

(1) Number of pages 12

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works **DEPARTMENT.**

G.O. No. <u>760.</u>	Press ~~Mis.~~
85-87.	
Dated <u>6. 4.</u>	18 <u>70.</u>

Not to be folded or roughly handled

I

*Proceedings of the Madras Government, Public Works Department,
6th April 1870.*

Read the following papers:—

No. 85. From the Acting Head Assistant Collector, Cumbum, to the Collector of Kurnool, dated Camp at Giddalore, 3rd March 1870, No. 44.

WITH reference to your docket, No. 152, of the 21st ultimo, forwarding one with three enclosures from Colonel Moberly, (herewith returned,) I beg to state that in my opinion the bed of the river referred to does *not* lie within the shrotriem of Neknambad, and that the claim put forward by the Shrotriemdar is a most unreasonable one.

2. This stream, (the Yenamater,) which is a tributary of the Gundlakamma, flows in a northerly direction and along the eastern side of the shrotriem, forming the boundary between it and the village Kolagotla, (now a hamlet of Salakalavidu): some boundary stones have been placed by the Settlement Department along the eastern (or Kolagotla) side of the river, and a few yards beyond the limit of the eastern bank. Were any reliance to be placed on these, they would go to show that the river-bed *does* lie within the shrotriem. I do not, however, feel disposed to attach much importance to them.

3. The Reddi and Curnum of Salakalavidu assert that the river-bed belongs to their hamlet, Kolagotla, and that they were absent when the demarcation stones were set up. The ryots of Kolagotla state that the river belongs to the Sircar, and even go so far as to say that the Settlement Goomastah who fixed the boundary marks had been unduly influenced in the matter.

4. An assertion like this is not, of course, much to be depended on; but I have little doubt that the river is the proper boundary between the villages of Neknambad and Kolagotla, and is public property. Such a well-defined object would be a most natural one to adopt for the purpose, and it is, I think, extremely improbable that the boundary should have been so constituted as to throw within the limits of Neknambad a narrow strip, of a few yards in the width, on the opposite side of the stream.

5. The only condition which could favour the Shrotriemdar's present claim to the proprietorship of the river would be that its bed had been thrown within his village by a change in the course of the river; but there is no trace whatever of any former bed, or that the course of the river has never been otherwise than at present.

6. An old man named Nabisha, who was formerly Moonsiff of Neknambad when that shrotriem belonged to the *Piryada* family, who sold it a few years ago to its present owner, Turga Gopal Row, and is now Reddi of Chintalapallem, states that the river was always looked upon as Government property, and that the public were always in the habit of taking sand from it.

7. The pymaish accounts do not throw much light on the matter. It is there stated that field No. 16 of Neknambad (which is somewhere about the spot in dispute) lies south of the "Vonka." The "Vonka" is most probably the Yenamater, but this lies to the east of the shrotriem. In the pymaish accounts of Kolagotla, No. 52 of that village is entered as north of the "Vonka," and a deduction is made from No. 53 of 33½ acres on account of the "Vonka."

Proceedings of the Madras Government, Public Works Department,
6th April 1870.

8. I may observe that the place whence the said sand was taken is not quite the bed, but rather the bank, of the river on the eastern or Kolagotta side of it.

9. Even though it were clearly established that the river *did* come within the shrotriem limits, yet, from time out of mind, both the Government and the public at large have always taken sand therefrom and have never yet been molested in so doing until last year by the present Shrotriemdar, and prescriptive rights of this nature should, I think, be duly respected.

FORWARDED to the Superintending Engineer, 3rd Division, Bellary, with reference to his docket, No. 3,224, dated 15th February 1870.
ON CIRCUIT, NUNDIAL,
8th March 1870.

(Signed) T. A. N. CHASE,
Collector.

FORWARDED to the Secretary to Government, Public Works Department, with reference to G. O., No. 461, of 9th February 1870.
BELLARY,
17th March 1870.

(Signed) A. S. MOBERLY, Lieutenant-Colonel, R. E.,
Superintending Engineer, 3rd Division.

No. 86. From the Superintending Engineer, 3rd Division, to the Secretary to Government, Public Works Department, dated Bellary, 30th March 1870, No. 3,713.
WITH reference to Memorandum, No. 153, dated 26th instant, I have the honour to forward the two original enclosures (marked A. and B.) of G. O., No. 461, of 9th February 1870.

No. 87. ORDER THEREON, 6th April 1870, No. 960.
ESTABLISHMENT, No. 7.

UNDER the circumstances brought to notice in the Acting Head Assistant Collector's letter above recorded, the Government authorize the defence of the suit instituted against Lieutenant Taylor in the Moonsiff's Court at Cumbum at the public expense.

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

To the Superintending Engineer, 3rd Division, with two enclosures.

Edw A. S. Rodgers.

18th April 1870. Received District Head Office
Collector's Office, Bellary, 18th April 1870.
From
The Acting Head Assistant Collector,
Bellary.
To the Secretary to Government,
Public Works Department,
Bellary.
Subject: Shrotriemdar's claim for sand taken from the river bed, Kolagotta side, Bellary, 3rd Division.
Reference to G. O., No. 461, of 9th February 1870, and to the letter of the Superintending Engineer, 3rd Division, dated Bellary, 30th March 1870, No. 3,713.
I beg to state that in my opinion the bed of the river referred to does not lie within the Shrotriem limits, and that the claim put forward by the Shrotriemdar is a most unreasonable one.
2. The Shrotriem (the Government) which is a tributary of the Gandak River flows in a northerly direction and along the eastern side of the Shrotriem forming the boundary between it and the village Katagotta (now a hamlet of Talahatagotta). Some boundary stones have been placed by the Settlement Department along the eastern (i.e. Kolagotta) side of the river and a few yards beyond the limit of the eastern bank. There are no stones to be seen on the other side of the river. I do not however feel disposed to attach much importance to them.
3. The Jidda and Nannam of Talahatagotta assert that the river bed belongs to them, and that they were about

when the demarcation stones were set up. The
people of Kalagatta state that the river belongs
to the Sirkar and even go so far as to say that the
Settlement Commissioner who fixed the boundary marks
had been kindly influenced in the matter.

4. The question whether it is in fact of course
much more depended on, but I have little doubt
that the river is the proper boundary between
the villages of Khandam and Kalagatta and
is public property. Which well defined object
would be a most natural one to adopt for the
purpose and it is I think extremely improbable
that the boundary should have been constituted
as to the river, the limits of Khandam, a
narrow strip of a few yards in the middle of the
opposite side of the stream.

5. The only condition which tends to favor
the Sirkar's claim is that the river is the property
of the Sirkar and that it has been
thrown into his village by a change of the course
of the river but there is no trace whatever of any
former bed in that other course of the river has been
seen otherwise than at present.

6. An old man named Sabichan
was formerly Moonsiff of Khandam when that
village belonged to the Rajada family who
sold it a few years ago to the present owner
Suraj Gopal Rao and is now residing at Chintalapudi.
He states that the river was always looked upon
as Government property and that the public were
always in the habit of taking sand from the river.

7. In the permanent account to do with through
much light on the matter. It is there stated that
p. 16 of Khandam (which is somewhere
about the spot in dispute) he says of the
Vanka. The Vanka is most probably the Yona
river and this is the last of the Chintam.

In the permanent account of Kalagatta No. 52
of that village is entered as north of the Vanka and
a deduction is made from No. 53 of 33 1/2 acres, on
account of the Vanka.

8. I may observe that the place whence the
said sand was taken is not quite the bed but rather
the bank of the river on the eastern or Kalagatta
side of it.

9. Even though it were clearly established that
the river did come within the limits of Khandam, yet
from time only since both the Government and
the public at large have always taken sand from
the river and have never been molested in so doing
until lately by the present Settlement Officer and
presumptive rights of this nature should I think
be duly respected.

I am Sir,
Signed J. J. Encastory
Ag. Hs. Agent Collector.

True Copy

Signed J. Chase
Collector.

No. 100.

Forwarded to the Superintending Engineer

32 Division Bellary with reference to his
*Enclosures here. Docket No. 3224 dated 15th February 1870.
with returned.

Thurmond Collector's office } Signed J. Chase.
on Circuit Munsif } Collector
8th March 1870.

No. 3559.

Forwarded to the Secretary to Government
with reference to G.O. No. 461 of 9th February 1870.

Supg. Engr's Office Bellary
Camp. B. B. Bhoosay
Hornbushgully, Bellary
17th March 1870.

W. W. B. }
Supg. Engineer }
504.

No. 3713.

Superintending Engineer's Office.

3rd Division.

Bellary 30th March 1870.

From,

The Superintending Engineer

3rd Division.

To,

The Secretary to Government.

Public Works Department

Fort Saint George

Sir,

With reference to Memo. No. 158,
dated 28th Instant, I have the
honour to forward the two original
Enclosures marked A and B of
G. O. No. 401 of 9th February 1870.

I am, Sir,
Your most Obedt Servt.

D. P. S. Lieut. Col. R. E.
Supt. Engineer 3rd Div.

Enclosures.

No. 9605
 Proceedings of the Madras Comptroller
 under date the 6th April 1900.
 Read the following:-

From the Engineer of the
 3rd Div. { K.R. No 3559 of 17th March 1900.
 1271
 No. - do - (K.R. No 3713 of 30th -)

Under the circum-
 stances brought to notice
 in the Acting Head Asst-
 ant Collector's letter above
 recorded the Government
 authorize the defence of
 the suit instituted against
 Lieut. Taylor in the
 Mooniff's Court at
 Samburam at the public
 expense -

N.
 W.H.C.
 A.A.
 J.D.

To Engineer, 3rd Div. Suite
 two enclosures
 Controller of
 M.S. despatch 6/4/70.
 P.C. 20/4/70
 x despatch 21/4/70

1860-1861
 From,
 The Superintending Engineer
 3rd Division.

To,
 The Secretary to Government,
 Public Works Department,
 Fort Saint George.

Dated 25th March 1890
 Received
 No. 3713.
 Enclosure 2

Sir,
 In accordance with the
 order of the Government,
 the original order
 is referred to in G.O.
 No. 61 of 9th Feb 1890.
 Yours faithfully,
 W.H.C.

عبد

الحمد لله رب العالمين
والصلاة والسلام على
سيدنا محمد وآله الطيبين

الطاهرين

البراهين

الضالين

الحمد لله رب العالمين
والصلاة والسلام على
سيدنا محمد وآله الطيبين
الطاهرين
البراهين
الضالين

الحمد لله رب العالمين
والصلاة والسلام على
سيدنا محمد وآله الطيبين
الطاهرين
البراهين
الضالين

Case 1166 & 1291
Govt. of 1870: Madras.

PUBLIC WORKS.

The Superintending Engr.
3rd Division

Dated

Recd.

Recd.

G. O. dated 1870, No. 260

Nos. 287

Suit for damages for the
at the public expense,
defence of certain suit instituted
against the Taylor in the morning,
about
Cambridge in the morning, etc.