 29th May 1803 with one enclosure (In Revenue Department Consultation 7th June 1803, No.173).
4. Letter from the Collector of Cuddapah to the Secretary to Government, Revenue Department, dated 20th September 1813 (in Consultation 28th September 1813, No.316).
5. Letter from Government to the Board of Revenue, No. 879 Revenue, dated 30th November 1821.
6. Circular letter from Government to Collectors and Magistrates No.510, Revenue, dated 30th November 1821.
7. Letter from Government to the Board of Revenue No. 887 R.D., dated 30th November 1821.

See above in Revenue Department

See above in Revenue Department

See above in Revenue Department





Memorandum No. 1606

Read the following papers—

In addition to the papers already supplied to the Revenue Department with reference to its Requisition Memo dated the 25th April 1898, the following papers regarding Dornala Palayam are furnished:—

1. Letter from the Principal Collector of the Ceded Districts to the Chief Secretary to Government, dated 14th May 1801 (In Revenue Department Consultation, dated 5th June 1801)
2. Letter from the Principal Collector of the Ceded Districts dated to the Chief Secretary to Government dated 8th January 1802 (in Dy. to Revenue Department Consultation No.14 of 1802) - [in cover]
3. Letter from the Principal Collector of the Ceded Districts to the Secretary to Government, Revenue Department, dated 29th May 1803 with one enclosure (In Revenue Department Consultation 7th June 1803, No.173).
4. Letter from the Collector of Cuddapah to the Secretary to Government, Revenue Department, dated 30th September 1813 (in Consultation 28th September 1813, No.316).
5. Letter from Government to the Board of Revenue, No. 879 Revenue, dated 30th November 1821.
6. Circular letter from Government to Collectors and Magistrates No.510, Revenue, dated 30th November 1821.
7. Letter from Government to the Board of Revenue, No. 837 R.D., dated 30th November 1821.

See Shomana District Requisition

See Board of Revenue September

See This Circular

SEP 1898

8. G.O.No.1295, Revenue, dated 12th June 1862 -
Original
9. G.O.No.179, Rev., d/27th June 1863 - Copy.
10. G.O.No.1563 Rev., d/25th August 1863 - ~~copy~~ original.
11. G.O.No.1663, Rev., d/9th September 1863 - Copy.
12. G.O.No.2368, Rev., d/24th December 1863 - ~~copy~~ original.
13. G.O.No.4 Finl., d/7th January 1884 - Original.
14. G.O.No.2493, Finl., d/28th October 1884 - Original.
15. G.O.No.629, Finl., d/ 21st March 1885 - Original.
16. G.O.Nos.751-2, Finl., d/8th April 1885 - Original.
17. G.O.No.988, Finl., d/25th June 1885 - Original.
18. Statement showing the particulars of sums remain-
ing in deposit in the district of P Cuddapah on account of
Pensions granted to Poligars (enclosure to letter No.51, d/
23rd January 1885, from the Collector of Cuddapah to the Board
of Revenue [Revenue No.5/1547 of 1885])
19. G.O's 525, 526 & 527, Political, dated 3rd August
1885 - Original.
20. G.O.No.708, Political, dated 7th October 1885 - Ori-
ginal with copy of the same addressed to the Revenue Depart-
ment.
21. G.O.No.2707, Judicial, dated 8th October 1886, with
connected notes, D.O's etc. in original.
22. G.O.No.168 Mis. Pol., d/15th February 1886.

Ootacamund;
22nd July 1898.)

A Edgington
For Chief Secretary.

* Sent to Rep. Secy
on 23/8/98

Revenue Department.

the plaintiff will

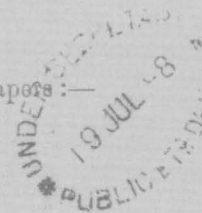
Revenue (1898) Department.

Very urgent

For C. No. 4350 498

MEMORANDUM.

REQUESTED for reference the under-mentioned papers:-



*All the original papers in the
Political Dept regarding
the Dornala Zamindari*

GOVERNMENT OFFICE,
Revenue Department,
19. VII 1898.

Remain in hands

As Under Secretary to Govt

To The Under Secy to Govt
Political & Dept

Spare copies

SUBJECT.

*Informing Govt that the
hearing of the suit for the recovery
of the Dornala Pollexum (A.S. No. 12
of 1897 on the file of the District
Court at Kurnool) has been
adjourned to the 30th September
next.*

8. G.O.No.1295, Revenue, dated 12th June 1862 - Original
9. G.O.No.179, Rev., d/27th June 1863 - Copy.
10. G.O.No.1563 Rev., d/25th August 1863 - ~~copy~~ original
11. G.O.No.1663, Rev., d/9th September 1863 - Copy.
12. G.O.No.2368, Rev., d/24th December 1863 - ~~copy~~ original.
13. G.O.No.4 Finl., d/7th January 1884 - Original.
14. G.O.No.2493, Finl., d/28th October 1884 - Original.
15. G.O.No.629, Finl., d/ 21st March 1885 - Original.
16. G.O.Nos.751-2, Finl., d/8th April 1885 - Original.
17. G.O.No.988, Finl., d/25th June 1885 - Original.
18. Statement showing the particulars of sums remaining in deposit in the district of P Cuddapah on account of Pensions granted to Poligars (enclosure to letter No.51, d/ 23rd January 1885, from the Collector of Cuddapah to the Board of Revenue [Revenue No.5/1547 of 1885])
19. G.O's 525, 526 & 527, Political, dated 3rd August 1885 - Original.
20. G.O.No.708, Political, dated 7th October 1885 - Original with copy of the same addressed to the Revenue Department.
21. G.O.No.2707, Judicial, dated 8th October 1886, with connected notes, D.O's etc. in original.
22. G.O.No.168 Mis. Pol., d/15th February 1886.

Ootacamund;
22nd July 1898.)

A. Edgington

For Chief Secretary.

** Sent to Revenue
on 25/8/98*

Revenue Department.

the plaintiff will

Revenue (1898) Department

Very urgent

For C. No. 4350 y88

MEMORANDUM.

REQUESTED for reference the under-mentioned papers:-



*All the original papers in the
Political Dept regarding
the Dornala Zamindari*

GOVERNMENT OFFICE,
Revenue Department,
19. VII 1898.

To

*The Under Secy to Govt
Political & Depts*

*Remains in the
Asst. Under Secretary's Dept*

Enclosures —

Spare copies —

SUBJECT.

*Informing Govt that the
hearing of the suit for the recovery
of the Dornala Pollam (of N. 12
of 1897 on the file of the District
Court at Kurnool) has been
adjourned to the 30th September
next.*

Confidential
Revenue (1898) Department.

CURRENT No. 5379
Confidential No 60

From Board of Revenue
Land Revenue

Order

Ref. No. 849
Conf. No 23

Dated 29th July 1898

Received 31st do

Registered 2nd Aug. 1898

Enclosures —

Spare copies —



SUBJECT.

Informing you that the hearing of the suit for the recovery of the Dornala Pallam (A.N. 10 of 1897 on the file of the District Court at Kurnool) has been adjourned to the 30th September next.

21. G.O.No.2707, Judicial, dated 8th October 1886, with connected notes, D.O's etc. in original.

22. G.O.No.168 M.S. Pol., d/15th February 1886.

Ootacamund;
22nd July 1898.)

A. Edgington
For Chief Secretary.

* Sent to Rep. Secy
on 23/8/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CONFIDENTIAL.

Reference on

Reg. No.

of 1898.

In replying the above should be quoted.

(LAND REVENUE.)



READ letter from Muhammad Raza Khan Esq.,
Collector of Karnool to the Secretary to the four-
-missioners of Land Revenue, dated 24th July 1898,
Ref: Cur: N^o 464.

Reference N^o 849 dated 29th July 1898, Conf N^o 23

In continuation of para 7 of Board's
Reference ^{N^o 656} Conf N^o 15 dated 15th June 1898, the Board submits
that the hearing of the Dornala Polliam suit, for the
defence of which the sanction of Government was
solicited therein, has since been adjourned to the 30th
September next.

Lonell Davidson
Acting Secretary

To
The Secretary to Government
Revenue Department

20/8/98
C.D.B.

Dornala
Suit

Hearing 30-9-98

Paras 1 and 2 of Board's Reference No. 656 d/15-6-98.

P

A. A. The Registrar has been
to copy the suit case.
Please find the original
with the letter A/B
of note where original
is not available
d/15-6-98
15/6/98

Board's Reference No. 656,
dated 15th June 98 (C.No. 4350 of '98).

Letter from the Collector
of Kurnool, d/24 June 98 (C.No. 4585 of '98)

B. Ref. No. 849 dated
29 July 1898. (C.No. 5379 of '98).

--

NOTE :-

The papers read above relate to
the suit filed in the District Court, -
Kurnool by one Sayapanayani Seshachala-
pati Mallikarjuna Varaprasada Nayudu for
the recovery of the alleged Dornala Za-
mindari in the Markapur taluk of the --
Kurnool Dt. The suit was at first posted
for hearing on the 30th June last, but
to allow time to search for the neces-
sary papers and to consult the Advocate-
General, the Collr. was asked by the --
Board to apply for an adjournment of the
hearing for 3 months. In the current --
last read above, it is reported that it
has accordingly been adjourned to 30th
September next.

The Collr. considers that in

view of the magnitude of the interests involved in the suit the best legal advice should be obtained before the draft written statement is prepared. The Board concurring with the Collector submits the papers to Government with the request that the Advocate-Genl. may be asked to prepare the draft written statement to be filed on its behalf.

2. The history of the case is -- briefly as follows:-

(1) Dornala Polliem was attached to the Dupad taluk of the Cuddapah Dt. This taluk was transferred from Cuddapah when Kurnool was made a separate and new Collectorate in 1859 and in 1861 its original name of Dupad was changed to Markapur. The Polliem consisting of 18 villages was granted to the Sayapanayani family by the Vizianagar Rajahs in 1496 military service. The family subse-
on service tenure
 14 the estate under the Hyde-
 payment of a pe~~x~~shkash of
 pagodas, which was ---
 be to 2100 pagodas.

The early history of the Polliem will be found on pp 505-506 of the 5th Report - Major Munro's Memoirs of 20/3/1802 - & the tabular statement at the end of the Report under No 13 Darnal 8/4.

Note on the margin of para

1 of B.P. 2075 d/31-3-62 **A**

(original available in the hands of office)

** vide telephone put up. This will not be proof of the transfer. There must be separate papers about that. The fact does not seem however to be very material.*

Major Munro's Memoirs at p. 505-506 of the Fifth report.

*Where's the original?
 Is this in evidence? *13/9/58**

The Fifth Report is a recognized report admissible in evidence. It is a report presented to the H. of Commons 8/4/16/5/8.

*1 Canteroy Pagoda = Rs 2-14-8.
 (Vide para 3 of B.P. 2075 d/31-3-62)*

The Nabobs of Cuddapah gave the Poligars 38 additional villages - making in all 56 villages - in return for a pe~~x~~sh-kush of Rs. 14450 or 5057 C. pagodas.

All the villages were resumed in 1779

by Hyder Ali; but the poligar being a man of quiet disposition was suffered to --

rent them ^{for} canteroy pagodas 3892. In 1791

the Nizam's ~~attains~~ officers gave him 5

more villages and raised his pe~~x~~shkash

to 3988. On the advent of the British -

Government, Major Munro continued to the

Poligar 56 villages at a pe~~x~~shkash of -

canteroy pagodas 2571, but as he had an-

ticipated a great part of his rents to

pay military peons to protect him ^{self} against

a neighbouring poligar who had seized -

several of his villages, there was a ba-

lance against him at his death of C. pa-

godas 1242. *In X.* From the tabular statement

Major Munro's Memo. (printed at the end of the Fifth Report) it appears that

from 1800 to 1802, the Polliem ^{is known as} consist-

ed of ~~only~~ 40 villages yielding a net

beriz of Canteroy pagodas 2222-9-6,

that Seshachalapathi Nayudu the son of

*It is in print as an Appⁿ to the 5th Report. *vide extracts.* Flagged X * N.L. (original available in the hands of office)*

*I can't find this *13/9/58* Col. 107.*

the previous poligar was in receipt of
an allowance of 850 canteroy pagodas, &
that he was managing the Polliem (as a
renter). It would appear from the follow-
ing para of Major Munro's report dated
20-3-1802 on the poligars of the Ceded
districts that all the polliems situated
in those districts were resumed in 1801-
1802.

In pursuance of the plan which I
proposed in my letter of the 12th Aug.
1801 for annihilating by degrees the --
dangerous influence of poligars, I have
since that period obliged them to re-
linquish every claim to making them-
selves the assessments of their districts
or keeping of bodies of armed peons.
Their potails and curnams have this year
come to the cutcherry and the settle-
ments of rents have been made with them
in the same manner as with those of the
Sirkar villages. The collection has in
general been left in the hands of the
poligar but he is restricted levying
on the assessment, a part of it

col. 112.

Column of Remarks.

(Of which the Memo. & the tabular state
referred to above were enclosures)

E. (The first two sheets of this document
having become mutilated a copy of them
has been made from the Bondi Vol. & filed
with the remaining sheets of the original
report).

* To what extent? are they
legible? 14

& where? 14
13/9

This report has as an
enclosure the Memo. printed
in the 5th Report (& referred to
above), with the tabular
state at the end of the 5th
Report

Quite enough: it is a public record

& only a copy of this doc.
in the Bondi Vol. & is
authenticated by the then
of the Bondi. Where is this

13/9
Vide para 4 of Collr's letter

2-10-1813.

Extract from Register of
1814 (p. 29 of the Bondi file

(III)

(Original is available in
the Bondi office)

Collr's letter dated 2-10-1813

Fa

None of them
sent up.

Paras 12, 13 & 14.

It is referred to
in the letter
in para. 12
but I cannot find it
mentioned in this list
Presumably Soaba Naidu
is mentioned in this list
but I cannot find it
mentioned in this list

is assigned for his maintenance and he
is to pay the rest to Govt. In fixing
the amount of the portion allotted for
his support, no general rule has been -
followed except that of keeping it as -
low as could be done with safety, and in
in order to give him an interest in the
prosperity of his district he is to have
10 % upon all future increase of its res-
venue."

The Polliem in question appears

accordingly
to have been resumed from Subba Naidu
and allowance in lieu of it began to be
paid and charged in the account from 12th
July 1801.

(2) In 1813 the Collr. of Cuddapah Mr.
Ross submitted to the Board a register
of pensions payable for fasli 1223 (1813)
consisting of three parts.

X. Register of allowances granted in
lieu of resumed offices, privileges &c
Y. Register of pensions.
Z. Register of charitable allowances

He also submitted a detail
-ment showing the deducti-
on or

a *copy* to the *Board*

the previous poligar was in receipt of
 an allowance ^{from the Reule} of 850 canteroy pagodas, &
 that he was managing the Polliem (as a
 renter). It would appear from the follow-
 ing para of Major Munro's report dated
 20-3-1802 on the poligars of the Ceded
 districts that all the polliems situated
 in those districts were resumed in 1801-
 1802.

Col. 112.

Column of Remarks.
 (Of which the Memo: & the tabular state
 referred to above were enclosures)
 E.

(The first two sheets of this document
 having become mutilated a copy of them
 has been made from the Board's Vol. & filed
 with the remaining sheets of the original
 report).

* To what extent? are they
 legible? *14*
 & where? *14*
13/19

This report has as an
 enclosure the Memo printed
 in the 5th Report (& referred to
 above), with the tabular
 state ^{printed} at the end of the 5th
 Report

In pursuance of the plan which I
 proposed in my letter of the 12th Aug.
 1801 for annihilating by degrees the --
 dangerous influence of poligars, I have
 since that period obliged them to re-
 linquish every claim to making them-
 selves the assessments of their districts
 or keeping of bodies of armed peons.
 Their potails and curmaws have this year
 come to the cutcherry and the settle-
 ments of rents have been made with them
 in the same manner as with those of the
 Sirkar villages. The collection has in
 general been left in the hands of the
 poligar but he is restricted levying
 in the assessment, a part of it

is assigned for his maintenance and he
 is to pay the rest to Govt. In fixing
 the amount of the portion allotted for
 his support, no general rule has been --
 followed except that of keeping it as --
 low as could be done with safety, and in
 order to give him an interest in the
 prosperity of his district he is to have
 10 % upon all future increase of its re-
 venue."

Quite enough: it is a public need
8/12

*I only a copy of this doc
 in the Board's Vol. & has
 authenticated by the then
 of the Board. Where is this*

Vide para 4 of Collr's letter
 d/2-10-1813.

Extract from Register of
 1814 (p. 29 of the B. S. file
 (III))
*(Original is available in
 the Board's office)*

Collr's letter dated 2-10-1813

*None of these
 sent up*

Paras 12, 13 & 14.

*It is referred to
 in para 12 of the letter
 but I cannot find it
 in the list of enclosures
 attached to the letter*

The Polliem in question appears
 according to have been resumed from Subba Naidu
 and allowance in lieu of it began to be
 paid and charged in the account from 12th
 July 1801.
 (2) In 1813 the Collr. of Cuddapah Mr.
 Ross submitted to the Board a register
 of pensions payable for fasli 1223 (1813)
 consisting of three parts.
 X. Register of allowances granted in
 lieu of resumed offices, privileges &c
 Y. Register of pensions.
 Z. Register of charitable allowances
 He also submitted a detail
 -ment showing the deducti-
 on of

the previous poligar was in receipt of
 an allowance ^{from the Reule} of 850 canteroy pagodas, &
 that he was managing the Polliem (as a
 renter) It would appear from the follow-
 ing para of Major Munro's report dated
 20-3-1802 on the poligars of the Ceded
 districts that all the polliems situated
 in those districts were resumed in 1801-
 1802.

"In pursuance of the plan which I
 proposed in my letter of the 12th Aug.
 1801 for annihilating by degrees the --
 dangerous influence of poligars, I have
 since that period obliged them to re-
 linquish every claim to making them-
 selves the assessments of their districts
 or keeping of bodies of armed peons.
 Their potails and curtnams have this year
 come to the cutcherry and the settle-
 ments of rents have been made with them
 in the same manner as with those of the
 Sirkar villages. The collection has in
 general been left in the hands of the
 poligar but he is restricted levying
 on the assessment, a part of it

col. 112.

Column of Remarks.

(of which the Memo: & the tabular state
 referred to above were enclosures)

E. (The first two sheets of this document
 having become mutilated a copy of them
 has been made from the Board's Vol. & filed
 with the remaining sheets of the original
 report.)

* To what extent? are they
 legible? ¹⁴

& where? ¹⁴
 13/9

This report has as an
 enclosure the Memo: printed
 in the 5th Report (& referred to
 above), with the tabular
 state ^{printed} at the end of the 5th
 Report

"is assigned for his maintenance and he
 is to pay the rest to Govt. In fixing
 the amount of the portion allotted for
 his support, no general rule has been -
 followed except that of keeping it as -
 low as could be done with safety, and in
 order to give him an interest in the
 prosperity of his district he is to have
 10% upon all future increase of its re-
 venue."

The Polliem in question appears
 accordingly to have been resumed from Subba Naidu
 and allowance in lieu of it began to be
 paid and charged in the account from 12th
 July 1801.

(2) In 1813 the Collr. of Cuddapah Mr.
 Ross submitted to the Board a register
 of pensions payable for 3 sli 1223 (1813)
 consisting of the following items:
 X. h. allowances granted in
 lieu of regular officers, privileges &c
 Y. Register of pensions.
 Z. Register of charitable allowances

He also submitted a detailed state-
 ment showing the deduction made on of

1318
 Vide para 4 of Collr's letter
 d/2-10-1813. F

Extract from Register of
 1814 (p. 29 of the Board's file
 (III))

(Original is available in
 the Board's office)

Collr's letter dated 2-10-1813
 F

Paras 12, 13 & 14.

It is referred to
 in para 12 of the letter
 but I cannot find it
 definitely stated so assumed
 Presumably Subba Naidu
 is mentioned in this list

None of them
 sent up

a copy to the Board

th
vi
ai
ir
t
vi
T
W
c
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

favour of poligars and others from the
kistbandi (collections of revenue).
In regard to this he observed as follows:- "Besides the pensioners of different descriptions enumerated in the Registers now submitted to your Board there is a sum of 11 star pagodas - 11735-13-10 per annum. given by the British Govt. to poligars and others, which never appears among disbursements of the Govt. but is annually deducted in one sum from the Kistbandi. This has always hitherto been the case, but why it has been so I do not know, nor can I see any reason why this disbursement should be silently made in the district, whilst the other payments of the same description appear in the public accounts?"
It was added that even where the ex-poligars were not in charge of their villages as renters, their allowances were paid to them every month from the treasury in the first instance and the amount so paid were subsequently re-
the plan to the treasury at the end of

B.P.

813

(over)

able to the Board's office

keep the collections, but otherwise interfering in the way of assessing the villages.

Collector's letter of 21 Feb 1814

These are in fact not annual amounts

K

Original available in the Board's office

do. do.

each year from the collections of villages which had formerly been in their possession. ~~In order to give a more correct idea of the indemnification made to the persons whose offices and privileges had been assumed by the British Govt. in the ceded districts~~ Mr. Ross recommended the amalgamation of the 2nd state-ment with register X. The Board agreeing with the Collr, called for a revised register X and at the same time enquired whether the arrangement made by Major Munro in 1802 under which many of the ex-poligars were managing the villages comprised in their respective Pollicoms as renters was still being continued, and whether in view to avoid the fluctuation in the additional allowance (of 10 % paid on increases of revenue over that of -- fasli 1211) the allowances payable to such of them as had ceased to manage villages might not be permanently fixed on a fair average of the receipts for previous years. The Collr. thereupon submitted an amended statement of

th
vi
a
ir
t
v
w
i
c
2
" favour of poligars and others from the
kistbandi (collections of revenue).
In regard to this he observed as follows:- "Besides the pensioners of different descriptions enumerated in the Registers now submitted to your Board there is a sum of 11 star pagodas - 11735-13-10 per annum. given by the British Govt. to poligars and others, which never appears among disbursements of the Govt. but is annually deducted in one sum from the Kistbandi. This has always hitherto been the case, but why it has been so I do not know, nor can I see any reason why this disbursement should be ^{Silently} made in the district, whilst the other payments of the same description appear in the public accounts".
It was added that even where the ex-poligars were not in charge of their villages as renters, their allowances were paid to them every month from the treasury in the first instance and the amounts so paid were subsequently re-
to the treasury at the end of the plian-

B.P.

813

(one)

Table in the Board's office

keeping the collections, but otherwise interfering in the way of assessing the villages. 8/2

Collector's letter of 21 Feb 1814

These in para 1 - not amounting to K. Original available in the Board's office. Do. do.

each year from the collections of villages which had formerly been in their possession. In order to give a more correct idea of the indemnification made to the persons whose offices and privileges had been assumed by the British Govt. in the Ceded districts, Mr. Ross recommended the amalgamation of the 2nd statement with register X. The Board agreeing with the Collr, called for a revised register X and at the same time enquired whether the arrangement made by Major Munro in 1802 under which many of the ex-poligars were managing the villages comprised in their respective ^{Pollicens} as renters was still being continued, and whether in view to avoid the fluctuation in the additional allowance (of 10% paid on increases of revenue over that of Fasli 1211) the allowances payable to such of them as had ceased to manage villages might not be permanently fixed on a fair average of the receipts for previous years. The Collr. thereupon submitted an amended statement of

Pension granted in lieu of resumed
"offices and privileges" as well as a fur-
ther statement in abstract of the allow-
ances of those who "besides their regular
pensions had a Dink or 10 % on the in-
creased revenue of their villages above
the collection of fasli 1211." He added:
"Column 5 shows the average of that Dink
of the last 11 years or from fasli
1212 to fasli 1222 and column 6 shows
the average of the last 9 years or from
fasli 1214 to fasli 1222, column 12 is
the 10 % calculated on the amount of
the decennial rent which being the high-
est that can hereafter be collected, is
the fairest that can be assured where-
upon to fix the sum to be given in com-
mutation not the Dink and as it differs but
little from the averages above noticed,
I take the liberty to propose that it be
added to the amount of pension in col. 4
and that the aggregate of the two sums,
col. 13 shall constitute the fixed pen-
sion in future. This arrangement is gene-
rally favourable one for the pensioners

para 2 of the Collector's letter
8/2 Feb 18/4
H.
(Original available in the Board's Office)

B.P. d/13-3-1815 I
(Original available in the Board's Office)
B.P. d/29-3-1815
(Original is not available in the
old record office)
He had evidently got the copy
which issues 11/12 K
(Original available in the
Board's Office)

The important point is that
he appears as a pensioner
like all the other holders of resumed
poligams, not as a Zam.

page 29 of file III

(Original available in the Board's Office)

"and in a pecuniary point of view will --
"give satisfaction but otherwise they will
"naturally regret the loss of a certain --
"degree of consequence which they derived
"from receiving a percentage on the revenue
"and which will be forfeited by their be-
"coming regular pensioners of Govt." He --
also proposed to fix the allowance perma-
nently in the case of all the pensioners
whether or not they were managing any vil-
lages as renters or sureties. The state-
ments were approved by the Board and the
estimated charges for fasli 1223 (1813-
1814) were sanctioned by Government. From
the extracts relating to Dornala it ap-
pears that the original allowance was
given as 708-15 star pagodas and that --
122-9-77 starpagodas were added thereto
on account of the increase in the decen-
nial rents making a total of 830-24-77
star pagodas (or Rs. 2906-15-1). The last men-
tioned amount was accordingly entered
in Reg. X of 1814 as the permanent pen-
sion payable to the ex-poligar. The re-
cord contains a remark that the per-son of

"security for four of his villages" from

which it will be inferred that he was nei-

ther a renter nor a security in respect

of the remaining 36 villages formerly

comprised in the polliem.

(3) In 1823, the Collr. of Cuddapah

reported that Dornala Subba Nayudu had

died on the 12th Sepr. leaving a widow

35 years old and an adopted son 12 years

old and that though the adoption appear-

ed to have been regularly made 11 years

previously, it would be sufficient if not

more than 2/3 of the pension paid to the

deceased were allowed either to the

adopted son or to the widow, as the pen-

sions were hereditary during good behaviour

to lineal descendants only. The Board

recommended the grant of 2/3 of the pen-

sion to the widow Subbamma and the recom-

mendation was accepted by Govt. It would

appear that Subbamma frequently petition-

ed for the transfer of the pension in

the name of her adopted son, but the Go-

vernment refused to make any alteration

in the name of the grant during her life-

time

Tabular statement. **L**

(Original available in the Board Office)

In other words, in 1828
on the death of Subba Nayudu
his family are
treated precisely as the
family of a pensioned
poligar.

But no claim that she
has a Zamindari estate
is raised

B + No 1092 of 1851 (since found that the
original is not available in the
Board Office)

(Original available in the
Board Office)

B.P. 2075/31-3-62 A.

life-time (since found that the
original is not available in the
Board Office)

(4) In 1861 Subba Nayudu's widow died &

her adopted son Seshachalapathi Nayudu -

having predeceased her, the Board recom-

mended the continuance of the pension

to his sons, but the proposal was nega-

tived by Govt, as no pledge was given at

the time when the pensions were granted

that they would be hereditary and as it

was evident that they should descend he-

reditarily during good behaviour to li-

neal descendants only and also with re-

ference to a similar order passed by the

Govt. of India in an analogous case.

(5) Dissatisfied with the decision of

this Govt. Subba Nayudu son of Seshacha-

lapathi Nayudu presented a memorial in

1862 for transmission to the Secretary

of State. In forwarding the memorial, the

Hon. Mr. Pycroft observed as follows:-

"As to the lands being private pro-

perty, a short account of the Doranala

Polliem is given in No. 13 of Sir Thomas

Munro's Memo. of the poligars of the

Ceded districts - Appendix No. 2 on 01

G.O. 1295/12-6-62 M.

When is the paper of
which M is a true copy?

The original is flagged M

This can apparently
be filed in Court.

G.O. 179/27-1-63 Z

(Original is not available
in the old record office. It appears
to have been removed from the
Board clandestinely prior
to 1884.)

When is the paper
of which Z purports
to be a true copy?

Signed by the Regt?

A printed copy is flagged Z

sequence of the terms in which the
 "the Fifth Report" page 838. It is call-
 ed in the text Saniyapanini, but in the
 statement that follows Doronal, in the
 Doopaud taluk and is no doubt the same
 Anything less like private property can-
 not well be conceived. Villages are bes-
 towed, resumed, burdened with increased
 payments, or charges at the will of the
 ruling power for the time being. It is
 clear too that the villages were held on
 service tenure, and not in absolute per-
 sonal right. It is just like all the --
 other polliems entered in the Memo.

If the lands were private property
 Sir T. Munro who may be supposed to have
 known very well what they were, must --
 have acted very unjustly, not only in
 resuming them at all, but in giving only
 one-third of their value as pension. In-
 deed in the case of many polliems 10 %
 only of the value was given.

So if the Doranalah lands were pri-
 vate property, not only was it unjust in
 to set aside the petitioner's adop-
 er's claim, but in continuing it

"to the widow of the last holder to give
 it at a reduced amount. If the pension
 was in lieu of private property, she was
 evidently entitled to the whole of it."

"But in truth the lands were service
 lands, and if the Govt. did not require
 the service, they had a perfect right
 to resume the land and to provide for
 service by other means. If they gave
 compensation, it was of their pure good
 will, and they were justified in deter-
 mining the terms on which the compen-
 sation should be given."

"In deciding that the compensation
 should continue as long as lineal heirs
 were forthcoming, the Govt. seem to me
 to have acted with great liberality,
 and it would have been wasteful then
 as now to give more".

The Secretary of State declined to in-
 terfere with the decision of this Govt.
 on the case.

(5) Again in 1882 Subba Nayudu pre-
 sented a fresh petition to Govt. a-
 ging apparently for the first time on

*Supplementary Memorial dt. 9.9.1883
 the allegation of a Zamindari was false
 Made. S.H.*

G.O. No 1663 29.9.63.

*(original is not available in
 the old record office. It is also
 appears to have been removed
 from the bundle prior to 1884)*

*than where is the paper of which
 W is a true copy? It is
 stitched with G.O. No 1022
 of 10 September 1884
 C.*

"the Fifth Report" page 838. It is called in the text Saniyapanini, but in the statement that follows Doronal, in the Doopaud taluk and is no doubt the same. Anything less like private property cannot well be conceived. Villages are bestowed, resumed, burdened with increased payments, or charges at the will of the ruling power for the time being. It is clear too that the villages were held on service tenure, and not in absolute personal right. It is just like all the other polliems entered in the Memo.

If the lands were private property Sir T. Munro who may be supposed to have known very well what they were, must have acted very unjustly, not only in resuming them at all, but in giving only one-third of their value as pension. Indeed in the case of many polliems 10% only of the value was given.

So if the Doranalah lands were private property, not only was it unjust in to set aside the petitioner's adoption claim, but continuing it

Handwritten notes in margin:
 a. The...
 b. The...
 c. The...
 d. The...
 e. The...
 f. The...
 g. The...
 h. The...
 i. The...
 j. The...
 k. The...
 l. The...
 m. The...
 n. The...
 o. The...
 p. The...
 q. The...
 r. The...
 s. The...
 t. The...
 u. The...
 v. The...
 w. The...
 x. The...
 y. The...
 z. The...

"to the widow of the last holder to give it at a reduced amount. If the pension was in lieu of private property, she was evidently entitled to the whole or it."

"But in truth the lands were service lands, and if the Govt. did not require the service, they had a perfect right to resume the land and to provide for service by other means. If they gave compensation, it was of their pure good will, and they were justified in determining the terms on which the compensation should be given."

"In deciding that the compensation should continue as long as lineal heirs were forthcoming, the Govt. seem to me to have acted with great liberality, and it would have been wasteful then as now to give more."

The Secretary of State declined to interfere with the decision of this Govt. on the case.

(5) Again in 1882 Subba Nayudu presented a fresh petition to Govt. on giving apparently for a first

Handwritten note:
 Supplementary Memorial of S. 7/1863 the allegation of a Tanindani was filed made. S. 7.

G.O. No 1663 29-9-63.
 (original is not available in the old record office. It is also appears to have been removed from the bundle prior to 1884).
 Where is the paper of which W is a true copy? W is a true copy? W is a true copy?
 D stitched with G.O. No 1022 10 September 1884 C.

of (a) that Doranala estate was ~~enjoyed~~ ^{goy} by

his ancestors for more than 300 years

under the Nizam's Govt;

(b) that soon after the Ceded districts

were made over to the British Govt. the

Commissioner Col. Munro gave in fasli

1211 a kowl to his grandfather fixing

the peishkash at 1845 ~~centeroy~~ ^{centeroy} pagodas

and forwarded in fasli 1212 a sanad-i-

milkiyat-istimrar in conformity with the

kowl.

(c) that in fasli 1215 (1805) the poli-

gar represented to the Commr. Col. Munro

that ill health prevented his managing

the affairs of his estate and requested

that it might be taken under Govt. manage-

ment till his recovery on payment of 1/3rd

of the annual collections but that the

Commr. wrote that as the management of

the affairs of the Zamindar villages

would entail much expenditure he would

accept the proposal and pay 850 ~~centeroy~~ ^{centeroy}

pagodas the amount deducted as Zamindar's

share in the kowl granted in 1211 ^{plus spec}

at the revenue of fasli 1211 that

realized in the ensuing fasli 12.

(d) that the poligar agreed to these

proposals and placed the estate under

Govt. management.

(e) that in fasli 1224 (1814) however

Mr. Ross the Collector represented to

the poligar that as it would be very in-

convenient and expensive to settle the

accounts annually in order to determine

the share payable to him, a fixed annu-

allowance of 830 and odd star pagodas

would annually be paid to him;

(f) that the poligar agreed to the pro-

posal and continued to receive the al-

lowance until his death in 1828;

(g) that when the Zamindar died with-

out resuming the management of his es-

tate, Government reduced the allowance

to 2/3rd of the stipulated amount ~~and~~

~~and paid this~~ and paid this

sum to the widow till she died in 1861;

(h) that while in minority and on attain-

ing his majority his father petitioned

Govt. many a time that either the Zamin-

dari should be given back to him or the

amount continued to his father ~~share~~

ed (a) that Doranala estate was enjoyed by
 his ancestors for more than 300 years
 under the Nizam's Govt;
 (b) that soon after the Ceded districts
 were made over to the British Govt. the
 Commissioner Col. Munro gave in fasli
 1211 a kowl to his grandfather fixing
 the peishkash at 1845 canteroy pagodas
 and forwarded in fasli 1212 a sanad-i-
 milkiyat-istimrar in conformity with the
 kowl.

(c) that in fasli 1215 (1805) the poli-
 gar represented to the Commr. Col. Munro
 that ill health prevented his managing
 the affairs of his estate and requested
 that it might be taken under Govt. manage-
 ment till his recovery on payment of 1/3rd
 of the annual collections but that the
 Commr. wrote that as the management of
 the affairs of the Zamindar villages
 would entail much expenditure he would
 accept the proposal and pay 850 canteroy
 pagodas the amount deducted as Zamindar's
 share in the kowl granted in 1211
 the revenue of fasli 1211 that
 realized in the ensuing fasli.

(d) that the poligar agreed to these
 proposals and placed the estate under
 Govt. management.
 (e) that in fasli 1224 (1814) however
 Mr. Ross the Collector represented to the
 the poligar that as it would be very in-
 convenient and expensive to settle the
 accounts annually in order to determine
 the share payable to him, a fixed annu-
 allowance of 830 and odd star pagodas
 would annually be paid to him;
 (f) that the poligar agreed to the pro-
 posal and continued to receive the al-
 lowance until his death in 1828;
 (g) that when the Zamindar died with-
 out resuming the management of his es-
 tate, Government reduced the allowance
 to 2/3rd of the stipulated amount
 and paid this
 sum to the widow till she died in 1867.
 (h) that while in minority and on attain-
 ing his majority his father petitioned
 Govt. many a time that either the Zamin-
 dani should be given back to him or the
 amount continued to his father sh

offered (a) that Doranala estate was engaged by
his ancestors for more than 300 years

under the Nizam's Govt;

(b) that soon after the Ceded districts

were made over to the British Govt. the

Commissioner Col. Munro gave in fasli

1211 a kowl to his grandfather fixing

the peishkash at 1845 canteroy pagodas

and forwarded in fasli 1212 a sanad-i-

milkiyat-istimrar in conformity with the
kowl.

(c) that in fasli 1215 (1805) the poli-

gar represented to the Commr. Col. Munro

that ill health prevented his managing

the affairs of his estate and requested

that it might be taken under Govt. manage-

ment till his recovery on payment of 1/3rd

of the annual collections but that the

Commr. wrote that as the management of

the affairs of the Zamindar villages

would entail much expenditure he would

accept the proposal and pay 850 canteroy

pagodas the amount deducted as Zamindar's

share in the kowl granted in 1211

plus 10 per cent
the revenue of fasli 1211 that

was realized in the ensuing fasli.

(d) that the poligar agreed to these
proposals and placed the estate under
Govt. management.

(e) that in fasli 1224 (1814) however
Mr. Ross the Collector represented to the
the poligar that as it would be very in-
convenient and expensive to settle the
accounts annually in order to determine
the share payable to him, a fixed annual
allowance of 830 and odd star pagodas
would annually be paid to him;

(f) that the poligar agreed to the pro-
posal and continued to receive the al-
lowance until his death in 1828;

(g) that when the Zamindar died with-
out resuming the management of his es-
tate, Government reduced the allowance
to 2/3rd of the stipulated amount ~~and~~
~~and paid this~~ and paid this
sum to the widow till she died in 1861.

(h) that while in minority and on at-
taining his majority his father petitioned
Govt. many a time that either the Zamin-
dari should be given back to him or the
amount continued to his father should

10.
12
14

of the terms in which the
ed (a) that Doranala estate was engaged by
his ancestors for more than 300 years
under the Nizam's Govt;
(b) that soon after the Ceded districts
were made over to the British Govt. the
Commissioner Col. Munro gave in fasli
1211 a kowl to his grandfather fixing
the peishkash at 1845 canteroy pagodas
and forwarded in fasli 1212 a sanad-i-
milkiyat-istimrar in conformity with the
kowl.

(c) that in fasli 1215 (1805) the poli-
gar represented to the Comr. Col. Munro
that ill health prevented his managing
the affairs of his estate and requested
that it might be taken under Govt. manage-
ment till his recovery on payment of 1/3rd
of the annual collections but that the
Comr. wrote that as the management of
the affairs of the Zamindar's villages
would entail much expenditure he would
accept the proposal and pay 850 canteroy
pagodas the amount deducted as Zamindar's

share in the kowl granted in 1211
plus 10 per cent
at the revenue of fasli 1211 that
was realized in the ensuing fasli.

15.
(d) that the poligar agreed to these
proposals and placed the estate under
Govt. management.

(e) that in fasli 1224 (1814) however
Mr. Ross the Collector represented to the
the poligar that as it would be very in-
convenient and expensive to settle the
accounts annually in order to determine
the share payable to him, a fixed annual
allowance of 830 and odd star pagodas
would annually be paid to him;

(f) that the poligar agreed to the pro-
posal and continued to receive the al-
lowance until his death in 1828;

(g) that when the Zamindar died with-
out resuming the management of his es-
tate, Government reduced the allowance
to 2/3rd of the stipulated amount ~~and~~
~~and~~ and paid this
sum to the widow till she died in 1860;

(h) that while in minority and on ~~attain~~
ing his majority his father petitioned
Govt. many a time that either the Zamin-
dari should be given back to him or the
amount continued to his father should ~~be~~
or

10.
12 16

should also be continued to him and to his heirs, but that the Govt. declined to make any alteration during the life-time of his mother;

(1) that on the death of Subbarama the Collr. and the Board recommended the continuance of her allowance to him (Subba Nayudu, his father having predeceased Subbarama), but ^{that} the Govt. did not accept this recommendation under the misapprehension that the estate was not an ancient zamindari, that it was one which the Govt. had resumed, that the allowance continued to the family was a pension, and that such pension ^e could not be claimed by the descendants of an adopted son. He therefore prayed that either the zamindari should be given back or the grant of 830 and odd star pagodas with arrears should be continued to him. In support of his claim he filed among others the following exhibits:-

(B) Kowl of Col. Munro dated 13th March 1802 (fasli 1211).

(C) Letter of Col. Munro d/8-1-1803 (fasli 1212)

Letter of Col. Munro d/15-8-1803

G.O. 1540 d/8-12-83

original *flap*

Vide letter 992/18-2-84.

Printed in f.p. No 1022 & 10/2/84
(original) *C.*

17

Collector
(F) Letter of *Col.* Mr. C.R. Ross d/1
9th Jany. 1814 (fasli 1223)

The reports of the local officers and the Board having been favorable to the petitioner's claim, the Govt. recommended to the Govt. of India the continuance to him and his descendants of a hereditary annual allowance of Rs. 106/- on the distinct understanding that this concession was to be in full satisfaction of all demands ^a against Govt. which the family might be considered to possess. The Govt. of India enquired what the net ~~annual~~ annual income of the estate was between 1861 and 1883 and whether the petitioner was prepared to abandon his claim to mesne profits in consideration of the grant of annual allowance for the future and at the same time suggested that the opinion of the Govt. law officers should be obtained as to whether a suit for the arrears of allowance from 1861 could be resisted with any chance of success, if instituted by the petitioner. A report

Where are these?
10/1/18

Please see closed cover marked A

10.
12
16

should also be continued to him and to his heirs, but that the Govt. declined to make any alteration during the life-time of his mother;

(1) that on the death of Subbarama the Collr. and the Board recommended the continuance of her allowance to him (Subba Nayudu, his father having predeceased Subbarama), but the Govt. did not accept this recommendation under the misapprehension that the estate was not an ancient zamindari, that it was one which the Govt. had resumed, that the allowance continued to the family was a pension, and that such pension could not be claimed by the descendants of an adopted son. He therefore prayed that either the zamindari should be given back or the grant of 830 and odd star pagodas with arrears should be continued to him. In support of his claim he filed among others the following exhibits:-

(B) Kowl of Col. Munro dated 13th March 1802 (fasli 1211)

(C) Letter of Col. Munro d/8-1-1803 (fasli 1212)

Letter of Col. Munro d/15-8-1805 (fasli 1215)

G.O. 1540 d/8-12-83

original flagged ✓

Vide letter 992/18-2-84.

Printed in f.p. No 1022 B 10 Sep 84
(original) C.

Where are these?
18/1/8

Please see closed cover marked A

Collator
(F) Letter of Mr. G.R. Ross dated 9th Jan. 1814 (fasli 122.)

The reports of the local officers and the Board having been favorable to the petitioner's claim, the Govt. recommended to the Govt. of India the continuance to him and his descendants of a hereditary annual allowance of Rs. 206/- on the distinct understanding that this concession was to be in full satisfaction of all demands against Govt. which the family might be considered to possess. The Govt. of India enquired what the net annual income of the estate was between 1861 and 1883 and whether the petitioner was prepared to abandon his claim to mesne profits in the consideration of the grant of annual allowance for the future and at the same time suggested that the opinion of the Govt. law officers should be obtained as to whether a suit for the arrears of allowance from 1861 could be resisted with any chance of success if instituted by the petitioner. A report

was called for from the Collr. of Kur-
 nool on the points referred to and that
 the Advocate-Genl. was consulted on the
 question of law. The Collr. intimated
 that the total yield of the estate was
 Rs. 222714 for the years 1861-62 to 1883-
 1884 and that the petitioner was unwilling
 to waive his claim to the arrears of al-
 lowances. The Advocate-Genl. expressed
 it as his opinion that if the facts of
 the case were as stated in G.O. 1540 dated
 8-12-83, the Govt. had constituted it-
 self a trustee at the time it undertook
 to manage the estate on behalf of the
 Zamindar, that as the trustee could not
 set up a claim inconsistent with the
 trust or claim adversely to the persons
 for whom he is trustee, the claimant
 would be entitled to succeed if he brought
 a suit for the recovery of the Zamindari
 and for an account of the rents and pro-
 fits, but that if he were to sue for the
 money claim only the claim would probably
 be barred except perhaps for the 3 years
 preceding the institution of the
 suit.

G.O. No 1096 of 10th March 1884
 printed in p.p. No 1022 of 10-9-84

Vide Collector's letter of 12 July 1884
 printed at p 2 of p.p. No 1022 of 10-9-84

Vide opinion d/13-3-84.

U

in the records of the
 order pp 7 & 8 of the
 present note

G.O. No 1022 of 10-9-84

Where?
 in closed cover
 4x4 E

Where?
 in closed cover
 (in the records of the
 order pp 7 & 8 of the
 present note)

suit.

But now the Government on a close
 examination observed that there was a
 doubt as to whether the poligar "Dora-
 nal Subba Nayudu" of Mr. Ross's register
 of 1814 was the same as the "Rajah Sub-
 ba Nayudu Bahadur Zamindar of Doranala
 Zamindari" to whom was granted the Sa-
 nadi-Milkiyat-istamarar of 1802, that
 the signature of Charles R. Ross in the
 document produced by the petitioner dif-
 fered considerably from the same offi-
 cer's undoubted signature on the re-
 gisters of 1813 and 1814, and in the
 letter dated 21-2-1814 to the Board of
 Revenue, that the paper did not appear
 to be very old and that this document
 formed as it were the connecting link
 between the Zamindari transactions of
 1801 to 1805 and Mr. Ross's register -
 No. X of 1821 Feb 1814 in which the po-
 ligar Doranal Subba Nayudu was entered
 as the recipient of certain sums on ac-
 count of resumed privileges &c. connect-
 ed with "Doranal &c. 39 villages" amounting to

to the identical sum of star pagodas 830 and odd which Mr Ross was alleged to have promised to pay the Zamindar in lieu of the allowance he had theretofore received. The Govt. remarked as follows:-

"If these two persons were identical why is this Subba Nayudu of the register poligar? Why are 39 villages referred to as belonging formerly to the poligar, while the number enjoyed by the Zamindar would appear to have been 60? If Exhibit F" (letter written in Jan'y. 1814 to the Zamindar to send his vakil to receive the amount from the taluk cutcherry) was really written by Mr. Ross, why did he in writing to the Board in Oct. 1813 remark that he did not know why the disbursements to the poligars and others, of whom Subba Nayudu was one, were annually deducted from the Kistbundi? Why if the zamindar and poligar were one, was a payment made continuously to the poligar from 12th July 1801 to the date of the register (21-2-1814) whereas the zamindar was in possession of the share

zamindari for at least 3 years of that period? Why in 1828 when the poligar died and correspondence ensued and again in ¹⁸⁶¹ ~~1818~~ when the poligar's widow died and further enquiry was made, was no mention made of the rights of the poligar to the zamindari? Why was no claim put forward till 1882 and were till then the documents now produced? As these questions did not appear to have been sufficiently investigated, the Govt. directed that a careful search should be made in the Govt. Office, in the office of the Board of Revenue and the Cutcheries and record rooms of the Collrs. of Cuddapah and Kurnool for any papers that might throw light on them.

As to the delay on the part of the Zamindar to press his claim or to produce the documents earlier than 1882 he stated that his grandmother being a zenana female did not try to get back the estate to her management, that he awaited sometime for a favorable

*vide Subba Nayudu letter
of 28 April 1885 printed
at p. 3 of p. No 830
16 July 1885
D.*

** original not available in Govt. office
probably available in the Board's office*

to the identical sum of star pagodas 830 and odd which Mr Ross was alleged to have promised to pay the Zamindar in lieu of the allowance he had theretofore received. The Govt. remarked as follows:-

"If these two persons were identical why

"is this Subba Nayudu of the register po-^{called}

"ligar? Why are 39 villages referred to

"as belonging formerly to the poligar,

"while the number enjoyed by the Zamin-

"dar would appear to have been 60? If

"Exhibit F" (letter written in Jany. 1814

"to the Zamindar to send his vakil to re-

"ceive the amount from the taluk putcherri)

"was really written by Mr. Ross, why did

"he in writing to the Board in Oct. 1813

"remark that he did not know why the dis-

"bursements to the poligars and others,

"of whom Subba Nayudu was one, were an-

"nually deducted from the kistbundi? Why

"if the zamindar and poligar were one,

"was a payment made continuously to the

"poligar from 12th July 1801 to the date

"of the register (21-2-1814) whereas the

"Zamindar was in possession of the

share

"zamindari for at least 3 years of that

"period? Why in 1828 when the poligar

"died and correspondence ensued and again

"in ¹⁸⁶¹ ~~1814~~ when the poligar's widow died

"and further enquiry was made, was no

"mention made of the rights of the po-

"ligar to the zamindari? Why was a

"claim put forward till 1882 and ere

"were till then the documents now pro-

"duced?". As these questions did not ap-

"pear to have been sufficiently investi-

"gated, the Govt. directed that a care-

"ful search should be made in the Govt.

"Office, in the office of the Board of

"Revenue and the Cutcheries and record

"rooms of the Collrs. of Guddapah and

"Kurnool for any papers that might throw

"light on them."

As to the delay on the part of the

Zamindar to press his claim or to pro-

duce the documents earlier than 1882

he stated that his grandmother being

a zenana female did not try to get --

back the estate to her management, that

he awaited sometime for a favorable

*Vide Subbarayudu letter
of 28 April 1885 printed
at p. 3 of p. No 830
16 July 1885
D.*

** Original not available in Govt. office
probably available in the Board's office*

reply to the Collr's recommendation made in 1862 in his behalf, that for sometime he had not been able to manage the affairs himself and that some more time had elapsed owing to domestic calamities and to his physical disabilities as well as the great famine. But the Collr. considered the explanation to be eminently unsatisfactory.

Para 2 of the Collector's endorsement
27 May 1885 printed at p/p 304
Hf. No 830 of 16 July 1885
D

As a result of the search ordered by Govt., the Board reported that all the important papers relied on by the petr. excepting the Kabuliati purported to have been executed by the petr's grandfather Subba Nayudu on 15-2-1803 in return for a sanad said to have been issued to him on 8-12-1802 were impudent forgeries. As regards the Kabuliati it observed as follows:- "The sanad itself

is not forthcoming, nor is any record of it to be found either in the office of the Board or in those of the Collectors; the existence of the Kabuliati alone

and not be accepted as proof of the (C) having been issued, even if ^{there were} et

B.S. No 2019 of 4-3-85 (para 9)
a. paras 627 of B.S. No 1608
of 3-6-85 in p. No 830 of 16 July 85
D

Para 10 of the B.S.
at p. 5 of p. No 830 of 16 July 85
D

Somebody in the B.S. will have to swear to this
Where as the B.S. has been made

cause)
were less than there is for suspecting fraud. That a zamindar should have been created in the Ceded districts by Sir Thomas Munro is most improbable and if so created that there should be no record thereof in the public offices is altogether incredible. Moreover this Kabuliati appears like ^{the} other documents to have been found in the custody of the claimant and it is probably of no more value than the rest".

In further corroboration of its view the Board invited attention to the following facts:-

(a) In his letter dated 9-5-83 para 14, Mr. Glenny refers to a copy of a letter from S. T. Munro d/23-8-1805 addressed to the Board reporting that he has assumed temporarily the management of the zamindari of Doranala. No such letter is found on the Board's records.

(b) In the Collr's jamabundi reports of fasli 1214, 1215 and 1216 no ^{men}tion of the circumstance is made.

(c) In the reports for fasli 1217 was of

reply to the Collr's recommendation made in 1862 in his behalf, that for sometime he had not been able to manage the affairs himself and that some more time had elapsed owing to domestic calamities and to his physical disabilities as well as the great famine. But the Collr. considered the explanation to be eminently unsatisfactory.

As a result of the search ordered by Govt., the Board reported that all the important papers relied on by the petr. excepting the Kabuliati purported to have been executed by the petr's grandfather Subba Nayudu on 15-2-1803 in return for a sanad said to have been issued to him on 8-12-1802 were impudent forgeries. As regards the Kabuliati it observed as follows:- "The sanad itself is not forthcoming, nor is any record of it to be found either in the office of the Board or in those of the Collectors; the existence of the Kabuliati alone cannot be accepted as proof of the having been issued, even if ^{there were} et.

Para 2 of the Collector's endorsement
of 7 May 1885 printed at p. 304
of p. No 830 of 16 July 1885
D.

Bd. No 2019 of 4-3-85 (para 9).
a. paras 6 & 7 of Bd. No 1608
of 3-6-85 in p. No 830 of 16 July 85
D.

Para 10 of the Bd.
at p. 5 of p. No 830 of 16 July 85
D.

Somebody in
the Bd. will have
to break
to this
Where
as
the
present

" ^{cause} were less than there is for suspecting
" fraud. That a zamin^{dar} should have been
" created in the Ceded districts by Sir
" Thomas Munro is most improbable and if
" so created that there should be no re-
" cord thereof in the public offices is
" altogether incredible. Moreover this
" Kabuliati appears ^{the} like other documents
" to have been found in the custody of
" the claimant and it is probably of no
" more value than the rest".

In further corroboration of its view the Board invited attention to the following facts:-

- " (a) In his letter dated 9-5-83 para 14, Mr. Glenny refers to a copy of a letter from S. T. Munro d/23-8-1805 addressed to the Board reporting that he has assumed temporarily the management of the zamin^{dar} of Doranala. No such letter is --
" found on the Board's records.
" (b) In the Collr's jamabundi reports of fasli 1214, 1215 and 1216 no ^{men}tion of the circumstance is made.
" (c) In the reports for fasli 12

Para 2 of the Collector's endorsement
of 7 May 1885 printed at p/p 304
of fs. No 830 of 16 July 1885

Bil. No 2019 of 4-3-85 (para 9).
a. para 627 of Bil. No 1608
of 3-6-85 in f.p. No 830 of 16 July 85

Para 10 of the 108.
at 5 p.m. 208303 16 July '83
D

Come back to
 the B.D. of this
 will have
 to move
 to this ^{all}
 where
 as
 In K.D.
 presy ¹¹

1225, no mention is made of the arrangement said to have been come to with the zamindar by Mr. Ross in fasli 1224.

(d) At para 18 of his letter dated 9th May 1883 Mr. Glenny says: "So far as I can see the resumption, if any, must have occurred between 1814 and 1828." In the Jamabundi reports of these years no mention is made of such resumption.

(e) In the reports of fasli 1212 and 1213 no allusion is made to the issue of a sanad to the owner of Dornala estate, nor is there found any correspondence on the subject.

The Board on a careful consideration of all the facts recorded as their opinion that no zamindari of Dornala ever had any existence and therefore recommended that the claim of the petr. should be altogether ~~rejected~~ *rejected*.

The Govt. accepted the opinion of the Board that the documents produced by Subba Nayudu as also the Kabuliats -- "important forgeries" and remarked as follows:-- "The latter document was

G.O. No 830 of 16 July 1885

What were their reasons & what the evidence for them now available?

Please see Mr. Hunt the Record Keepers note of Oct 1884 with the original of G.O. 830 16 July 85

"not produced by the claimant as assumed by the Board. It was found in the Govt. Record Office, but that fact is of itself no guarantee of its genuineness & the Government have reason to know that Subba Nayudu has in the past had means of surreptitious access to their records. From information which has recently come into their possession, they are even convinced that certain records affecting him have been deliberately tampered with on his behalf; and that he and his confederates have attempted to make use of their opportunities for the purpose of destroying all correspondence which might lead to a proper understanding of his case."

The grounds on which the Govt. -- based their belief in the spuriousness of the Kabuliats were as follows:--

"In the supplementary memorial -- which Subba Nayudu submitted on the 15 March 1863, reference is made to the zamindari of Dornala as having been granted by the *Padshah* of Delhi; --

Where? in G.O. 1563 25 July 85

128
nothing whatever is said as to the grant
of a sanad by the British Govt. The ^{first} ~~not~~
allusion to such sanad is contained in
the petn. of 14th Jan 1882, and the sug-
gestive remark is made: "A reference may,
if necessary, be made to the records."
Accordingly, a reference was made and
the Kabuliya was discovered in the re-
cord office. The Govt. are satisfied as
stated in para 1 that Subba Nayudu had
the means of causing such a document to
be deposited there.

The only evidence of authenticity on
the face of the document consists of the
initials "T.M.". These doubtless resemble
to some extent Sir T. Munro's initials,
but as pointed by the Board "until the end
of 1806 (with a single exception) the -
initial letter of his surname was invari-
ably written with two, and not three,
down strokes." The initials however on
his supposed Kabuliya of 1803 ^{are} of the
other shape.

(C) Further, the whole tenor of the
correspondence of the day is opposed

in closed cover A

to the idea that any zamindari whatever
was formed in the Ceded districts in --
Munro's time. Neither in his report of
the 26th July 1807 on the survey of the
country nor in his plan for permanently
settling those districts on the ryot-
war principle dated the 15th Aug. 1807,
is any allusion made to such a creation
^{which would} ~~it should~~ have been entirely opposed to
his own views and proposals.

Where?
Original must apparently
be available in
the Board's Office

Mr. Ross's detailed report of the
22nd Decr. 1812 on the decennial set-
tlements contains an elaborate account
of the revenue of the Cuddapah district
from all sources taluk by taluk. In the
paras treating of Doopad in which the
Dornala polliem was ~~situated~~ situated
situated, there is no allusion to any
part of the taluk being permanently
settled, but every village is shown as
rented out for a specific period. Had
any zamindari existed, it must certa-
ly have found a place in this copious
document as well as in the B.P. review-
ing it. It is also clear from the

122
nothing whatever is said as to the grant
of a sanad by the British Govt. The ^{first} ~~for~~
allusion to such sanad is contained in
the petn. of 14th Jany 1882, and the sug-
gestive remark is made: "A reference may,
if necessary, be made to the records."
Accordingly, a reference was made and
the Kabuliya was discovered in the re-
cord office. The Govt. are satisfied as
stated in para 1 that Subba Nayudu had
the means of causing such a document to
be deposited there.

The only evidence of authenticity on
the face of the document consists of the
initials "T.M.". These doubtless resemble
to some extent Sir T. Munro's initials,
but as pointed by the Board "until the end
of 1806 (with a single exception) the
initial letter of his surname was in-
variably written with two, and not three,
down strokes." The initials however on
his supposed kabuliya of 1803 ^{are} of the
other shape.

(C) Further, the whole tenor of the
dependence of the day is opposed

in closed cover A

to the idea that any zamindari whatever
was formed in the Ceded districts in --
Munro's time. Neither in his report of
the 26th Jyly 1807 on the survey of the
country nor in his plan for permanently
settling those districts on the ryot-
war principle dated the 15th Aug. 1807,
is any allusion made to such a creation
~~which would~~ ^{which would} have been entirely opposed to
his own views and proposals.
Mr. Ross's detailed report of the
22nd Decr. 1812 on the decennial set-
tlements contains an elaborate account
of the revenue of the Cuddapah district
from all sources taluk by taluk. In the
paras treating of Doopad in which the
Dornala polliem was ~~situated~~ ^{situated}
situated, there is no allusion to any
part of the taluk being permanently
settled, but every village is shown as
rented out for a specific period. Had
any zamindari existed, it must cer-
tainly have found a place in the copy
document as well as in the B.P. review
ing it. It is also clear from the

Where?
Original must apparently
be available in
the Board's office

122
no Report" dated 28th July 1812, that the
of permanent settlement had not been in-
troduced into the Ceded districts at -
any period anterior to that report.

The Minute of the Bd. of Rev. dated
5th Jan'y. 1818 re: the general introduc-
tion of the ryotwar settlement shows
distinctly that the poligars of the Ceded
districts to the number of 80, were re-
moved from their lands and reduced to the
position of mere pensioners on the bounty
of Govt. but there is no allusion to
any fresh grant of such estates on za-
mindari tenure."

For the above reasons, the Govt. con-
curred ~~in~~ the opinion of the Board
of Rev. that no zamindari of Dornala -
ever had any existence, rejected the -
petr's application ^{finally} and absolutely and
resolved to withdraw the recommendation
made to the Govt. of India on his be-
half.

must apparently
be in the Board's office

The papers were also forwarded to
the Advocate-Genl. for favour of opinion
whether a sufficient case could

be made out for the criminal prosecu-
tion of the petr. for preferring a --
false claim and using false documents
in support of it. The Advocate-Genl.
was of opinion that there was nothing
to show that the petr. used the docu-
ments knowing them to be forged and un-
less that was proved no prosecution
could be maintained. The proposal would
appear to have been dropped as suffi-
cient evidence was not forthcoming to
prove his complicity in the forgery.

(Vide letter to the Government of
India No. 748 dated 6th February ---
1892.)

Vide opinion of 21 August '88.
T

+ Q
⊗ R

iv. 25 of the plaint.

N

Subba Nayudu

(7). The petitioner appealed against the decision of this Govt. to the Govt. of India and the Secretary of State alleging the same grounds asserted by him in his petition of 1882 to the Local Government but both those authorities declined to interfere on his behalf (vide Government Orders Nos. 1470, d/17th March 1892 and 964, d/8th March 1893).

3. Subba Nayudu appears to have died in 1892 and his son Seshachalapati Nayudu has filed a suit in the District Court, Kurnool. The allegations contained in the plaint which are almost the same as those urged by his father in his petition of 1882, are briefly these :-

(1) that the Dornala Zamindari is an ancient one granted to an ancestor of the Plaintiff by the Nizam of Hyderabad, uninterruptedly enjoyed by his ancestors till the cession of Cuddapah and other districts to the British Government in 1800;

of -

that on the same erroneous belief the Government determined that two-thirds of the amount drawn by the Zamindar should be paid to the widow (Subbamma)

(9) that the adopted son applied for the continuance of the allowance in his name but that Govt. passed an order about the year 1351 declining to take any steps during the lifetime of the widow;

(10) that Seshachalapati Nayudu having died in 1355 and the widow Subbamma in 1361, the Collector recommended the continuance of the allowance to Subba Nayudu and his brother, that the Board supported the recommendation but that the Govt. however rejected it on the ground that pension granted hereditarily ceased when the hereditary line failed and did not pass to the adopted children of any family;

(11) that Subba Nayudu submitted various petitions between 1362 and 1382 but did not receive any favourable orders;

that he again presented a petition

*Should not give to enable
to have any before hearing on the point*

in 1382 praying either that the possession of the Zamindari should be given with mesne profits or that the annual payment of 330 and odd star pagodas should be continued and that thereupon the Govt. called for a report from the officers and for the original documents relied on by the petitioner which were submitted but not returned to him;

(13) that the report of the local officers and the Board having been favourable to the petitioner's claims the Govt. in its Order dated 3th December 1383 recorded that it was satisfactorily shown that the estate had never as a matter of fact been resumed at all but however recommended to the Govt. of India the continuance of the hereditary allowance of Rs. 2,906 to the Petitioner and his descendants on the distinct understanding that the concession was to be in full satisfaction of all demands against Government which the Zamindar's family might be liable to possess;

(14) that the petitioner Subba

or -

was asked whether he would waive his claims to mesne profits if the Govt. of India should be pleased to comply with the recommendation of the Local Government; but that he refused to do so;

(15) that in December 1835 Subba Nayudu was informed that his claims had been finally and absolutely rejected and that he, though unsuccessfully memorialized the Govt. of India and the Secretary of State;

(16) that Subba Nayudu died in 1892 leaving the plaintiff as his heir and that he (the plaintiff) gave a notice of suit in February 1894;

(17) that as the Govt. is in charge of the Zamindari as trustees for Subba Nayudu (plaintiff's great-grandfather) and his successors, he (the plaintiff) claims the exemption from limitation under section 10 of the India Limitation Act, 1877, and that in any case as the Govt. was labouring under a mistake

till

till 1833 it cannot set up the plea of limitation during the period prior to the 24th December 1835 when the Order of Government finally rejecting his claims with full knowledge of facts, was communicated to the Plaintiff's father; and

(18) he prays that the Govt. be decreed to deliver to him possession of the Zamindari and to render an account of the rents and profits from 1823, ~~dec~~ for the sums paid to the widow from 1823 to 1861 and the peishdash and the other dues, that if he is not entitled to an account from 1823 then an account be decreed commencing from such other period as the Court may deem proper, and that if he is not entitled to recover possession of the Zamindari and such sums as may be due on taking accounts, the Govt. be decreed to pay with arrears and costs of suit, the annual amount of allowance paid to Subba Nayudu was or to his death in 1823.

4. The Board submits to

was asked whether he would waive his claims to mesne profits if the Govt. of India should be pleased to comply with the recommendation of the Local Government; but that he refused to do so;

(15) that in December 1835 Subba Nayudu was informed that his claims had been finally and absolutely rejected and that he, though unsuccessfully memorialized the Govt. of India and the Secretary of State;

(16) that Subba Nayudu died in 1892 leaving the plaintiff as his heir and that he (the plaintiff) gave a notice of suit in February 1894;

(17) that as the Govt. is in charge of the Zamindari as trustees for Subba Nayudu (plaintiff's great-grandfather) and his successors, he (the plaintiff) claims the exemption from limitation under section 10 of the India Limitation Act, 1877, and that in any case as the Govt. was labouring under a mistake

till

till 1833 it cannot set up the plea of limitation during the period prior to the 24th December 1835 when the Order of Government finally rejecting his claims with full knowledge of facts, was communicated to the Plaintiff's father; and

(18) he prays that the Govt. be decreed to deliver to him possession of the Zamindari and to render an account of the rents and profits from 1823, ⁸⁰ ~~for~~ the sums paid to the widow from 1823 to 1861 and the peishkash and the other dues, that if he is not entitled to an account from 1823 then an account be decreed commencing from such other period as the Court may deem proper, and that if he is not entitled to recover possession of the Zamindari and such sums as may be due on taking accounts, the Govt. be decreed to pay with arrears and costs of suit, the annual amount of allowance paid to Subba Nayudu prior to his death in 1823.

4. The Board submits that the

was asked whether he would waive his claims to mesne profits if the Govt. of India should be pleased to comply with the recommendation of the Local Government; but that he refused to do so;

(15) that in December 1835 Subba Nayudu was informed that his claims had been finally and absolutely rejected and that he, though unsuccessfully memorialized the Govt. of India and the Secretary of State;

(16) that Subba Nayudu died in 1892 leaving the plaintiff as his heir and that he (the plaintiff) gave a notice of suit in February 1894;

(17) that as the Govt. is in charge of the Zamindari as trustees for Subba Nayudu (plaintiff's great-grandfather) and his successors, he (the plaintiff) claims the exemption from limitation under section 10 of the India Limitation Act, 1877, and that in any case as the Govt. was labouring under a mistake

till

till 1833 it cannot set up the plea of limitation during the period prior to the 24th December 1835 when the Order of Government finally rejecting his claims with full knowledge of facts, was communicated to the Plaintiff's father; and

(18) he prays that the Govt. be decreed to deliver to him possession of the Zamindari and to render an account of the rents and profits from 1823, deducting

for the sums paid to the widow from 1823 to 1861 and the peishkash and the other dues, that if he is not entitled to an account from 1823 then an account be decreed commencing from such other period as the Court may deem proper, and that if he is not entitled to recover possession of the Zamindari and such sums may be due on taking accounts, the

Govt. be decreed to pay with arrears and costs of suit, the annual amount of allowance paid to Subba Nayudu prior to his death in 1823.

4. The Board submits that the

following outlines of defence may be adopted with reference to the present suit:-

(1) The Dornala Polliem was incorporated with Govt. villages in fasli 1211 (1801-2) along with the other Polliems in the Ceded Districts; and Subba Nayudu was, like the other ex-polliigars, allowed to manage the villages as a renter. He was at the same time granted an annual pensionary allowance of 350 canteroy pagodas in the form of a deduction from the rental. Like the other ex-polliigars he was also allowed 10 per cent. of the excess rental realized in subsequent faslis as compared with fasli 1211 on the basis of which the allowance above mentioned was fixed. At the time of the resumption the Polliem consisted of only 40 villages whereas the number of villages mentioned in the schedule to the plaint is 60.

(ii) The Polliem was never permanently settled under Regulation XXV of 1802

nor

nor were any sannad and Kabuliyat exchanged between the Govt. and the ex-polliigar, as alleged by the plaintiff.

(iii) The allegation implied in paras 3 to 6 of the plaint, that Subba Nayudu was in possession of the villages comprised in the polliem as proprietor under a permanent sannad until 1805 is not true. He was only managing them as a renter of Government.

(iv) The payment of the annual allowance of 350 canteroy pagados plus 10 per cent on the excess rental realised in subsequent faslis as compared with fasli 1211 was being made to Subba Nayudu out of the collections ^{rent} in the ~~Polliem~~ ^{Polliem} villages till 1813-4 (fasli 1223), not in virtue of any subsisting right that he then had to the Polliem or in pursuance of any such undertaking as is referred to in paras 4 to 6 of the plaint but as a compassionate or maintenance allowance paid in consideration of the resumption in 1801-2 of the villages previously in his possession as

Poligar.

(v) As the additional allowance of 10 per cent. on the increase in rental which was paid to the pensioner fluctuated from year to year, it was in the year 1314 (Fasli 1223) fixed permanently with reference to the allowances paid in previous years and to the excess of the decennial rents then newly introduced in the Ceded Districts over the rents of fasli 1311. According to this arrangement the additional allowance payable to Dornala Subba Nayudu was fixed at 123-9-77 star pagodas which added to the original allowance of 350 canteroy pagodas or 703-15-0 star pagodas gave a total pension of 830-24-77 star pagodas or Rs. 2,906,15-1. The allegation made in para. 7 of the plaint that the allowance was fixed at 350 star pagodas on the grounds that the rents never exceeded those of fasli 1311 and that Govt. expenses had been increasing is not true; nor were payments made at the rate of 350 star pagodas a year between

1314 and 1323 as stated in para 3 of the Plaint.

(vi) The amount payable to Subba Nayudu was, like the pensions paid to the other ex-poligars included in the register of allowances granted in lieu of resumed offices and privileges which was prepared in 1314 because it was thought desirable to discontinue the system of paying the amounts due to the ex-poligars by deductions from the kistbandi (or rents realized) and to bring them into the public account of expenditure by disbursing them from the treasury.

(vii) When it was brought to the notice of Govt. that Subba Nayudu died in 1323 leaving a widow Subbarma, and an adopted son (by name Seshachelapati) Govt. sanctioned the annual payment of 2/3 of the pension to the widow during her life-time. As Seshachelapati was only an adopted and not a natural son of the deceased, his claim to the allowance was disallowed.

Pol

(viii) It is true, as stated in para. 16 of the Plaintiff, that on the death of Subbamma Govt. rejected the claim of Seshachalapathi's son Subba Nayudu to the pension on the ground that pensions granted hereditarily were not intended to pass to adopted children.

(ix) On receipt of the petition presented by Subba Nayudu in 1882, Govt. was at first disposed to continue the allowance of 330 and odd star pagodas in favour of him and his heirs thereafter and accordingly called on him to state whether he would withdraw his request for the payment of arrears of allowance; but as on a scrutiny of the originals of the documents relied on by him and on a thorough examination of the records connected with his claim it was found that the documents were not genuine and the allegations based thereon were unfounded, Government finally and entirely rejected his claims. An important reason for this decision is found in the failure

plaintiff's father to give a satisfac-

"satisfactory explanation of the gross delay in preferring his claims, and in the circumstance that the documents on which those claims were based had never been brought to the notice of Government until 1882, though said to have been executed upwards of seventy years before.

(x) It is admitted that a notice of suit was served on this defendant as stated in para 27 of the plaintiff.

(xi) The Dornala polliem having been resumed in 1801, the suit for the recovery thereof, together with mesne profits, is in any case barred by lapse of time.

(xii) The alternative claim to the continuance of the pension in favor of the plaintiff and his heirs and to the payment of arrears is also unsustainable owing to the non-production of a certificate under section 6 of the Pensions Act; and the claim to the arrears even if tenable, is time barred except for the three years preceding the date of suit.

Act XXIII of 1871 (India)

Po

(viii) It is true, as stated in para. 16

of the Plaint, that on the death of Subbamma Govt. rejected the claim of Seshachalapati's son Subba Nayudu to the pension on the ground that pensions granted hereditarily were not intended to pass to adopted children.

(ix) On receipt of the petition presented by Subba Nayudu in 1882, Govt. was at first disposed to continue the allowance of 830 and odd star pagodas in favour of him and his heirs thereafter and accordingly called on him to state whether he would withdraw his request for the payment of arrears of allowance; but as on a scrutiny of the originals of the documents relied on by him and on a thorough examination of the records connected with his claim it was found that the documents were not genuine and the allegations based thereon were unfounded, Government finally and entirely rejected his claims. An important reason for this decision is found in the failure

plaintiff's father to give a satisfac-

Act XXIII of 1871 (India)

"satisfactory explanation of the gross delay in preferring his claims, and in the circumstance that the documents on which those claims were based had never been brought to the notice of Government until 1882, though said to have been executed upwards of seventy years before.

(x) It is admitted that a notice of suit was served on this defendant as stated in para 27 of the plaint.

(xi) The Dornala polliem having been resumed in 1801, the suit for the recovery thereof, together with mesne profits, is in any case barred by lapse of time.

(xii) The alternative claim to the continuance of the pension in favor of the plaintiff and his heirs and to the payment of arrears is also unsustainable - owing to the non-production of a certificate under section 6 of the Pensions Act; and the claim to the arrears even if tenable, is time barred except for the three years preceding the date of suit.

(xi) The mesne profits asked for are exaggerated.

(xiv) The plaintiff is put to the -- proof of all the allegations made in the plaint which are not herein expressly admitted.

(xv) Prays therefore that the suit be dismissed with costs."

5. To para IX of the defence suggested by the Board the following may be added:- "It is true that Subba Mayudu preferred appeals to the Govt. of India and the Secretary of State against the orders of this Govt. and that those authorities declined to interfere." It is submitted that the outlines of defence suggested by the Board are correct and that the papers may be forwarded to the Advocate-Genl. for the preparation of the draft written statement as recommended by the Board.

CPJ Secy
25/8/98
The difficulty in this case will be in the actual conduct thereof is. (marshalling & production evidence (material of active character) on the

side of the Govt.

The papers may it is submitted all go to the Govt Solicitor (if admission u.o.) for the preparation of a draft written statement and for the detailed instructions as to what documents shd be ~~get~~^{get} ready for production, if necessary, in Court, and as to ~~what~~^{will} kind of evidence ~~shd~~^{be} necessary for proving the tampering with the Govt records

Should the Govt of India be addressed for copies of the despatch ~~of this Govt to the Secy of State No 8227 Jan 63~~ & of the memorial of which accompanied it?

Wg
16/8/98

First tel. to Board to send by return post a copy of the entry regarding Subba

(xi) The mesne profits asked for are exaggerated.

(xiv) The plaintiff is put to the proof of all the allegations made in the plaint which are not herein expressly admitted.

(xv) Prays therefore that the suit be dismissed with costs."

5. To para IX of the defence suggested by the Board the following may be added:- "It is true that Subba Nayudu preferred appeals to the Govt. of India and the Secretary of State against the orders of this Govt. and that those authorities declined to interfere." It is submitted that the outlines of defence suggested by the Board are correct and that the papers may be forwarded to the Advocate-Genl. for the preparation of the draft written statement as recommended by the Board.

Secy
25/8/98
The difficulty in this case will be in the actual conduct thereof is. marshalling & production evidence (mainly of active character) on the

side of the Govt.

The papers may if it is submitted all go to the Govt Solicitor (if advised uo.) for the preparation of a draft written statement and for the detailed instructions as to what documents shd be got ready for production, if necessary, in Court, and as to what kind of evidence ^{will} be necessary for proving the tampering with the Govt records

Should the Govt of India be addressed for copies of the despatch of this Govt to the Secy of State No 8 & 27 Jan 63 & of the memorial of which accompanied it?

Uly
16/8/98

First tel. to Board to send by return post a copy of the entry regarding Subba

of Darnal in the detailed
statement mentioned in
para. 13 of Collector Ross'
letter of 2 Oct 1813

We must also inquire about
the register of Zamindari Sanads
in our Records - whether the
register is kept consecutively
& there is any entry there

If the petition of 1832 went
to the Govt of India, we may
be able to get a copy there.

872
17/9/98

H.M.

This file relates to
a suit instituted claiming
an old resumed service
palliam on the ground
that it was granted as
a Zamindari.

As the suit is
posted to 30th Sept. the
pp. have been forwarded,
without cert. to same time
to the Jt. M^r. to file an
answer.

The question is
one entirely for the lawyers.
But in forwarding the
B.P. I put up a Memorandum
giving a short abstract of
the case for the information
of the Jt. M^r. The B.P.
original has gone to
him.

One important decision
I made in going thro' the
case is, that, apart from
the grounds ^{about 6th June 1885} for holding the
documents, translations

active character) on the

Eschaults accompanying
the current Boards
Proceedings

Paliam was one of those
thus dealt with. ~~for~~ Its history
is given in the Memoirs in
which accompanied Major's
letter, & which will be found
in print on pp 505-6 of
the Fifth Report to the House
of Commons from the Select
Committee on the Affairs
of the East India Co. (Madras
Volume). The details of the
settl^t are set out in the
Tabular Statement, accompanying
the same letter, which will
be found printed at the
end of the Fifth Report.
Darnala is no 13 in the list
and is there shown as ^{a paliam} con-
sisting, from 1800-1802, of

Villages ... having a net beriz of
Cantero ... as 2,822-2-6, & —
Seshachari ... the son of the
previo ... ^{being} in receipt of
an allowance from the rents of 850
canteroy pagodas, and ^{continuing in the}
-ement of ^{villages.} the Paliam ~~...~~

3. In 1813 fol. Ron the
Collector of Cuddapah

Exhibits accompanying
the current Boards
Proceedings

Paliam was one of those
thus dealt with. ~~for~~ Its history
is given in the Memorandum
which accompanied Major's
letter, & which will be found
in print on pp 505-6 of
the Fifth Report to the House
of Commons from the Select
Committee on the Affairs
of the East India Co. (Madras
Volume). The details of the
settl^t are set out in the
Tabular Statement, accompanying
the same letter, which will
be found printed at the
end of the Fifth Report.
Darnala is no 13 on the list
and is there shown as ^{a paliam} con-
sisting, from 1800-1802, of

Villages having a net beriz of
Cantero as 2,222-9-8, & —
Seshach all payable the son of the
previo ^{being} in receipt of
an allowance from the rents of 850
canteroy pagodas, and ^{continuing in the}
-count of ^{villages.} the Paliam ~~villages~~

3. In 1813 Col. Ross the
Collector of Cuddapah

No 5 in list III of
Enclosures to Boards
Proceedings

Letter dated 2 Oct. 1813
proposed that these police
allowances or pensions
shd. be regularly shown
as such in the returns.
In para 13 of the letter
he refers to a detailed
statement in which no
doubt Darnala appears.
It is not forthcoming, but
the Board has telegraphed
that the J. of Karnool
has been wired to
forward a copy of the
records

No 6 ibid

4. W. Ross' recommendation
was approved by the
S^t of Revenue (Pro. 2 Nov.
1813) who asked him to
submit proposals for fixing
the fluctuating pensions
that were liable to fluctuation

No 7 ibid

5. W. Ross according to
with his letter of 20th Nov.
1814 submitted an

No 5 in list III of
Enclosures to Boards
Proceedings

Letter dated 2 Oct. 1813
proposed that these religious
allowances or pensions
shd. be regularly shown
as such in the returns.
In para 13 of the letter
he refers to a detailed
statement in which no
doubt Darnala appears.
It is not forthcoming, but
the Board has telegraphed
that the Jolte of Karnool
has been wired to ~~send~~
forward a copy of the
records

No 6 ibid

4. W. Ross' recommendation
was approved by the
Bd. of Revenue (Pro. 2 Nov.
1813) who asked him to
submit proposals for fixing
the fluctuating pensions
that were liable to fluctuation.

No 7 ibid

5. W. Ross according to
with his letter of 21st Nov.
1814 submitted annex

No 5 in list III of
Enclosures to Boards
Proceedings

Letter dated 2 Oct. 1813
proposed that these religious
allowances or pensions
shd. be regularly shown
as such in the returns.
In para 13 of the letter
he refers to a detailed
statement in which no
doubt Darnala appears.
It is not forthcoming, but
the Board has telegraphed
that the Jolra of Karnool
has been wired to ~~send~~
forward a copy of the
records

No 6 ibid

4. Mr. Ross' recommendation
was approved by the
Bd. of Revenue (Pro. 2 Nov.
1813) who asked him to
submit proposals for fixing
the ~~proportion~~ pensions
that were liable to gl. taxation

No 7 ibid

5. Mr. Ross accordingly
with his letter of 21st Feb.
1814 submitted a memo.

registers

In these Darnala Subha
Raider is entered as in
receipt of allowances in lieu
of resumed offices & privileges
just as all the other employers
whose service tenures had been
extinguished

The original grant in
respect of which the allowance
is shown is entered as
"Darnala 39 villages". In col.
104 of ^{Muzos} the tabular statement
of 1802 the number is given
as 40. The variation is
not explained, but in
the course of years, many
causes for this slight difference
may ~~have~~ be imagined.

In the remark column
of the register Subha Raider
is shown as "security for
4 of the villages" i.e. he
had been allowed to
remain responsible for
the land revenue collections
of four.

of any Zamindari claims.

Whether the copy has been surreptitiously removed from the records is not known: but it is possible that a copy was forwarded to the Govt. of India, & application will be made to that Govt. to transmit it here, if it was.

The tenor of the Memorial is however abundantly clear from the minute of Secy. Thos. Dyce, Member of Council, ~~and~~ which very fully criticizes it; & it is impossible to believe that so important an allegation if made wd have been passed over.

The Govt. forwarded the Memorial to the Secy. of State (G.O. 27 Jan 1863 no 179)

9. Meantime, 2 or 3 months later, Subba Rao presented with his

of any Zamindari claim.

Whether the copy has been surreptitiously removed from the records is not known: but it is possible that a copy was forwarded to the Govt. of India, & application will be made to that Govt. to transmit it here, if it was.

The tenor of the Memorial is however abundantly clear from the minute of Secy. Thos. Pycroft, Member of Council, ~~and~~ which very fully criticizes it; & it is impossible to believe that so important an allegation if made wd have been passed over.

The Govt. forwarded the Memorial to the Secy of State (G.O. 27 Jan^y no 179)

9. Meantime, 2 or 3 months later, Subba Rao presented with his pe^r

of any Zamindari claims.

Whether the copy has been surreptitiously removed from the records is not known: but it is possible that a copy was forwarded to the Govt. of India, & application will be made to that Govt. to transmit it here, if it was.

The tenor of the Memorial is however abundantly clear from the minute of Sir Thos. Rycroft, Member of Council, ~~and~~ which very fully criticizes it; & it is impossible to believe that so important an allegation if made wd have been passed over.

The Govt. forwarded the Memorial to the Secy of State (G.O. 27 Jan. 1883 no 179)

9. Meantime, 2 1/2 months later, Subha Rader presented with his pe'

of any Zamindari claim.

Whether the copy has been surreptitiously removed from the records is not known: but it is possible that a copy was forwarded to the Govt. of India, & application will be made to that Govt. to transmit it here, if it was.

The tenor of the Memorial is however abundantly clear from the minute of Sir Thos. Aycroft, Member of Council, ~~and~~ which very fully criticizes it; & it is impossible to believe that so important an allegation if made wd have been passed over.

The Govt. forwarded the Memorial to the S. of State (G.O. 27 Jan 1863 no 179)

9. Meantime, six months later, Subba Rao presented with his pe-

of 15th March 1863 what he
called a Supplementary
petition addressed to the
Sec^y of State

In this for the
first time any allegation
of a Zamindari claim is
put forward; it being
ingeniously suggested
that the original possession
of the family consisted
of a Zamindari of 38 villages
& a jagir, a service tenure,
of 18 villages.

But his allegations
did not yet go so far as
to assert the grant of a
Zamindari by the British
Gov^t.

In para. 3 he says
"both these estates were
"resumed by Sir Thos.
"Munro who, on such re-
"sumption, granted the
"pension which is the
"subject of your Memo,
"present claim & & & &
"& & Both estates in

"private property" which
 "Subba Naider consented"
 "to cede to the Govt. of the
 "late East India Coy."

See also para. 11 of
 the Memorial

The whole argument
 in this Memorial is
ad misericordiam to the
 Govt. to reverse the decision
 refusing the pet. as an
 adopted son of the pensioner
 in view of the ancient position
 of the family & of the fact that
 if the estates had not been
 resumed the pet. wd not
 now be destitute

There is no assertion
 of the creation of a Zamindari
 by the British Govt., or any
 claim for restoration, or
 any demand for an
 amount

10. The Secy of State
 rejected both memorials
 vide fo. 9 Sept 63 no 16
 & 24 Dec 63 no 2368

9
11. Matters remained thus
for nearly 20 years, until
1882 when Subha Kaidie
for the first time put forward
a definite claim to Darnala
as a Zamindari confirmed
to him by a ^{refulag} Sanad i milkiat
i-istimrar transmitted
to him by Sol. Numro in
F. 1212 (1802); that the
Zamindari was duly enjoyed
or the peshkash paid till
F. 1215 when the Zamindar
falling ill the management
of the estate was taken over
by the Govt., Sol Numro
arranging that he should
receive an annual part
of 850 c. pagodas plus 10 per
cent of excess revenue
In other words that the
payments which appeared
in the registers of this time
were not an ⁱⁿ ^{xx}
in respect of a resar's
palaia, but a true
arrangement

petitioner's grandfather

Petitioner's grandfather

11. Matters remained thus for nearly 20 years, until 1882 when Subba Kaidu for the first time put forward a definite claim to Dornala as a Zamindari confirmed by a Sanad i mulkiyat i-istimrar transmitted to him by Sol. Numro in 1212 (1802); that the Zamindari was duly enjoyed & the peshkash paid till 1215 when the zamindar, falling ill the management of the estate was taken over by the Govt., Sol Numro arranging that he should receive an annual post of 850 c. pagodas plus 10 per cent of excess revenue. In other words that the payments which ^{is list} in the register's ^{at} time were not an ^{ance} in respect of a med paltan, but a trust arrangement

petitioner's grandfather

11. Matters remained thus for nearly 20 years, until 1882 when Subha Kaidie for the first time put forward a definite claim to Darnala as a Zamindari confirmed by a ^{regular} Sanad i mulkiyat i-istimrar transmitted to him by Sol. Numro in 1212 (1802); that the Zamindari was duly enjoyed & the peshkash paid till 1215 when the zamindar falling ill the management of the estate was taken over by the Govt., Sol Numro arranging that he should receive an annual pesh of 850 c. pagodas plus 10 per cent of excess revenue. In other words that the payments which ^{is} ~~is~~ in the register's ^{is} ~~is~~ time were not a ^{finance} in respect of an armed fief, but a trust arrangement.

No 6 of list India.

7. India

also Record Keep
memoranda d 14/10/84
15/6/85

14. Some correspondence
ensued with the Govt of
India, in the course of which
the Memorialists' case
was further considered
with the result that
Govt. in G.O. 10. Sept. 84 no
1022 R. directed further
inquiry to be prosecuted

15. The result of this
inquiry ~~see~~ is recorded
in G.O. d 3 June 85 no.
1608. The Memorialists
documents were pro-
nounced to be un-
ident forgeries. The
recommendation to the
Govt of India was
withdrawn; & the Memorialists
application finally and
~~the~~ absolutely rejected.

16. There is one point
about the original documents

No 6 of list ibid.

7. ibid.

also Record Keepers
Memoranda d 14/10/84
15/6/85

14. Some correspondence
ensued with the Govt
India, in the course of
the Memorialists' case
was further considered
with the result that
Govt. in G.O. 10. Sept. 84
1022 R. directed further
inquiry to be prosecuted

15. The result of this
inquiry ~~was~~ is recorded
in G.O. d 3 June 85
1608. The Memorialists'
documents were pro-
nounced to be in-
fudent forgeries. A
recommendation to
Govt of India was
withdrawn; & the Mem-
orialists' application finally
~~was~~ absolutely rejected

16. There is one point
about the original de-

referred to in the petition
of 1882, which I have
just discovered. It appears
to ~~confirm~~ ^{but} beyond
dispute the ~~fraudulent~~ fraudulent
character of the evidence
on which the claim is
founded.

Document marked B
purports to be written
by "Mister Colonel Su
Thomas Munro Sahab"
and it is dated 7/12/11
which is A.D. 1802.

Now in 1802 Munro
was a simple Major
he did not attain the rank
of Lt Colonel till 1804.
(see ^{Munro vol.} ~~Arbuthnot~~ p. cxvi)
nor was he ~~ordered~~
promoted to be a K.C.B.
till 1819 (ibid p. clxvi).

17. With reference to
the answer to be filed in
the present suit, that
proposed by the Board
of Revenue seems to

Read B.P. Ref. no. 656 d. 15 June 1898
Confid. no 15
B.P. Ref. no 8249 d. 29 July 98
Confid. no 23

G.O. 21 Sept 1898, no: 3801/Mis.

The papers will be forwarded through the Government Solicitor to the Advocate General in view of the preparation of a draft written answer to be filed in the District Court, Kurnool, on the 30th September, to which date the hearing of the case has been adjourned.

(Intld.) G.S.F.

To Mr. Shalva with Memo
Board of Res. & papers
and to be
21/9/98

For copying _____
Not copied _____ } 189 .
When examined _____
When _____

HEAD MAIN G.O., No. _____ DATED _____

Copy No. _____

alist
REF TO G. No. _____

OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

ma
STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING WANT FOR DISPATCH
IN ORIGINAL.

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