

Revenue Department

Minutes of Consultation

18th May 1858

Back no 849

Order no 628 of 14th May 1858

No. 8. Read the following Extract from the Proceedings of the Board of Revenue, dated 19th April 1858, No. 1861.

Read letter from the Collector of Rajshumdry, dated 31st December 1857, furnishing information called for in paras 8 and 9 of Extract Minutes
In Consultation 19th April 1858.
In Consultation 13th October 1856.
 Consultation of the 1st October 1856, No. 1046, R. D. regarding the tenure of certain lands in the village of Dowlaishweran.

(Here enter No. 161.)

The circumstances to which these enquiries referred were stated in detail in the above mentioned Extract Minutes Consultation and are briefly as follows :

2. The village of Dowlaishweram is one of four Jaghire villages resumed by the Government in 1794, the family of the Jaghiredar succeeded however in fraudulently retaining in their possession a portion of the lands of this village, and as several years elapsed before the fraud was discovered, these lands were not directly resumed but remained in the possession of their holders under a light assessment which was temporarily imposed with the understanding that it would at a future time be increased.

3. The whole land thus assessed is stated in the Extract Minutes Consultation at 170 Pootties; subsequent measurement however give its extent at Pootties 176-4-0.

4. The attention of Government was drawn to this subject in considering certain arrangements for taking possession of land for a new Cantonment and to which arrangements the Commissioner of the Northern Circars had requested their sanction. It then appeared that a small portion of this land (two Pootties forming part of the holding of one Khajahu Mahomed Khan) was included in the 176 Pootties above alluded to, and as the land was of right the property of Government and held under an assessment liable to increase, the Collector was desired to state what compensation he considered to be due to the holder under the peculiar circumstances of his title.

5. Mr. Purvis proposes to allot land of equal extent with that so appropriated, and to assess it at the same rate as it may be determined to fix upon the rest of the 176 Pootties. The amount of this increased Assessment was the second point referred for the Collector's opinion; in reply he forwards a statement shewing the manner in which the lands are now appropriated, their present rate of Assessment and that borne by the lands adjoining them, and as many changes have taken place, by inheritance, purchase, mortgage and other transactions, he recommends in each case the treatment which he considers called for by present circumstances.

G. Thus, having in para. 5 enumerated the holdings which now divide the 176 1-5th Pootties, he proposes that Nos. 1 and 2 in this list, comprising together Pootties 90-5-4 should be continued to their present possessors for life without additional cess. This proposal is grounded on "long undisturbed enjoyment" and on the circumstance that the present tenure of the land has received what Mr. Purvis considers to be the sanction of Government, owing to the transfer of other similarly circumstanced land, having taken place with their cognizance. Mr. Purvis is not very explicit on this point, but the Board gather from a subsequent para. of his letter (para. 8) that he refers to a suit there mentioned, in which one Padsha Sabib a member of the family which had in the first instance gained fraudulent possession of some of the Jaghira lands (as already detailed), succeeded in regaining 15 Pootties of the same, of which he had been dispossessed by the Ramchendrapooram Zemindar as mentioned in para. 3 of the Extract Minutes Consultation already alluded to.

7. In obtaining execution of this decree it appears that this Padsba Sahib produced *Purvanas* and *Chuknmas* specifying the lands he sued for, and unless Mr. Purvis means to infer that these documents were held to confer upon him a title of possession independent of the

Fort Saint George, Revenue Consultation of 18th May 1858.

conditions on which he and other holders of Jaghire lands fraudulently obtained were allowed to keep possession of them, (an inference which is quite inadmissible) the Board do not perceive in what way this transaction is considered to affect the question.

8. If the Government are disposed to make no change in the light Assessment borne by these lands during the life time of present incumbents, (an indulgence which the Board think scarcely called for under the circumstances,) it will still be necessary to fix a rate of Assessment to be imposed at their death.

9. From what is stated elsewhere the Board infer that Mr. Purvis would then recommend the full Assessment borne by lands of that class.

Nos. 3 and 4 comprise Pooties 1-6-4 the whole of which space is occupied by a tomb and houses, it will therefore be necessary to strike off the Assessment entirely. Nos. 5 and 6, comprising Pooties 7-6-17-8 have been alienated from the original holders without authority as Mr. Purvis observes, and he recommends their being assessed at the full rate—a proposal in which the Board entirely concur. Cases 8 and 9 are still under enquiry.

10. Mr. Purvis further states that the pensions granted by Mr. Robertson have all long since lapsed, he does not however explain whether he means to include in this category the grants of land given by Mr. Robertson in commutation of some similar pensions. The Board will direct Mr. Purvis to explain this when he communicates the result of the enquiries still pending in cases 8 and 9.

11. The last point noticed by the Government was the Assessment which should be fixed upon 60 Pooties of land which formed a part of the fraudulent appropriations made by the Jaghiredar's family, and of which the Ramchandrapoorum Zemindar had dispossessed them. Mr. Purvis states that Padsha Sahib had, as already described, recovered 15 Pooties of this land by Civil Process, and that for the remaining 45 Pooties a money compensation was paid to others of the family. As these 45 Pooties of land passed into the possession of Government in 1846 when the Ramchandrapoorum Estate was resumed, they already pay a Government Assessment, and the Board infer that it is on this account Mr. Purvis has not noticed the question of a further cess.

(A true Extract.)

(Signed) G. S. FORBES, Secretary.

No. 2. ORDER THEREON, No. 623, dated 14th May 1858.

In passing orders upon the question of granting compensation to those whose lands had been taken up for the formation of the Sapper Cantonment at Dowlalshwaram, the Government, in Extract Minutes Consultation No. 1046 dated 1st October 1856, called for further information respecting certain land, which had been fraudulently retained by the family of a Jaghiredar whose Jaghire was resumed in 1794.

2. The Collector was desired to state his opinion as to whether the quit rent fixed on the 170½ pooties which was the extent of the land in question, by the order of Government dated July 12th 1823, and then expressly declared liable to increase, might be raised, so as to bring it to a fair assessment, at the same time stating what compensation would be required for the two Pooties of land which were required for the Dowlalshwaram Cantonment.

Secondly the Board were asked to enquire and report whether certain pensions recommended by Mr. Robertson for continuance on the discovery in 1823 that new names had been fraudulently substituted on the death of the original grantees, have since lapsed.

Thirdly, full enquiry was ordered, into the state of the tenures of some land which was given in lieu of certain pensions stopped by Mr. Robertson, and fourthly, the opinion of the Collector was required as to the assessment which it would be proper to impose upon 60 pooties of land which formed part of what was fraudulently retained out of the resumed Jaghire, but which had, by some unexplained means, come into the possession of the Ramchandrapoorum Zemindar.

Fort Saint George, Revenue Consultation of 18th May 1858.

3. In their Proceedings recorded at the head of this paper, the Board of Revenue reply to the orders of Government alluded to, but not in a manner calculated to enable Government finally to dispose of the question.

4. The first point discussed in the Collector's letter of 31st December last is the compensation to be given for the 2 pooties of land which have been taken up for the Cantonment. Mr. Purvis proposes to allot land of equal extent with that so appropriated, and to assess it at the same rate as may be determined upon for the 170½ pooties referred to in para. 2, and which on measurement have extended to pooties 176½. The Governor in Council observes that, in the former order of Government, it was shown that all the compensation

Para. 8 end.

which could be justly claimed, was that to which the owner would be entitled if the land were Zerogaty and not Enam. The Collector's proposal would seem to be in accordance with the instructions given, but it does not seem certain that the holder of the land to be given up will consent to resign it on merely receiving other and waste land assessed with Government Revenue. If this is found to be the case it will be the duty of the Collector to make a further reference to the Board, otherwise his proposal is sanctioned.

Para. 4.

Regarding the amount of assessment to be imposed upon the 176½ pooties, Mr. Purvis has forwarded a statement shewing the manner in which the lands are now appropriated, their present rate of assessment, and that borne by the lands adjoining them, and "as many changes have taken place by inheritance, purchase, mortgage, and other transactions, he recommends, in each case, the treatment "which he considers called for by present circumstances."

6. The Government observe first, that "long undisturbed enjoyment" can by no means be admitted as an argument in favour of further indulgence to the incumbents, when their holding the lands at all on rent-free-tenure, has been wholly a matter of grace and favour; secondly, Mr. Purvis is not warranted in saying that the present tenure of the land has received the sanction of Government, merely because they were "cognizant" of the transfer of other similarly circumstanced land. Thirdly, Government fully concur with the Board in viewing as inadmissible, the Acting Collector's inference, that certain Purwanahs produced by one Padsha Sahib, (who recovered 15 Pooties of the land fraudulently obtained from the resumed Jaghire by his ancestors confer upon him a title of possession independent of the conditions on which he and other holders of Jaghire lands fraudulently obtained, were allowed to keep possession. And the Government must also concur with the Board of Revenue that it is unnecessary to allow any more indulgence to the holders of these 176½ Pooties, and they accordingly direct that the whole be at once assessed, according to the rates fixed on the adjoining lands, the assessment to remain in force until the general survey. Nos. 3 and 4 comprising Pooties 1-6-4 the whole of which space is occupied by a Tomb and houses, will be of course exempt.

7. With reference to Mr. Robertson's pensions, Mr. Purvis reports that they have all lapsed but he does not state whether the grants of land made by that officer in commutation of some similar pensions have been resumed. The Government will look for this information at an early date.

8. Lastly as regards the 60 Pooties of land which the Ramchandrapoorum proprietor had by some means or other, acquired, 45 Pooties passed into the possession of Government in 1846 when the Ramchandrapoorum Estate was resumed, and the remaining 15 Pooties have been recovered by the aforesaid Padsha Sahib by civil process. It is not explained that they have been assessed with the Government Revenue, but this should be at once done.

(Signed) W. H. BAYLEY,

Acting Secretary to Government.

Extract from the Proceedings of the Board of Revenue, dated 19th April 1858.

Head letter from the Collector of Rajahmundry, dated 31st December 1857, furnishing information called for in paras 5 and 9 of Extract Minutes Consultation of the 1st October

1858, No. 1016, R. D. regarding the tenure of certain lands in the village of Doulahpura.

The circumstances to which these enquiries referred were stated in detail in the above mentioned Extract Minutes Consultation and are briefly as follows.

2. The village of Doulahpura is one of four Jaghire villages resumed by the Government in 1794. The family of the Jaghiredar succeeded however in fraudulently retaining in their possession a portion of the lands of this village, and as several years elapsed before the fraud was discovered, these lands were not directly resumed but remained in the possession of their holders under a light assessment which was temporarily imposed with the understanding that it would at a future time be increased.

3. The whole land thus resumed is stated in the Extract Minutes Consultation at 170 pooties, subsequent measurement however gave its extent at Pooties 176 1-0.

4. The attention of Government was drawn to this subject in considering certain arrangements for taking possession of land for a new Contonment and to which arrangements the Commissioner of the Northern Circars had requested their sanction. It then appeared that a small portion of this land

(two Pooties forming part of the holding of one Khajab Mahomed Khan) was included in the 176 Pooties above alluded to, and as the land was of right the property of Government and held under an assessment liable to increase, the Collector was desired to state what compensation he considered to be due to the holder under the peculiar circumstances of his title.

5. Mr. Purvis proposes to allot land of equal extent with that so appropriated, and to assess it at the same rate as it may be determined to fix upon the rest of the 176 Pooties. The amount of this increased Assessment was the second point referred for the Collector's opinion, in reply he forwards a statement showing the manner in which the lands are now appropriated, their present rate of Assessment and that borne by the lands adjoining them, and as many changes have taken place, by inheritance, purchase, mortgage and other transactions, he recommends in each case the treatment which he considers called for by present circumstances.

6. Thus having in para. 5 enumerated the holdings which now divide the 176 1-5th Pooties, he proposes that Nos. 1 and 2 in this list, comprising together Pooties 90-3-45 should be continued to their present possessors for life without additional cess. This proposal is grounded on "long undisturbed enjoyment" and on the circumstance that the present tenure of the land has received what Mr. Purvis considers to be the sanction of Government, owing to the transfer of other similarly circumstanced lands having taken place with their cognizance. Mr. Purvis is not very explicit on this point, but the Board gather from a subsequent para. of his letter (para. 8) that he refers to a suit there mentioned, in which one Padsha Sahib a member of the family which had in the first instance gained fraudulent possession of some of the Jaghire lands (as already detailed), succeeded in regaining 15 Pooties of the same, of which he had been dispossessed by the Ramchandrapooram Zemindar as mentioned in para. 3 of the Extract Minutes Consultation already alluded to.

7. In obtaining execution of this decree, it appears that this Padsha Sahib produced Purnamas and Chuknamas specifying the lands he sued for, and unless Mr. Purvis means to infer that these documents were held to confer upon him a title of possession independent of the conditions on which he and other holders of Jaghire lands fraudulently obtained were allowed to keep possession of them, (an inference which is quite inadmissible) the Board do not perceive in what way this transaction is considered to affect the question.

8. If the Government are disposed to make no change in the light Assessment borne by these lands during the life time of present incumbents, (an indulgence which the Board think scarcely called for under the circumstances,) it will still be necessary to fix a rate of Assessment to be imposed at their death.

9. From what is stated elsewhere the Board infer that Mr. Purvis would then recommend the full Assessment borne by lands of that class.

Nos. 5 and 6 comprise Pooties 1-4 the whole of which space is occupied by a tomb and houses, it will therefore be necessary to strike off the Assessment entirely. Nos. 5 and 6, comprising Pooties 7-17-8 have been alienated from the original holders without authority as Mr. Purvis observes, and he recommends their being assessed at the full rate—a proposal in which the Board entirely concur. Cases 8 and 9 are still under enquiry.

10. Mr. Purvis further states that the pensions granted by Mr. Robertson have all long since lapsed, he does not, however explain whether he means to include in this category the grants of land given by Mr. Robertson in commutation of some similar pensions. The Board will direct Mr. Purvis to explain this when he communicates the result of the enquiries still pending in cases 9 and 10.

11. The last point noticed by the Government was the Assessment which should be fixed upon 60 Pooties of Land which formed a part of the fraudulent appropriations made by the Jaghiredar's family, and of which the Ranchendrapooram Zemindar had dispossessed them. Mr. Purvis states that Padsha Sahib had, as already described, recovered 15 Pooties of this land by Civil Process, and that for the remaining 45 Pooties a money compensation was paid to others of the family. As these 45 Pooties of land passed into the possession of Government in 1816 when the Ranchendrapooram estate was resumed, they already pay a Government Assessment, and the Board infer that it is on this account Mr. Purvis has not noticed the question of a further cess.

(A true Extract.)

J. D. Purvis

H. TOLLES, Esq., Acting Secretary to Government, R. N. D.
Copy to Secretary of the Board.

Secretary.

Revenue 1858-59 Report
By Genl. 1858-59

Extract from the
Proceedings of the Board of
Revenue.

Dated 19th April 1858.
Resd 21st

2 Enclosures
No 1364

S. E. No. 628. 1/4 11/11/1858.

Submitting with
the Board's observations,
a letter from the Collector
of Rajahmundry, in which
being information called
for in E. N. Com. 1st B. 18
1856 regarding the tenure
of certain lands in the
Village of Daulahpore.

R. C. W. 7th October 1858
20th June 1858 - 25th 30
18th Nov - 12th 13
12th July - 1858 - 8-9
5th July 1858 - 34-35

C. N. B.

228 April 1858

589
No 628

Extract from the Minutes of Consultation

Dated 12th May 1858.

Read the following
Extract from the Proceedings
of the Board of Works

Held on 19th April 1858
(p. 1364.)

H.
J.
W.D.

In proposing orders
upon the question of
granting compensation to
those who have been
displaced for the
formation of the Slough
Embayment at Dowlish
was read the Government
and Board Minutes Con-
sultation of 1856 dated 10th
October 1856, called for
further information re-
pecting certain land which
had been formerly
returned

retained by the family
of Jayhindar whose
Jaghere was resumed in
1794.

2. This Collector was
desired to state his
opinion as to whether
the grant was fixed on
the 170 1/2 frontiers which
were the extent of the
land in question, by the
order of Government
dated July 12. 1825, and
then, especially desired
him to increase, or
decrease, so as to bring
it to a fair proportion
at that same time &
stating what compensation
would be required
for the two portions which
were required for the
Kishwarum Cantonment.

Secondly, the Board
were asked to require

689 and report, whether
certain portions re-
commended by Mr
Robertson for continua-
tion on the discovery
in 1823 that some names
had been fraudulently
substituted in the charters
of the original grantees
have since elapsed.

Thirdly, full enquiry
was ordered, into the state
of the tenures of some
land which was given
in lieu of certain por-
tions stopped by
Mr Robertson, and
fourthly, the opinion
of the Collector was
required as to the
a payment which it
would be proper to
impose upon 60 Pottas
of land which was
formed

formed part of what
was fraudulently
retained out of the
residue of the
estate, but, by some
unexplained means,
came into the possession
of the Purchaser.
James G. Ginnard.

3. In the Proceedings
recorded at the Registry
of the paper, the
Board of Revenue reply
to the orders of Govern-
ment allude to, but
not in a manner cal-
culated to enable the
Government finally to
dispose of the question.

4. The first point
discussed in the Col-
lector's letter of 31st
December last is the
"compensation" to be
given

7 8 + 9

7 years for the 2 Cotes.
of land which have
been taken up for the
Cantonment. Mr. Murray
proposed to allot land
of equal extent with
that so appropriated,
and to assess it at the
same rate as now be-
determined upon for the
17 1/2 Cotes referred to in
para 2, and which are
measured lands ex-
tended to Pootia 17 1/2.

The Governor in Council
observed that in the
former order of Govern-
ment it was shown that
all the Compensation
which could be justly
claimed, was that to
be paid for the service would
be entitled to, that land
was being taken up and
not

Para 8 and

formed part of what
was fraudulently
retained out of the
residue of the
estate, but, by some
unexplained means,
came into the possession
of the Purchaser.
James G. Ginnard.

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to the orders of Govern-
ment allude to, but
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The Governor in Council
observed that in the
former order of Govern-
ment it was shown that
all the Compensation
which could be justly
claimed, was that to
be paid for the service would
be entitled to, that land
was being taken up and
not

Para 8 and

not answer. The latter's
proposal would seem
to be in accordance
with the instructions
given, but it does not
seem certain that the
holders of the Bonds to be
given up will consent
to assign it and merely
receiving other unde-
mented land in place
with the Government. But
if this is found to be
the case, it will be
the duty of the Collector
to make as further re-
ference to the Board,
otherwise his proposal
is sanctioned.

Regarding the
amount of apportionment
to be imposed upon the
176th Porters, Mr. Purvis
has forwarded the
statement

Parents

to 8th
statement showing the
manner in which the
lands are now apportioned,
their present rate
of apportionment, and that
borne by the lands ad-
joining them, and ad-
joining changes have
"to be placed by in-
crease, purchase, mortgage
and other transactions;
the proceeds, in each
case, the treatment
which he considers
"called for by present
circumstances."

The Government
observes that "long
and disturbed enjoyment
can by no means be
admitted as an argu-
ment in favor of
further indulgence
to that individual."

when their holding
the lands at all on
must free tenure has
been wholly a matter
of grace and favour,
merely, after Purvis
is not unreasoned in
saying that the present
tenures of the lands
have received the
sanction of Government
merely because they
were cognizant of the
transfer of other lands
early circumstances
land-tenure, favour
must fully concur with
the Board in viewing
as inadvisable the ex-
ercising Collector's influence
that certain Purvises
produced by one Padda
Sahib (who received in
15 portions of the
land

Q. 879

land fraudulently obtained
from the revenue is
legitimized by his ^{title} ~~title~~
confer upon him a title
of possession independent
of the conditions on
which he used other
holders of English lands
fraudulently obtained,
were allowed to keep
possession. And the Govern-
ment must also concur
with the Board of
Revenue that it is un-
necessary to allow any
more indulgence to the
holders of these 170¹/₂
Porties, and they accord-
ingly direct that the
whole be set aside, and
according to the rules
found in the adjoining
land, the assignment to
some one of the ^{the}

the general summary of the
Board's proceedings in

P. 1-6-1, the whole
of which space is oc-
cupied by a Table
and houses, with a
of course exempt.

1. With reference to
the Robertson's pensions,
Mr. Purvis reports that
they have all been paid
but he does not state
whether the grant of
kind made by that
officer in connection
of some similar pensions
have been resumed.
The Government will
look for this infor-
mation at an early date.

2. Lastly as regards
the 60 Potters of land
which the Peninsular
dispossession

Board (P. 9)

Q. 8th 19 Peninsular dispossession
proposition had by some
means or other, acquired
25 Potters, passed into
the possession of Govern-
ment in 1846 when the
Peninsular dispossession
estate was resumed and
the remaining 25 potters
have been resumed
by the aforesaid Potters
claimed by civil process.
It is not explained
that they have been
disposed with the Govern-
ment Revenue, but
this should be at
once done. P. 7

Mr
May 1.

Copy to the Board
with 3. 17.

Revenue 1838 *Deports*
Dy. to Cons. 18th May

N^o 628
Extract of Cons. of Land
Dy 11th May / 38

✓ Bo. of the Bd of Rev Dy 30 Augt / 37
C^o. 1624 in Cons.

Observing with reference to
the Policy of the Board as to the
question of granting Commencement
to those whose lands have been taken
up for the formation of the Indian
Settlement at Donluishie
that it is not submitted in a man-
ner calculated to enable Govern-
ment finally to dispose of the
question, and directing that the
lands of a certain English or Ex-
tremity which was boundedly
returned by the Family of (p. 25)
which has and received by the Gov-
ernment in 1794 be at once applied
according to the rules given on the
adjoining lands the agreement to
remain in force until the general
Survey

N^o 849

28 April 1838 May