

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4626

DATED 24th November 98

[Despatch Abstract.]

Agreeing with the Bd of Rev & the Commr
Madras in considering that, in the circum-
stances stated by Messrs Manners & Beaumont
on behalf of Mrs. M., further payment of
the monthly allowance to the Ras Bahadur
Cammiah Chetty's Madras Agent may be
suspended pending the disposal by the High
Court of Messrs Manners & Beaumont's petition.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
to	2116		16 5 98				
to	3066		16 6 97				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	enc 1209	new	1897				

Judicial (1898) Department.

CURRENT No. 6989

From

The Board of Revenue,
Land Revenue,
Madras.

No. 2804 Misc.

Order

Dated 8th October 1898

Received //

Registered //

Enclosures 4

Spare copies

SUBJECT.

Submitting to Govt. the report
called for in G.O.No. 3066 dated 16th
June 1897, re: the administration of
Kolla Singanna Chetti's Choultry at
Madras.

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REVENUE DEPARTMENT

BACK

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Mis	3066		6-7-97

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1898.
Board of Revenue
(Land Revenue),
MADRAS.

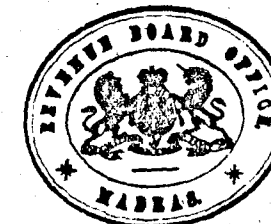
To

True Copy of B.P.

No. 2386 Misc.

Dated 1st July 1897.

Subject.



Proceedings of the Board of Revenue

(Land Revenue).

No. 2386 Misc., dated 1st July 1897.

Read Government Order, Revenue Department, No. 5066
dated 16th June 1897.

-----:0:-----

Resolution

Communicated to the Collector of Madras, Chingleput, and North Arcot for information and guidance.

2. Copies of the Cowle together with the Muchilika executed by Kollah Singanna Chetty were furnished to the Collector of North Arcot with Board's Consultations, dated 24th March 1825 and to the other two Collectors with Board's Consultations, dated 30th September 1852. The special attention of the Collectors will be drawn to the correspondence noted

Madras-Collector's letter to the Secretary to the Board of Revenue dated 8-12-'52, No. 152.

Chingleput-Do. Do., dated 17-2-53, No. 32

North Arcot- Do. Do., dated 20-11-52 No. 79

in the margin and to the remarks of Government contained in the latter half of para 1 of the order read above and they will be requested to issue instructions to the local officers and

agents accordingly. The Collector of Madras will further be requested to take the steps indicated in para 2 of the Government order and also to submit at an early date the report called for in para 4.

3. With reference to his letter of the 4th January last, Mr. Firth will be informed that no action can be taken by Government until an order or injunction issued by the High

(True Extract)

/signed/ N.S. Brodie

Ag. Secretary

To

The Collector of Madras, Chingleput & North Arcot, with copy of

B.P. 1671 Misc., dated 7-5-97

Mr. E. Firth, Receiver in C.S. No. 115 of 1889 (para 3 only)

/True Copy/

Lonell Davidson

Ag. Secretary.

Md. R. H.



Proceedings of the Board of Revenue
(Land Revenue).

No. 3804 Misc., dated 8th October 1898.

Read the following :-

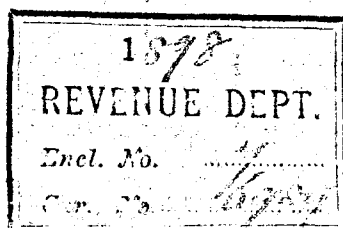
1. Again Board's Proceedings No. 2386 Misc., dated 1st July 1897.
2. Also Endorsement of J.N. Atkinson, Esquire, Ag. Collector of Madras, Ref. on No. 610/G. & B, dated 17th November 1897 and Reference thereon dated 9th December 1897.
3. Also letter from J.N. Atkinson, Esquire, Acting Collector of Madras, Ref. No. 572/ G & B, dated 19th August 1898
4. Also letter from the same officer, Ref. No. 572/ G & B, dated 10th September 1898.
5. Also letter from the same officer, Ref. No. 688/ G & B, dated 26th September 1898.

-----:O:-----

With reference to Government Order No. 3066 Misc., dated 16th June 1897, the Board begs leave to report that instructions in the sense of para 1 of the Government Order were communicated to the Collectors concerned in Board's Proceedings No. 2386 Misc., dated 1st July 1897, a copy of which is annexed to these Proceedings. With reference to paras 2 & 4 of the Government Order the following report is now submitted after consultation with the Collector of Madras.

2. Para 2 of the G.O. Rao Bahadur C.V. Cunniah Chetty stated in a letter to the Deputy Collector of Madras, dated 28th July 1897 that out of the sum of Rs. 1984-1-10 handed over to him by his agent he has spent Rs. 565-2-7 on account of establishment charges &c for the choultry from June 1894 to June 1897. He

Resolution



to utilize the remainder for the repair of the choultry and to submit a detailed estimate for the same, but the promised estimate, however, has not been sent in spite of two urgent ^{reminders} ~~remainders~~ from the Deputy Collector of Madras. The payment of the monthly allowance has been withheld from July 1897 as directed by Government.

3. Para 4 of the G.O. In the year 1889 a suit (C.S.No.115 of 1889) was instituted in the High Court of Madras by the minor sons of Rao Bahadur C.V.Cunniah Chetty to restrain him from squandering and wasting ^{ing} the ancestral estate of the family. In this suit it was, by agreement of parties, ordered at first that Rao Bahadur C.V.Cunniah Chetty should himself be the Receiver of the family estate. Subsequently it was found that he had misconducted himself in the management of the estate and he was therefore removed from the office of Receiver and Mr.E.J.Firth was appointed in his stead by the High Court's order dated 3rd May 1894. In his letter to the Board, dated 4th January 1897, Mr.Firth was in doubt whether the order appointing him as Receiver covered the charities now in question, and he therefore asked that further payments on account of the choultries might be held in abeyance till a decision on the point was obtained from the Court. He was informed, in accordance with para 3 of the G.O. now under reply, that no action could be taken on his request unless an order or injunction from the High Court to stop payment was produced. In their letters, dated 30th August 1897 and 26th August 1898 to the Deputy Collector and the Collector of Madras respectively Messrs.Branson and Branson, on behalf of Mr.Firth, have represented that Mr.Firth is entitled, by virtue of his appointment as Receiver, to take charge of the allowances due to the choultries and to account for their expenditure, that Rao Bahadur C.V.Cunniah Chetty has been entirely divested of all powers which he possessed as managing member of his family, all such powers being vested in the Receiver, Mr.Firth, and that they will shortly move the High Court for specific orders on the subject of the choultries now in question. They also point out that on a previous occasion, i.e. during the minority of Rao Bahadur C.V.Cunniah Chetty, when the estate of the Collah family was under the management of a Receiver, appointed by the ~~then~~ then Supreme Court, the estate included the charities now referred to, and known as Collah Singanna Chetti's charities.

Messrs.Branson & Branson, the further payment ^{ance} in question to Rao Bahadur C.V.Cunniah Chetty's agent may be suspended pending the disposal, by the High Court, of the petition which Messrs.Branson & Branson propose to file, in regard to the right of their client, Mr.Firth, to receive the choultry allowances, and to account for the same. The Board concurs in this opinion of the Collector and will briefly set forth its reasons for doing so. Under the High Court's decree in C.S.No.115 of 1889, dated 22nd October 1891, Rao Bahadur C.V.Cunniah Chetty was ordered as Receiver to furnish the Court within one month from the date of the decree, with among other items;

(a) A list of all the immovable property belonging to the undivided Hindu family represented by him and (c) a list showing details of the monthly and annual rents and profits to be derived from the property and estate of the said undivided Hindu family. The Board is not in possession of the lists furnished in accordance with this order; but even in their absence the question whether Rao Bahadur C.V.Cunniah Chetty and after him Mr.E.J.Firth are to be considered as Receivers of the choultry allowances must, it appears to the Board, be answered in the affirmative, as it has been held by the Advocate General in the opinions printed in G.O.No.548.A Rev., dated 9th July 1897, that the allowances in question form a trust property under the control of the head of the family as hereditary trustee: in other words the allowances are a part of the estate which is ^{now} in the charge of the Receiver. That the family charities come within the scope of the Receivership, appears also from another order of the High Court in the same suit dated 27th October 1896, wherein it was ordered that Rao Bahadur C.V.Cunniah Chetty ^{do} ~~to~~ deliver to the Receiver the possession of the landed endowments connected with the family charities, and that the Receiver do collect the rents and profits thereof.

5. The Collector will be furnished with a copy of the letter from M.R.RY C.V.Cunniah Chetty, dated 2nd December 1852 alluded to in para 7 of the Deputy Collector's report

11th November 1897.

REVENUE DEPARTMENT

D 1,000-8-4-97.

REVENUE DEPARTMENT.

(True Extract)

Donel Dawson

Ag. Secretary.

To

The Secretary to Government, Revenue Department, with copy of ~~M.R.W.~~

B.P. 2386 Misc. and with Messrs Branson & Branson's letters, dated

30-8-97 & 26-8-98, Rao Bahadur Cunniah Chetty's letter to the

Deputy Collector, dated 28-7-97 and copies of the decree &

orders of the High Court, dated 22-10-91, 3-5-94 and 27-10-96

- all to be returned.

The Collector of Madras, with copy of M.R.R.Y. Cunniah's Chetty's letter
dated 2-12-52.

Md. R. W.

Isa

Cur No. 6989

From The Board of Rev. & R.

Dated 8th October 1898.

Re: Coliah Singanna Chetty's
FOR ORDERS. Choultry in Madras.

The facts of the case
are briefly these:-

In 1816, one Coliah Singanna
Chetty paid a sum of Rs 40,000
absolutely to Govt. on condition
of its paying for ever, Rs 50
a month for each of four
choultries established by him
at Madras, Chittoor, Conjee-
varam and Benares. The
trust was accepted, and
a cowle and muchilka
exchanged in 1817, setting
forth the terms and condi-
tions of the grant. Singanna
Chetty reserved to himself,
his heirs and successors, the
right of appointing Agents
at the four places to conduct
the charities, and the Govt.
Through its officers, the Colias,
was

M

Plan, see also 11th
under 20551
30-10-96

Snob 107 to
20551/97
20-10-97

22/10/98

REVENUE DEPARTMENT
FOR ORDERS.

was to see that these Agents did not abuse their power, and that the money granted by Govt. was appropriated to the purpose of the trust.

In its order no 581 Rev d 30th Oct 1896, the Govt desired to have a full report on the working of the three choultries in the Madras Presidency. The report was submitted by the Board of Rev. in its Pro 1671 Mis d 7th May 1897, disposed of in G.O. no 3066 d 16th June 1897. It was stated that agents were duly appointed by Ras Bahadur ^{et.} Cunniah Chetty, the present senior male member of the Chetty family, in all the places, but the charities were, however, conducted only in the two districts of Chingleput and North Arcot. The one in Madras has been in abeyance for some time, as the choultry was in a state of

N para 2

O para 2

para 2 P

great disrepair. Though the allowances were received by the Agent. It was also stated that the charity could not be resumed till after the repairs were made. The Govt. in its order no 3066 Mis d 16th June 1897, required the Collector of Madras to call upon Ras Bahadur Cunniah Chetty, who receives the allowances from the Agent, to undertake the repairs at once, or to refund the amount received by him. It was also directed that no further payments should be made to him or the Agent on this account, and that the institution should be dealt with as the Collector was empowered to do.

para 2, above.

The Board was also requested to submit a full report of the litigation in respect of Ras Bahadur Cunniah Chetty's estate, and of its results in so far as they

REVENUE DEPARTMENT

"they have a bearing upon
"the monthly allowance
"payable by Govt. ~~for~~ the
"maintenance of the choultries
"founded by Singamma
"Chetty at Madras, Conjee-
"varam, Chittoor and Ben-
"gal, or any savings that may
"have accrued from that
"allowance".

2. In the current
read above, the Board
submits the report called
for. It would appear that
Ras Bahadur Cunniah
Chetty admits having
received from the Agent
Rs 1984-1-10 up to June
1897, and promises to uti-
lize for the repairs needed,
the balance (Rs 1418-15-3)
of the choultry funds
still remaining with
him, and to submit a
detailed estimate for the
same. The promised esti-
mate not having been
furnished, the payment
of the monthly allowance
has

has been withheld from
July 1897. In Para 3 of the B. P.
the Board gives a succinct
account of the litigation
in respect of Cunniah
Chetty's estate. It will be
seen from this that in
1889 a suit was instituted
in the High Court of Madras
by the minor sons of
Ras Bahadur C. V. Cunniah
Chetty to restrain R. B. Cun-
niah Chetty from squan-
doring and wasting the
ancestral estate of the family
that by agreement of the
parties R. B. Cunniah Chetty
was at first appointed
as Receiver of the family
estate, and that R. B. Cunniah
Chetty having been found
to have misconducted
himself in the manage-
ment of the estate, he was
subsequently removed
from the office of Receiver,
and Mr Fitch was appointed
in his stead by the High Court
in

the in 1894. In his letter to the
Board of 4th Jan'y. 1897, Mr.
Fitch expressed the doubt
whether the order appoint-
ing him as Receiver covered
the charities in question and
requested that the further
payments on account of
the charities might be
held in abeyance till a
decision on the point was
obtained from the Court.
The Govt. observed that
under the terms of the Com-
mission and the Muzkilka "the
monthly allowance is
payable only to the local
Agents, and as Col. Singamma
Chetty's heirs have nothing
to do with such allowance
there is no reason why its
payment should be held
in abeyance so long as
there are duly appointed
agents to receive the money
and conduct the charities,"
that in any case no action
could be taken by Govt.
until an order of injunc-
tion

EO 3866, para 3
16-8-97
P above.

encl 2 & 3
to the court.

tion issued by the High Court
was produced, and that
Mr Fitch should be informed
accordingly.

Messrs. Branson and
Branson on behalf of Mr Fitch
appear to have given notice
that they would shortly move
the High Court for a specific
order on the subject of the
charities in question on the
grounds (1) ^{that} by virtue of his
appointment as Receiver,
Mr Fitch was entitled to

receive the allowances
due to the charities and
to account for their expendi-
ture, and (2) that when the
estate of the family was
under the management
of a Receiver during the
minority of Rao Bahadur
Cammiah Chetty, the estate
included the charities now
referred to as Singamma
Chetty's charities.

4. The Collector of Madras
considers that in the circum-
stances stated by Messrs

Branson

22/11/18

Manon and Manon
the further payment of
the choultry allowances to
R. B. Cunniah Chetty's Agent
may be suspended, pend-
ing the disposal, by the
High Court, of Messrs ^{Manon} Manon's
petition. The Board of Rev.
supports the Collector's view
for the following reasons.

(1) "The question whether
R. B. Cunniah Chetty, and
after him Mr Fith are to be
considered as Receivers
of the choultry allowances
must be answered in the
affirmative, as it has been
held by the Advocate Genl
in the opinions printed
in G.O. 548-A that the allow-
9-7-97
ances in question form a
trust property under the
control of the head of the family
as hereditary trustee, in
other words, the allowances
are a part of the estate which
is now in ^{the} charge of the
Receiver".

(2) The family charities
con-

Q & R.

come within the scope of
the Receivership as would
appear from another
order of the High Court in the
same suit, of 27-10-96,
"wherein it was ordered that
Rao Bahadur C. V. Cunniah
Chetty do deliver to the Receiver
the possession of the landed
endowments connected
with the family charities,
and that the Receiver do
collect the rents and profits
thereof".

It is submitted that
the Collector's view which is
supported by the Board of Rev.
may be accepted. As already
stated, no payment has
been made to Rao Bahadur
C. V. Cunniah Chetty's agent
since July 1897.

Secy

14/11/98

15/11/98
17.11.8

Please see draft below.

22/11/98

20/11/98

21/11/98

22/11/98

22/11/98

Read B. P. 2804 Mi (Cno 67)
8-10-98

Order Mi. No. 4626724th No. 11/8

The Govt. agrees with the Board of Rev. and the Collr of Madras in considering that in the circumstances stated by Messrs. Branson and Branson on behalf of Mr. Fitch, further payment of the choultry allowances to Rao Bahadur Cunniah Chellip's Agent in Madras may be suspended pending the disposal by the High Court of Messrs Branson & Branson's petition.

KRM
23/11/98

Stm 11/11/98

CA
22/11/98

(from orans)

To

The Bd of Rev. &c.
with encls etc

KRM
23/11/98

26-11-98

[Faint handwritten notes on the left margin, mostly illegible.]

When given for copying _____
When copied _____
When examined _____
When signed _____

189 .

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

APERS NOT FILLED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

- A = Copy in full.
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