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Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
15th May 1871.*

Read the following papers —

No. 267. Endorsement of the Revenue Department, dated 24th April 1871.

Proceedings of the Board of Revenue, dated 14th June 1869, No 4,246.

Read the following letter from the Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated 12th May 1869, No. 240.

In paragraphs 3 and 4 of the Board's Proceedings, dated 8th October 1866, No 7,216, the Board commented on the practice that had been allowed to grow up of cultivating the waterspread of the Kondakirla Ava in the Survasiddhi Talook of this district, and directed inquiry and report on the subject.

2 The matter has been constantly under correspondence in this district, but was first brought to my own notice towards the end of last year when I was about to proceed on my hill tour, and on my return from that duty I arranged for Mr G. L. Nursinga Row, the husband of the Ankapilly proprietrix, to meet the Principal Assistant, the Range Officer in charge of the talook, and myself at Kondakirla, and after full discussion the proposals that were then brought forward for the improvement of the Ava have been agreed to, on behalf of the proprietrix.

3. The waterspread of the Kondakirla Ava extends over the lands of three villages, Kondakirla, Moonagapaka, and Vadapilly, the two latter of which form part of the Ankapilly estate. In the permanent settlement accounts of these two villages the extent of 22 Katties, and 3 Katties 14 Visams, respectively, is entered as land swamped by the Ava and unfit for cultivation, the assets of which were consequently excluded from the accounts.

4 The practice of cultivating the bed of the Ava as the water recedes has, however, gradually sprung up, and the crops thus raised have now reached importance in all the above villages, paying a yearly assessment in the Government village of Kondakirla of Rupees 625, and, as I am informed by the proprietrix, of Rupees 1,000 and Rupees 500, respectively, in the villages of Moonagapaka and Vadapilly.

5. The cultivation is of a very laborious description, as each field has to be formed afresh as the water recedes, and the crop is afterwards irrigated by baling water from channels drained from the Ava. The outturn is small compared with crops raised on land irrigated in the ordinary way, and the desire to commence the cultivation at an early period has raised a conflict of interests between the ryots of the Ankapilly estate who chiefly carry it on, and the ryots of the Government whose lands are irrigated from the Ava. The practice has had a direct tendency to cause waste of water, and to discourage on the part of interested parties a full supply of water being stored in the reservoir, while strengthened by time it has at last been almost held to prevent the possibility of any improvement being effected in an irrigation work of great natural capabilities, and to sacrifice the interests of a talook to those of a few cultivators in two proprietary villages.

6 The first order of any authority sanctioning the practice was passed by Mr. Fane when Assistant Collector in 1851, confirmed afterwards by the then Collector Mr. Smollett. The last order, which has continued in force to this time, was passed by Mr. Fane as Collector in 1860, and its terms were laid down in a

letter to the District Engineer, dated 17th October 1860, copy of which is annexed. Mr. Fane laid down certain levels beyond which the water in the Ava was not to be permitted to rise at any time, but was to be maintained at that level until the 15th December, after which it was to be let off gradually to permit of the cultivation of a Dalwa or cold weather crop in the bed of the reservoir by the ryots of the Ankapilly estate.

7. Complaints have been made subsequently by Government ryots cultivating land under the Ava, that this use of land in the waterspread, excluded from the assets of the estate in the Government accounts, had diminished their irrigation and destroyed their crops, and a report of such a complaint was submitted by the Principal Assistant Collector Mr. Boswell, dated 14th March 1866, and the then Collector, Mr. Carmichael, directed that nothing could be done in the matter. Copies of this correspondence are forwarded.

8. It is clear therefore that the cultivation of the waterspread of the reservoir, expressly excluded from the estate assets in the permanent settlement accounts, has received full confirmation from the district authorities, and while, therefore, I am of opinion that the encroachment was illegal, and might at first have been put an immediate stop to, repeated assertions have given it a right which in itself it would never have possessed. It will be observed that in 1860 Mr. Fane considered that, in case it might be necessary to retain the water in the Ava and put a stop to the Dalwa cultivation, a compensation of Rupees 400 would be sufficient; while now the proprietrix states that this crop gives her an annual revenue of Rupees 1,500, and is of even more value to the ryots. Copy of her statement is annexed.

9. This Kondakirila Ava is the only irrigation work in the Government Talooks, which, it appears to me, admits of permanent improvement at a moderate outlay. It is supplied by a channel from the Saradinadi river, the fresher in which have never been known to fail, and owing to its natural capability could be made to hold any quantity of water at a very small outlay; little being required in fact beyond raising the height of the calingulah across its natural outlet.

10. I have on recent occasions attributed the repeated failure of the crops in our Government Talooks to the nature of the irrigation works, under which, owing to the uncertainty of the supply, cultivation must be precarious. In the Kondakirila Ava water might be stored to ensure the irrigation of half the Survasiddhi Talook, and, were no other course possible, I would advocate that the rights of the Ankapilly proprietrix should be bought out rather than that the interests of a small section of the community should interfere with the welfare of a talook. I believe, however, that the improvement can be effected in a manner that will afford ample compensation to the Ankapilly proprietrix and her ryots for the necessary loss of some of their cultivation in the bed of the reservoir.

11. In the orders passed by Mr. Fane in 1860, certain levels were laid down beyond which the water was not to be stored in the reservoir, while it was to be maintained at that height up to the 15th December, and was then to be let off gradually to admit of the cultivation of the bed. Although the bench-mark erected on the hillock to mark this high water level has disappeared, the level has been preserved by the calingulah which is built across the channel by which alone water

can escape from the reservoir. The plan now brought forward by Mr. Laskey, the Range Officer, and the adoption of which I recommend is to raise the calingulah six feet, and to construct a bund at the present high-water contour line along the lands of the Ankapilly proprietary estate, which will prevent the swamping of those lands beyond the existing arrangements. By this means an additional depth of six feet of water will be stored in the reservoir, sufficient to ensure all the villages under it from the losses of the late disastrous season, while no injury will be effected to the lands of the neighbouring proprietor. Those lands will then be irrigable by sluices in the proposed bund from the reservoir, instead of as now from a distant and less certain source.

12. The water will be maintained as now at this level until the 15th December, which will be time enough to ensure the ordinary crops, as the proprietors' ryots will have valuable cultivation irrigated from the Ava, their interests will be involved in the water being kept at its proper level for the stipulated period, so as to ensure their own most important crop.

13. After the 15th December the water would no longer be maintained at its full height, but would be drawn off as required for cultivation below without renewal; and while the Ankapilly ryots would have no claim allowed them to draw off water to allow them to cultivate, they would be permitted to cultivate the bed of the Ava within their limits, according to custom, in proportion as the water receded. The power to draw off water would be maintained strictly by the Government authorities, and no waste would be permitted on any consideration.

14. On behalf of the proprietrix her husband, Mr. G. Nursinga Row, has expressed his agreement to the above terms, looking for compensation to the irrigation from this Ava to make up for the decrease in the extent of waterspread, which he will be able to cultivate under the new arrangement.

15. When Mr. Laskey's revised project is ready for submission, the usual statements of land that can be brought under cultivation will be prepared, but the grounds on which I advocate this measure is not so much to obtain an increase of cultivation and revenue as to ensure the existing revenue, which from the precarious nature of other sources of irrigation in the talook will always otherwise be liable to loss.

P. S.—I have the honour to forward a letter from the proprietrix of Ankapilly, received since writing the above, on the subject of the proposed improvement to the Kondakirila Ava. I presume that the compensation for losses claimed in the 1st paragraph are detailed afterwards.

2. I consider that any claim for compensation for land to be taken up in the bed of the tank, for erecting the proposed bund to protect the lands of the proprietrix, is untenable, and that no remission from the peishcush could be granted on this account.

3. The bed of the tank is not included in the assets on which the peishcush of the estate is charged, and its cultivation, though a long sanctioned abuse, can properly be put an end to for such time as the Government may be able to keep

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inform you that Mrs Sooria Pracasa Row has been desired to remit to my Treasury Rupces 200 on account of her share of the work

From the Principal Assistant Collector, to the Collector of Vizagapatam, dated Polaveram, 14th March 1866, No 52.

In your letter, No 202, dated 23rd February, you have desired me to report upon two or three of the charges brought against the proprietrix of Ankapilly for the occupation of lands excluded from the assets of the estate. The following is one case.

2 T. Kanaya and four others, on 7th September 1865, brought by petition to my notice that the proprietrix of Moonagapaka Hunda had occupied and brought into cultivation 152 Visams of poramboke land, namely, 76 Visams in the Mullabunda tank, and 76 Visams in the Allibunda tank in the village of Moonagapaka, that these lands were entered as tank beds in the permanent settlement accounts, and as such expressly excluded from the assets of the estate, that, in consequence of these tank beds having been brought under cultivation, their (the petitioners') lands below these tanks are now insufficiently irrigated, and that their crops have failed in consequence. They prayed that the lands might be ordered to be restored to the area of the tanks to which they were originally assigned.

3. On receipt of this petition I called on the proprietrix for an explanation, who stated that this charge had been already brought once before by certain others, and that Mr. Reade, who was then Collector, rejected it and refused to interfere in the matter. She enclosed an authenticated copy of Mr. Reade's order to that effect, a translation of which is herewith sent.

4 I then called on the Sub-Magistrate of Ankapilly to inquire and report whether these lands, of which petitioners complained, had been brought under cultivation prior or subsequent to the date of Mr. Reade's order.

5. The Sub Magistrate reported that three out of the four petitioners had been induced to withdraw their complaints, that the beds of these tanks appear to have been brought under the plough prior to the date of Mr. Reade's order.

6 I then sent for the Curnum and examined Mr Brown's Hakikat account of Fusly 1208, in which I find the following entry —

Niti Mumpu—

Allibunda

Mullabunda ..

Katties.

11

11

Total . 22

7 I also went and personally inspected the spot, and found that nearly the whole extent thus excluded from the assets of the estate and tank bed had since been brought under cultivation, but the encroachments do not appear to have been recent but in the time of the late proprietor, about 20 or 30 years ago.

8 Under Section 17, Act XIV of 1859, it is provided that the Law of Limitation does not affect any public claim whatever.

9. In the Board of Revenue's Proceedings of 20th July 1840, it was laid down that land within the bed of tanks, or ground within the walls of a fort, etc., in Mootahs in which the permanent settlement still prevails, although not included in the assets in which the permanent settlement was calculated, are clearly the property of the Zemindar, unless they were specially reserved or were occupied at the time when that settlement was fixed by Government, or by private parties — (See Sloan's Code, Note 6 under Section 15, Regulation XXX. of 1802)

10 I may add that in the Sanadi Milkent Isimmar, the title-deed of the proprietor, no exclusion is made of any particular lands as tank beds, etc., the only exclusion of such lands from the assets of the estate is in the permanent settlement accounts, which are unauthenticated documents, though generally accepted as authentic and genuine.

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11 The question for consideration is, when the proprietor has 20 or 30 years ago brought these tank beds under cultivation, which were excluded from the assets of the estate, have Government the power to compel their being put back to their original purposes, or additionally to assess the same? And if so, should the procedure be by the order of the Revenue authorities, or by a Civil suit?

12 The question is an important one, because there are several other similar charges affecting this estate in which tank beds, site of a fort, village sites, etc., excluded from the assets at the time of the permanent settlement, have been subsequently (but 20 or 30 years ago) brought under cultivation, and are held in the same way up to the present time.

13 It may be desirable to make a reference to the Board of Revenue for a legal opinion in reference to Decree S U S A, No 37, of 1847, 30th April 1849. It must be remembered that Government have a reversionary interest in any proprietary estate, and that the value of the property is lessened if works of irrigation are neglected, and tank beds turned into cultivation for the sake of a temporary profit. More than this, by the cultivation of the two tank beds the supply of water in the Kondakula Ava has been considerably lessened, and Government lands in the Survasidhi Talook have greatly suffered. If the waterspread of the two tanks been this year what it was at the date of the permanent settlement, the supply of water in the Kondakula Ava would have been sufficient to have irrigated the beds of a large number of villages, and the necessity would have been avoided for the large remissions which have had to be granted this year on account of failure of crops.

No 268

OFFICIAL MEMORANDUM

THE Principal Assistant's No 52 of 14th March, instant

2 As it appears that three out of the four complainants have withdrawn their plants, and that the alleged encroachment in the case of the fourth complainant is of a date prior to Mr. Reade's order cited by the Principal Assistant, it does not appear to the Collector that anything can be done in this case.

3 In regard to the "Kondakula Ava" water-supply, copy of the correspondence marginally noted is transmitted to the Principal Assistant. He will see that a definite agreement was then concluded between the Government and the proprietrix of the neighbouring estate, and so long as the proprietrix acts up to its terms there is no room for any contention.

VIZAGAPATAM,
22nd March 1866

(Signed) D F CARMICHAEL,
Collector

From GUDIVADE RUTNIAH, to the Collector of Vizagapatam, dated Vizagapatam, 19th March 1869

With reference to paragraph 1 of your letter, No 870, dated 24th November 1868, I have the honour to state that I am most willing to come to an amicable settlement, the justness of which in your administration I am confident of. I look to you as an impartial judge protecting the interests of the Government and those of mine.

2 I beg to state that almost all the Zillah of Vizagapatam had been once under the ancient Zemindaries, and if what I am informed is correct those estates, the families of the owners of which had been extinct or confiscated, were divided into proprietaries and sold, so that Kondakula was once a proprietary. It was brought to the hammer in the year 1840, subject to the

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approval of the Board My late father, Mr Sooria Pracasa Row, bought it, but the Board did not sanction it However, the Government bought it in after his death in the year 1844 for the arrears of peishcush that were due at the time of first sale

3 The respective rights of proprietaries and Zemindaries were defined or confirmed in the year 1802 at the time of permanent settlement. Either Moonagapaka or Kondakirila is not of recent creation, nor ever Kondakirila had been a public estate before its revision to the Government I must observe here that the Government have to adhere to the mamools existing between these

1 Moonagapaka
1 Vadrappilly
1 Kakrapilly
—
3
—
1 Andalapilly
1 Rajam
—
2

two estates It seems from Hakikuts marked in the margin that the spread of water was confined to the lands of villages Moonagapaka, Vadrappilly, and Kakrapilly of Moonagapaka estate, and those of Andalapilly and Rajam of Kondakula estate, the former being 17 Katties 1 Visam and 3 Cawnies, and the latter 5 Katties and 9 Visams, which show that the lands belonging to Kondakirila in the bed of the river have been never usurped by the ryots of Moonagapaka estate If it had been so neither the proprietors of the latter nor the ryots would have tolerated or allowed it Mr Fane first in the year 1851, Mr Smollett in the year 1853, Mr Reade in the year 1857, and again Mr Fane in the year 1860, only recognized on inquiry the mamools existing from time immemorial

4 It is not necessary now to dwell upon the subject as to our right to the lands you speak of, as they (the above-named gentlemen) admitted them as ours on full inquiry I beg to enclose copies of their settlement of this question

5 In October 1860 Messrs. Fane, Nursinga Row, and Meppen went out in a boat to Jodoo Dibbaloo, or two hillocks, for settling the bench-mark, when it was agreed that we ought not to expect any letting out of water up to 15th December, except the natural absorption and receding of the water from Jodoo Dibbaloo, after the above date whatever portion of the above lands might remain covered with water was to be drained gradually, and that we were to be allowed to cultivate it It is true, as Messrs. Nursinga Row and Meppen admit, that Mr Fane proposed in 1860 that should it be necessary in a particular year to retain the water after 15th December, that he would make a compensation of Rupees 400 for that year alone for so retaining it, but this has never been acted upon or adopted by both parties The only course adopted and acted upon has been the letting out from 15th December each year In years of scarcity of rain it might be necessary to retain water after 15th December In such cases water of its own accord recedes a great deal from Jodoo Dibbaloo before 15th December, and it might be for that portion to be found under water in any particular year, as it seems Mr Fane must have meant to offer a compensation of Rupees 400, allowing us to cultivate the part from which water might recede of its own accord

6 Now as it comes from what you propose that I am to give up the lands altogether for a compensation of Rupees 400 a year, it will be hard upon me that I should make over to Government the whole netting, about Rupees 1,500 a year, exclusive of the profits of the ryots cultivating such for Rupees 400

7. I think you will, upon inquiry, learn that the water said to have been drained from 15th December is not wasted as you seem to think, for it generally goes back, as the ryots of Kondakirila, etc., villages of Kondakirila estate, and Moonagapaka, etc., villages of Moonagapaka estate, draw it for their cold weather cultivations

8 I am sorry Mr Meppen cannot proceed to Ankapilly, being under medical treatment, and appoint Messrs Nursinga Row and D Vizcaram Raj as my representatives to settle the matter with you.

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Account prepared with reference to the Hakikat Account of Moonagapaka Village.

No	Item	Dry	Wet.	Total	Remarks
		K V P	K V P	K V P	
1	Who's extent	27 8	81 6 4	108 14 4	
	Deduct uncultivable land—				
	Porambokes	12 2 12			
	Swamped wet lands—	9 11 0	24 7 0	34 2 12	
	Allibunda	11 0 0			
	Mullabunda	11 0 0			
	Balance fit for cultivation—				
	Jirayati	16 7 4	9 14 8	*36 5 12	
	Manicams	1 5 0	13 0 12	18 5 12	
	Total.	17 12 4	56 15 4	74 11 8	
	PARTICULARS OF EXTENT FOR 14 YEARS				
	Jirayati—Cultivable				
1	Visrivasu year	10 15 2	49 5 6	60 4 8	
2	Parabhava	16 13 2	43 5 6	60 3 8	
3	Plavunga	15 12 0	31 13 10	55 11 10	
4	Kilaka	15 12 0	33 14 0	54 10 0	
5	Soumya	15 12 0	38 14 0	54 10 0	
6	Sadharana	16 4 0	21 0 1	37 4 14	
7	Viradhikruti	12 4 0	17 0 14	29 4 14	
8	Paradhavi	16 4 0	21 14 0	38 2 6	
9	Pramadicha	16 4 0	28 3 14	44 7 14	
10	Ananda	16 4 0	30 3 14	46 7 14	
11	Rakshasa	16 4 0	33 3 14	49 7 14	
12	Nala	16 7 4	38 0 14	54 7 14	
13	Pingala	16 7 4	37 0 14	53 7 14	
14	Kalayukti	16 7 4	30 14	47 5 12	
		217 14 0	468 2 14	686 0 14	
	Average...	15 9 0	33 7 1	*49 0 1	

* Less by seven of the balance of Jirayati.

VIZAGAPATAM,
12th May 1869.

(Signed) J. I. MINCHIN,
Collector.

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15th May 1871.

Account prepared with reference to the Hakikat Account of the village of Vadrapilly

No	Item.	Dry.	Wet	Total.	Remarks
	Whole extent ...	K V. P. 7 11 12	K V. P. 9 15 12	K V. P. 17 11 8	
	Deduct uncultivable land—				
	Pasture lands, etc. ...	K V P 2 12 0			
	Brushwood, etc. ...	2 8 0			
	Tanks and wells ...	0 2 0			
	Land swamped by Ava ...	3 14 0			
	House yards ...	0 1 8			
		9 5 8			
	BALANCE FIT FOR CULTIVATION				
	Jirayati.				
	Land cultivated—				
	Dry ...	K V P 3 9 4			
	Wet ...	3 0 0			
		6			
	Land uncultivated—				
	Dry ...	0 2 12			
	Wet ...	0 12 0			
		0 1 12			
		7 8 0			
	Maniems of the village	0 10 4	0 3 12	0 14 0	
	Land cultivated during the 14 years from Fusly 1195 (Visavasu) to Fusly 1208 (Kalayukti)	4 4 4	3 15 12	8 6 0	
	Jirayati.				
	Previous to the famine				
	Visavasu	3 12 8	3 12 4	7 8 12	
	Arabhaba	3 12 8	3 12 0	7 8 8	
	Playanga	3 12 8	3 12 0	7 8 8	
	Kilaka	3 12 8	3 12 0	7 8 8	
	Soumya	3 12 0	3 12 0	7 8 0	
	During the famine.				
	Sadharana	3 12 0	3 12 0	7 8 0	
	Virothikruti	3 12 0	3 12 0	7 8 0	
	Paridhavi	3 12 0	3 12 0	7 8 0	
	Pramadicha	3 12 0	3 12 0	7 8 0	
	Ananda	3 12 0	1 8 0	5 4 0	
	After the famine.				
	Rakshasa	2 0 0	0 8 0	2 8 0	
	Nala	3 12 0	3 12 0	7 8 0	
	Pingala	2 13 0	2 13 0	5 10 0	
	Kalayukti	2 8 0	2 0 0	4 8 0	
		3 9 4	3 0 0	6 9 4	
	Total..	48 8 4	43 9 4	92 1 8	
	Average...	3 7 7	3 1 12	6 9 4	

VIZAGAPATAM,
12th May 1869.

*Less by 15 Visams

(Signed) J. I. MINCHIN,
Collector

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From GUDIVADA RUTNIAH, to the Collector of Vizagapatam, dated Vizagapatam, 3rd May 1869

I HAVE the honour to state that I am quite agreeable to the proposal under consideration, "To raise the bund of the Ava to the height of six feet above the present calingulah in such a way as to keep the water spread of the Ava to its present limits, as far as the estate of the proprietrix (of Moonagapaka) is concerned. By this arrangement, 500 a year, and which cultivation is now a Dalwa crop, on which the proprietrix collects Rupees 1,500 a year, and which cultivation is now permitted to be carried on from and after 15th December, would be swamped, and the cultivation would certainly be delayed and to some extent diminished, as the water from the tank would only be let off as required. On the other hand much land belonging to the proprietrix could be irrigated under the Ava with a Sarwa crop by sluices, which the Government would build," but on condition that the Government would indemnify the losses that I may sustain by raising a bund to retain water six feet high above the present level of the calingulah, which I beg you will bring to the consideration of Government.

2 In raising the bund so that it may retain six feet of water above the present calingulah there would be much excavations, and if such fall on my own grounds I beg that I will be fully compensated for those that may be taken up in the excavations, etc., that is, the space taken up by the bund, and the excavations rendered unfit for cultivation, either by remitting me the annual cost of such lands or the value of them of twenty years' purchase, that the drainage above the bench-mark and the surplus of Ankapilly Ava should be drained at the cost of Government without affecting in the least the Sarwa crop, and without interfering with the water enclosed in the bunds I may put up to irrigate the Sarwar crop from the sluices to be left and built in the bunds, and that if ever my Sarwa, etc., crops be swamped and get damaged by the drainage and surplus water of Ankapilly Ava not being properly drained from the inadequacy of the works to let it out, or from some other causes, I solicit that the loss I and my ryots may sustain should be made good.

3 Should at any time the bunds give way from the pressure of water or other cause, and my lands sustain any damage, both in point of myself and my ryots, I request compensation to be given according to the verdict of a Panchayet to be appointed by me and the officers of Government. The loss would be very great if the bund give way, for it will inundate my whole estate of Moonagapaka from the height of six feet from the present level.

4 I beg that sluices may be built by Government, in consultation with my people, at their own cost by gradations in the bund that the water may be availed of for my Sarwa crop, as it may be drawn off for irrigating purposes whenever it may be necessary, and that the regulation of such sluices be left in my charge, on condition that I will be liable for the losses that may be incurred by my wasting the water unnecessarily, in other words, for draining more than for irrigating purposes.

5 I am at present liable to pay a third of the Maramut expenses of the Godary Cuttoo and the Croostumrauz Kalva. The cost of this will now increase that the bund is to be raised, as this is done for the benefit of the Government lands, I do not think I should be called upon to pay more than I have been paying. I would, therefore, beg that the Maramuts, on which I have to pay a third share, should be confined to the excavations only in the channel and the Maramut of the Godary Cuttoo.

6 To raise the water six feet high above the present level, I think the Croostumrauz channel should be banded up on both sides, so that it may contain a certain quantity of water in the channel in level with that to be raised in the Ava, and the pressure of water may break the bund on the sides of my talooks and swamp my own fields. In cases of such nature, I beg the loss should be indemnified by Panchayet, as stated above. I am of opinion that in raising the bund on my side of the talook there would be immense excavations. If such would be the case, I beg that the Government should make up the loss I may sustain thereby, as stated in paragraph 2.

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7 I beg to state that the spread of water of Kondakirila Ava should be confined to the level of the calingulah or the bench-mark, and when the bund to be built not going through our Sarwa fields at all

THE Kondakirila Ava is a lake about five miles square in the Survasiddhi Talook of the Vizagapatam District, and it is reported that it is capable of improvement so far as to irrigate "half the Survasiddhi Talook."

2. The waterspread of the tank lies in three villages, one of which, Kondakirila, belongs to Government, whilst the other two, Moonagapaka and Vadrappilly, belong to the Ankapilly estate.

3. The whole of this waterspread was excluded from the assets of the estate at the permanent settlement, but the custom of cultivating it has gradually sprung up, and it has frequently been recognized by the District authorities, by Mr. Fane as Assistant Collector in 1851, Mr. Smollett as Collector in 1855, Mr. Reade in 1857, and Mr. Fane as Collector in 1860.

4. At the present time lands in the waterspread, assessed at Rupees 625, are cultivated by Government ryots and lands which the proprietrix of Ankapilly says are assessed at Rupees 1,500 by the ryots of her estate.

5. A high-water mark has been fixed, and the water is kept up to that height when possible till the 15th December, after which it is let off gradually and the cultivation follows the receding waters.

6. The circumstances of this reservoir were first brought to the notice of the Board's Proceedings, 8th October 1866 No 7,216 Board in 1866. Mr. Boswell who had visited the lake found that the villagers below it were complaining of the waste of water, and that there was reason to believe that the high-water mark and the calingulah had been lowered two feet by the Ankapilly ryots. It was proposed by Mr. Laskey of the Public Works Department to raise a bund through the lake dividing the Ankapilly lands from the rest of it, so that they might be drained on the 15th December without interfering with the water stored inside the bund. The cost of this work was estimated at Rupees 26,000.

7. The Board considered that the practice of cultivating the waterspread should not be acquiesced in unless the position of the Ankapilly ryots was found to be perfectly unassailable.

8. In 1868 the Kondakirila Ava was again mentioned in a report on the irrigation works of the Vizagapatam District. Affairs were *in statu quo*, except that the dispute with regard to the lowering of the high-water mark and calingulah had been settled, and they were to be raised to their former height.

9. The Collector now proposes a scheme which he considers will benefit at the same time the ryots cultivating lands in the waterspread and the ryots cultivating lands below the Ava.

10. This is to be done by raising the calingulah six feet and constructing a bund at the present high-water contour line. The water will be kept at the high level till the 15th December and then gradually drawn off, no new supplies being allowed to enter the lake as at present. The loss arising from the tardiness with

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which land will be uncovered for cultivation under this arrangement will be compensated by the gain arising from the fact that lands beyond the new bund will be irrigable from it.

11. The Ankapilly proprietrix assents to this arrangement generally, but makes several stipulations.—

(1.) That she shall be compensated for the land taken up by the new bund, and for excavations made in raising it.

(2.) That the lands outside the new bund, and the surplus of the Ankapilly Ava, shall be drained by Government, so that crops may not be injured, and compensation given if they get swamped.

(3.) That she shall receive compensation if the bund bursts, the amount to be settled by a Panchayet appointed partly by her and partly by Government.

(4.) That the irrigation sluices in the new bund shall be built by, and at the expense of Government, but shall be under her control, she being responsible for any waste of water.

(5.) That her contribution to the expense of keeping up the supply channels and bund shall not be increased.

12. She also thinks that the supply channel should be banded on both sides, so that the water in it may be on a level with that in the Ava, and if so and the bunds burst she demands compensation.

13. In a postscript to his letter the Collector discusses these conditions. He considers that the claim to compensation to land taken up in making the new bund should be rejected, and that the proprietrix should be required to dispose of the surplus of the Ankapilly reservoir herself. He thinks that the other claims may be admitted.

14. Before issuing orders on this subject the Board think it desirable that the Ava should be carefully examined by an Engineer Officer, with the view of pronouncing on the possibility of some more extensive scheme of irrigation. The Board are not prepared to acquiesce in the Ankapilly claims to cultivate a portion of the waterspread in spite of their having been recognized by subordinates, and if the claims are allowed the Board believe that additional peishcush might legally be imposed, as these lands were not assessed to the permanent settlement. But even if this were not the case the capabilities of a lake, which the Collector declares could water half the Survasiddhi Talook, are probably so valuable that it would be remunerative to buy out the Ankapilly proprietrix.

15. The Collector will accordingly communicate with the Superintending Engineer, and when he next reports on the subject, which should be as soon as possible, he will supply the Board with a sketch of the Ava and give definite figures showing the area irrigated by the Ava formerly before the encroachments were made and at present, and the increase which may be expected under the scheme now described by him, and under any other scheme which may be suggested by the Superintending Engineer.

16. If Mr. Laskey's scheme is eventually adopted, it will be necessary to draw up an agreement with the proprietrix of the Ankapilly estate, binding her to the terms which have been discussed in former paragraphs of these Proceedings, and at the same time the Board are of opinion that she must be induced to

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relinquish all pretension to cultivate lands within the new bund. Unless this is done the dispute between the Government and proprietary ryots and the waste of water will certainly recur. As far as the Board can judge the irrigational and other advantages which will be given to the estate will fully compensate for this relinquishment, as well as for that of the land to be occupied by the bund, and for that which will be injured in making excavation for it.

Proceedings of the Board of Revenue, dated 14th April 1871, No. 1,561.

Read the following letter from the Officiating Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated 8th March 1871, No. 215 —

REFERRING to the Board's Proceedings, dated 14th June 1869, No. 4,246, I have the honour to state that the scheme of the Kondakirla Ava Project, as prepared by Mr. Laskey, Supervisor of No. 1 Range, is pronounced by the Superintending Engineer as not at all suitable for the locality.

2. Major Fischer proposes to revise the same, and for this purpose requests sanction of the Board to entertain for four months one Surveyor and six Lascars at a total cost of Rupees 600.

3. I beg to support this application, and to request that the amount may be allotted from Imperial Budget Funds (1871-72) under the head Agricultural Grant for Minor Works, Item No 93.

4. Copy of the Superintending Engineer's letter referred to above is enclosed.

5. An estimate of the value of the trees referred to in paragraph 3 is under preparation, and will form the subject of a separate letter.

From the Acting Superintending Engineer, 1st Division, to the Officiating Collector of Vizagapatam, dated Camp at Waltair, 4th March 1871, No J.

I HAVE the honour to inform you that I have made a personal inspection of the Kondakirla Ava, and do not consider the project as prepared by Mr Laskey at all suitable for the locality, and it will have to be revised, for this purpose an establishment of one Surveyor and six Lascars is required for four months, and the probable cost would be about Rupees 600. If you consider the scheme should be further prosecuted, I beg you will be good enough to obtain the Board's sanction for this establishment being entertained.

2 I am of opinion the project is a good one, but will be difficult to prepare as the ground is very rough and broken, but the water-supply is apparently good, and from the extent of irrigation to be seen in all parts of the tract the people seem to take the water readily.

3 I consider the whole of the trees, bushes, etc., on the bund should be removed at once, and this work properly levelled. At present it is about as irregular in figure as anything I ever saw, and my only wonder is the damage done to it by the cyclone was so trifling. Trees on a bund are no protection to it, and as they die and fall they are constant sources of danger, and it is far better to keep the bank clear of them.

THE Board resolve to request Government to sanction the temporary establishment costing Rupees 600, which the Superintending Engineer requires to revise the Kondakirla Ava Project.

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15th May 1871.*

2. The nature of the project and the advantages promised by it are discussed in Board's Proceedings, 14th June 1869, No. 4,246.

TRANSFERRED to the Department Public Works.

(Signed) W. HUDLESTON,
Acting Chief Secretary.

No. 263.

ORDER THEREON, 15th May 1871, No. 1,334.

ESTABLISHMENT, No. 29.

THE Government regret that, owing to the heavy charges which have to be borne by the Public Works assignment for establishments, they are unable at present to sanction the temporary establishment required for the investigation of the Kondakirla Ava project in the Vizagapatam District, but the subject will be taken into consideration at a more favourable opportunity.

(True Extract)
(Signed) J. CAMPBELL, Colonel, R. E.,
Secretary to Government.

To the Acting Superintending Engineer, 1st Division.
.. Revenue Department
.. Board of Revenue.

Erd. E. C. Shunker.

A. 1334. P. O. S.

Proceedings of the Madras Govt.

Read the following

Endorsement from the } H. E. S. — 26 April
Rev. Department

The Government regret that, owing to the heavy charges which have to be borne by the Public Works assignment for Establishments, they are unable at present to sanction the temporary establishment required for the investigation of the Konda Kula Ara project in the Vizagapatam District, but the subject will be taken into consideration at a more

favorable opportunity

W. B.

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Gobt of {1871} Madras.

PUBLIC WORKS.

To the Acting Superintendent Eng.
1st Division

Dated

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G 0.15° May 1871, No. 1334.

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