

Local & Muni. (1899) Department.

MISCELLANEOUS.

G.O., No. 1860 m

DATED 1372-99.

[Despatch Abstract.]

Fishing.

Communicating to the Muni. Council
Tinnevely, L.D. P.W.D., agreeing with the view
the collector of Tinnevely that the Municipal
Council has no right to control the
Tinnevely irrigation channel which is
a public water-course; and stating that
right of — in the channel within
municipal limits will, in future,
sold by the Public works Dept., the
sales-proceeds therefrom being credited
to Municipal funds.

BACK PAPERS.

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

FURTHER PAPERS.

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

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IRRIGATION.

Government {1899} of Madras.
PUBLIC WORKS.

LOCAL & MUNICIPAL LEVI.

CURRENT No. 3150 2/4

Recd. 7/12/99

Regd. 8/12/99

1899.

Enclosures

Spare copies 6

G.O., No. 1000 I., 23rd November 1899.

12/11/99
order No. 1860
13-12-99

NOVEMBER.

Communicated to the
Mund Council of Tinnevely.

11/12/99

12-12-99

Fishing

To The Ch. M. Tinnevely.
15/12/99

Agreeing with the view of the Collector of Tinnevely that the Municipal Council has no right to control the Tinnevely irrigation channel which is not a public water-course; and stating that the right of — in the channel within the municipal limits will, in future, be sold by the Public Works Department, the sale-proceeds therefrom being credited to Municipal funds.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

READ—the following papers :—

From E. SCOTT, Esq., Acting Collector of the Tinnevely District, to the Secretary to Government, Local and Municipal Department, dated 3rd May 1899, Ref. on Cur. No. 472 Gen.

I have the honour to request that Government will be pleased to decide whether or not Municipal Councils can claim the revenue derived from fish in the Government irrigation channels maintained by the Public Works Department and within municipal limits or from trees on the banks of such channels.

2. The Municipal Council of Tinnevely claim to be entitled to the revenue from a Public Works Department river channel passing through the town under section 143 (2) of the Municipal Act and object to an order issued by me to the effect that the Municipal Council had no authority to interfere with the channel or to claim the revenue derived from it. The order was issued as the Council is permitting the channel to be damaged by fishermen to whom it leased the right to fish.

3. Section 143 (2) cannot, I consider, be taken to have handed over such channels to Municipal Councils as they do not come within the term "public water-courses."

No. 575, Local and Municipal.

Transferred to the Public Works (Irrigation) Department.

17th May 1899.

(Signed) A. EDGINGTON,
Ag. Assistant Secretary.

No. 20 T.N.

Referred to the Superintending Engineer, VI Circle, for early report.

(Signed) F. J. WILSON,
Under Secy. to Govt., P.W.D.,
Irrigation Branch.

22nd May 1899.

From Lieutenant-Colonel O. V. BODDY, R.E., Superintending Engineer, VI Circle, to the Chief Engineer for Irrigation, dated Trichinopoly, 24th August 1899, No. 653 T.N.

With reference to your endorsement, No. 20 T.N., dated 22nd May 1899, herewith returned, I have the honour to forward copy of letter No. 3021, dated 16th August 1899, from the Executive Engineer, Tinnevely division, showing in what manner the question at issue arose.

2. In order to facilitate fishing operations, the lessees of the fisheries have been in the habit of placing cross bunds across the Tinnevely channel within municipal limits, and these cross bunds have the effect of causing silting in the channel, the clearance of which is very costly.

3. I cannot think that it was the intention of the Act to place portions of important irrigation channels under the control and direction of the Council of the Municipality through which they flow.

4. I consider that such portions of irrigation channels should be entirely under the control of the Public Works Department and that therefore the leasing of the right of fishing therein should vest in this department.

ENCLOSURE.

From M.R.Ry. S. GOPALAKRISHNA AIYAR Avargal, Executive Engineer, Tinnevely division, to the Superintending Engineer, VI Circle, dated 11 August 1899, No. 3021.

With reference to your No. 413 T.N., dated 1st June 1899, herewith returned, I have the honour to inform you that Supervisor, Tinnevely, early in November last, brought to notice that, owing to the non-removal of cross bunds placed by fishermen for the purpose of catching fish across the Tinnevely channel within Tinnevely municipal limits, the channel within municipal limits and above and below was getting silted up and inquired if the Municipality was allowed by this department the right of catching fish, and, if so, whether any conditions were laid down for the maintenance of the channel in good order. As it was known that the Municipality was leasing out the fishing in the channel and crediting the proceeds to its funds for years past, I forwarded the Supervisor's letter to the Collector and asked him for the favour of such action, as may prevent any injury to the channel being taken. He thereupon informed me that I can take any action I wished with regard to the channel which is entirely under my control, that fishing therein should not be allowed if it be considered objectionable and that the leasing out of the right of fishing should be arranged for by our department as it should get the proceeds. On this being communicated to the Chairman of the Municipality, the Municipal Council have protested against the decision of the Collector saying that the Municipality has been enjoying the right of fishing in the channel ever since the municipality came into existence, that it is periodically spending some money towards clearing both branches of the channel Nainarkulam and Arugan-kulam, that the fishing rent is hardly sufficient to meet this periodical expenditure, that under section 143 (2) of the Municipal Act all public water-courses within municipal limits are left to the control and direction of the Municipal Councils, and that unless the Government specially excludes under section 143 (3) the two branches of the channel above referred to, the Municipality cannot forego the right of fishing therein. The Collector has, therefore, addressed the letter which is sent me for report.

2. The channel is a very important one supplying about 5,000 acres below Tinnevely town and must therefore be maintained in good order. As the bed within municipal limits was found much silted up and the lands below suffering from insufficient supply in times of low freshes in the river, it was cleared in 1890 by this department out of Irrigation Funds at a cost of about Rs. 700. The clearance work is very costly, as the channel passes between two rows of houses and all the spoil has to be carted along the bed. If the Municipality will keep the bed of the channel clear of all rubbish and silt and prevent fishermen from making bunds across it, it may have the right of fishing as it till now has.

Note by the Chief Engineer for Irrigation, dated 15th September 1899, No. 217 I.
Endorsement of the Local and Municipal Department, dated 23rd Sept. 1899, No. 998.
To the Government Solicitor, dated 13th October 1899, No. 290 M.
From the " " 23rd " " " 577.

ORDER—No. 1000 I., dated 23rd November 1899.

The Government agrees with the Collector's view that the Municipal Council has no right to control the Tinnevely irrigation channel which is not a public water-course within the meaning of section 143 (2) of Madras Act IV of 1884, as amended by Madras Act III of 1897. The right of fishing in the channel within the limits of the Tinnevely Municipality will, in future, be sold by the Public Works Department, the sale-proceeds therefrom and from the trees on the channel banks being credited to Municipal funds.

(True Extract.)

Under Secretary to Government,
Irrigation Branch.

To the Chief Engineer for Irrigation.
" Superintending Engineer, VI Circle.
" all other Superintending Engineers.
" the Examiner, Public Works Accounts.
" the Local and Municipal Department.
" the Revenue Department.

Exd. T. K. Narayana Aiyangar.

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When given for copying _____
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READ AGAIN G.O., No. _____, DATED
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URGENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

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