& Munl. (1896) Department.

PRINTED.

G.O., No. 1992 L

DATED 26 - 10 - 1896

INDEXED.

[Despatch Abstract.]

Roads and streets in Zamindaries.

Stating that all roads and streets including puntas in Zamindaries and whole Inam villages and agraharams are vested in the Local Boards and that encroachments thereon should be dealt with by these bodies.

BACK PAPERS.

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

FURTHER PAPERS.

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

590

Proof

Government {1896} of Madras.

LOCAL AND MUNICIPAL.

Proof for approval. 11/11

Recd. } 1896. *Enclosures*

Regd. } *Spare copies*

G.O., No. 1992 L., 26th October 1896.

Pass
Please carry out the
corrections written off
Struck off 2nd
11/11/96

OCTOBER.

Roads and Streets in Zamindaries.

Stating that all roads and streets including puntas in zamindaries and whole inam villages and agraharams are vested in the local boards and that encroachments thereon should be dealt with by these bodies.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

From M.R.Ry. Rao Bahadur K. RUSTUMSING Avargal, President, Taluk Board, Cocanada, to the President, District Board, Gódávari, dated 4th January 1896, Ref. on Cur. No. 1872-T B.

As zamindars were in the habit of encroaching upon cart-tracks called "puntas" in zamindari villages over which the public have a right to pass, they were ordered in G.O., No. 2946 L., dated 18th November 1890, to be surveyed, demarcated and mapped. This is now being done by a special establishment consisting of a surveyor on Rs. 20 and two peons on Rs. 6 each for the last five years so far as puntas leading from one village to the other are concerned. My predecessor, in requesting sanction for the retention of this establishment, inquired in paragraph 3 of his letter No. B, dated 18th May 1894, whether by G.O., No. 865, Revenue, dated 4th October 1893, it was the intention of the Government that the Revenue authorities should deal with encroachments on village foot-paths leading to drinking-water wells, burning and burial grounds, &c., in zamindari villages. The Government, in sanctioning the retention of the establishment in its G.O., Mis. No. 1350 L., dated 23rd July 1894, answered the aforesaid question in the affirmative. From this it appears that zamindars have no right not only to village puntas coming under the control of the taluk boards but also to village foot-paths leading to drinking-water wells, &c., in zamindari villages. But, at any rate, the above order as regards village foot-paths conflicts with Board's Proceedings, Mis. No. 767, dated 15th February 1894, which was passed on a reference made by the Collector on receipt of G.O., No. 865, Revenue, dated 4th October 1893. This G.O., No. 865, Revenue, prohibits the exercise of control by the taluk boards on such small puntas. Taking advantage of the Board's Proceedings referred to above, the zamindars have now been claiming the enjoyment of the usufruct of all trees on all the puntas without any distinction whatever as regards their nature. I have therefore the honour to inquire—

(1) Whether the Board's Proceedings referred to should be considered to have been cancelled by the subsequent G.O., Mis. No. 1350 L., dated 23rd July 1894, so far as it relates to the village foot-paths leading to grazing grounds, burning grounds, &c.

(2) If not, whether the puntas leading from one village to the other in zamindari tracts, which are now under the control of the taluk boards, should also be held to be the property of zamindars when such puntas are to be abandoned from the control of the taluk boards under the recent orders of Government.

If the second question were to be answered in the affirmative, I dare say that there will be much oppression and inconvenience to the public besides Government vesting its own right and property to zamindars who never appear to have exercised any right over such puntas, which are undoubtedly the property of the public. If it is to be held with all these objections that these puntas, if not kept under the control of the taluk boards, be handed over to the zamindars, I do not see any necessity for the retention of the survey establishment now demarcating the village puntas in zamindari tracts under the orders of Government. If, on the other hand, it is to be held that village puntas leading from one village to the other be treated to be the property of Government, and kept under the authority of Revenue officials, I do not quite see my way why the small puntas now transferred to zamindars under the authority of Board's Proceedings, Mis. No. 767, dated 15th February 1894, should be differently treated while the Board's orders are in conflict with the recent orders of Government contained in its Order, Mis. No. 1350 L., dated 23rd July 1894.

Ref. on Cur. No. 89-D.B. of 1896

Submitted to Government in the Local and Municipal Department for favour of orders.

2. In his letter, Ref. on Cur. No. 306-Eng., dated 22nd December 1893, read in Board's Proceedings, Mis. No. 767, dated 15th February 1894, the Collector of Gódávari did not make any distinction between "puntas" leading to burning, burial, or grazing grounds and drinking-water tanks and other streets or roads (puntas) leading from one village to another in the zamindari villages, and the right of ownership of both was transferred to zamindar (*vide* Board's Proceedings quoted above).

3. G.O., Mis. No. 1350 L., dated 23rd July 1894, clearly stated that "the Revenue authorities should deal with the encroachments on puntas and other village pathways leading to drinking-water tanks, burial, grazing and other public grounds in the zamindari and other proprietary villages, and that the streets or roads (puntas) in villages, whether Government or zamindari, should be dealt with by the taluk board," and thus deprived the zamindars of the right of ownership of both classes of puntas which became vested in the zamindars as shown in paragraph 1. It is presumed that this Government Order overruled Board's Proceedings, Mis. No. 767, dated 15th February 1894, referred to in paragraph 1, and that the zamindars have now no right of either to puntas, or streets, or roads, of any kind in their villages or to the usufruct of the trees standing thereon.

(Signed) V. A. BRODIE,
President, District Board.

13*th April* 1896.

No. 562.

Transferred to the Revenue Department, in continuation of endorsement No. 1720, dated 5th December 1895.

Fort St. George,
19*th May* 1896.

(Signed) W. W. PHILLIPS,
Ag. Asst. Secretary.

To the Revenue Department.

G.O., Mis. No. 3612, dated 9th September 1896.

Abstract.—Retransferring to the Local and Municipal Department papers regarding encroachments on puntas in zamindari villages, Gódávari district.

Order—No. 1992 L., dated 26th October 1896.

On reconsideration the Government is of opinion that all roads and streets, including puntas and other pathways leading to drinking-water tanks, burial, grazing and other public grounds, in zamindari and whole inam villages and agraharams, are vested in the local boards under section 49 of the Local Boards Act, and that encroachments thereon should be dealt with by these bodies. Paragraph 2 of G.O., Mis. No. 1350 L., of 23rd July 1894, stating that Revenue authorities should deal with encroachments in these cases, will accordingly be cancelled.

2. In paragraph 6 of G.O., No. 1812 L., of 2nd October 1895, Presidents of District Boards were requested to submit to Government lists of all roads and streets in their districts which they desired to continue to maintain and which should therefore continue to vest in the local boards under section 49 of the Local Boards Act. The Presidents of all District Boards, except those of Nilgiris and Tinnevelly, have submitted the required lists, and notifications, excluding all roads and streets other than those mentioned in these lists from the operation of the Local Boards Act, have been issued by Government under the proviso to section 49, but the lists received from the districts of Kistna and Madura alone included the roads and streets in zamindari and

whole inam villages and agraharams. The notifications published in the remaining cases will, therefore, be now amended by the addition of such roads and streets to the lists annexed to them, and the following erratum published in the *Fort St. George Gazette* and the gazettes of the districts concerned :—

Erratum.

In the lists annexed to the notifications specified below, insert "roads and streets in zamindari and whole inam villages and agraharams" as the last item.

Number of the Notification.	Date of the *Fort St. George Gazette* in which notification is published.
139	Part I-A, 25th Feb. 1896.
188	„ 17th March „
319	„ 12th May „
320	„ 12th „ „
321	„ 12th „ „
322	„ 12th „ „
323	„ 12th „ „
324	„ 12th „ „
343	„ 19th „ „
344	„ 19th „ „
373	„ 2nd June „
389	„ 9th „ „
419	„ 16th „ „
437	„ 23rd „ „
467	„ 7th July „
659	„ 15th Sept. „
714	„ 29th „ „

(True Extract.)

Secretary to Government.

To all Presidents of District Boards.
„ all Collectors.
„ the Revenue Department.
Gazette.

Exd. C. M. Thumbuswamy.

[5]
700—6-4-96.

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Current No. 11342 of 1896 , dated 13th April 1896 from the President, District Board, Godavari.
Current No. 25232 of 1896 , dated 9th September 1896 from the Revenue Department.

H.M.
P.S. Order. No. 1992 L. d/26-10-96.

On reconsideration the Government is of opinion that all roads and streets including punta and other pathways leading to drinking water tank burial, grazing and other public grounds, in Zamindari and ~~entire~~ whole Inam Villages and agraharams are vested in the Local Boards under Section 49 of the Local Boards Act and that encroachments thereon should be dealt with by these bodies. Para 2 of G.O. No. 1350 L of 23rd July 1894 stating that Revenue authorities should deal with encroachments in these cases, will accordingly be cancelled.

2. In Para 6 of G.O. No. 1812 L of 2nd October 1895 Presidents of District Boards were requested to submit to Government lists of all roads & streets in their districts which they desired to continue to maintain and which should therefore continue to vest in the Local Boards under section 49 of the Local Boards Act. The Presidents of all District Boards, except those of Nilgiris and Tinnevelly, have submitted the required lists, and notification excluding

excluding all roads and streets other than those mentioned in these lists from the operation of the Local Boards Act, have been issued by Government under the proviso to section 49, but the lists received from the districts of Kistna and Madura alone included the roads and streets in Zamindari and whole Inam Villages and Agraharams.

The notifications published in the remaining cases will therefore be now amended by the addition of such roads and streets to the lists annexed to them and the following Erratum published in the Fort St. George Gazette and the Gazettes of the districts concerned.

Erratum.

In the lists annexed to the notifications specified below, insert "Roads and streets in Zamindari and whole Inam Villages and Agraharams" as the last item:-

Number of the Notification.	Date of the Fort St. George Gazette in which notification is published.
139	Part I.A 25th February 1896.
188	do. 17th March 1896.
319	do. 12th May 1896.
320	do. 12th May 1896.
321	do. 12th May 1896.
322	do. 12th May 1896.
323	do. 12th May 1896.
324	do. 12th May 1896.
343	do. 19th May 1896.
344	do. 19th May 1896.
373	do 2nd June 1896.
389	do. 9th June 1896.
419	do. 16th June 1896.
437	do. 23rd June 1896.
467	do. 7th July 1896.
659	do 15th September 1896.
714	do 29th September 1896.

(From orders in current No. 2523 Z)

V.R. 7/10/96

bbd 20.10.96

R 13/10/96.

To All Presidents of Boards. Collectors. The Revenue Department Gazette Supdt. 18/11/96

Revenue Drpt.

C. No. 3648 of 96.

Note.

In the paper read alone, the President, District Board, Godavari, asks whether Pantas in Zamindaries, other than the roads and streets which vest in the Local Boards, belong to the Zemindars, or are subject to the control of the Revenue authorities - in other words whether G.O. No. 1350 L., dated 23rd July 1894 which stated that the Revenue authorities should deal with encroachments on pantas and other village pathways leading to drinking water tanks grazing and other public burial grounds in the Zemindari and other proprietory villages, overrul

Board

Board's Proceedings No: 767
dated the 15th February
1894 recorded in Lr.o. No: 890
dy 1st March 1894, in which
the Board of Revenue in-
formed the Collector that
his presumption - that
"puntas in Zemindaris -
belong to the Zemindars
and that the usufruct of
trees standing therein and
hitherto credited to Local
Funds is the property of
Zemindars" - was correct.

2. A summary of the
correspondence on the Sub-
ject is given below:—

(a) In 1887, the Collector
of South Arcot raised the
question whether, considering
that Section 49 of Madras
Act V of 1884 vests in the
District Board all public
roads

roads or streets in the
trict, the District B
authorities had any
to levy prohibitory
ment on encroachm
on streets. The Boa
replied:-

"The Taluk Board
have ample power
encroachments aft
them under Section 9
the Act and it is th
perhaps unnecessary
the Revenue office
none than draw the
tion of the Taluk
to the matter.

"The Government
over squares and
spaces in and near
is left untouched
encroachments on
can be stopped at

Board's Proceedings [illegible]

dated the 15th [illegible]

1894 recorded in [illegible]

dy 1st March 1894 [illegible]

the Board of Re[illegible]

formed the [illegible]

his presumpt[illegible]

"puntas in Zemin[illegible]

belong to the Zemindar" [illegible]

and that the usufr[illegible]

trees standing there[illegible]

hitherto credited [illegible]

Funds is the pro[illegible]

Zemindars" — was [illegible]

2. A summary [illegible]

correspondence on [illegible]

ject is given belo[illegible]

(a) In 1887, the [illegible]

of South Arcot raise[illegible]

question whether [illegible]

that section 49 o[illegible]

Act V of 1884 res[illegible]

District Board a[illegible]

"usual way" Vide

G.O. No. 441 dy 10-8-87.

Recorded in G.O. No. 916 dy 20-9-87

In April 1891, the

Collector of Bellary reported

numerous cases of

encroachments on village

roads and streets were at

time of Jamabandy

brought to his notice, but

these vested in the

Boards; he could

not interfere under Stand-

ing Order No. 16 and that the

Boards themselves

were unable to cope with the

difficulty. The Board

upon suggested that

roads except those

mentioned by the Local

Boards should be with-

drawn from the operation

of the Local Boards' Act,

that Collectors might,

under

11

under Standing Order No. 16, deal with encroachments on the roads &c so withdrawn. But the Government deferred the question for consideration in connection with the Bill to amend the Local Boards' Act. Vide Board's Proceedings No. 449 dy 30th July 1891 endorsed G.O. 5044 dy 23rd Septr. 1891, and G.O. 1897 L. Mis. dy 20th November 1891 under G.O. 1699 dy 26th November 1891 Revenue.

(c) In 1892 the Collector of Bellary again adverted to the subject of encroachments on public roads and pathways and observed:—

"The encroachment on public land either by cultivation or by prickly-pear

hedges is spreading every
day and unless some
measures are taken to
remedy the evil, it will
assume serious dimensions"
The Board then re-considered
the whole question and re-
commended that the old
practice by which Revenue
Officers could impose penal
assessment on encroach-
ments upon public roads
and streets &c, be revised.
But the Government declined
to sanction the Board's re-
commendation as it considered
that the practice referred
to was illegal - Vide G.O.
160 dy 15th February 1893.

(d) In 1893, the question was
raised whether 'puntas' could
be regarded as public
streets and as such the
property

property of a Local Board.
The Board expressed the opi-
nion "that 'Puntas' being
paths over which the pub-
lic has a right of way and
in which there is no priva
te property, are public
roads and, whether they
existed at the time Act V
of 1884 came into force or
not, vest in District Board
under section 49 of the act
In this view the Government
concurred - Vide G.O. N° 3286
dy 7th Septr. 1893.

(e) In the same year (1893),
the Collector of S. Arcot
enquired whether the com-
mon village paths leading
to the burial grounds,
drinking wells, or fields,
were included under the
term "public roads" and
whether

whether in such cases also the Revenue authorities could not prevent encroachments by imposing penal assessment. Both he and the Board of Revenue were of opinion that Taluk Boards would not be able to exercise adequate control over encroachments in such pathways. The Govt. then reconsidered the whole question and decided that puntas and other village pathways entered as Poramboke in village registers are not the roads or streets within the meaning of Section 49 of the Local Board's Act V of 1884, and that, therefore, encroachments thereon should be dealt by the Revenue authorities

authorities under Standing Order No. 16 G.O. No. 865 dy 4th October 1893.

(b) On receipt of the G.O. last quoted above, the Collector of Godavari in a letter dated 22nd December 1893, asked the Board whether he was right in presuming "that puntas in Zemindaries belong to the Zemindars and that the usufruct of the trees standing therein and hitherto credited to Local Funds is the property of Zemindars". The Board replied that the Collector's presumption was correct and the Board's Proceedings of which a copy was submitted to Govt; was recorded in G.O. No. 890, dy 1st March 1894.

(g) In May 1894, the President Taluk Board, Cocanada, apparently

apparently unaware of the reference made by the Collector to the Board of Revenue, addressed the Local + Municipal Deptt. through the President, District Board, with reference to the same G.O. namely No 865 Revenue, of the 4th October 1893 — and wished to know whether it was the intention of Govt. that the Revenue authorities should deal with encroachments on puntas and other village pathways leading to drinking water tanks, burial, grazing and other public grounds in the Zemindari and Proprietory as well as in Govt. villages, and the Taluk Boards, with encroachments on the streets and roads in all villages — Govt. and Zemindari. This question was answered by

by Government in the affirmative. G.O. No 1350 L., dated 23rd July 1894. The paper was not however sent to the Revenue Department for counterinitials.

3. It will be seen from the above summary that the decision in the Local and Municipal Department referred to in paragraph 2 (g) above, so far as it relates to the control over puntas and other village pathways in Zemindaris, conflicts with that in the Revenue Department referred to in para. 2(f).

The question for consideration now is which order is it that should be adhered to.

4. Since the issue of the Order of 23rd July 1894, the Local and Municipal Department has issued another Order, — No 1812 L., dated 2nd October 1895. In this it

it is observed that at present, all roads and streets in the districts, excepting only those which lie within Municipal limits, vest in the Local Boards under Section 49 of the Act and that, is therefore, it is beyond the legal power of the Revenue authorities to impose prohibitory assessment on encroachments upon them, but that such assessment may be charged upon encroachments upon any road which has been excluded from the operation of the Act under the proviso to that Section. All Presidents of District Boards have accordingly been requested to submit lists of the roads and streets in their districts which they desire to continue to maintain and which should therefore continue to vest in the Local Boards under Section 49.

Most

Most Presidents have furnished the requisite lists and notifications have been published excluding from the operation of the Act all roads and streets in each District other than those shewn in the list. Collectors are also enjoined to pay particular attention to the matter at the time of Jamabandy and to exercise the greatest care to ensure "that prohibitory assessment is imposed in every case in which an encroachment has occurred upon a road or street which has been excluded by Notification from the operation of Act V of 1884".

It is not clear what precisely was intended by this instruction or how it is understood by the Collectors

Generally

generally, i.e., whether this as power to impose prohibitory assessment was understood as extending to cases of encroachments upon punjas &c. in the Zemindari and whole Inam villages also. Two at least of the Collectors, namely, those of Madura and Kistna, have not understood the instruction in that light and have accordingly suggested that all roads and streets in Zemindari* and whole Inam villages may continue to vest in the Local Boards. In making this suggestion, the Collector of Madura remarked that "as the Revenue Department is powerless to check encroachments on them, the protection that can be afforded by the Local Fund Department

* Roads and streets in Zemindari and whole Inam villages excluded from the operation of the Local Boards Act V of 1884.

Department is better than none at all." The reason assigned by the Collector of Kistna is that "it is advisable to keep all such roads &c. under Local Boards until it has been decided how to deal with encroachments by Zemindars and Agraharamdars on communal punjabokes situated in their estates."

5. There is no information in the Government office whether since the issue of G.O. dated 23rd July 1894, No. 13, the Revenue officers in Godavari have had occasion to deal with cases of encroachments on the punjas &c. in Zemindari or whole Inam villages and if so, with what result. But as any such encroachments would affect the

Dwd/ V.K.

he preexisting rights of the
illage Communities in foram-
okes and as the Government
as resolved to protect such
ights by legislation if necessary,
is submitted that either all
oads and streets in Zemindari
nd whole Inam villages or
raharams may be included
mong those which continue
vest in the Local Boards,
in the Kistna and Madura
istricts, or that the order of
th July 1894 issued in the
ocal and Municipal Depart-
ent may be affirmed and
e Revenue Officers instructed
supersession of G.O. No. 890
ted 1st March 1894, to deal also
th cases of encroachments on
ads &c, situated in Zemindaris
d the whole Inam villages,
hich have been excluded
from

from the operation of Act
of 1884 the Proprietors con-
-cerned being left to contest
the power of Revenue Off-
-cers to deal with such
cases, by a suit in a civi
Court, if so advised.

(Initialled) V.R.
20.8.96

Roads and Streets ~~in~~ Zamin-
-daries &c. should be included
amongst those vested in
District boards.

Dd/ J.G.
26-8-96.

It is difficult to see how
the second alternative can be
logically maintained, and the
first may be adopted. The
Board's report called for in G.O.
27th January 1896, No. 345 must be
awaited before the necessary
protection can be given by
legislation. The Local Board
Act is very defective in this
particular.

Dd/ A.J.A.
26-8-96.

Perhaps this will be the
best (temporary) way out of
the difficulty.

Dd/ H.W.B.
27/8/96.

24

C. N° 3648/96.

The Hon: Mr Bliss C.I.E. Note for the Secretary

As under the orders passed by the Hon: Mr Grose, the latter part of G. O. N° 1350 L (L. & M. Dept^t) dt. 23-7-94 will have to be cancelled and amendments of notifications already issued in the Local and Municipal Dept^t will have to be published in the Gazette by that Dept^t, it is submitted that the current may be circulated to the Hon: Mr Bliss also and if H.E. agree as to the orders to be passed, the notes may be transferred in original to the Local and Municipal Department in view to the necessary action being taken.

Init/ A.J.A.
24-9-96.

Init/ V.R.

Transfer to L & M.
Init/ A.J.A.
24-9-96.

25

Local & Munl. (189) Department.

CURRENT No. 2523 L

From

The Revenue Department.

Order

No. 3612.Mis.

Dated the 9th September 1896.

Received 14 SEP [illegible]

Registered 1577

Enclosures 2 v Cro 1134 h returned.

Spare copies.

SUBJECT.

Re-transferringto the Local & Municipal Dept. papers regarding encroachments on puntas in Zemindari villages,Godavari Dt.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Godavari District Board Office
Dated 4. 1. 1896

Ref on Cir No 1872/J.B of 1895.

From

M R Ry Rao Bahadur K. Rustum Sing Avl

President, Taluk Board.
Cocanada

To

The President,
District Board,
Godavari.

Sir,

As Zamindars were in the habit of encroaching upon, cart tracks, called 'puntas' in Zamindari Villages over which the public have a right to pass, they were ordered in G. O No 2946 dated 18.11.90 to be Surveyed, demarcated and mapped. This is now being done by a Special establishment consisting of a Surveyor on Rs 20 and 2 peons on Rs 6 each for the last 5 years So far as puntas leading from one village to the other are concerned. My predecessor in requesting Sanction for the retention of this establishment enquired in para 3 of his letter No B dated 18.5.94 whether by G. O No 865 dated 4.10.93 it was the intention of the Government that the Revenue Authorities should deal with encroachments on village foot-paths.

leave

leading to drinking water-wells, burning and burial grounds ve in Zamindari Villages. The Government in Sanctioning the retention of the establishment in its G.O No. 1350 L. mis dated 23.7.94 27.3.94 answered the Aforesaid question in the affirmative. From this it appears that Zamindars have no right not only to village puntas coming under the control of the Taluk Boards but also to village foot-paths leading to drinking water-wells ve in Zamindari Villages. But at any rate, the above order as regards village foot-paths conflicts with Boards Proceedings No. 767 mis dt 15.2.94 which was passed on a reference made by the Collector on receipt of G.O no 865 dated 4.10.1893. This G.O 865 prohibits the exercise of control by the Taluk Boards on such small puntas. Taking advantage of the Board's Proceedings referred to above, the Zamindars have now been claiming the enjoyment of the usufruct of all trees on all the puntas without any distinction whatever as regards their nature. I have therefore the honor to enquire:—

(1) Whether the Board's Proceedings referred to should be considered to have been cancelled by the Subsequent G.O no 1350/23.7.94 So far as it relates to the village foot-paths leading to grazing grounds, burning grounds ve.

(2) If not, whether the puntas leading from one village to the other in Zamindari tracts which are now under the control of the Taluk Boards should also be held to be the property of Zamindars when such puntas are to be abandoned from the control of the Taluk Boards under the recent orders of Government.

If the second question were to be answered in the affirmative, I dare say that there will be much oppression and inconvenience to the public by besides Government vesting its own right and property to Zamindars who never appear to have exercised any right over such puntas which are undoubtedly the property of the public. If its is to be held with all these objections that these puntas if not kept under the control of the Taluk Boards be handed over to the Zamindars, I don't see any necessity for the retention of the Survey establishment

G.O. 890/1-3-94

G.O. 1812/2-10-95

G.O. 4606/15-11-95

establishment now demarcating the village puntas in Zamindari tracts under the orders of Government. If on the other hand it is to be held that village puntas leading from one village to the other be treated to be the property of Government and kept under the authority of Revenue officials, I don't quite see my way why the small puntas now transferred to Zamindars under the authority of Board's Proceedings No. 767 mis dated 15. 2. 94 should be differently treated while the Board's orders are in conflict with the recent orders of Government contained in its order No. 1350 L. mis 23.7.94

I have &c
(Sd) K. Rustum Singh
President, Taluk Board,

Ref: on Cir: No. 89/98 dt
/ True Copy /

LOCAL ... CURRENT NO. 1134 L

Submitted to Government in the Local and Municipal Department for favour of orders.

2 In his letter Ref on Cir No. 306 Eng dt 22.12.93 read in B. P No. 767 mis: dated 15. 2. 94, the Collector of Godavari did not make any distinction between "Puntas" leading to burning, burial or grazing

G.O 890 1-3-94

Subsequent

grazing grounds and drinking water-tanks and other streets or roads (puntas) leading from one village to another in the Zamindari villages and the rights of ownership of both was transferred to Zamindars (vide B. P quoted above).

3 G. O No. 1350 L. mis, dated 23.7.94, clearly stated that "the Revenue authorities should "deal with the encroachments on puntas and other "village pathways leading to drinking water "-tanks, burial, grazing and other public grounds "in the Zamindari and other proprietory villages "and that the Streets or roads (puntas) in villages "whether Government or Zamindari, should be dealt "with by the Taluk Board" and thus deprived the Zamindars of the right of ownership of both classes of puntas which became vested in the Zamindars as shown in para 1. It is presumed that this G. O overruled B. P No. 767 dt 15. 2. 94 referred to in para 1 and that the Zamindars have now no right either to puntas or Streets

or roads of any kind in their villages or to the use of such

of the trees standing thereon.

(Sd) V. A. Brodie.

President Dist Bd.

Godavari Distt Boards
Office, d/ 13. 4. 96
dep 15/-

(Sd) [illegible]
14/4

(Sd) [illegible]
Vice-President.

[9] Local and Municipal Department.

Rec'd 1896 depts

Local & Municipal Dept.
CURRENT No. 1134 L.

From

The President, District Board,
Godavari.

Current number 348

Ref on Cur No. 89/D.B of 96.

Dated 13 - 4 - 1896.

Received 20 - 4 - 1896.

Enclosures
Recd 21.5.96

SUBJECT.

Submitting with certain remarks, Cocanada Taluk Board President's letter No. 1872/D.B of 95, dated 4-1-96, regarding encroachments on pumbas in Zamindari villages, in the Godavari district.

L+M. Endt. No. 1720 d 5-12-95 = G.O. 345
G.O. 1350 L d 23-7-94
B.P. 767 d 15-2-94 = G.O. 870 d 11-3-94 27-1-96.
G.O. 345 890 G.O. 585 1010-93
27-1-96 1-

21 MAY 96

M.R.

For orders.

The question of encroachments on pumbas in Zamindaris is under consideration in the Rev. Dept. the question however asked in this current is whether G.O. 1350 L d 23.7.94 should be held to cancel B.P. 767 d 15.2.94, which it evidently does. Is submitted for orders whether this question shd. be answered in L. & M. or the papers transferred to Revenue.

I submit that the whole question had better be dealt with in Revenue

Lt 8.5.96

12/5/96

14/5/96

No. 562

Transferred to the Revenue Department in continuation of Endorsement No. 1720, dated 5th December 1895.

for Secretary.

Fort St. George
19th May 1896

To The Revenue Department

384 Salt Trade

Revenue Department.

Proceedings of the Madras Government.

Local & Municipal Dept.
No. 7523 L

Read Endorsement of the Local and Municipal Department, No. 562, d/19th May 1896, on endorsement of the President, District Board, Godavari, Ref. on Cur. No. 89/D.B. of '96 d/13th April 1896.

Order thereon, No. 3612 Mis, dated the 9th September 1896.

Re-transferred to the Local and Municipal Department, with notes in original.

(True Extract.)

For Ag. Under Secretary to Government.

To

The Local and Municipal Dept. with papers.

× ref. to the R. Dept. for its C. No. 8441 of 1896.

35

Government {1896} of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1896. *Enclosures*

Regd. } *Spare copies*

G.O., No. 1992 L., 26th October 1896.

OCTOBER.

Roads and Streets in Zamindaries.

Stating that all roads and streets including puntas in zamindaries and whole inam villages and agraharams are vested in the local boards and that encroachments thereon should be dealt with by these bodies.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

From M.R.Ry. Rao Bahadur K. RUSTUMSING Avargal, President, Taluk Board, Cocanada, to the President, District Board, Gódávari, dated 4th January 1896, Ref. on Cur. No. 1872-T B. of 1895.

As zamindars were in the habit of encroaching upon cart-tracks called "puntas" in zamindari villages over which the public have a right to pass, they were ordered in G.O., No. 2946 L., dated 18th November 1890, to be surveyed, demarcated and mapped. This is now being done by a special establishment consisting of a surveyor on Rs. 20 and two peons on Rs. 6 each for the last five years so far as puntas leading from one village to the other are concerned. My predecessor, in requesting sanction for the retention of this establishment, inquired in paragraph 3 of his letter No. B, dated 18th May 1894, whether by G.O., No. 865, Revenue, dated 4th October 1893, it was the intention of the Government that the Revenue authorities should deal with encroachments on village foot-paths leading to drinking-water wells, burning and burial grounds, &c., in zamindari villages. The Government, in sanctioning the retention of the establishment in its G.O., Mis. No. 1350 L., dated 23rd July 1894, answered the aforesaid question in the affirmative. From this it appears that zamindars have no right not only to village puntas coming under the control of the taluk boards but also to village foot-paths leading to drinking-water wells, &c., in zamindari villages. But, at any rate, the above order as regards village foot-paths conflicts with Board's Proceedings, Mis. No. 767, dated 15th February 1894, which was passed on a reference made by the Collector on receipt of G.O., No. 865, Revenue, dated 4th October 1893. This G.O., No. 865, Revenue, prohibits the exercise of control by the taluk boards on such small puntas. Taking advantage of the Board's Proceedings referred to above, the zamindars have now been claiming the enjoyment of the usufruct of all trees on all the puntas without any distinction whatever as regards their nature. I have therefore the honour to inquire—

(1) Whether the Board's Proceedings referred to should be considered to have been cancelled by the subsequent G.O., Mis. No. 1350 L., dated 23rd July 1894, so far as it relates to the village foot-paths leading to grazing grounds, burning grounds, &c.

(2) If not, whether the puntas leading from one village to the other in zamindari tracts, which are now under the control of the taluk boards, should also be held to be the property of zamindars when such puntas are to be abandoned from the control of the taluk boards under the recent orders of Government.

If the second question were to be answered in the affirmative, I dare say that there will be much oppression and inconvenience to the public besides Government vesting its own right and property to zamindars who never appear to have exercised any right over such puntas, which are undoubtedly the property of the public. If it is to be held with all these objections that these puntas, if not kept under the control of the taluk boards, be handed over to the zamindars, I do not see any necessity for the retention of the survey establishment now demarcating the village puntas in zamindari tracts under the orders of Government. If, on the other hand, it is to be held that village puntas leading from one village to the other be treated to be the property of Government, and kept under the authority of Revenue officials, I do not quite see my way why the small puntas now transferred to zamindars under the authority of Board's Proceedings, Mis. No. 767, dated 15th February 1894, should be differently treated while the Board's orders are in conflict with the recent orders of Government contained in its Order, Mis. No. 1350 L., dated 23rd July 1894.

Ref. on Cur. No. 89-D.B. of 1896.

Submitted to Government in the Local and Municipal Department for favour of orders.

2. In his letter, Ref. on Cur. No. 306-Eng., dated 22nd December 1893, read in Board's Proceedings, Mis. No. 767, dated 15th February 1894, the Collector of Gódávari did not make any distinction between "puntas" leading to burning, burial, or grazing grounds and drinking-water tanks and other streets or roads (puntas) leading from one village to another in the zamindari villages, and the right of ownership of both was transferred to zamindar (*vide* Board's Proceedings quoted above).

3. G.O., Mis. No. 1350 L., dated 23rd July 1894, clearly stated that "the Revenue authorities should deal with the encroachments on puntas and other village pathways leading to drinking-water tanks, burial, grazing and other public grounds in the zamindari and other proprietary villages, and that the streets or roads (puntas) in villages, whether Government or zamindari, should be dealt with by the taluk board," and thus deprived the zamindars of the right of ownership of both classes of puntas which became vested in the zamindars as shown in paragraph 1. It is presumed that this Government Order overruled Board's Proceedings, Mis. No. 767, dated 15th February 1894, referred to in paragraph 1, and that the zamindars have now no right either to puntas, or streets, or roads, of any kind in their villages or to the usufruct of the trees standing thereon.

(Signed) V. A. BRODIE,
President, District Board.

13*th April* 1896.

No. 562.

Transferred to the Revenue Department, in continuation of endorsement No. 1720, dated 5th December 1895.

(Signed) W. W. PHILLIPS,
Ag. Asst. Secretary.

Fort St. George,
19*th May* 1896.

To the Revenue Department.

G.O., Mis. No. 3612, Revenue, dated 9th September 1896.

Abstract.—Retransferring to the Local and Municipal Department papers regarding encroachments on puntas in zamindari villages in the Gódávari district.

Order—No. 1992 L., dated 26th October 1896.

On reconsideration the Government is of opinion that all roads and streets, including puntas and other pathways leading to drinking-water tanks, burial, grazing and other public grounds, in zamindari and whole inam villages and agraharams, are vested in the local boards under section 49 of the Local Boards Act, and that encroachments thereon should be dealt with by these bodies. Paragraph 2 of G.O., Mis. No. 1350 L., of 23rd July 1894, stating that Revenue authorities should deal with encroachments in these cases, will accordingly be cancelled.

2. In paragraph 6 of G.O., No. 1812 L., of 2nd October 1895, Presidents of District Boards were requested to submit to Government lists of all roads and streets in their districts which they desired to continue to maintain and which should therefore continue to vest in the local boards under section 49 of the Local Boards Act. The Presidents of all District Boards, except those of Nilgiris and Tinnevelly, have submitted the required lists, and notifications, excluding all roads and streets other than those mentioned in these lists from the operation of the Local Boards Act, have been issued by Government under the proviso to section 49, but the lists received from the districts of Kistna and Madura alone included the roads and streets in zamindari and

whole inam villages and agraharams. The notifications published in the remaining cases will, therefore, be now amended by the addition of such roads and streets to the lists annexed to them, and the following erratum published in the *Fort St. George Gazette* and the gazettes of the districts concerned :—

Erratum.

In the lists annexed to the notifications specified below, insert "roads and streets in zamindari and whole inam villages and agraharams" as the last item :—

Number of the Notification.	Date of the *Fort St. George Gazette* in which notification is published.
139	Part I-A, 25th Feb. 1896.
188	,, 17th March ,,
319	,, 12th May ,,
320	,, 12th ,, ,,
321	,, 12th ,, ,,
322	,, 12th ,, ,,
323	,, 12th ,, ,,
324	,, 12th ,, ,,
343	,, 12th ,, ,,
344	,, 19th ,, ,,
373	,, 19th ,, ,,
389	,, 2nd June ,,
419	,, 9th ,, ,,
437	,, 16th ,, ,,
467	,, 23rd ,, ,,
659	,, 7th July ,,
714	,, 15th Sept. ,,
	,, 29th ,, ,,

(True Extract.)

A. T. ARUNDEL,
Ag. Chief Secretary.

To all Presidents of District Boards.
,, all Collectors.
,, the Revenue Department.
Gazette.

Exd. C. M. Thumbuswamy.

Government {1896} of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1896. *Enclosures*
Regd. } *Spare copies*

G.O., No. 1992 L., 26th October 1896.

OCTOBER.

Roads and Streets in Zamindaries.

Stating that all roads and streets including puntas in zamindaries and whole inam villages and agraharams are vested in the local boards and that encroachments thereon should be dealt with by these bodies.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

From M.R.Ry. Rao Bahadur K. RUSTUMSING Avargal, President, Taluk Board, Cocanada, to the President, District Board, Gódávari, dated 4th January 1896, Ref. on Cur. No. 1872-T B. of 1895.

As zamindars were in the habit of encroaching upon cart-tracks called "puntas" in zamindari villages over which the public have a right to pass, they were ordered in G.O., No. 2946 L., dated 18th November 1890, to be surveyed, demarcated and mapped. This is now being done by a special establishment consisting of a surveyor on Rs. 20 and two peons on Rs. 6 each for the last five years so far as puntas leading from one village to the other are concerned. My predecessor, in requesting sanction for the retention of this establishment, inquired in paragraph 3 of his letter No. B, dated 18th May 1894, whether by G.O., No. 865, Revenue, dated 4th October 1893, it was the intention of the Government that the Revenue authorities should deal with encroachments on village foot-paths leading to drinking-water wells, burning and burial grounds, &c., in zamindari villages. The Government, in sanctioning the retention of the establishment in its G.O., Mis. No. 1350 L., dated 23rd July 1894, answered the aforesaid question in the affirmative. From this it appears that zamindars have no right not only to village puntas coming under the control of the taluk boards but also to village foot-paths leading to drinking-water wells, &c., in zamindari villages. But, at any rate, the above order as regards village foot-paths conflicts with Board's Proceedings, Mis. No. 767, dated 15th February 1894, which was passed on a reference made by the Collector on receipt of G.O., No. 865, Revenue, dated 4th October 1893. This G.O., No. 865, Revenue, prohibits the exercise of control by the taluk boards on such small puntas. Taking advantage of the Board's Proceedings referred to above, the zamindars have now been claiming the enjoyment of the usufruct of all trees on all the puntas without any distinction whatever as regards their nature. I have therefore the honour to inquire—

(1) Whether the Board's Proceedings referred to should be considered to have been cancelled by the subsequent G.O., Mis. No. 1350 L., dated 23rd July 1894, so far as it relates to the village foot-paths leading to grazing grounds, burning grounds, &c.

(2) If not, whether the puntas leading from one village to the other in zamindari tracts, which are now under the control of the taluk boards, should also be held to be the property of zamindars when such puntas are to be abandoned from the control of the taluk boards under the recent orders of Government.

If the second question were to be answered in the affirmative, I dare say that there will be much oppression and inconvenience to the public besides Government vesting its own right and property to zamindars who never appear to have exercised any right over such puntas, which are undoubtedly the property of the public. If it is to be held with all these objections that these puntas, if not kept under the control of the taluk boards, be handed over to the zamindars, I do not see any necessity for the retention of the survey establishment now demarcating the village puntas in zamindari tracts under the orders of Government. If, on the other hand, it is to be held that village puntas leading from one village to the other be treated to be the property of Government, and kept under the authority of Revenue officials, I do not quite see my way why the small puntas now transferred to zamindars under the authority of Board's Proceedings, Mis. No. 767, dated 15th February 1894, should be differently treated while the Board's orders are in conflict with the recent orders of Government contained in its Order, Mis. No. 1350 L., dated 23rd July 1894.

Ref. on Cur. No. 89-D.B. of 1896.

Submitted to Government in the Local and Municipal Department for favour of orders.

2. In his letter, Ref. on Cur. No. 306-Eng., dated 22nd December 1893, read in Board's Proceedings, Mis. No. 767, dated 15th February 1894, the Collector of Gódávari did not make any distinction between "puntas" leading to burning, burial, or grazing grounds and drinking-water tanks and other streets or roads (puntas) leading from one village to another in the zamindari villages, and the right of ownership of both was transferred to zamindar (*vide* Board's Proceedings quoted above).

3. G.O., Mis. No. 1350 L., dated 23rd July 1894, clearly stated that "the Revenue authorities should deal with the encroachments on puntas and other village pathways leading to drinking-water tanks, burial, grazing and other public grounds in the zamindari and other proprietary villages, and that the streets or roads (puntas) in villages, whether Government or zamindari, should be dealt with by the taluk board," and thus deprived the zamindars of the right of ownership of both classes of puntas which became vested in the zamindars as shown in paragraph 1. It is presumed that this Government Order overruled Board's Proceedings, Mis. No. 767, dated 15th February 1894, referred to in paragraph 1, and that the zamindars have now no right either to puntas, or streets, or roads, of any kind in their villages or to the usufruct of the trees standing thereon.

(Signed) V. A. BRODIE,
President, District Board.

13*th April* 1896.

No. 562.

Transferred to the Revenue Department, in continuation of endorsement No. 1720, dated 5th December 1895.

(Signed) W. W. PHILLIPS,
Ag. Asst. Secretary.

FORT ST. GEORGE,
19*th May* 1896.

To the Revenue Department.

G.O., Mis. No. 3612, Revenue, dated 9th September 1896.

ABSTRACT.—Retransferring to the Local and Municipal Department papers regarding encroachments on puntas in zamindari villages in the Gódávari district.

ORDER—No. 1992 L., dated 26th October 1896.

On reconsideration the Government is of opinion that all roads and streets, including puntas and other pathways leading to drinking-water tanks, burial, grazing and other public grounds, in zamindari and whole inam villages and agraharams, are vested in the local boards under section 49 of the Local Boards Act, and that encroachments thereon should be dealt with by these bodies. Paragraph 2 of G.O., Mis. No. 1350 L., of 23rd July 1894, stating that Revenue authorities should deal with encroachments in these cases, will accordingly be cancelled.

2. In paragraph 6 of G.O., No. 1812 L., of 2nd October 1895, Presidents of District Boards were requested to submit to Government lists of all roads and streets in their districts which they desired to continue to maintain and which should therefore continue to vest in the local boards under section 49 of the Local Boards Act. The Presidents of all District Boards, except those of Nilgiris and Tinnevelly, have submitted the required lists, and notifications, excluding all roads and streets other than those mentioned in these lists from the operation of the Local Boards Act, have been issued by Government under the proviso to section 49, but the lists received from the districts of Kistna and Madura alone included the roads and streets in zamindari and

whole inam villages and agraharams. The notifications published in the remaining cases will, therefore, be now amended by the addition of such roads and streets to the lists annexed to them, and the following erratum published in the *Fort St. George Gazette* and the gazettes of the districts concerned :—

Erratum.

In the lists annexed to the notifications specified below, insert "roads and streets in zamindari and whole inam villages and agraharams" as the last item :—

Number of the Notification.	Date of the *Fort St. George Gazette* in which notification is published.
139	Part I-A, 25th Feb. 1896.
188	,, 17th March ,,
319	,, 12th May ,,
320	,, 12th ,, ,,
321	,, 12th ,, ,,
322	,, 12th ,, ,,
323	,, 12th ,, ,,
324	,, 12th ,, ,,
343	,, 19th ,, ,,
344	,, 19th ,, ,,
373	,, 2nd June ,,
389	,, 9th ,, ,,
419	,, 16th ,, ,,
437	,, 23rd ,, ,,
467	,, 7th July ,,
659	,, 15th Sept. ,,
714	,, 29th ,, ,,

(True Extract.)

A. T. ARUNDEL,
Ag. Chief Secretary.

To all Presidents of District Boards.
,, all Collectors.
,, the Revenue Department.
Gazette.

Exd. C. M. Thumbuswamy.

sent to Press. 27-10-96
for signature. 16-11-96
in print. 18-11-96

NUMBER OF COPIES REQUIRED. Order complete. 590
Letter only.
Order complete with Letter.

G.O., No.

A + Enclosure
P.

GOVERNMENT

GOVERNMENT

WITH DITTO.

FILED AT BEING MEANT FOR DESPATCH
ORIGINAL.

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.