

(1943) 01 MAD CK 0033
In the Madras High Court

Satti Suri Reddi and Others

APPELLANT

Vs

Kolachina Agnihotrudu and Another

RESPONDENT

Date of Decision : 22-01-1943

Acts Referred:

Citation : AIR 1943 Mad 764 : (1943) 56 LW 677 : (1943) 2 MLJ 528

Hon'ble Judges : Alfred Henry Lionel Leach, C.J

Bench : Division Bench

Judgement

Alfred Henry Lionel Leach, C.J.—The appellants were the tenants of the first respondent who instituted a suit in the Court of the

Subordinate Judge, Narsapur, for their ejectment at the expiry of the term granted. The defence was that the lands occupied by them were part of

anInam village and therefore they had the right of permanent occupancy, The Subordinate Judge held that the lands which they occupied were Inam

lands, but the grant was not a grant of a whole village and therefore the lands comprised in the grant were not an estate within the meaning of the

Madras Estates Land Act. Consequently the plaintiff was entitled to maintain the suit for ejectment in a Civil Court. He granted the relief claimed

and the appeal is from the decree passed by the Subordinate Judge.

2. In deciding the suit in favour of the plaintiff, the Subordinate Judge relied on the entries in the Inam Register. The plaintiff, however, produced 4

documents-Exhibits R. W, Y and Z of earlier dates which he contended supported his case. These documents were not produced before the Inam

Commission. The Subordinate Judge discussed these documents but held that even if they were excluded, the plaintiff had substantiated his case.

We consider that the Subordinate Judge rightly decided that the grant was not a

grant of a whole village and that the Inam Register is itself sufficient

to justify this finding. At the same time we see no reason why Exhibits R, W, Y and Z, should not be taken into consideration as well.

3. The portion of the Inam Register which contains entries relating to this Inam is headed:

Register of Inams in the village of Vireswarapuram Agraharam in the taluk of Kaikalur in the District of Kistna.

4. The heading itself indicates that various lands in the village are held under Inam grants and the particulars which appear below show that this is

so. The grant to the plaintiff's predecessor-in-title is described as a personal grant consisting of Ks. 23-11-12 1/2s, the equivalent of 295.88

acres. Col. 12 which is intended for particulars of the documents produced in support of the Inam shows that 5 old dumbalas (permits) were

placed before the Commission. The first is dated 1782. In col. 13 there is inserted the name of the original grantee, one Kola China Som-anna. In

column 15, it is shown, that in addition to this Inam there are other Inams covering an aggregate area of 5 katties. In column 21 there is this

statement.

From the documents produced and the sub-division account, this appears to be an old agraharam. It is to be confirmed, 1/8th of the assessment is

Rs. 8-0-0.

5. In no part of the register is there any indication that the grant was the grant of the whole village of Vireswarapuram and the same remark applies

to the statement which was produced before the Inam Commission. The burden was on the defendants to show that the grant was a grant of the

whole village and certainly the Inam Register does not help them. On the contrary the indication is that the grant was not of a whole village.

6. Turning now to Exhibits R, W, Y and Z, it is true that these documents were not produced before the Inam Commission, but that does not

necessarily imply that they were not then in existence. The plaintiff himself produced them in evidence and he stated that he had obtained them from

Lakshminarasimhulu, who was a nephew of Somanna, the original grantee. From their appearance there is nothing to suggest that they are not

genuine documents. Ex. R is a sanad granted in Fasli 1178 which corresponds to the year 1768-1769. It is a grant of 20 katties of waste land in

the village of Vallur. Vallur is adjacent to what is now known as the village of Vireswarapuram. The grantee is Somanna who is described as "" a

zealous observer of 6 duties of performing yagnam."" Ex. W is a document of Fasli 1181, that is of 1771-72. It is a direction by the Zamindar to

one of his officials to allow the Inamdar to remove produce from the land granted under Ex. R. The importance of this document is that it describes

the land as ""The Inam attached to Kandrika, hamlet of Vallur."" The word ""Kandrika"" means a portion of a village granted free of rent or on a

favourable lease. This document therefore indicates that the grant embodied in Ex. R was a grant of a portion of the lands of the village of Vallur.

Exs. Y and Z are similar permits. Ex. Y expressly refers to the produce from ""the Kandrika Inam hamlet of Vallur."" The evidence of the plaintiff is

that Vireswarapuram is a hamlet of Vallur and we have no doubt that what is now known as Vireswarapuram was formerly part of Vallur.

7. Mr. Rajamannar, however, laid stress greatly on Ex. 3. This is the karnam's account for fasli 1262, that is, 1852-1853. At the end of the

account there is this statement ""As the aforesaid village is an agraharam, the Shrotriem Beriz (tax) as existing upto fasli 1212 is : Rs. 34 shrotriem

cist. Rs. 12-5-3 Darbari expenses."" This is in itself obviously not sufficient to justify the Court in holding that there was a grant of the whole village.

As a matter of fact an examination of the earlier entries shows that in Vireswarapuram there were other Inams, comprising 5 katties of land.

8. The appellants only became the tenants of the 1st respondent in 1926 and we have no doubt that the defence which was set up in the suit was

the result of the amendment of the Madras Estates Land Act in 1936 making an Inam Village an estate, within the meaning of the Act.

9. The appeal will be dismissed with costs in favour of the 1st respondent.