Revenue (1897) Department

PRESS SERIES.

G.O., No. 373

Dated 13th June 1899

[Despatch Abstract.]

Directing the registry of a Polygar Pension account in R. No. 2353-11-11 per annum in the name of Chengaraya Nayudu of Vayalpad Taluk Cuddapah District, on the distinct understanding that he maintains the whole of the original grantee.

BACK PAPERS.

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

FURTHER PAPERS.

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

$\frac{O}{18}$ 4,000—18-10-98.

Revenue (1899) Department.

CURRENT No. 124

Order

From

Chenguppa Naidu
of Regulla Village, of
Vayalpad Taluk,
Cuddapah Dt.

No.

Dated 4-1-99

Received 6-1-99

Registered 7-1-99

Enclosures -

Spare copies.

SUBJECT.

Praying that the whole Poligar pension of Rs. 2353-11-11 registered in the name of one Venkatarayudu of Cuddapah Dt may be registered in his name, as he is the nearest heir to the original grantee.

BACK PAPERS.

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

FURTHER PAPERS.

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

0/18 4,700—18-10-98.

Revenue (1899) Department.

CURRENT No. 124

Order

From

Chengayya Naidu,
of Regalla Village, of
Vayalpad Taluk,
Cuddapah Dt.

No.

Dated 4-1-99

Received 6-1-99

Registered 7-1-99

Enclosures -

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SUBJECT.

Praying that the whole Poligar pension of Rs. 2353-11-11 registered in the name of one Venkatarayudu of Cuddapah Dt. may be registered in his name, as he is the nearest heir to the original grantee.

2

BACK PAPERS.

G.O.	No.	Department.	Date.
	335		7-2-99

Genl Record papers
J 30/1/99

FURTHER PAPERS.

G.O.	No.	Department.	Date.

COURT FEE
Rs. As.
2-1 99
TWO ANNAS

CHIEF SECRETARY
5 JAN 1899
GOVERNMENT OF MADRAS

J.

His Excellency the Governor in Council
Fort Saint-George
Madras.

PETITION
0917
REVENUE DEPT

The humble petition of Chengayya Naidu of Regalle Village of Vayalpad Taluq in the District of Cuddapah.

Most humbly and respectfully sheweth,

That this petitioner understands that your Excellency has directed the Collector of Cuddapah (vide G.O. No. 335 Revenue dated 7th June 1898, miscellaneous.) to register the Doddipalli Paligar Pension of Rs 2353. 11. 11 in the name of one Venkatrayadu of Doddipalle Village of Vayalpad Taluq in the District of Cuddapah, after verification.

That the last registered holder of the pension was one Venkatarama dasapah Naidu who died on the

the 11th October 1896 leaving no lineal descendant whatever surviving him.

3. That by virtue of the Hindu Law and by the nature of the grant the said pension should devolve on the nearest descendant of the original grantee, in the surviving line.

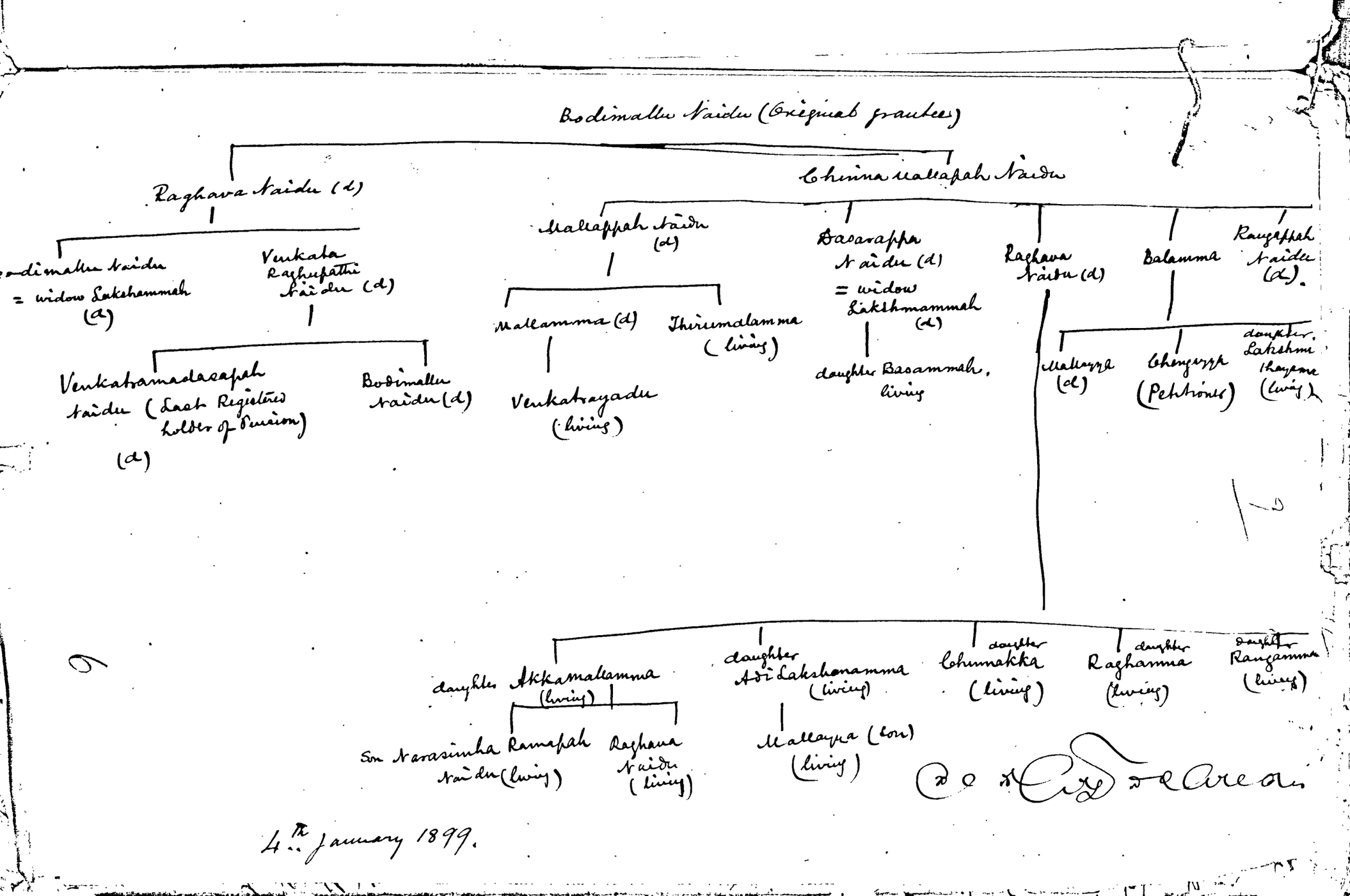
4 That this petitioner is the nearest heir to the original grantee Bodimalla Naidu garu, being his son's daughter's son. (vide pedigree herewith appended).

5 That your petitioner further begs to state that his father Ramayya Naidu was affiliated into the family as the illatom sonimlaw of Chinnamallapah Naidu son of the original grantee; and that this fact placed the said Ramayya Naidu in the position of a son of the said Chinna mallappah Naidu.

6. That this petitioner was not aware of the several applications for the pension and was under the impression that the matter would be settled after an enquiry in the village into the heirship to the deceased Venkata (Do rama Cha) dasapah Naidu.

This petitioner therefore humbly
and respectfully prays that your Gracious
Excellency will be pleased to consider his
Claim and to register the whole pension in
his name and to grant him the same,
for which act of mercy and Kindness
Your humble petitioner as in duty bound
shall ever pray

4th January 1899



4th January 1899.

Revenue (1899) Department.

CURRENT No. 1103. ~~458~~ Rev ~~of 98~~

From The ag. Collector of Cuddapah

Order

Report. Current No. 458 of 98 Rev

Dated 4th February 99

Received 13/2

Registered 13/2

Enclosures 6

Spare copies

SUBJECT.

Reporting the claims of a new petitioner Chengiah for the Poligar pension of Doddipalle village Boyal pad Taluk

12

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

REFERENCE ~~DISPOSAL~~ No. one 458/Rev of 98 Cuddapah COLLECTOR'S OFFICE Dated 4th February 1899.

ENCLOSURES.

FROM H. D. Harding Esquire
Ag. COLLECTOR OF Cuddapah.

TO THE Secretary to Government.
Revenue Department.
Madras.

SIR,

With reference to Government order Revenue No. 335 dated 7th June 1898, requesting me to verify the relationship of Venkatarayadu with that of the original grantee Bodumalla Naidu, in connection with the pension reported for resumption in this Office Ref. No. 458/Rev of 98 dated 31st March 1898, I have the honor to report as follows:—

The original Poligar pension of Rs 2353-11-11 granted to one Bodu[malla] Na[ra]ya[na]ndu, [by] Sir Thomas Munro

...l by Government in G.C.
s 2024/29.11.71 between the two incumbents
Venkatrama Dasappa Naidu and
Raghava Naiden in the proportion
of 3/5 and 2/5 respectively. Venkatra-
ma Dasappa Naidu the holder of
3/5 pension died on 11.10.1896. On
the recommendation of the Sub-Collector,
this amount was recommended to
Government for resumption on the
ground that there were no proper
heirs to succeed Venkatrama Dasappa
Naidu in the elder line. (Vide this
office letter Ref. 458/Res. of 98 Dated
31st March 98.) This recommenda-
tion was not accepted by
Government for the reason that
the division of 3/5 pension effected
in G.O. 2024/29.11.71 was a temporary one
consequent on the refusal of
the deceased (Venkatrama Dasappa Naidu)

...l have any pre-
maintain the Br. Mrs. and
The Government further decide-
that the pension should devolve
on the lineal descendant of the
original grantee (vide G.O 2024/29.11.7
as per original order conferred
on the original grantee Bodu-
malla Naidu, viz. that the pensi-
must be continued to lineal
descendants during good be-
haviour.

2/ Now that Venkatrama Dasappa
died without issue, the pension
should therefore be given to on
who is the nearest relation to the
original grantee in the other
existing line of Chinnamallappa
Naidu.

3/ In this line, there are the
following claimants at prese
(vide genelogical tree enclosed):-
1 Venkatrayadu the son of Mar
mma (deceased) daughter of

...th, son of Balamma, daughter
...of Chinnamallappa Naidu.
...Akkamallamma (on behalf of
...her minor son Narasimha Ramappa
...Naidu), daughter of Raghava Naidu
...the last holder of $\frac{2}{5}$ pension.

It is a known fact that Dasa-
rappa Naidu's family has no claim
as he was given away in adoption
and that Lakshamma, wife of Da-
sarappa Naidu has only a claim
for maintenance and her daughter's
claims are out of question. Of
the 3 persons named above, No. 3
(Akkamallamma) is the wife of
Chengiah (No. 2) and is the first-
daughter of Raghava Naidu, the
holder of $\frac{2}{5}$ pension and she and
her sisters are enjoying the $\frac{2}{5}$ pension
jointly. Narasimha Ramappa Naidu,
son of Akkamallamma is the
4th in descent from the origi-
nal grantee, being his
(original grantee) son's son's
deceased [illegible]

But he has not been adopted into this family & will not be taken by his mother & grandfather SR

son and cannot have any pre-
ferential claims over No. 1 and 2.
No. 1, Venkatrayadu, is the son of
daughter of Mallappa Naidu,
son of Chinnamallappa Naidu
and belongs to a separate
family as was reported in
Office Ref: 3872 dated 3rd Oct. the
and would deserve consider-
only if there were no near
He is only 5th in descent from the original gra-
being the son's son's daugh
and stands almost in the
position as Narasimha Ra
Naidu - No. 2 Chengayya
4th in descent to the orig
grantee, being the son's
son. Further, Chengayya's
Ramayya (the husband
lamma, daughter of Ch
" " Naidu)

...tum son-in-law of the family
...hinnamallappa Naidu and in
...quence, both Chengappa and his
...t have formed part of the
...ily of the original grantee -
...it will be seen that the claims
...engappa are superior in every
... to those of No 1 or No 3: Akka
...lamma mother of No 3 Vara-
...a Ramappa Naidu has no
...tion to Chengiah (her husband)
...ing the pension registered
... name, as she and her four
...ts are under his protection.
...n the other hand, She objects
...Akkatrayadu, on the ground
...1/2 will not protect the
...terests of the family of the
...oal grantee. I am there-
...re of opinion that the entire
...in including the 2/5th share
...ceived by his wife and
... ...ter may be paid to
...s deceased

in the name of Chengiah, on the distinct understanding that he maintains the whole family. The petitions presented by Chengiah and Akkamallamma are enc[losed] for perusal and return.

I have the honor to be
Sir
Your most obedient Servant

Collector
for a/c Collector

copd
Pk 11.2.25.

Bodim alla Naidu (original grantee)

Raghava Naidu (d).

Bodu Malla Naidu (d)

wife Lakshmamma (d)

Venkatalaghupathi Naidu

Venkatramappasapah Naidu (Last Registered holder of Pension)

Bodimalla Naidu (d).

Chinnallappah Naidu

Mallapah Naidu (d)

Mallamma (d)

Thirumalammah living

Venkatrayadu ×

Dasarapah Naidu (d).

wife Lakshmammah living

daughter Basammah. living

Raghava Naidu (d)

daughter × Akkamallamma (living)

Son Narasimha Naidu (living)

Ramapah

Raghava Naidu (living)

Adi Lakshmma daughter (living)

Mallappa (son) (living) ×

Chinnakka daughter (living)

Balamma (d)

Mallappa (died)

Chengayya (Petitioner)

Lakshmi Mayamma (living)

Rangappah Naidu (d)

Rajammah daughter (living)

Rangamma daughter (living)

T. M. Narasimha Charlu
Pleader
5.1.99.

1
REVENUE DEPT.
1103

Bodumalla Naidu (original Grantee).

Raghava Naidu (d)

Bodumalla Naidu wife Lakshmamma (d)

Venkatraghupathi (d) Naidu

Venkattrayadu Dasappa Naidu (Holder of 3/5th pension. Died on 11.10.76)

Bodumalla Naidu (dead)

Thirumalamma (dead)

Mallamma (dead)

Venkatrayadu I (1st claimant) to 3/5 pension

Chinnamallappa Naidu (d)

Mallappa Naidu (Dead)

Dasarappa Naidu (Dead. Given away (has daughter))

Wife Lakshmamma (living)

Daughter Basamma (living)

Thirumalamma (living)

Raghava Naidu (Dead. Last holder of 2/5th pension)

Balamma Dead. Ramayya Husband.

Rangappa

Mallayya (dead)

Lakshmi Nayamma

II Chengiah 2nd claimant Husband of 5th daughter of Raghava Naidu holder of 2/5 share

Wife Manganamma Naickwalu (Dead)

(3rd claimant to 3/5th pension & holders of 2/5th pension)

III Akkamallamma (1)

Adi Lakshmamma (2)

Mallayya

Chinnakka (3)

Ragammah (4)

Rangammah (5)

Srinivasa

Raghava Naidu

D
1—1,000—7-9-98.

REVENUE DEPARTMENT.

C No. 124 of 99

From Chengayya Nayudu

Dated 4th January 1899.

FOR ORDERS.

To Madras

The ~~Current Appeal~~ above is an appeal against the order of Government directing the registry, in the name of Venkatrayudu, of an allowance of Rs 2353-11-11 per annum granted to one Bodunalla Nayudu as compensation in lieu of resumed lands, offices and privileges.

2. The petitioner states that he is the nearest heir to the original grantee, Bodunalla Nayudu, being his son's daughter's son while Venkatrayudu is the daughter's son of the grandson of the original grantee and that his (petitioner's) father Ramayya Nayudu having been affiliated into the family as the Illatom son-in-law of Chinna Mallappa Nayudu, son of the original grantee, was in the position of a son to the said

× G.O. 335 7-6-98

vide genealogical table at page 6 of the note under G.O. 335 dy 7.6.98.

Chinnamallappa Nayudu

3. The facts of the case are stated in the note under G.O. 335 dt 7th June 1898.

In para 5 of the Standing order No. 136 A, it is laid down that where pension granted as compensation for the resumption of lands, offices or privileges is of the nature of private property given up to Government, it will be continued to legal heirs. In para 3 of the note referred to, it was submitted that the petitioner Bhungayya would seem to be the only member who could claim as heir the allowance enjoyed by Venkatrama Dasappa Nayudu. The Secretary, however, remarked "The person we have "to look for is not the heir under "Hindu law of Dasappa, but the "eldest lineal descendant of the "original grantee: There is no heir "in the eldest surviving line ie "Dasappa's line; and taking the "genealogical table to be correct the "next existing line is that of Chinna "Mallappa Nayudu, and the eldest "heir in that line appears to be

What is the authority for this title

Page 8 of the note in G.O. 335 dt 7.6.98

Note G.O. 269/22 dt 10-4-90 on which S.O. No 136 A is based. C.R. 20/1/99

Both please see note at end 21/2

Page 12 of the note.

"Venkatrayudu." The Collector was directed to register, after verifying the correctness of the relationship, the whole allowance in the name of Venkatrayudu on the distinct understanding that he maintains the whole family.

4. Submitted that there does not seem to be any reason to interfere on the petitioner's behalf

C.R. 18/1/99.

Secy

It is true that B.S.O. 136 A & G.O. 269/10.4.90 (Rules) upon which the S.O. is based use the expression "legal heirs".

But profligate pensions have been held to be hereditary to lineal descendants during good behaviour (Vide letter to the Govt of India No 287 dt 21st March 1848)

Venkatarayudu (Vide tree at page stapled to) is no doubt the lineal descendant in the senior line; but petn

seems to be the legal heir.
As noted above, the
impression "legal heir"
seems wrong & the
decision to register
Venkata rayudu
seems therefore, it
is submitted correct.

Mc
2/12/99

H.M.

The decision of Govt. is supreme
& cannot be questioned in
the Courts. The continuance
of the grant is indeed in any
case an act of grace. Poligar
pensions are continued to
the eldest lineal descendant
at any rate if he has not
left the family. In this case
Venkatarayudu is the eldest
& has never left the family
of the original grantee.

S.R.
3/12/99

H.M. By eldest lineal descendant
was meant not the member oldest
in age but the eldest representative
C.G.O. 20/3/14.

FOR ORDERS.

No time ought to be allowed
that the rule of primogeniture
should be followed in Inam
field enquiries. MJ

What do you understand
by this? The petitioner is
a lineal descendant &
older than Venkatarayudu.
I cant find
where the "eldest" comes
in.
HJS
4-2-99.

of the eldest line of the
original grantee.
2 B.S.O. no 136 (revised
it is explained that:-

"Subsistence
"allowances and hereditary allowances
"should not be sub-divided without
"very good grounds. These grants
"were usually made for the respectable
"maintenance of a particular family
"or individual, and the members
"of the family should look to the
"head of it for their support."

It is a departure
from strict principle to divide
a Poligar pension among the
members of the family.
ought always if possible
be registered in the name of
the eldest descendant in the
eldest line, according to the
original intention. When sub-
division has been allowed it has
usually resulted in confusion
and family
bickerings.

The genealogical table is
at p. 6 of the notes in Fc. 7/6.

335.

Venkatarama Dasappa's line
extinct: & Venkatarayudu is
eldest surviving representative in
eldest surviving line

In the report received since
previous note was written
No. 1103 of 1899) the Collector
was asked to verify the
relationship of Venkatarayudu
forms the accuracy of the
genealogical table: but he
is at the same time in
favour of a new petitioner
Chengayya, because he is
in descent while Venkata-
yudu is 5th in descent.
but that he is one farther
is of no matter, seeing
he represents the
dest line.

It is therefore submitted
Venkatarayudu be registered
place of Dasappa deceased

But this seems to beg the
question - If we are to
follow the rule of primo-
geniture I think the
Collector's nominee must
be preferred -

2-3-99

REVENUE DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 373, REVENUE, DATED 13TH JUNE 1899.

[SUBJECT.—*Continuance of a Poligar pension, Cuddapah.*]

Petition from Chengayya Nayudu, dated 4th January 1899.

To Under Secretary—

The above is an appeal against the order* of Government directing the registry, in the name of Venkatarayudu, of an allowance of Rs. 2,353–11–11 *per annum* granted to one Bodumalla Nayudu as compensation in lieu of resumed lands, offices and privileges.

* G.O., No. 335, dated 7th June 1898.

2. The petitioner states that he is the nearest heir to the original grantee, Bodumalla Nayudu, being his son's daughter's son while Venkatarayudu is the daughter's son of the grand-son of the original grantee and that his (petitioner's) father Ramayya Nayudu having been affiliated into the family as the Illatom son-in-law of Chinnamallappa Nayudu, son of the original grantee, was in the position of a son to the said Chinnamallappa Nayudu.

3. The facts of the case are stated in the note under G.O., No. 335, dated 7th June 1898.

In paragraph 5 of the Standing Order No. 136-A, it is laid down that where pension granted as compensation for the resumption of lands, offices or privileges is of the nature of private property given up to Government, it will be continued to legal heirs. In paragraph 3 of the note referred to, it was submitted that the petitioner Chengayya would seem to be the only member who could claim as heir the allowance enjoyed by Venkatrama Dasappa Nayudu. The Secretary, however, remarked "the person we have to look for is not the heir under Hindu Law of Dasappa, but the eldest lineal descendant of the original grantee. There is no heir in the eldest surviving line, *i.e.*, Dasappa's line; and taking the genealogical table to be correct the next existing line is that of Chinnamallappa Nayudu, and the eldest heir in that line appears to be Venkatarayudu." The Collector was directed to register, after verifying the correctness of the relationship, the whole allowance in the name of Venkatarayudu on the distinct understanding that he maintains the whole family.

4. Submitted that there does not seem to be any reason to interfere on the petitioner's behalf.

C.R.
18–1–99.

To Secretary—

It is true that Board's Standing Order No. 136-A and G.O., No. 269, dated 10th April 1890 (rule 5) upon which the Standing Order is based use the expression "legal heirs."

But poligar pensions have been held to be hereditary to *lineal descendants* during good behaviour (*vide* letter to the Government of India, No. 287, dated 21st March 1848).

32

-2-

Venkatarayudu is no doubt the lineal descendant in the senior line; but petitioner seems to be the legal heir. As noted above, the expression "legal heir" seems wrong and the decision to register Venkatarayudu seems therefore, it is submitted, correct.

Is there anything to show that the rule of primogeniture should be followed? I can find nothing.

H. W[INTERBOTHAM].

N. E. MARJORIBANKS.
2-2-99.

To the Honourable Member—

The decision of Government is supreme and cannot be questioned in the courts. The continuance of the grant is indeed in any case an act of grace. Poligar pensions we continue to the *eldest lineal descendant* at any rate if he has not left the family. In this case Venkatarayudu is the eldest, and has never left the family of the original grantee.

G. S. FORBES.
3-2-99.

What do you understand by this? The petitioner is a lineal descendant and older than Venkatarayudu.

I can't find where the "eldest" comes in.

H. W[INTERBOTHAM].
4-2-99.

To the Honourable Member—

By *eldest lineal descendant* was meant not the member oldest in age but the eldest representative of the eldest line of the original grantee.

In Board's Standing Order No. 136 (new edition), it is explained that—

"Subsistence allowances and hereditary allowances, should not be sub-divided without very good grounds. These grants were usually made for the respectable maintenance of a particular family or individual, and the members of the family should look to the head of it for their support."

It is a departure from strict principle to devide a poligar pension among the members of the family. It ought always, if possible, to be registered in the name of the eldest descendant in the eldest line, according to the original intention. Where sub-division has been allowed it has usually resulted in confusion and family bickerings.

The genealogical table is at page 6 of the notes in G.O., No. 335, dated 7th June 1898.

Venkatrama Dasappa's line is extinct: and Venkatarayudu is the eldest representative in the eldest surviving line.

In the report received since the previous note was written, the Collector who was asked to verify the relationship of Venkatarayudu confirms the accuracy of the genealogical table; but he is at the same time in favour of a new petitioner Chengayya because he is fourth in descent while Venkatarayudu is fifth in descent. But that he is one farther off is of no matter, seeing that he represents the eldest line.

It is therefore submitted that Venkatarayudu be registered in place of Dasappa deceased.

G.S.F.
24-2-99.

As far as I can understand, the direction that poligar pensions should be hereditary to lineal descendants was intended o leave it open to select the lineal descendant best fitted to maintain the family. In this case, there seems no doubt that Chengayya is best fitted. I would accept Collector's opinion and continue the pension to Chengayya.

H.W.
10-6-99.

3

To Secretary—

Please see draft order below.

B.M.
10-6-99.

Issue.

N.E.M.
13-6-99.

36

25

Revenue Department

Read petition from Chengayya Naidu ✓ 4.1.99 (ens. 124 of 99).

Read letter from the Collector of Cuddapah ✓ 4.2.99 (ens. 1103 of 99).

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Note

G.O. (Pris.) No. 373 d/13th June 1899

In the circumstances now reported, the entire pension will, as recommended by the Collector, be registered in the name of Chengayya Nayudu on the distinct understanding that he maintains the whole family.

2. The petitioner will be referred to the Collector for orders.

(From orders)

Mes 13/6 RR Print

Sec. 10-7-99.

To The Colr of Cuddapah with petns returned.

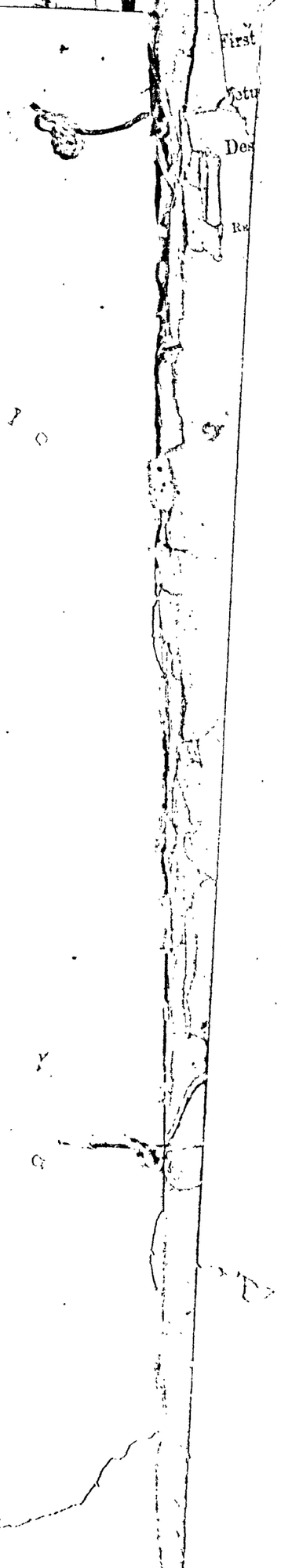
a Revl-Genl

Para 2 to the petr 25/3

Note As the pension was not unconditionally registered in the name of Venkatarazudu in para 2 of G.O. 335 ✓ 7.6.98, no reference is made in the present order about the modification of that order.

CBW 10.6.99
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16



REVENUE DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 373, REVENUE, DATED 1[illegible] JUNE 1899.

[SUBJECT.—*Continuance of a Poligar pension, Cuddapah.*]

Petition from Chengayya Nayudu, dated 4th January 1899.

To Under Secretary—

The above is an appeal against the order * of Government directing the registry, in the name of Venkatarayudu, of an allowance of Rs. 2,353-11-11 *per annum* granted to one Bodumalla Nayudu as compensation in lieu of resumed lands, offices and privileges.

* G.O., No. 335, dated 7th June 1898.

2. The petitioner states that he is the nearest heir to the original grantee, Bodumalla Nayudu, being his son's daughter's son while Venkatarayudu is the daughter's son of the grand-son of the original grantee and that his (petitioner's) father Ramayya Nayudu having been affiliated into the family as the Illatom son-in-law of Chinnamallappa Nayudu, son of the original grantee, was in the position of a son to the said Chinnamallappa Nayudu.

3. The facts of the case are stated in the note under G.O., No. 335, dated 7th June 1898.

In paragraph 5 of the Standing Order No. 136-A, it is laid down that where pension granted as compensation for the resumption of lands, offices or privileges is of the nature of private property given up to Government, it will be continued to legal heirs. In paragraph 3 of the note referred to, it was submitted that the petitioner Chengayya would seem to be the only member who could claim as heir the allowance enjoyed by Venkatrama Dasappa Nayudu. The Secretary, however, remarked "the person we have to look for is not the heir under Hindu Law of Dasappa, but the eldest lineal descendant of the original grantee There is no heir in the eldest surviving line, *i.e.*, Dasappa's line; and taking the genealogical table to be correct the next existing line is that of Chinnamallappa Nayudu, and the eldest heir in that line appears to be Venkatarayudu." The Collector was directed to register, after verifying the correctness of the relationship, the whole allowance in the name of Venkatarayudu on the distinct understanding that he maintains the whole family.

4. Submitted that there does not seem to be any reason to interfere on the petitioner's behalf.

C.R.
18-1-99.

To Secretary—

It is true that Board's Standing Order No. 136-A and G.O., No. 269, dated 10th April 1890 (rule 5) upon which the Standing Order is based use the expression "legal heirs."

But poligar pensions have been held to be hereditary to *lineal descendants* during good behaviour (*vide* letter to the Government of India, No. 287, dated 21st March 1848).

Venkatarayudu is no doubt the lineal descendant in the senior line; but petitioner seems to be the legal heir. As noted above, the expression "legal heir" seems wrong and the decision to register Venkatarayudu seems therefore, it is submitted, correct.

Is there anything to show that the rule of primogeniture should be followed? I can find nothing.

H. W[INTERBOTHAM].

N. E. MARJORIBANKS.
2-2-99.

To the Honourable Member—

The decision of Government is supreme and cannot be questioned in the courts. The continuance of the grant is indeed in any case an act of grace. Poligar pensions we continue to the *eldest lineal descendant* at any rate if he has not left the family. In this case Venkatarayudu is the eldest, and has never left the family of the original grantee.

G. S. FORBES.
3-2-99.

What do you understand by this? The petitioner is a lineal descendant and older than Venkatarayudu.

I can't find where the "eldest" comes in.

H. W[INTERBOTHAM].
4-2-99.

To the Honourable Member—

By *eldest lineal descendant* was meant not the member oldest in age but the eldest representative of the eldest line of the original grantee.

In Board's Standing Order No. 136 (new edition), it is explained that—

"Subsistence allowances and hereditary allowances, should not be sub-divided without very good grounds. These grants were usually made for the respectable maintenance of a particular family or individual, and the members of the family should look to the head of it for their support.'

It is a departure from strict principle to devide a poligar pension among the members of the family. It ought always, if possible, to be registered in the name of the eldest descendant in the eldest line, according to the original intention. Where sub-division has been allowed it has usually resulted in confusion and family bickerings.

The genealogical table is at page 6 of the notes in G.O., No. 335, dated 7th June 1898.

Venkatrama Dasappa's line is extinct: and Venkatarayudu is the eldest representative in the eldest surviving line.

In the report received since the previous note was written, the Collector who was asked to verify the relationship of Venkatarayudu confirms the accuracy of the genealogical table; but he is at the same time in favour of a new petitioner Chengayya, because he is fourth in descent while Venkatarayudu is fifth in descent. But that he is one farther off is of no matter, seeing that he represents the eldest line.

It is therefore submitted that Venkatarayudu be registered in place of Dasappa deceased.

G.S.F.
24-2-99.

As far as I can understand, the direction that poligar pensions should be hereditary to lineal descendants was intended to leave it open to select the lineal descendant best fitted to maintain the family. In this case, there seems no doubt that Chengayya is best fitted. I would accept Collector's opinion and continue the pension to Chengayya.

H.W.
10-6-99.

To Secretary—

B.M.
10-6-99.

Please see draft order below.

Issue.

N.E.M.
13-6-99.



NOTES CONNECTED WITH G.O., No. 335, REVENUE, DATED 7TH JUNE 1898.

[SUBJECT.—*Continuance of a poligar pension.*]

Letter from the Collector of Cuddapah, Ref. on C. No. 458, *Revenue, dated* 31*st March* 1898.

To Under Secretary—

In 1801, an allowance of Rs. 196-2-3 *per mensem* or Rs. 2,353-11-11 *per annum* was granted to Bodumalla Naidu, poligar of Doddipalli, Cuddapah district, in lieu of resumed lands, offices and privileges (*vide* paragraph 2 of Board's Proceedings in G.O., No. 1479, dated 24th December 1873). The papers relating to the original grant are not available in the Old Record office). In 1837, the allowance was registered in the name of Venkataraghupathi Naidu, the grandson of the original grantee, and on his death in 1853, it was continued in the name of his minor son Venkatrama Dasappa Naidu, for the support of himself and the other members of the family of the original grantee. During his minority, the allowance was paid to his guardian Raghava Naidu, his father's first cousin. On attaining majority, Venkatrama Dasappa Naidu drew the allowance himself and retained the whole for his own exclusive benefit. As he not only persistently refused to give Raghava Naidu his share of the allowance, but denied his right to it, the Government, on the recommendation of the Board of Revenue, sanctioned payment to Raghava Naidu, for the support of those members of the family dependent on him, of two-fifths of the poligar pension standing in the name of Venkatrama Dasappa Naidu (*vide* G.O., No. 2024, dated 29th November 1871). It will be seen from paragraph 8 of the Sub-Collector's letter in Board's Proceedings, No. 2498, dated 15th May 1865, that though the number of members * (17) dependent on Raghava Naidu was much larger than that (5) dependent on Venkatrama Dasappa Naidu, the former was allowed only two-fifths of the pension on account of the very distant relationship of the members depending on him.

Extracts of Minutes of Consultation, No. 430, dated 4th April 1837.

Extracts of Minutes of Consultation, No. 38, dated 6th January 1854.

Vide paragraph 2 of Board's Proceedings in G.O., No. 1479, dated 24th December 1873.

* *Vide* paragraph 8 of the Sub-Collector's letter, dated 3rd March 1871, in page 2 of G.O., No. 2024, dated 29th November 1871.

2. In the tabular statement received with the above letter, it is reported that Venkatrama Dasappa Naidu, the holder of the three-fifths of the allowance, died on the 11th October 1896, and that five persons have come forward putting forth their claims to the allowance. The Collector of Cuddapah considers that none of the five claimants is entitled to the allowance. He states —"The first petitioner and "claimant Mangamma Nayakuralu is the widow of the third son (Raghava Naidu) of "Chinnamallappa Naidu, the youngest son of the original grantee. Her husband "(Raghava Naidu) was the enjoyer of the two-fifths portion of the entire pension "which was divided by Government in G.O., No. 2024, dated 29th November 1871. "Her claim therefore cannot be admitted under Hindu Law.

Please see genealogical tree annexed.

N.E.M.

"The second claimant Lakshmamma Nayakuralu is the wife of the second son "of Chinnamallappa Naidu, the youngest son of the original grantee. She has no "male issue but has a daughter. Her claim also is not admissible.

"The third claimant Venkatrayudu is the son of the daughter of the first son "of Chinnamallappa Naidu, the youngest son of the original grantee. He is only a "distant *bandhu* and not a *gnyati*. He is also therefore not entitled to the deceased's "portion of pension under Hindu Law.

"The fourth claimant Tirumalamma is the daughter (by second wife) of the "first son of Chinnamallappa Naidu, the youngest son of the original grantee. She "is a maiden yet and has no claim to the deceased's allowance.

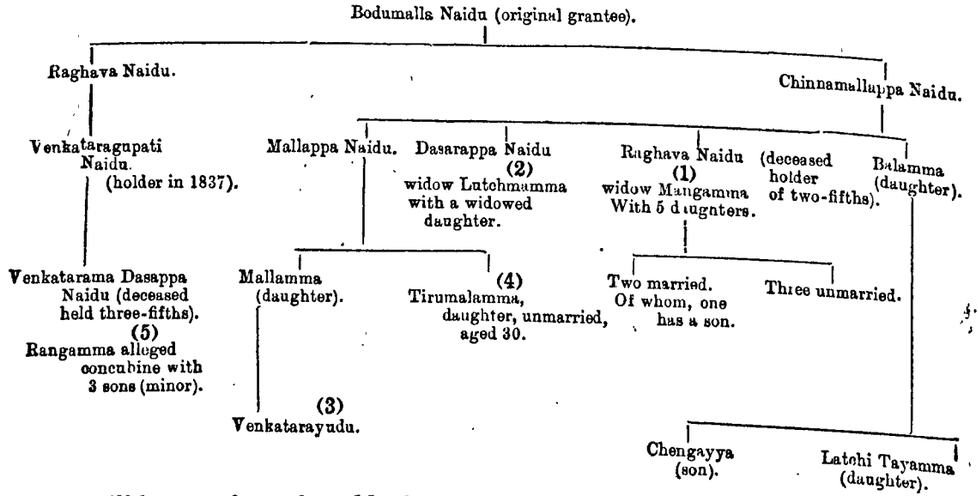
"The fifth and last claimant is one Rangamma on behalf of her three minor "sons. She comes forward as the connec-"tion* of the deceased. But enquiry "shows that the deceased for 20 years "before his death was confined to bed on "account of chronic rheumatism, so much "so that he was even unable to rise without the assistance of others. It is therefore "highly improbable that the deceased had kept her and her claim is inadmissible."

* This is apparently a prudism for "concubine."

N.E.M.
19-5-98.

The first four claimants belong to the younger branch of the family of the original grantee which became divided from the deceased when the partition of the allowance was effected in 1871. As the eldest line of the original grantee has become extinct by the death of the last incumbent, Venkatrama Dasappa Naidu, and as there are no legal heirs to inherit the allowance standing in his name (Rs. 1,412-3-11, *i.e.*, three-fifths of the entire pension of Rs. 2,353-11-11), the Collector recommends that it may be resumed.

3. The relationship of these claimants and of the other existing members of the family of the original grantee is shown in the following genealogical table.



It will be seen from the table that there are no members at all in the elder branch of the family of the original grantee, but that there are some in the younger branch. Looking to the claim of these, it will be observed that only the *widow* of the last holder is a heir under the Hindu Law and claimants, Nos. 1 and 2, being widows of Venkatarama Dasappa Naidu's father's first cousins are not heirs at all (*vide* article 488 of Mr. Mayne's Hindu Law, Fourth Edition). No. 4 is a daughter of one of such cousins and can have no claim as under the Mitakshara Law, the only female heirs are the widow, daughter, mother and sister (*vide* article 489 of Mr. Mayne's Hindu Law, Fourth Edition). Claimant No. 3 is a distant *bandhu* not entitled under the

If by last holder is meant Venkatrama Dasappa Naidu he apparently did not leave a widow, but only an "alleged concubine" or as the Collector calls her "connection."

N.E.M.
19-5-98.

Hindu Law being the grand uncle's son's daughter's son (*vide* table at page 641 of Mr. Mayne's Hindu Law, Fourth Edition). The only member who can claim as a heir seems to be Chengayya, the daughter's son of Chinnamallappa Naidu, the last holder's grand-uncle (*vide* table referred to above). The Collector does not expressly refer to his claims probably because he did not come forward as a claimant. He being however one of the members who are in receipt of two-fifths of the allowance allotted in 1871 (*vide* item 8 in column 7 of the tabular statement at page 1 of G.O., No. 1143, Revenue, dated 16th November 1892), it seems doubtful whether he has any claim to the allowance in question.

4. Orders are requested as to whether the Collector's recommendation to resume the allowance may be approved.

C.R.
7-5-98.

Secretary—

The whole of Chinnamallappa Naidu's branch was provided for by the two-fifths pension. They cannot now claim the three-fifths as well. There is apparently no heir whatever in Raghava Naidu's branch to succeed to Venkatrama Dasappa Naidu's three-fifths. It is submitted that it must be considered to lapse to Government.

N. E. MARJORIBANKS.
19-5-98.

To the Honourable Member—

I am not sure that the order of 16th November 1892, No. 1143, was right.

And so long as there is a lineal descendant (if there are no exceptional circumstances), the pension must be continued.

J.G.

The pension is hereditary during good behaviour to the lineal descendants of the original grantee.

In 1853 the pension was properly registered in the name of *Venkatrama Dasappa Naidu*, the great grand-son of the grantee, and he succeeded to the whole pension.

The division of the pension in 1871 into two shares—three-fifths to be enjoyed by Dasappa and the remaining two-fifths by Raghava Naidu, grandson of the grantee, must be taken to have been a mere temporary arrangement, because Dasappa refused to maintain a certain members of the family whom, under the terms of the grant, he was bound to support.

G.O., No. 2024, dated 29th November 1871.

J.G.

That arrangement cannot, I think, be deemed to have altered the final devolution of the pension or to have created a permanent sub-division of it, each share following its own line of descent. On each lapse we must see who is the eldest lineal descendant.

J.G.

Accordingly, in 1892 when Raghava died and the question arose as to the devolution of the separate share which he enjoyed in trust to carry out towards the family, a duty which the proper heir neglected, an opportunity should have been given to Dasappa to state whether he was still recalcitrant or was then willing to do his duty. In any case the registration in the name of Raghava's daughters must be deemed to have been also temporary during Dasappa's life, on the assumption that Dasappa still persisted in his line of conduct.

The arrangement was final as regards Dasappa Naidu, but not as regards the next lineal descendant.

J.G.

J.G.

Now, however, that Dasappa is dead, the question is in whose name the *whole* pension shall be registered.

The person we have to look for is not the heir under Hindu Law of Dasappa, but the eldest lineal descendant of the original grantee.

There is no heir in the eldest surviving line, *i.e*, Dasappa's line; and taking genealogical table to be correct the next existing line is that of Chinnamallappa Naidu, and the eldest heir in that line appears to be *Venkatarayudu*, marked **(3)** in the table.

J.G.

I assent to it.

J.G.

If my view of the principle of descent is correct, the Collector had better verify Venkatarayudu's relationship: and if it is as it stands in the table, register the whole pension in his name on the distinct condition that he maintains the whole family: this being interpreted so far as Raghava Naidu's daughters are concerned to mean that he will continue to them the allowances they now draw under the Government Order of 1871: since it would be hardly fair after this lapse of time to prejudice the pecuniary position which that Government Order placed them in. The descendants of Raghava's daughters at the same time should be made clearly to understand that no portion of the pension will be registered in the name of their heirs.

G. S. FORBES.
22-5-98.

If the relationship is proved the available three-fifths must go to him, and when each of the present holders of the two-fifths dies her share must devolve on him. The order should be communicated to these ladies.

J. G[ROSE].
25-6-98.

Secretary—

Please see draft below.

N. E. MARJORIBANKS.
6-6-98.

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G. STOKES.
6-6-98.

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