

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1957

Dated 19th Sept. 1895

INDEXED.

[Despatch Abstract.]

TANKS AT ETTAYAPURAM AND KALUGUMALAI VILLAGES.

Ordering publication in the Fort St. George and Tinnevely District Gazettes of a notification directing that the orders of the District Magistrate, Tinnevely, dated 29th August 1895, prohibiting all persons from bathing or washing their persons, &c., in certain----- be made permanent.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	4966		1895				

1895

Department.

TINNEVELLY *St Mag's* OFFICE.

From

The

District Magistrate

Tinnevely

To

The Chief Secretary to

Government

Fort St. George.

Dated 29th

Received 2nd

Regd

August

1895

No. 1284 of 95

-2 SEP. 1895

ENCLOSURES

SUBJECT.

Requesting that the Government will be pleased to make perpetual the enclosed orders prohibiting certain tanks in Ettayapuram Zamindari for drinking purposes only.

11/9/95

1498d 17.7.95 him
201d 18.2.90 R
438d 24.4.88 Pub se
383d 29.2.92 Jul
945d 15.11.89
1485 2d 1.7.89 se.

For orders.

As to whether all the three orders issued by the Govt. may be made permanent? With reference to this remarks in G.O. 17th July last, no 1498 Judd, 8th 201 + 1945 Judd have been put in these cases certain tanks were named or sanctioned from.

2
7-9-95
18/9/95

I am not sure as to the legality of the Govt's order. However the same sort of thing has been accepted before 18/9/95

I don't myself believe that S. 144 C.P. applies. But as there are precedents they may be followed in this case - But in the revised L. 7. Bill Act a provision should be inserted so that the matter may be placed on a secure legal basis for the future - Also please see whether in the Muns Bill there is a special provision or not take steps to insert it

11/9/95

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CHP

Ref on no. 1999
Eng

Uttayapuram Estate Manager's Office,

Uttayapuram, 3^d August 1895

From

The Manager,

Uttayapuram estate,

Tinnevely District

To

The Collector and District Magistrate,

Tinnevely.

Sir,

In reply to your letter no. 1162 dated 26th ultimo, I have the honor to state that the Peria Jeppakulam in Uttayapuram and Kumara Jeppakulam in Kalugumalai are essentially the property of the Zemindar of Uttayapuram though by the very nature of the property intended and dedicated for public use. These tanks were originally constructed and faced with stones by a former Zemindar - the grandfather of the penultimate Zemindar. In this connection I beg to refer you to pages 126 and 127 of the manual of the Uttayapuram estate by Mr. Ganapathi Pillai, a copy of which is available in your Office. The subsequent repairs ^{to the} tanks have also been

attended to from the estate funds and since the commencement of the present management by the Court of Wards Rs. 419 were spent from the estate exchequer in 1892 in removing silt from Peria Thepakulam in Ittagapuram and Rs. 375 were provided in the last year ^{for the improvement of the latter tank} at Kalugumalai. Further two watchers paid from the estate funds watch the tank at Ittagapuram against pollution ^{while} and similar service for the tank at Kalugumalai is rendered by certain watchers paid mainbam from the estate devasthanam funds. In the matter of the repair and proper maintenance of the two tanks under consideration there has hitherto been no outside contribution or interference and the Zemindar can therefore be properly said to own them in such a way as to have authority to set them aside for drinking or any other purpose.

2. As regards the tank in front of the Police Station at Ittagapuram, I beg to state ^{that} though it was originally constructed and improved by a former Zemindar - a granduncle of the late Zemindar (vide page 128 of the manual referred to), the

Subsequent repairs were in a large measure attended to by the Chetties of Naduviripatti and that since the introduction of the Union in Ittagapuram, the tank is under the management of the Union Panchayat. Whatever may be the position of the Zemindar in respect of this tank, it is absolutely necessary in the interests of public health that it and the other two tanks mentioned should be reserved for drinking purposes and fully protected against pollution in as efficient a manner as possible which can alone be by issuing ~~in~~ injunction under section 144, Cr. P. C., and making it perpetual.

3. The file of papers received with the letter under reply is returned herewith.

I have to
(Signed) P. Siva Ramayya
Manager

(True copy)

[Signature]

District Magistrate

100
29/8 ar/ur

Order under section 144, Criminal Procedure Code.

Whereas it appears that the Jeppakulam tank in Survey no. 118 in Ittaiyapuram Zemin village is used for the supply of drinking water and that it will tend to the preservation of public health if this tank is protected against other uses, the District Magistrate hereby prohibits the Public, under section 144, Criminal Procedure Code, from bathing or washing their persons, clothes, vessels or cattle in the aforesaid tank. This order will be in force for 2 months from 1st September 1895.

(Signed) A. W. Higgins
District Magistrate
29th August 1895.

(For copies)

A. W. Higgins
District Magistrate.

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29/8

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<i>gust</i>
Enclos. No. 2
To
O. No. 4181

Order under section 144, Criminal Procedure Code.

Whereas it appears that the Kumara
Teppakulam tank at Kalugumalai village in
Attayapuram Zemin is used for the supply of
drinking water and that it will tend to the
preservation of public health if this tank is
protected against other uses, the District Magistrate
of Tinnevely hereby prohibits the public from
bathing or washing their persons, clothes, vessels
or cattle in the said tank. This order will be
in force for two months from 1st September 1895.

(Signed) A. W. Higgins

District Magistrate
29th August 1895

(True copy)

A. W. Higgins

District Magistrate

W. S.
29/8

29/8

1895
<i>29/8</i>
Enclos. No. 3
To
O. No. 4181

Order under section 144, Criminal Procedure Code.

Whereas it appears that the tank in Survey no. 285 in front of the Police Station at Utayapuram village is used for the supply of drinking water and that it will tend to the preservation of public health if this tank is protected against other uses, the District Magistrate hereby prohibits the public from bathing or washing their persons, clothes, vessels or cattle in the aforesaid tank. This order will be in force for 2 months from 1st September 1895.

(Signed) A. W. B. Higgins

District Magistrate
29th August 1895

(True copy)

[Signature]

District Magistrate

[Signature]
29/8 1895

1895
Dist. Mag.
Encl. No. 4
To
C. No. 4181

1895
 Enclos. No. 5
 To
 C. No. 4181

Extract from the Ettayapuram Manual in regard to certain tanks in Ettayapuram Zemin proposed to be reserved for drinking purposes only.

Village	Name of the Tank	Extracts.
Kalugumalai	Kumara Teppakulam	In the year 1827, the Right Honorable S. Lushington, Governor of Madras, on coming to Royagiri, belonging to Sivagiri, paid Ettayapuram a visit. x x x The large stone tank and central mantapam were also now constructed.
Ettayapuram	Teppakulam	The large tank to the north of Ettayapuram was faced with stone and a supply channel excavated connecting this tank with another and larger one at Peddapuram two miles to the west.
Do.	Tank in front of the Police Station	The tanks at Pudukatti and Nadurapatti were faced with stone and deepened x x x

(True extract)

19/5/85
 District Magistrate.
 C. S. K. G. S.

Tinnevely District Magistrate's Office

No 1284 of 95

Dated 29th August 1895.

From

A. W. B. Higgins Esquire,

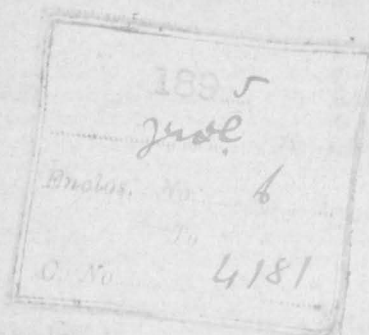
District Magistrate of
Tinnevely,

To

The Chief Secretary to Government,
Judicial Department,
Fort St. George.

Sir,

With reference to G.O. no. 1498 dated 17th July 1895 ^{calling} for further particulars in connection with certain tanks in Ottaiyapuram Zemindari proposed to be reserved for drinking purposes, I have the honor to forward herewith copy of the present Manager's letter no. $\frac{1999}{3.8.95}$ on the subject. It will be observed that it is very necessary in the interests of public health to reserve the tanks for drinking purposes and to protect them against pollution. The Manager proposes a similar restriction in the case of another tank in Survey no. 255 near the Police Station in Ottaiyapuram town. I have therefore reissued the orders in the case of the first two tanks and issued a fresh order in the case of the third with



effect from 1st September 1895 (copies herewith submitted).

I request that under the latter part of section 144, Criminal Procedure Code, the Government will be pleased to make these three orders perpetual. All these tanks are marked in green on the enclosed map.

2. As regards the ownership of the tanks in question, I beg to state that all the three tanks were originally constructed by the Zamindar [vide extracts herewith submitted] from the Ettaiyapuram manual published by a late Manager of the Zamindari. The first two tanks are still maintained at the cost of the estate. As regards the third tank, it appears that, though it was constructed and improved by a former Zamindar, the subsequent repairs were mostly carried out by private people and that since the introduction of the Union, the tank is under the management of the Union Panchayat.

3. Since it is possible that the official assertion of the Zamindar's ownership in the first two tanks may give rise to dispute, I have omitted all mention of ownership from the present orders. I will however forward copies of the correspondence to

the President of the Taluk Board for disposal or record in his office.

I have the honor to be,

Sir,

Your most obedient servant,

C. S. K. S. S.

District Magistrate

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Read again G.O. dated 17-7-95, No. 148

C.No. 4181.

ORDER. 8/19th September 1895, No 1959.

The following notification will be published in the Fort St. George and Tinnevely District Gazettes.

NOTIFICATION

Whereas it appears that the under-mentioned tanks in the Ettayapuram Zamin-dari in the Dt. of Tinnevely are used for the supply of drinking water and that it will tend to prevent danger to the public health if they are protected against other uses the Governor in Council is pleased under sec. 144 of the Cr. P.C. to direct that the orders of the Dt. Magte. of Tinnevely dated 29th Augt. 1895 prohibiting all persons from bathing or washing their persons, clothes, vessels or cattle in the said tanks be made permanent.

Village	Description of tanks.
Ettayapuram	(1) Teppakulam Tank in survey No. 118
	(2) tank in survey No. 285 in front of the Police station

To
Gazette 24/9/95
Dt. Magte., Tinnevely

Kalugumalai . . . Kumara Teppakulam tank

(From Order)

17/9/95 D.S.S. EL

P.T.O.

Copyist
To print by Book
the office use
12/9/2019

OFFICE NOTE -- to the Under Secretary,

L. & M. Dept.

Copy of the Hon. Member's remarks on Judicial C.No. 4181 is communicated for necessary action. The current contains an application from the Dt. Magte. of Tinnevely requesting to issue an order under sec. 144 of the Cr.P.C. making permanent certain orders which he had passed directing the public to abstain from bathing or washing their persons, clothes, vessels or cattle in certain tanks used for the supply of drinking water. It is requested that if it is decided to recommend an addition to the Bill to amend Act IV of 1894, the form which the amendment is to take should be communicated to the Legislative Dept. within one month.

Prohibiting certain tanks in the Ettayapuram Zamindari for drinking purposes only.

(FROM ORDERS)

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL

N.B.

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