

(1903) 12 MAD CK 0007
In the Madras High Court

Pakkiam Pillay

APPELLANT

Vs

Seetharama Vadhyar and Others

RESPONDENT

Date of Decision : 22-12-1903

Acts Referred:

Citation : (1904) 14 MLJ 134

Judgement

1. The mam appears to have been granted originally for the support of a spiritual office in the village, the right to appoint to the office being vested

in the Brahman Community of the village. At the time when the inam title-deed was issued in 1865 the holder of the office was Rama Sastri, in

whose name the title-deed was issued. But it is clear from the Inam statement (Exhibit H) of Rama Sastri that he did not claim the inam as his

hereditary personal inam, but only as the then incumbent of the office. It is found that the 1st plaintiff is now the de facto and de jure holder of the

office. The inam title-deed, no doubt, in terms declares that the inam is the absolute property of Raina Sastri which he may hold or dispose of, as

he thinks proper, but this must be construed as intended to operate only as between Rama Sastri and the Government which could have resumed it

under Regulation XXV of 1802.

2. The inam title-deed, therefore, cannot confer on the 1st defendant any title or right which Rama Sastri had not got under the original grant.

3. The alienation to the 2nd defendant by the 1st defendant (the son of Rama Sastri) is, therefore, void and the plaintiffs are entitled to a declaration

that the 1st plaintiff, as the present holder of the office, is entitled to hold and enjoy the office, with its emoluments--viz., the inam and cash

allowances so long as he is the holder of the office.

4. We vary the decree accordingly, but as the appellant has substantially failed, he must pay the costs of this appeal.