

(1891) 11 MAD CK 0001
In the Madras High Court

Venkatarayadu and Others

APPELLANT

Vs

Venkataramayya and Another

RESPONDENT

Date of Decision : 24-11-1891

Acts Referred:

Citation : (1892) ILR (Mad) 284

Hon'ble Judges : Wilkinson, J; Arthur J.H. Collins, J

Bench : Division Bench

Judgement

1. We think that the decision of the Subordinate Judge is opposed to the principles laid down in the Full Bench decision in Venkata v. Rama ILR 8

Mad. 249. The land which formed the emolument of the office of karnam did not become the family property of the person appointed to the office,

although he may have had an hereditary claim to the office. The land was designed to be the emolument of the person into whose hand the office of

the karnam might pass and was inalienable by him. The effect of enfranchisement was to free the lands from their inalienable character and to

empower the Government to deal with them as they pleased. The grant of them to Venkata Narasiah was not a grant to the undivided family, of

which he formed a unit, but to him personally, and the future succession and transmission of the land was placed in the same position as any other

private property. The plaintiffs were neither holders of the office at the time of enfranchisement, nor in possession of the lands, and their suit,

therefore, was, as the Munsif held, not sustainable. We reverse the decree of the Subordinate Judge and restore that of the Munsif with costs in

this and the lower Appellate Court.