

CIRCULAR NO. 82

Subject :- Inam grants Principles of construction.

With the completion of uncontested cases the Regional Officer are taking up contested cases and cases are increasingly cropping up which involve construction of Inam grants. The principles for construing Inam grants are summarised in the Law of Land Tenures (in the Bombay Presidency) by G. K., Dandekar, 1912 edition Vol. I. and as that book is now difficult to obtain those principles are summarised below for the convenience of the Regional Officers.

- (1) The Transfer of Property Act dose not apply to Crown grants.
- (2) A grant is subject to all existing rights against the Government.
- (3) If the language of a grant is quite plain, evidence of actual user by the grantee is not admissible.
- (4) Where the words of a grant are ambiguous, they are to be construed in favour of the grantor and against the grantee. In other words, nothing is to pass to the grantee except by clear and specific words.
- (5) The words "village " and " lands " used in grants are ambiguous and may mean either the proprietorship of the soil or merely of the land revenue.
- (6) A grant of a "village" or a "land" is prima facie to be presumed to be a grant merely of the land revenue unless a grant of a larger interest is apparent or proved.

(7) If words are employed in a grant indicating expressly or by necessary implication, that the intention of Government was that the ownership of the soil, so far as it vested in Government, shall pass to the grantee, neither Government nor any person subsequently to the date of the grant deriving any title under Government, can be permitted to say that the ownership did not pass. (Ravji Narayan v. Dadaji Bhikaji, 1, Bom. 523).

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Dated :16th March 1955.