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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	1431	Press / ~~Mis.~~
382-384		
Dated	17-5-	1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 17th May 1864.

Read the following letters:—

No. 382. From H. G. SMITH, Esq., Acting Collector of Cuddapah, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, Fort Saint George, dated on circuit at Maddenpully, 18th April 1864, No. 10:—

SIR,

1. On my arrival in this District a year ago I found there had been a correspondence going on between Colonel Hemery, Mr. Molony, and Mr. Wedderburn about the rights of the Ryots at Royachoti to open their usual channel, which had never before been interfered with, across Trunk Road No. XI in the bed of the river where it runs between two rams constructed the year before. The dispute was whether by opening a spring on the east side of the sandy track across the river, as much water could not be obtained as by continuing the old one on the west from which the Ryots had for years taken water.

2. Mr. Molony and the Tahsildar were in favour of the latter, Colonel Hemery of the former, and on entering into the merits of the case I decided in favour of Colonel Hemery and accordingly the cutting was shut up, but still the Ryots were loud and continuous in their complaints against the order.

3. Whilst doing the settlement of the Táluq at Royachoti last month, I had numerous complaints made to me on the subject, and thinking that if after making due enquiry among the Natives it appeared to me that my decision was wrong it would be only just to alter it. I had the two springs opened, and after consulting with a large crowd of people found I had been wrong, and accordingly wrote the enclosed letter to him,* which I am of opinion does not justify the answer to it (also enclosed, particularly the last part of paragraph 3), which I have the honor to request you, will lay before His Excellency the Governor.

* Colonel E. Hemery.

4. The only inconvenience caused to carts passing along Trunk Road No. XI at this place, is when they get into the bed of the river between the ramps (and this only when the channel is very deep,) they have to go a few yards round the head spring which a tunnel or some other contrivance would obviate and be a great convenience to all parties. This however must be left to Colonel Hemery, who I regret seems to be determined to do nothing in the matter, for there is no doubt the channel must be dug to prevent a loss of revenue.

5. I shall now feel obliged for the opinion of Government as to whether in any case (even supposing in the present instance there had been no diminution of water) the Officers of the Department Public Works have a right to interfere with a supplying channel to which the Ryots had possessed a right for many years past without their expressed consent.

No. 383. From Lieutenant-Colonel E. HEMERY, R. E., Superintending Engineer, 3rd Division, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Camp Madenpully, 30th April 1864, No. 333:—

SIR,

1. With reference to an official Memorandum No. 41. dated 22nd instant, from Major Stewart, I have the honor herewith to forward a survey of the river at Royachoti, showing the line of Trunk Road No. XI, and the position of the old and new heads of the channel excavated last year by the Ryots.

2. This channel is only opened out after favourable monsoons; thus in 1860, 1861, and 1862 it was not used, but last year the Ryots excavated it commencing from a spot marked C. 55 yards above the line of Trunk Road No. XI, between the ramps lately constructed on each bank of the river.

3. The inconvenience to traffic caused by this deep cut across a main line of communication was so great that I had another head, marked E on the sketch, excavated below the road,

Acting Collector

from which the water flowed freely into the channel, and in order more fully to convince the Tahsildar and Ryots that there was no necessity for carrying the head of the channel above the road, I had the channel stopped up where it crossed the road and cleared out another head marked D. where an abundant supply of water was immediately found, but the Ryots would not give in; they declared it was "Mamul," that the channel should commence at C., and nothing could persuade them that water could be found elsewhere.

4. The distance from C. to D. is 60 yards, from E. to the old channel 27 yards; D. is only 9 inches below C. whilst the lands to be irrigated are more than a mile and a half below D.

5. As this open cut across the Trunk Road was exceedingly dangerous to travellers at night, I represented the matter to the Acting Collector, who returned the sketch on the 10th April 1863 with a remark in pencil in the corner (still perfectly legible) to the effect that he had sent orders to close the channel, and I thought the matter was definitely settled; but on the 9th instant, Mr. Smith in a letter, copy of which I conclude he has sent you, informed me that his decision of last year was erroneous, and requested me to order a "tunnel or anything else" to be built so that the channel might not interfere with the road.

6. Mr. Smith's opinion on the subject last year having been formed on my representations, in saying that it was erroneous, he implies that I misled him, but gives no reasons for now coming to an opposite conclusion except that "having settled the January of that Taluq personally this year he watched the springs;" as no attempt has been made this year to excavate the channel owing to the almost total failure of the past monsoon in that part of the District, I do not understand what Mr. Smith means by "watching the springs." I can assure you that I took a great deal of trouble last year in order to prove by actual trial that springs existed below as well as above the line of road, and the difference of level being so very small I am convinced that there would be no diminution in the supply of water, and consequently no loss of revenue by making the Ryots commence the channel below instead of above the line of road.

7. In conclusion, I would ask whether in a case of this description the Collector ought not to be guided by the professional opinion of the Superintending Engineer.

No. 334.

ORDER THEREON, 17th May 1864, No. 1,131.

1. With the first of these papers the Collector of Cuddapah submitted for the decision of Government, copies of a correspondence which had passed between him and the Superintending Engineer of the 3rd Division, on the subject of an irrigation channel which has its rise in the bed of the Mundaveer Nullee, near the town of Royachoti. The head of this channel was formerly to the westward of the line of Trunk Road No. XI, which it consequently crossed; and the point at issue was, whether by opening a new head to the eastward of the road, as much water could not be obtained as by continuing the old one to the west.

2. The Sub-Collector was in favour of continuing the old head of the channel, while the Superintending Engineer states that he proved by actual experiment that no decrease whatever in the supply of water was occasioned by sinking the channel head to the east of the road. The Collector, upon going into the merits of the case last year, agreed with the Superintending Engineer, and the old channel head was accordingly closed.

3. Subsequently however, in consequence of numerous complaints, Mr. Smith states that he had the two springs opened, and after consulting upon the spot with a large crowd of people, found that his previous decision had been wrong, and accordingly requested the Superintending Engineer to order a tunnel to be built over the channel to provide for the traffic on the road. This Colonel Hemery declined to do, considering it a waste of the public funds. Upon this the Collector referred the case for the decision of Government.

4. Before deciding the question, the Government called on the Superintending Engineer for a sketch of the locality, and for information as to the distance between the two heads of the channel, and the difference of level.

5. From the papers now before Government, and from the survey sketch forwarded by the Superintending Engineer, it appears that the distance between the old and the new heads of the channel is 60 yards, while the difference of level is 9 inches. This being the case, it seems impossible that in the sandy bed of a river the supply of water in the channel will be sensibly affected by commencing the excavation to the east of the line of road; and the experiments made last year by Colonel Hemery have already placed this beyond a doubt.

6. Upon the other hand, by making a deep cut across a main line of communication, the traffic will be subjected to serious inconvenience, if not to actual danger. The Collector's proposal to construct a tunnel across the channel, in the middle of the sandy bed of a broad river, seems impracticable.

7. Under these circumstances, the Government directs that the head of the channel be fixed, for the future, to the eastward of the line of road.

8. With reference to the general question raised by the Collector, the Government considers that the point at issue is strictly a professional one; and, as such, that the Collector should have been guided* by the advice of the Superintending Engineer.

* Vide Public Works Code—
Chapter IV, paragraph 6.
Do. XI, paragraph 2.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 3rd Division.
„ Collector of Cuddapah.
„ Board of Revenue.

Exd. S. T. Augustin.

Acting Collector

Cuddapah Collector's Office
On Circuit at Muddenpilly
9th April 1864

No. 235.

From H. G. Smith Esquire
Acting Collector of Cuddapah

To Lieutenant Colonel C. Henery R. E.
Superintending Engineer 3rd Division
Cuddapah

Sir,

You are aware that last year in the case of a dispute as to whether the ryots should commence a Channel on the east or west side of the ramp across the river at Royachoty I gave my decision in favor of the said Channel being commenced on the east side. Having however settled the Jamabundy of that Taluq personally this year I have watched the springs and have every reason to believe my decision erroneous and therefore I have the honor to request you will order a tunnel or any thing else you may think of which will meet the exigencies of the case to be built so that the Channel which must be dug to prevent a serious loss of revenue may not interfere with the road.

2. I further request that you will see to this at a very early date as the Channel Cultivation will be allowed to commence as soon as the first rains fall.

I have &c.
Signed H. G. Smith
Acting Collector

Camp Madanapalle
Superintending Engineer's Office
18th April 1864

No. 1994

From Lieut.-Col. C. Hemery R.E.
Superintending Engineer
To H. G. Smith Esquire 3rd Division
Acting Collector of Cuddapah

Sir, In acknowledging the receipt of your letter No. 235 of 4th April 1864 as per margin, I have the honor to refer you to previous correspondence on the subject, and to inform you that I decline wasting Public Funds on a "tunnel or any thing else" in the bed of the river at Pongaloti.

2. I proved last year by actual experiment, that there was no decrease whatever in the supply of water by cutting the head of the channel to the East of the road, the difference in level above and below the line of road is exceedingly small and water is found wherever an excavation is made in the bed of the river.

3. No channels having been dug this year, I do not understand what you mean by saying "you have watched the Springs; there are no springs visible, and I am at a loss to comprehend how you can have come to the conclusion that your decision last year was erroneous.

4. Should you allow the raiats to cut their channel across the line of road, I shall immediately report the circumstance to Government.

I have &c.
(Signed) C. Hemery Lt. Col. R.E.
Superintending Engineer.

(True Copies)
H. G. Smith
Acting Collector

Encl. Centum Cuddapah 2 R O

Camp Madanapalle
Superintending Engineer's Office
18th April 1864

No. 1994

From Lieut.Col. C. Stewart R.E.
Superintending Engineer
To H. G. Smith Esquire 2nd Division
Acting Collector of Cuddapah

Sir, In acknowledging the receipt of your letter No. 235 of 12 April 1864 as per margin, I have the honor to refer you to previous correspondence on the subject, and to inform you that I decline wasting Public Funds on a "tunnel or any thing else" in the bed of the river at Pongaloti.

2. I proved last year by actual experiment, that there was no decrease whatever in the supply of water by uniting the head of the channel to the East of the road, the difference in level above and below the line of road is exceedingly small and water is found wherever an excavation is made in the bed of the river.

3. No channels having been dug this year, I do not understand what you mean by saying you "have watched the Springs"; there are no springs visible, and I am at a loss to comprehend how you can have come to the conclusion that

[illegible] last year was unsound.

[illegible] on which the roads lead

[illegible] the line of road I shall

[illegible] communicate Government

[illegible]

[illegible] Lieut.Col. R.E.

[illegible] Superintending Engineer

[illegible]

/True Copies/
H. G. Smith
Acting Collector

Ex. Centre Cuddapah 12 80

Memorandum.

With reference to the Correspondence between the Collector of Cuddapah & the Lieut.t Engineer, 3.d Division, regarding a Spring Channel in the Mundaveer Nuddee near Rayachoti, Colonel Heavey is requested to submit, as soon as possible, a sketch of the locality, showing the line of the road, and the position of the old and new heads of the Channel, noting the distance between them, & the difference of level. -

WH.

No 1757

From The Acting Collector

J. Cuddapah

To Lt.t Col.l Heavey

The Secretary to Govt.

D. P. W.

Fort St. George

Dated 18th April 1864

Rs. 21

No 10

Enclosure 1 / 1 one

Enclosing Copies of a letter addressed to the Superintending Engineer 3.d Div.n and of his reply thereto regarding a tunnel to be built over the Spring Channel in the River close to Rayachoti across Trunk Road No XI and requesting the opinion of Govt to whether in any case the Officers of D.P.W. have a right to interfere with a Supplying Channel to which the Ryots have possessed a right for many years past, without their express consent. -

No 382

c. 4th May 1864 - N. 13

the lands to be irrigated are more than a mile and a half below.

D.

5. As this opening across the Trunk Road was evidently dangerous to travellers at night, Represented the matter to the A.g. Collector who returned the Sketch on the 6th April 1863 with a Remark in pencil in the Corner of title perfectly legible to the effect that he had issued orders to close the channel and I thought the matter was definitely settled; but on the 9th Instant Mr. Smith in a letter, copy of which I enclose he has sent you, informed me that his decision of last year was erroneous, and requested me to order a temporary or any thing else "to be built so that the channel might not interfere with the Road.

6. Mr. Smiths opinion on the subject last year having been formed on my Representations, in saying that it was erroneous, he implies that I misled him, but gives no Reasons for now coming to an opposite conclusion except that "having settled the Samatandy of that Taluq personally this year he watched the springs;" as no attempt has been made this year to excavate the channel owing to the almost total failure of the Rains throughout in that part of the District, I do not understand what Mr. Smith means by "watching the springs". I can assure you that I took a great deal of trouble last year in order to prove by actual test that Springs existed below as well as above the line of Road, and the difference of level being so very small I am convinced that there would be no diminution in the supply of water, and consequently no loss of Revenue by making the Raiah construct the channel below instead of above the line of road.

7. In enclosing I would ask whether in a case of this description the Collector ought not to be guided by the professional opinion of the Superintending Engineer

I have &c.

C. Dewsnery Lt. Col. R.E.

Supdg. Engineer 3rd Dist.

Public Works Department

Proceedings of the Madras Government, dated 7th May 1864.

Read the following &c

Collector of Cuddapah.

15

1431

1864 No 10

1864 No 33

[illegible] of these
[illegible] of Cuddapah
[illegible] decision of
[illegible] correspondence
[illegible] between him
[illegible] of the 3rd
[illegible] of last Jan
[illegible] Col. Dewsnery the
[illegible] Channel was
[illegible] westward of
[illegible] road 40 x 1,
[illegible] weekly cropped;
[illegible] at first was
[illegible] a sea head
[illegible] the road, as
[illegible] did not be
[illegible] continuing
[illegible] the west.
[illegible] Collector say the
[illegible] continuing the
[illegible] end of the channel, which
[illegible] latter Engineer states that
[illegible] be proved by actual experiment
[illegible] that the decrease whether in
[illegible] supply of water was [illegible]

the lands to be irrigated are more than a mile and a half below.

D.

5. As this open cut across the Trunk Road goes [illegible] dangerous to travellers at night, Represented the matter to [illegible] the Sketch on the 10 Apl Corner Station had stood a the matter, Mr Smith, has stud gun gear pas pi quel or any might not, 6. Mr S been formed has formed no Reason except that Taking pers as per atten the channe past provi understan springs", of trouble fe that Springs Road, and Same comm

Dept.
No 1874 for May
Prov. Office
No. 1974
Despatched
3 Dec

To
The Secy. to Government
P.W.D.

No 333.

Dated 30th April 1864
Read 6 May

1 Enclosure returned to the Collr of Cuddapah Under Cover No 497/64

Forwards a Survey of the channel lower Sketch near Rayachoty shewing the line of Trunk Road No XI and the position of the old and new Channel heads Excavated last year by the Ryots.

No 11131–17th May 1864

No 383

C. 9th May 1864 R. 13th

In the Supply of Water, and consequently per cop[illegible] Resolved by making the Ryots commence the channel below instead of above the line of road.

7. The enclosure should ask whether in a case of this description the Collector ought not to be guided by the professional opinion of the Superintending Engineer

I have &c.
Chesney Lt Col R.E
Supdg. Engineer 3d Dist

Public Works Department

No 11131

From the Secretary to Government Madras
Under date the 17th May 1864
Read the following

Proceedings of

From the Collector of Cuddapah.

Enclosing Copies of a letter addressed to the Superintending Engr 3 Dist regarding a channel to be built over the Spring Channel in the immediate vicinity of Royachoty across Trunk Road No XI requesting the opinion of Govt as to whether they can use of D[illegible] have a right to interfere with a supplying channel to which the ryots had possessed a right for many years past without their obtaining consent.

From the Supt Engineer 3 Dist

Forwards a survey of the channel near Royachoty shewing the line of Trunk Road No XI and the position of the old and new Channel heads Excavated last year by the Ryots.

No 18 dated 6th April 1864 Rec'd 10

No 333 dated 30th April 1864

Forwards the letter of the Collector of Cuddapah submitted for the decision of Government, a correspondence which had passed between him and the Superintending Engineer 3rd Division, on the subject of an irrigation channel which it is proposed to take out of the Pennadaconda Cuddapah, near the town of Royachoty. The head of this channel was formerly in the westward of the line of Trunk Road No XI, which it consequently crossed; and the point at issue was whether by leaving a waste head in the eastward of the road, as much water could not be obtained as by continuing the old one to the west.

The Ord. Collector was in favour of continuing the old head of the channel, while the Supt Engineer states that he proved by actual experiment that the decrease would not be [illegible]

by sinking the channel head
to the East of the road. The
Collector, upon going into the
merits of the case last year,
agreed with the Asst. Engineer,
& the old channel head was
accordingly closed. Subsequently
however, in consequence of
numerous Complaints, the
Public States that he had the
two Springs opened, & after
consulting upon the spot
with a large crowd of people,
found that his previous
decision had been wrong,
& accordingly requested the
Asst. Engineer to order a
tunnel to be built over the
channel to provide for the
traffic on the road. This
Colonel Henery declined to do,
considering it a waste of the
public funds. × Upon this
the Collector referred the case
for the decision of Govt.

Before deciding the question,
the Govt called on the Asst.
Engineer for a sketch of the
locality, and for information
as to the distance between
the two heads of the channel,
and the difference of level.

From the papers now
before Govt and from the
Survey sketch forwarded
by the Asst. Engineer, it
appears that the distance
between the old and the new
heads of the channel is 64

4

yards. While the difference
of level is 9 inches. This
being the case, it seems
impossible that in the rainy
season the supply of
water in the channel will
be sensibly affected by
commencing the excavation
to the East of the line of road;
and the experiments made
last year by Colonel Henery
have already placed this
beyond a doubt. 19

Upon the other hand, by
making a deep cut across
the main line of communication,
the traffic will be subjected
to serious inconvenience,
if not to actual danger. The
Collector's proposal to con-
struct a tunnel across the
channel, in the middle of
the sandy bed of a broad
river, seems impracticable.

Under these circumstances,
the Govt directs that the
head of the channel be
closed for the future, to
the eastward of the line
of road.

With reference to the
general question raised
by the Collector, the Govt
considers that the point
at issue is strictly a
professional one; and,
as such, that the Collector
should have been guided
in the advice of the Asst.
Engineer

6

7

To the S. Engr 3rd Dn. ✓
" " Collr of Cuddapah ✓
" " Board of Revenue ✓

Dept. 18th Augt

× Vide P.W. Code.
Chap. 18. para 6.
— XI. para 2.

Vide Letter Dated
Rec: & Govt. for May
No. 1431
Rec: of the Collector
Dated May 16th

Permission granted for the
head of the Channel which
has its rise in the bed of the
Mundaveer Nuddee near the
town of Bajachote, Cuddapah
District, being fixed for the
future to the Eastward of the
line of Trunk Road &c. &c.

No. 382 @ 384