

Revenue Department

Minutes of Consultation

11th May 1858

Back No 65 & 66

Order No 617 & 8th May 1858

செப்பலுபவர் பெயர்
செப்பலுபவர்க்காக
எடுத்துக்கொள்ளப்பட்ட நாள்
செப்பலு முடிந்த நாள்
17/01/08
மு. தி. பா. எ. யாளர்
கையொப்பம்.

Fort Saint George, Revenue Consultation of 11th May 1858.

No. 65. Read the following Extract from the Proceedings of the Board of Revenue, dated 23d April 1858, No. 1423.
In Cons. 22d April 1858. Read letter from the Acting Collector of Madura, dated 19th February 1858.

(Here enter No. 50.)

In Cons. 20th January 1853. Resolved that the above letter with its enclosure and the Acting Collector's previous report dated 26th November last, be laid before Government with reference to their Endorsement on Petition No. 1260 of 1857.

2. The Petitioner urges that a certain village in the Shevagunga Estate was granted as enam by the former Government to his predecessors, and that in 1838, the holders agreed to enjoy it in 25 shares. In 1848, the Zemindar increased the number of shares to 27, diminishing proportionately the profits of the other recipients, and complaint was made to the Collector who confirmed the new arrangement. The Petitioner therefore endeavoured to set it aside by a civil suit which was rejected in consequence of his not having the permission of Government to sue, as required by regulation IV. of 1831. He therefore solicits that this obstacle may be removed.

Para. 3 of letter dated 26th November 1857, in Cons. 20th January 1858, and do. dated 19th February in Cons. 22d April 1858.

3. From the Acting Collector's reports it appears that the village is entered in the Istimary accounts as "Ayn" (i. e. as part of the assets of the Estate) and consequently cannot be alienated by the Zemindar, so as to relieve it from its share of the assessment. Petitioner's request for permission to bring a suit is, therefore, inadmissible and unnecessary, as the village is not an authorized enam protected by Section IV. of the Regulation above quoted.

4. As the Estate is under the charge of the Court of Wards, it only remains to consider whether the order of Mr. Parker, dated 18th April 1854, is correct or not.

5. It appears that the village was granted by the Zemindar Mootooradooganatha Taver, 120 years ago, as remuneration for certain services to be performed by the holders, and that it is customary in the Madura District for Zemindars to resume such grants at their pleasure. The alienation, moreover, is not one of those which under Section XV. Regulation XXX. of 1802, are binding on all future proprietors.

6. Under these circumstances the Board are of opinion that Mr. Parker acted rightly in refusing to set aside the then Zemindar's arrangements.

(A true Extract.)

(Signed) J. D. SIM, Sub-Secretary.

No. 66. ORDER THEREON, No. 617; dated 8th May 1858.
It appears that the Enam in dispute is not one of those referred to in Regulation IV. of 1831, but was granted 120 years ago by a former Zemindar as remuneration for certain services to be performed by the holders, and that the alienation is not one of those which, under Section XV. Regulation XXX. of 1802, are binding on all future proprietors but is resumable at the pleasure of the Zemindar for the time being; but the Shevagunga proprietor being now under age, the Collector, as Agent of the Court of Wards, has made the arrangement which Petitioner seeks to set aside by a Civil Suit. The Collector's decision has been duly approved by the Court of Wards, and Petitioner's application is obviously inadmissible.

Ordered that the following endorsement be made on Petitions 1260 and 3946 of 1856.
"Petitioner's request cannot be complied with. The arrangements ordered by the Collector and Court of Wards will continue in force while the Estate is under the management of the latter authority; afterwards it will be for the Zemindar to interfere or not, as he thinks proper."

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

26566

No. 1128.

Extract from the Proceedings of the Board of Revenue, dated 22d April 1858.

In Com. 22d April 1858. Read letter from the Acting Collector of Madura, dated 10th February 1858.

(Also Com. No. 50.)

In Com. 19th Jan 1858. Resolved that the above letter with its enclosure, and the Acting Collector's previous report dated 26th November last, be laid before Government with reference to their Endorsement on Petition No. 260 of 1857.

2. The Petitioner urges that a certain village, in the Saerungudi estate, was granted as fann by the former Government to his predecessors, and that in 1838 the holders agreed to enjoy it in 25½ shares. In 1848, the Zemindar increased the number of shares to 27, diminishing proportionately the profits of the other recipients, and complaint was made to the Collector who confirmed the new arrangement. The Petitioner therefore endeavoured to set it aside by a civil suit which was rejected in consequence of his not having the permission of Government to sue, as required by Regulation IV of 1831. He therefore solicits that this obstacle may be removed.

3. From the Acting Collector's reports it appears that the village is entered in the Istimariy accounts as "Ayi" (i.e. as part of the assets of the

Section XII Regulation XXV 1802. Estate) and consequently cannot be alienated by the Zemindar, so as to relieve it from its share of the assessment. Petitioner's request for permission

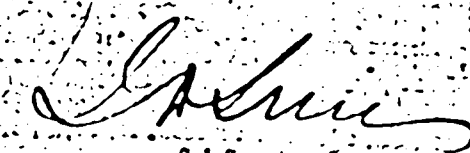
to bring a suit is, therefore, inadmissible and unnecessary, as the village is not an authorized fann protected by Section IV of the Regulation above quoted.

4. As the Estate is under the charge of the Court of Wards, it only remains to consider whether the order of Mr. Parker, dated 15th April 1854, is correct or not.

5. It appears that the village was granted by the Zemindar Mootooradoganatha Taver, 120 years ago, as remuneration for certain services to be performed by the holders, and that it is customary in the Madura District for Zemindars to resume such grants at their pleasure. The alienation, moreover, is not one of those which under Section XV, Regulation XXX of 1802, are binding on all future proprietors.

6. Under these circumstances the Board are of opinion that Mr. Parker acted rightly in refusing to set aside the then Zemindar's arrangements.

(A true Extract.)


Sub Secretary.

To H. FORBES, Esq.,
Acting Secretary to Government, I. D.

3 6566

No. 699.

Extract from the Proceedings of the Board of Revenue, dated 12th March 1858.

Read letter from the Collector of Chingleput dated 10th January 1858.
(Here enter No. 11)

Ordered that the following Endorsement be passed on Petition No. 4006 of 1857.

The Board have considered the objections urged by the Collector but do not think them sufficient to justify the denial to Petitioner of a copy of the document under which he holds his estate. The Petitioner must however obtain the sanction of Government before a copy can be furnished to him.
(A true Extract)

(Signed) J. D. SIM

Sub Secretary

To C. J. SHUDRICK, Esq., Collector of Chingleput.
Copy to Petitioner.

To Mr. Norman Esq.
Deputy Secretary to Government
Petition Department
With reference to his official letter
dated 19th April 1858

Recd 1858 Oct 5
Dated 11th April 1858

Extract from the
Proceedings of the
Board of Revenue

Recd 22nd

Recd 25th 30th 1858

Recd 13th 14th 28

Recd 8th 11th 1858

Submitted with
the Board's opinion
on the case a letter
from the Acting C. C.
to the P. Secretary
regarding the petition
re 1249 p 1857.

N. 65.

Official History

6566 4 Revenue Depart
No 617

Extract from the Minutes of Consultation

dated 11th 8th May 1858

...

and Extract from the Proceedings of

the Board of Revenue dated 22

April 1858 No 1628 reporting

on Petitions 1269 and 3946

of 1837

It appears that the Sum in dispute was granted 20 years

ago by a former Zemindar

in recognition of certain service &

was performed by the holder

of that the alienation is not

one of those which under

the Act of 1802 are binding on all future proprietors

but is resumable at the pleasure of the Zemindar for the time being but the Khondwara proprietors being

Ink Ap 24 1875 - L. Price
C. Price & Co. Wash D.C.

1 to Mr. Dehn with Express Paid 12 January -

Revenue 1858-Sept 40-
D. 1000000 11:00 day.

119.4

Extract of letters of Gov.

28th May 1858.

2/6. Contd.
Eg: The Iron Box - Revd 1/5.
New 1/58 Oct. 1997 int. 23.

[illegible]

959-99-5904