M.R.O. 1—77,006—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No. 26, 24, 28	2823	Press / Mis.
Dated	3-12-	1812

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 3rd December 1872.

Read the following papers :—

No. 26. From the Superintending Engineer, 8th Division, to the Secretary to Government, Public Works Department, dated Madura, 9th November 1872, No. 3,708.

I HAVE the honour to forward herewith the correspondence as per margin connected with the water dispute at Kottikulam, Tinnevelly District, for the early orders of Government, and to report as follows.

1 Letter from Collector, No. 286, 15th September 1870.
1 Copy of letter from Mr. McNair, No. 422, 17th February 1872, with one sketch.
1 Letter to Collector, No. 4,690, 2nd March 1872.
1 Letter from Collector, No. 108, 27th March 1872.
1 Letter from Mr. Rundall, No. 558, 15th October 1872.
1 Translation of Plaint.
1 Copy of Mr. Rundall's answer.
1 Do. of Mr. Grant's do.
1 Copy of Summons.

2. Sub-Engineer Mr. McNair has in his letter No. 422, dated 17th February 1872, clearly explained the nature of the dispute, and the whole matter can be thoroughly understood by an inspection of the enclosed sketch.

3. Mr. McNair recommended that the western calingulah A should be closed, and the eastern calingulah B lowered $1\frac{1}{2}'$, so as to give it sufficient capacity to carry off the whole of the necessary discharge. It will be observed from the sketch, that below each of these calingulahs there is a masonry work, to pass the water, discharged over it, under the road. Executive Engineer Mr. Rundall was however of opinion "that the bridge below B is not of sufficient size to discharge a large volume of water (2′ going over 20′ of calingulah, 24,640 cubic yards per hour)," and therefore he could not endorse Mr. McNair's proposition.

4. Mr. Rundall added, "the tunnel below A is $4\frac{1}{3}' \times 3'$, say, $1\frac{1}{2}$ square yards, in area. The bridge below B is a semi-circular span of 10 feet, springing directly from the rock, without piers, the area of this $4\frac{1}{3}$ square yards nearly, and though it is founded on rock the water must back up so considerably before it would discharge what might come from the single calingulah that I think it would be better to dig the channel from C to D, and bank it properly on the lower side than to alter the existing state of calingulahs.

5. Having inspected the spot in the beginning of March last, and given the matter my careful consideration, I was of opinion that the subject can best be settled in the following manner :—

(*a.*) The crown of the western calingulah (A) to be raised 9 inches, so as to act as a safety-valve to the eastern calingulah (B) on occasions of high flood.

(*b.*) The eastern calingulah to be lowered $1\frac{1}{2}$ feet, and the external apron repaired as proposed by Sub-Engineer Mr. McNair.

(*c.*) The surplus water that passes over the western calingulah to be led, by deepening the road-side channel, from C to X.

6. The matter was then submitted* for the Collector's opinion, and Mr. Puckle concurred with my proposal for the discharge of the surplus water of the Kottikulam tank, and he requested me to carry out the work at the expense of the person who benefits by the same. Accordingly I directed† the work to be so carried out at once.

* No. 4,690, 2nd March 1872.

† No. 197, 16th April 1872.

7. In his letter No. 558, dated 15th October 1872, Mr. Rundall has reported that a suit has been instituted against himself and Assistant Engineer Mr. Grant to prevent them from carrying into effect the above arrangements. I therefore beg that the Government will be pleased to permit Mr. Rundall to defend the suit at Government expense.

8. Copies of the plaint, summons, and the answers filed by Messrs. Rundall and Grant are herewith submitted for the information of Government.

9. I may mention, in conclusion, that I have desired Mr. Rundall to arrange, through the Government Vakeel at Palamcottah, for having the suit removed from the Principal Sadr Amin's Court to that of the District Court under Section 6, Chapter 1, of the Code of Civil Procedure—*vide* G. O., No. 346, dated 7th February 1865.

No. 277.

No. 27. *Note by the Acting Chief Engineer for Irrigation.*

From paragraph 4 of Colonel Roberts' letter, dated 9th November, it is clear that Mr. Rundall has already expressed an opinion that the whole of the water from the tank should not be allowed to pass over the eastern (B) weir and be discharged through the single vent of 10′ span at X.

2. Colonel Roberts' modification of the arrangements proposed by Mr. Rundall practically ignores that gentleman's recommendation, for in the modification he proposes, namely the raising of calingulah A by 9″ and the lowering of B by 1′ 6″, he would provide for 178 cubic feet of water passing over B and of only 7 cubic feet over A when the quantity given by Mr. Rundall as the maximum discharge, namely 185 cubic feet of water per second, had to be discharged; the fall of the channel from B to X is nowhere given, but rejecting the velocity of approach to pass the quantity to be discharged by the road tunnel a head of 6″ would be required, or 5′ 6″ of water would be in the channel; this Mr. Rundall considers objectionable, but on what grounds is not stated; it would appear, however, that his objection refers to the backing up of the water above the tunnel X, but what the plaintiffs object to is the effect of this quantity of water, if attempted to be passed through the channel below X, the plaintiffs apprehend that the water will overflow the channel, and will pass through their village. The defence to be raised would then appear to be that even supposing all the water passed through tunnel X, the capacity and falls of the channels below are such that the whole of the water could be discharged without the water rising above the channel margin and finding an outlet westward to the Paulien channel through the village of Kottikulam; if this can be done the arrangements proposed can be justified and defended, but at the same time the Executive Engineer must be able to prove that the maximum discharge likely to be disposed of is 24,640 cubic yards per hour; there is nothing to show how this quantitiy has been arrived at, no intimation being afforded of the area of the basin which drains

24,640 cubic yards per hour.

Paragraph 3 of No. 3,708.

into the tank of Kunnimakulam, or of the source from which it is supplied, or of the means available for cutting off the supply if the supply is derived from a channel.

3. After himself objecting to the arrangements which the Superintending Engineer proposed, Mr. Rundall's defence that the work has been ordered to be carried out by the Superintending Engineer would only cause the Superintending Engineer's name to be introduced into the list of defendants in lieu of that of Mr. Rundall; while his statement that the size of the road-tunnels through which the water from weirs A and B must pass indicates that it was intended that the surplus water should pass into the Paulien channel by the channel from the weir at B is altogether inconsistent with the capacities of discharge of the two weirs, for A being 8″ lower than B, before the alterations were made, 29 cubic feet of water per second passed over A before a drop passed over B, while when the full discharge estimated by the Range Officer, namely 185 cubic feet per second, was being discharged, 114 cubic feet passed over A and only 71 over B.

4. Under the circumstances the defence it is proposed to raise appears to be altogether untenable, and the only score on which the proceedings proposed can be defended, as stated above, appears to be that the full quantity of water if passed down the eastern channel would not overflow the channel bank and pass into the village of Kottikulam; it is not likely that this can be established, for in his answer Mr. Rundall admits that the water from the water-course from the western weir finds its way 'through streets of the village which are revetted in places for its reception,' the villagers could probably prove that they can only just prevent the destruction of their village by the revetments adverted to under the arrangements which existed previous to the carrying out of the proposed changes when a portion of the 71 cubic feet per second which passed over the weir B found its way through the village, and that it would be impossible to do so if a portion of the 178 feet per second proposed to be discharged by B had to be passed through their village.

5. The arrangements proposed appear then only to be justifiable if the water proposed to be passed down the channel from X can be prevented from entering the village by forming an embankment on the west side of the channel from X to the bend near L, and on the south side from the bend to H, if necessary.

6. If it can be proved that the original channel passed through F K L counter-proceedings might perhaps be taken against the villagers of Kottikulam for obstructing a drainage channel, and the works proposed might be justified on the score that the injury likely to be done to the village by passing the surplus from the tank through the channel X D L was less than the injury which would be done were the channel F K L opened and the houses built upon it destroyed, and if such counter-proceedings were threatened it is probable that the villagers would be willing to a compromise and to withdraw the suit now instituted; the more so, if at the same time it could be proved that the water from weir A never did pass over the waste land which is the property of Thokadikos Mahomed until the channel F K L had been obstructed.

Fort St. George,
19*th November* 1872.

(Signed) R. F. OAKES, Major, R.E.,
Ag. Chief Engineer for Irrigation.

Proceedings of the Madras Government, Public Works Department, 3rd December 1872.

No. 28. ORDER THEREON, 3rd December 1872, No. 2,823.

IRRIGATION, No. 2.

THE Note of the Chief Engineer for Irrigation will be communicated to the District Engineer Tinnevelly.

2. The point of the plaint is that if the water that used to pass through two calingulahs is discharged through one, the plaintiffs' habitations will be much damaged, and they will suffer loss and be in personal danger.

3. The defence should therefore be that the arrangement carried out by the Public Works Department will in no way endanger the habitations or lives of the plaintiffs, the capacity and fall of the channel below the bridge being adequate for discharge of all the water without flooding the Kottikulam village. Before authorizing the defence of the suit on such grounds, His Excellency the Governor in Council requests to be informed how the 11th and 12th defendants are prepared fully to establish the same.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the District Engineer Tinnevelly.
" Controller of Public Works Accounts.
" Acting Chief Engineer for Irrigation.

Superint.ds Engineer's Office 8.th D.r
No. 3708. Madura 9.th November 1872.

From,
Lieut.t Colonel R. A. Roberts R.E.
Superint.g Engineer 8.th Dv

To,
Colonel G. W. Walker R.E.
Secretary to Government P.W.D.

Enclosures: 10
1. Letter from Collector No. 286 - 15.th Sept.r 1870.
1. Copy of letter from Mr. Mc. Nair No. 422, 17.th February 1872.
1 Sketch.-
1. Letter to Collector No. 4690. 2. March 1872.
1. Letter from Collector No. 108 - 27.th March 1872
1. Letter from Mr. Randall No. 558. 15.th October 1872.
1. Translation of Plaint.
1. Copy of Mr. Randall's answer.
1. Do. of Mr. Grant's Do.
1. Copy of summons.

Sir,

I have the honor to forward herewith the correspondence as per margin, connected with the water dispute at Kottikulam, Tinnevelly District for the early orders of Government, and to report as follows:-

2. Sub Engineer Mr. Mc. Nair has, in his letter No. 422, dated 17.th February 1872, clearly explained the nature of the dispute, and the whole matter can be thoroughly understood by an inspection of the enclosed sketch.-

3.

3. Mr. Mc. Nair recommended that the Western Calingulah A should be closed, and the Eastern Calingulah B lowered 1½', so as to give it sufficient capacity to carry off the whole of the necessary discharge. It will be observed, from the sketch below, that each of these calingulahs there is a masonry work, to pass the water, discharged over it, under the road.- Executive Engineer Mr. Rendall was however, of opinion "that the bridge below B is not of sufficient size to discharge a large volume of water (2' going over 2/3 of Calingulah: 24640, cubic yards per hour) and therefore he could not endorse Mr. Mc. Nair's proposition.-

4. Mr. Rendall added "the tunnel below A is 4½' x 3' say 1½ sqre yards in area. The bridge below B is a semicircular span of 10 feet, springing directly from the

$\frac{Wr}{2} = \frac{25 \times 1.166}{2} = \frac{29.25}{2} = 14.625$

the rock. without piers the area of this 4⅓ square yards nearly, and though it is founded on rock the water must back up so considerably before it would discharge what might come from the single Calingulah, that I think it would be better to deig the channel from C to D, and bank it properly on the lower side, than to alter the existing state of Calingulah.

5. Having inspected the spot in the beginning of March last, and given the matter my careful consideration, I was of opinion that the subject can best be settled in the following manner.-

a. The crown of the Western Calingulah to be raised 9 inches, so as to act as a safety valve to the Eastern Calingulah on occasions of high flood.-

b. The Eastern Calingulah to be lowered 1½ feet and the external apron repaired as

as proposed by Sub Engineer Mr. Mc. Nair.
c... The surplus water that passes over the Western Calingulah to be led by deepening the road side channel, from C. to X.-

6. The matter was then submitted for the Collector's opinion, and Mr. Pickle concurred with my proposal for the discharge of the surplus water of the Rottikulam tank, and he requested me to carry out the work at the escpense of the person who benefits by the same. Accordingly I directed the work to be so carried out at once.-

N:4690. 2d March 1872.

N:197. 16th April 1873.

7. In his letter, N:558, dated 15th October 1872, Mr. Pundalik has reported that a suit has been instituted against himself and Assistant Engineer Mr. Grant, to prevent them from carrying into effect the above arrangements. I therefore beg that the Government will be pleased to

permit Mr. Pundalik to defend the suit at Government escpense.-

8. Copies of the Plaint, summons, and the answers filed by Messrs. Pundalik and Grant are herewith submitted for the information of Government.-

9. I may mention, in conclusion, that I have desired Mr. Pundalik to arrange, through the Government Vakeel at Palamcottah, for having the suit removed from the Principal Sudre Ameen's Court to that of the District Court, under section 6, chapter 1 of the Code of Civil Procedure vide. G.O. N: 346, dated 7th February 1865.-

I have the honor to be,

Sir,

Your Most Obedt. Servt.

Lieut. Colo. R.E.

Superint. Engineer 8th D.

Translation of a Plaint filed by the Plaintiffs
in Original Suit No 503 of 1872 on the file
of the Principal Moonsiff of Tannevelly.

Plaintiffs

1. Vellaiyan Pachai Vaiyan Sons of
Vellaiyan Doshan Mallaiyan Mallayan
2. Sayyamvelli Pyachi Mallakannan
3. Sayyamvelli Pyachi Mallayan Vellaiyan
4. Sayyanadichi Veerappan Mallayan
5. Sayyanadichi Veerappan Sayyamvelli
Thaiyan sons of Sayyamvelli Pyachi
Thaiyan, inhabitants of Pottalam
all residing at Kottaikadu
Pachai Kalaiyan Kalliyan inhabitants
of Tannevelly Taluq

Mohammadayen Pillay

Defendants

1 Palaniappa Sinnamadathan
Pillai of Karungadakurichi
Tannevelly Taluq
2 Sabapathy Muthuviadayan
Saraken.
3 Ponnusamy Goundan
4 Ealy Muthan
5 Pareshathy Goundan
6 Puttamayan Kathiravelayan
7 Comusawmy
8 Ally Goundan Shaikan
9 Ammuttah Ambadul Kayi

P. W. 1872 Mohamad Kasim Marikayar
Exhibit No 5569.
The Supl Engineer
8 Dec
The Secretary to Govt
S.W.D.

Dated 9 Nov 1872
Rec'd 13 Nov 1872
Encl: 10.

Journal for the early orders of Govt certain correspondence connected with the water dispute at Kottaikadu, Tannevelly District.

No 26

No 2827 - 3 Dec/72
P.W. 5703/72.

6 25 Nov/72

10 Tuccadeekoo Moocamud
Takaren of Málapáliam in
the above Taluq.
11. Mr Rundall Esq: Engineer
residing at Palamcottah in do
12. Mr Grant Engineer in Cheiv-
-doopoonthoray.
13. Mootoocoomaraswamy a pillay
Overseer at Vunnarpettah.
14 Paraswaseenpillay & con-
-tractor at do.
The Defendants from 1 to 10
are cultivators by profession
&c.

Our Suit is to establish
that the western Calingulah of
Runnimárculam should not
be shut up nor the nos^th^ern
Calingulah be lowered and that
the water be allowed to pass thró'
the above two Calingulahs in the
usual way.

A Calingulah of 1 1/4
in height and 5/2 in length
Carpenter's yards was built
long ago on the west side of
Runnimarculam to pass its
surplus water, and that over

this Calingulah the water was
passing by the South side of the
Canarkallaan stone which points
out the south^ern limits of the
Village of Puttucoolum where
we and others reside. That on the
nos^th side of the above a Calingu-
-lah of 6 3/4 Carpenters yards in
length and 1 in height was built
about 10 years ago to allow the more
quantity of water that accumulates
in the Tank during the rainy season
to pass; that after its construction
the water from the a- e Tank was
usually passing thro' the western
Calingulah facing towards west,
south of the above Rotekulam Vil-
-lage and nos^th of Nunjah fields
belonging to Rakoongoolam and
Runnimarculam and that the
above water takes its passage
thro' the nos^th^ern Calingulah
by the eastern end of our Village
facing at the same time towards
nos^th and flows off thro' the sin-
-gle stream running thro' the
middle of our habitation facing
towards west -

2 " That the Defendants from 1" to 10 with an intention of their making use of the locality on which the water is flowing thro' the Western balingulak and is contrary to the former proceedings presented a petition to the 11th and 12th Defendants who without paying attention to the former correspondence gave an order to the effect that the western balingulak should be totally closed and that the Northern balingulak be lowered 3/4 Carpenters yard so as to allow the whole quantity of water to pass thro' the northern balingulak. The 14th Defendant who is an assistant to the Defendants from 1 to 10 took the work on contract for its completion and the 12th Defendant took the responsibility and got the materials collected at the expence of the first 10 Defendants from the 5th Instant.

3 If the whole water of the above Kunnimaran Lani Tank that was passing thro' the above two balingulaks be allowed to run thro' the Northern balingulak alone, our habitations will be much damaged and thereby we and others will have to suffer loss & danger

We therefore request the Court to pass a decree to the effect that the western balingulak now in existence built 6 1/4 Carpenters yards in height and 5 1/2 in length may not be closed, that the Northern balingulak built of 1 Carpenters yard in height and 3/4 in length may not be lowered, that in case of passing such a decision to allow the balingulaks to stand as usual and that the water of the above Tank may be ordered to pass in the usual manner thro' the above Two balingulaks decreeing at the same time to pay us with interest the expenditure that may be incurred by us.

Fees

This bears the attesting signatures of Velly Avvokesooden
Navab and attested
7th August 1872.

(True Translation)

L. W. Russell
Exe: Engineer
Tinnevelly

Enclosure No 3. In a letter
from the Supt Engineer 8th Dn
No 3708 dated 4th Nov 1872

To
The Secretary to Govt
P.W.D.

5703
P.W. 5569/72.

Sketch of the villages
of Kottikulam & Kannguku
& the surplus channels of
Kunnimankulam. —

Rec. 3rd Dec 72 in Bk 27

Enclosure No 3 in Letter from the Supt Engineer 8th Dn No 3708 dated 4th Nov 1872

To the Secretary to Govt P.W.D.

5703
P.W. 5569/72.

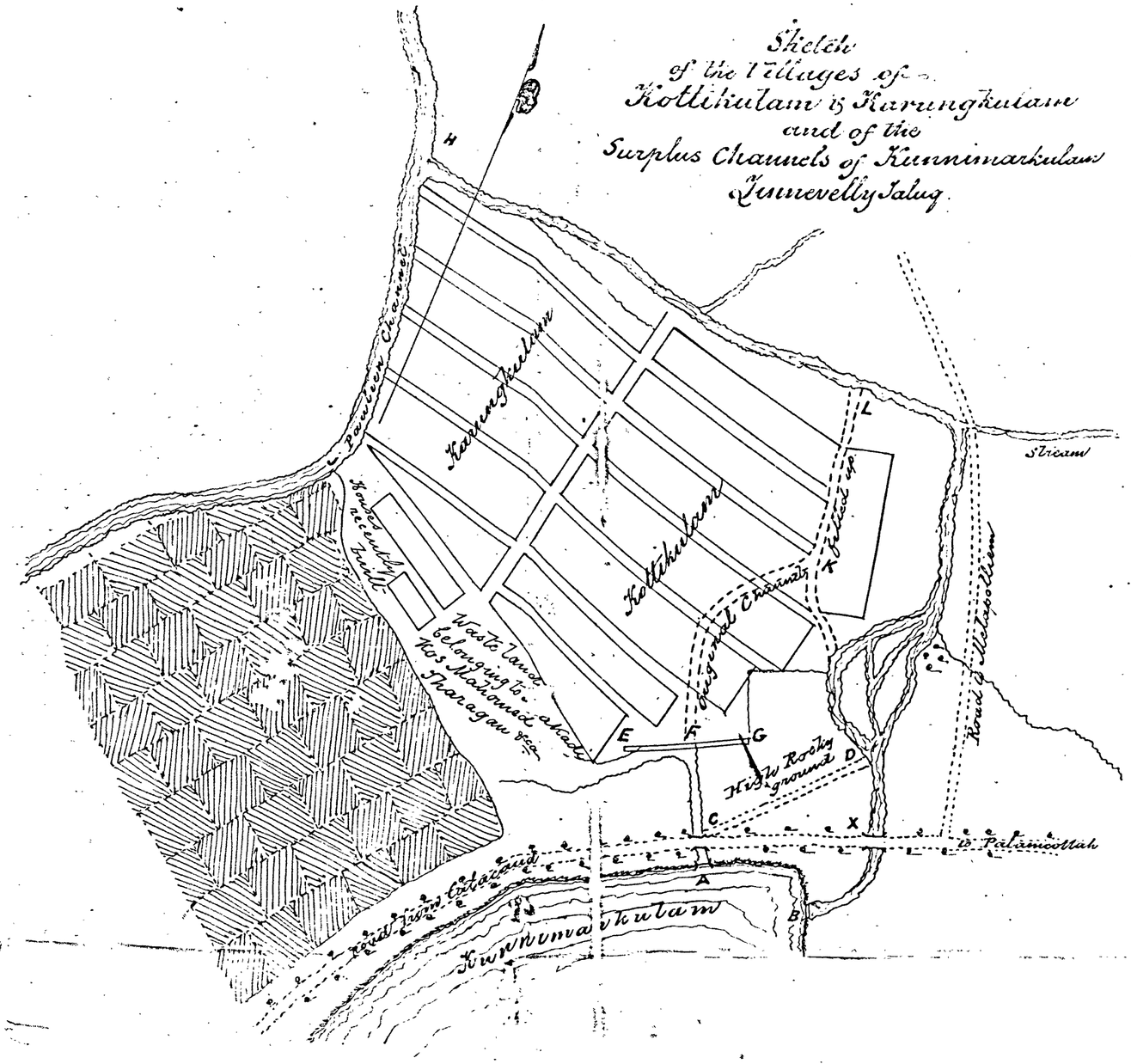
Translation of Petition of Ramalingam Pillai & others of Pillayarkulam

Rec. 3rd Dec 72 in Bk 27

Answer to be given by the 11th Defendant in Original Suit No 153 of 1872 in Principal Sudder Ameen's Court Tinnevelly.

The Estimate for the work in dispute was prepared with the approval of the Collector & Superintending Engineer and sanctioned for execution by them after inspection of the locality.

Kunnymmencolam has 2 surplus Calingulahs of which the mouth measures by 15'. 0". in length. discharges its water thro' the Defendant's land destroying it & their houses. There is no defined Channel and it is evident that there is no water course On the other hand the water discharged by the other Calingulah passes into a rocky water course, & finding its way thro' Sheets of the Village which are reserved in places for its reception, falls in to the Paulien Channel. To save



Sd/ D. McNair
Sub Engineer
16. February
1872.

Sd/ F. W. Rundall
Executive Engineer
21. 2. 72.

Lt. Colonel R.E.
Superintending Engr. S. Dn.

the Lines and Lands of the defendants
found likely to be damaged, the western
Caliguelak was blocked up, the
eastern lowered 1½ feet, and the whole
surplus thrown into the water course
leading the Plaintiffs Mills & the
Pauliew Channel. This work was
carried out by order of the Sup.g Engr.
as conveyed in his Endorsement
No. 4683 dated 22d March 1872. Near
the Caliguelak now blocked up,
there are to be seen the remains
of evidently what was a water into the
Stream flowing the Plaintiffs
Mills. As the Road bridge which
carries off the water of western
Caliguelak is small and sufficient
for but little more water than the
side drainage while the bridge
opposite the eastern Caliguelak
is much larger, it is evident that
it was contemplated that the
surplus water should pass into

the

Palamcottah
No 558. 15th October 1872.

the Pauliew Channel by the Stream
which Plaintiffs now deny to
be the proper Course.

The Superintending Engineer under
date 22d March above referred to
was directed by that Officer after
personally examining the locality
in my Company's
Palamcottah
12th October 1872

J. W. Rundall
Exc. Engineer.

Exd Cohen

This is called
northern Caliguelak in the
Plaint

the Shores and Lands of the defendants

Palamcottah
15th October 1872

№ 558.

From The Exec. Engineer
Southern Range
To Sanguelly
The Supg Engineer
8th Division

Sir,

I have the honor to bring to your notice that a suit has been instituted against Mr Grant and myself to prevent us carrying into effect the orders contained in your endorsement № 4683 dated 2 March 1872 with regard to the arrangements to be made for preventing the surplus from the Ramnadkulam overflowing certain land in Perangulam Village. The whole matter was fully reported in my letter № 818 dated 20th February 1872, and as you have yourself inspected the locality and given the orders which are now sought to be set aside by the action of the Court, all I have now to request is permission to defend the

Enclosures 4
Translation of Plaint—1
Copy of Summons—1
Draft Answers—2

№ 3709.

This letter was forwarded to the undersigned when on the jurisdiction Ghaut, but missing him it has been returned.

2. The permission of the Govt Pleader is solicited to defend the suit;—In the meantime Ext Rundell Esqr and myself through the Govt Vakeel at Palamcottah & Law the suit removed to the file of the District Court under Section 6, Chapter 1, of the Code of Civil Procedure.—Vide G.O. 7th Oct. 1855, № 346, published in the Proceedings of Legislative Department 1855 Page 156.—

3. Mr Rundell Esqr and myself that the time of hearing admits of a reply being received from the first above stated.

Madras
9th Nov. 1872.

R.A.R.
6.11.72

Enclosures to Exec. Engineer's Report dated 8th Nov. 1872 No 3709

To
The Secretary to Government
P.W.D.

Copy of letter from the Executive Engineer Tinnevelly Division dated 15th October 1872 No 558 with enclosures

Transmitted
Calm
the
R

the suitable Government Expenses.

I forward copies of the plaint Summons and the Answers filed by Mr Grant and myself and request you will be good enough to take for the matter for Order or Court at an early date. In the mean time I shall charge such expenses as I may incur for Plaintiff in my Postponent Bill.

I have &c
Sd. Russell
Exr Engineer

From 3614
The Exr Engineer
Southern Ranges.
Simonstown

To, The Supt: Engineer
8th Division.

Dated 15th October 1872
Recd 18th
No 558
Encls: 4

Brings to notice that a suit has been instituted against himself & Mr Grant to prevent him carrying into effect the arrangement proposed for preventing the surplus from the Klunny mouth column flowing over the land in Kapyong column Village

Enclosure No. 6. to a letter
from the Supt. Engineer Dr.
No 3708 dated 9th Nov: 1872

To
The Secretary P.W.D.

5703
P.W. 5869/72.

Letter from Dr.
Rundall Esq. Engineer
Southern Range Trincomalee
No 558 dated 15th October
1872.—

Pron. 3rd Dec/72. Ln Bk 27

Answer to Enquiries by the 12th Defendant in Original Suit No 153 of 1872 in Principal Sudur Ameen's Court Trincomalee.

The Estimate for the works in dispute was prepared with the approval of the Collector and Superintending Engineer and Sanctioned for execution by them after inspection of the locality.

Kummymoreolam has 2 Surplus Calingulahs of which the most Westerly of 15 0 in length discharges its water thro' the defendants land destroying it and their houses. There is no defined Channel and it is evident that there is no water Course. On the other hand the water discharged by the other Calingulah passes into a rocky water Course, and flowing its way thro' Sheets of the Village which are revetted in places for its reception falls into the Paulicem Channel. To save the houses and lands of the defendants from being swamped, the western Calingulah

was

No 286
L

Seniavelly
15th September 1871

Enclosure No 9. In a letter
from the Supt. Engineer 8th Div.
No 3708 dated 9th Nov. 1872.

To
The Secretary to Govt.
P.W.D.

5703
P.W. 5569/72.

Copy of Answer
to Inquiries by the
12th Defendants.

Encl. 3d Dec 72 in 5569

was blocked up, the eastern channel
12 feet, and the whole surplus stream
into the water course leading thro'
Plaintiffs Estate to the Paulicum, &c.
This work was carried out by Order
of J. W. Rundall Esquire Executive
Engineer. Near the Calingulam dam
blocked up, there are to be cleared
the remains of an old Calingulam
which evidently threw the water into
the stream flowing thro' Plaintiffs
Estate to the Road bridge which
carries off the water towards
Calingulam in small Quantities
for but little more water than the
tidal drainage while the bridge
opposite the eastern Calingulam is
much larger, it is evident that it
was contemplated that the surplus
water should pass into the Paulicum
Channel by the stream which
Plaintiffs move, deem to be its
proper course.

Sir thos from thomas
17th September 1872

2/Sgt J. D. Grant.
Asst. Engineer.

Super Cor
W. Rundall
Executive Engineer.

...as blockaded by the eastern Commando

No 286

Tuticorin
15th September 1870

From,

The Acting Collector of
Tuticorin

To,

The Supdg. Engineer
8th Division
Madura

Sir,

I am forwarding herewith Arzi No 494 of Tuticorin Talukah with reference to a Complaint from the ryots of Kottikalum on the Palacad road about the cultivation carried on in the surplus water Channel of Kamminarculam causing damage to their houses, I have the honour to request you will be good enough to have the place inspected and favor me with an expression of your opinion on the matter.

I have the honour &c
Sir,
Your most obdt Servt
J.A. Davies
Asstt Collr

Copied A.D.

2535 Transfer of Lands

4690

From
The Ag Collector
& Ex-officio
The Dist Engineer
8th Division
Calcutta

Dated 15th Sept 1870
Rec'd 19th Sept 1870
No 286
Enclosures 39
Rs.

Regd to favor his views in the matter referred to in the enclosed Exd Collr's orgc regarding certain complaint about the cultivation

1. The Collector of Innomelly
No 690 - 2 - 3 - 72

Dept

Enclosure No. 1. to a letter
from the Supt. Engineer 8th D.
No. 3708 dated 9th Nov. 1872

To
The Secretary to Govt.
P.W.D.

5703
P.W. ~~5569~~/72

Letter from the Tinnevelly
Collector No. 286. dated 15th
September 1870.—

From 3rd Asst. Jr. to Bt. Jr.

No. 10 of Tuticorin Local Communication
Dated 4th 1872

From, R. K. Puckle Esqre
Collector

To, Lieut. Colonel R. A. Roberts R.E.
Superintending Engineer 8th Dn.
Madura

Sir,

In Reply to your letter No. 4690
dated 2nd Instant, I have the honor to inform
you that I quite agree with your proposition
for the above charge of the surplus water
of the Kottakulam tank in the Tinnevelly
taluq and shall be obliged by your early
issuing that the expense of the person
who benefited orders have been sent to the
Tahsildar to render assistance.

I have the honor to be
Your most Obed. Servt
R. K. Puckle
Collector

* Enclosures herewith returned

No 197

Copy of the above letter, & also that from the Sec[y] to the
Lords, dated 2[d] March 1872, Communicated to the Executive
Govt Enclosing Report & Vouchers for information & guidance
with a request that the work may be carried out at once.

Madras
16. 4. 1872

[illegible]
10.4.72

Enclosure No: 5. In a letter
from the Supt. Engineer S. D.
No: 3708 dated 9th Nov: 1872.

To
The Secretary to Govt.
P.W.D.

5703
P.W. 6869/72.

Letter from the Tinnevelly
Collector No: 108 dated 27th
March 1872.-

Palamcottah
2535 Comp. Acknowledgement
2nd March 1872

To The Collector
Tinnevelly

Sir

1. With reference to
your letter No 28 of
the 15 Sept 1870 I have
the honor to return the Original sent therewith and
to state that having in-
spected the place referred
to & given the matter
ing careful consideration
I am also of opinion
that the best settlement
of the dispute is as fol-
lows -

a. The Eastern Caliyala
to be lowered 1½ feet be-
tween G for the main Sub-
Sup. The crown of the west-
ern cale to be retained
9 inches to form a safe
barrier to the Eastern
Caliyala -

b. The Surplus water
through the Western Cale
to be led by the ~~Eastern side~~
~~Eastern Cale~~ on
the North side of the
Channel to the Sea.

2. Should these suggestions meet with your approval, I will give the necessary instructions for their being carried out.

3. It is clear that as now recommended, the Services under notice are purely for the benefit of certain individuals, & are not connected with the Govt Revenue, the Rents should not be levied at the Govt Expense, but if it can be carried out at the cost of the Takkadis who desire the improvement I am willing to pay for the work estimated by the Executive Engineer at Rs 38, which no doubt will be borne cheerfully by the Takkadis as I have suggested.

Rich
Feb 2. 72

To
The Collector
Guntur

No 1690
Dated 2 March 1872

Enclosure No 4. to a letter from the Supt Engineer &c No 3708 dated 9th Nov 1872.

To
The Secretary to Govt
P.W.D.

5703
P.W. 5809/72.

Letter to the Temporary Collector No 4690 dated 2d March 1872.

Transd Dec 7th 1872 L.B. 487

Palamcottah
17th February 1872

No 122

To

The Executive Engineer
Southern Range
Tinnevelly

Sir

I am returning the accompanying letter from the Collector of Tinnevelly No 286 dated 15 Septr 70 and its enclosures relating to the water dispute at Kuttalum in the Tinnevelly Taluq received with the Superintending Engineer's Memo No 1702 of 17 Idem for inspection of the locality and submission of a report on the subject I have the honor to state that the dispute in question is connected with the discharge into the Pudian channel of a portion of the surplus water of the Kunnamankulam of Karunkolum Village

2. The two villages of Kuttalum and Karungolum as will be seen from the annexed Sketch are adjoining each other & situated immediately below the Kunnimankulam of the latter village This tank has two calingulahs at the

3

eastern extremity for the discharge of its surplus water

water. The water discharged from the eastern Calingulah B which is larger of the two and measures 20 ft in length flows first due north to the east of Kuttikolum Village and then turning westward, runs along the northern margin of the villages of Kottikolum and Karungolum and falls into the Palain channel at H.

The water from the western Calingulah A which measures 15 feet in length also flows due north for a distance of 40 yards and then meeting with an artificial bank E. F. G raised at right angles to its course it turns westward and having no defined channel in that direction, spreads nearly all over the waste ground lying between the above-mentioned two villages and the nunjay fields under Kunnimankulam and empties itself into the Paulian channel at I.

4 Shakadi Kos Mohomed Sharagen and a few others of Karungolum who own the abovementioned piece of waste land and have recently built a few houses on it at the northern end object to the water being turned over their land, as it not only at present injures their existing houses but also prevents them from building more & bringing a portion of the land under cultivation; and they therefore pray that the water discharged by the Calingulah A might be turned into

into its original channel E. K. I. which ran right through the Kuttikolum village, or that the said Calingulah might be closed altogether and the whole of the surplus water of the tank be discharged through the Calingulah B.

Ellay Abaker and a few others of Kottikulam and the other hands contend that the water of the western Calingulah A always escaped over the aforesaid waste land and never flowed through their village; that the land was never cultivated but used as the threshing ground of the village, until Shakadi Kos Mohomed Sharagan and his party fraudulently obtained possession of it a few years ago and that if the water be diverted into any other course it would run through their tanks and prove injurious to their houses

6 I have made a careful inspection of the locality & of opinion that the water from the western Calingulah A originally did flow through the village of Kottikolum along the channel F. K. I. and empties itself into the main Surplus channel proceeding from the Calingulah B at the point I. and that Ellay Abaker and his party are the aggressors though they were the first to complain of injuries caused by the other party which have no foundation whatever

whatever.

7 The above mentioned waste land measures 4½ cotays and is entered in the Arpacut Accounts as "waste gravelly ground" and in the Landen Register as "Perambokewland" and it is therefore evident that the water from the Calingulah A could not have flowed through it, nor is there any occasion of a channel to show that it ever had been discharged in that direction. The enclosures of the Collectors letter further prove that the land came into the possession of Thakadi Kos Mahomed Tharahan and his party by purchase upwards of 45 years ago and that they have held pullahs and paid Tax for the same since Fasly 1276. The statement of Vellay Abaker that the water of the Calingulah A always flowed through his land and that Thakadi Kos Mohomed Tharagan and his party fraudulently got possession of it a few years ago, therefore is utterly false.

8 As the water flowing through the village in high floods probably ran through the streets of Kotticolum and considerably damaged their houses and also prevented them from building others. Vellay Abakar and his party about 12 years ago

ago, entered into a compromise with the ryots of Kunnacolum village and got the Government to close the Calingulah A with earth, and to construct the Calingulah B in its stead for the purpose of discharging the whole of the surplus water of the tanks through the latter Calingulah. Since then they have gradually filled up the channel and built houses upon it and are doing the same even at the present time.

9 About 5 or 6 years ago, however, Thakadi Kos Mahomed Tharagan and his party obtained permission to cultivate the said waste land with munjal and also to build houses upon it and Vellay Abaker and his party no sooner they heard of this than they reopened the Calingulah A caused the earthern banks E F G and caused the water from the former to flow westward, as it now does over the ground belonging to the opposite party. I can see no reason for this proceeding on the part of Vellay Abaker and his party except that they wanted to prevent Thakadi Kos Mohomed Tharagan and his party from making use of the land; and as they now object to the Calingulah A being closed or the land in question being cultivated, either of which will not affect them in any

any way. It is clear they are actuated by ill
feelings and are bent upon annoying the other party.

10 Not satisfied with the above proceeding
they also preferred a complaint to the Magistrate
in the beginning of 1870 that Shaladi Kos Mahomed
Sharagan and his party with a view to bring
under cultivation the waste land in question were
attempting to raise a counter bank to the west of
that raised by themselves and to turn the Palingulah
water on their houses. The charge was proved to be false
and the Sub Magistrate of Palamcottah while
considering that the cultivation of the land would
not prove injurious to the Kotticolum villagers decided
that the water from the Palingulah A having no other
outlet should be discharged westward as heretofore
by a channel cut for the purpose through the ground
belonging to Shaladi Kos Mahomed and his party

11 The Tahsildar of Tinnevelly who by order
subsequently inspected the locality informs the
Collector in an Urzee dated 9th September 1870
that the Sub Magistrate's arrangement is practicable
but he fails to see how a new channel can be cut
through private property without the consent of the

owners

and therefore suggests that a channel be
cut through the high rocky ground South of the
Kotticolum village from C to D and the water of the
Palingulah A be discharged through it into the
main Surplus channel of the Tank.

12 I quite agree with the Tahsildar in his opinion
that there will be some difficulty and trouble in
cutting a new channel and discharging the water
of the western Palingulah A through the waste land
belonging to Shaladi Kos Mahomed and his party
and I do not see the necessity for injuring their
property of one party in order to protect that of the other.

13 There is no objection to the arrangement
proposed by the Tahsildar, but a better and less
expensive plan would be to close the Palingulah A
and to discharge the whole Surplus water of the tank
through the Palingulah B, the crown of which is 8"
above the level of the other and has only to be lowered
1½" to make the work answer the purpose.

14 By this arrangement the houses and
lands of neither party will suffer nor will it be
in the power of either to molest and injure the other
and as Shaladi Kos Mahomed Sharagan is

willing

willing to defray the cost of the necessary alteration
I beg to recommend the adoption of the above mentioned
arrangement

15 The cost of closing the western culvert
and increasing the water way of the eastern culvert
is Rs 38 as per accompanying Estimate

I have &c

/Signed/ D McNair
Sub Engineer

/True copy/

/Signed/ J W Rundall
Executive Engineer

/True copy/

Capt Norris

Lt. Col. R.E.
Superintending Engineer
S. Div.

Camp
B.B.

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Enclosure No 2. In a letter
from the Supt Engineer 8th Div.
No 3708 dated 9th Novr 1872.

To
The Secretary to Govt.
P.W.D.

5703
P.W. 5569/72.

Copy of
Letter from Sub Engineer
Mr Mc Nair, No 422 dated
17th February 1872.

From 3rd Dept 72 Ln Bdl 27.

Summons

Under Sections 41 & 43

Principal Sadar Ameen's Court at Tinnevelly

Original Suit No 1537 of 1872

Kellai Subbiah Saravana Deva
J Vellai Ambikai
Malukkan Maliar & 2 others of Kotte
Koolam attached to Melappa-
=liam Village in the Tinnevelly Taluk
Kalingu Channa Mutlu Vellalan and 13 others of different Villages
J W Rundall Esqre Executive Engineer Southern Range Tinnevelly

Plaintiffs

Defendants

11th Defendant

Whereas the suit No 1537 of 1872 which the above named plaintiffs have instituted against you (of which the particulars are hereunder specified) in the District Munsiffs Court at Tinnevelly has been referred to this Court, you are hereby Summoned to appear in this Court on the 16th day of Octr next, at ten o'clock in the forenoon, in person or by a pleader of the Court duly instructed able to answer all material questions relating to the suit or who shall be

be accompanied by some other person able to answer all such questions, to answer the said plaintiff's for the Settlement of the issues, and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence; and you will bring with you, or send by your Agent, any document on which you intend to rely in support of your defence.

2 Tinnevelly

Principal Sadar Amins Court 23rd September 1811

(Signed) M. Anuvasamy
Principal Sadar Amin

Particulars of the claim

Suit to prevent the shutting of the western Caling ulah & lowering the surface of the northern Caling ulah of the Kanmanmarkulam tank in the village of Kalungulum in the Tinnevelly Talug.

(True Copy)

Wm. Randall
Ex. Engr.

Enclosure No. 10. of a letter
from the Supt Engineer S. D.
No. 3708 dated 9th Nov. 1872.

To

The Secretary to Govt
P.W.D.

5793
P.W. 5589/72.

Copy of Summons

Trans. Bullock & Co.

P. W. D.

Proceedings of the Madras Government.

Read the following

From.

The Supt Engineer
S. Ov. (S. E. No. 3708 dated 9th Nov. 1872)

" " Asst Chief Engineer
for Irrign

The Secretary to the
Chief Engineer for Irri-
gation will be good
enough to submit to the
Hon'ble Junior
Member in Council
the report of the
plaintiff in the suit
water that used to
pass through two
Talenjeulahs is discharged
through one the Pla-
intiff's Talenjeulahs will
be much damaged

R. C

and they will suffer
loss and be in personal
danger.

The defence should
therefore be that the
arrangement carried
out by the Public
Works Department
will in no way endanger
the habitations or lives
of the Plaintiffs, the
capacity and fall of the
channel below the Bridge
being adequate for dis-
-charge of all the water
without flooding the
Kotte Pulam Village
Before entering the defence
of the suit in such [illegible]
[illegible]

the Governor in Council
authorised the defence
required to be informed
how the
grounds if that 11 and
12 Defendants are
prepared fully to establish
the same.

GWS

bowed it not be safer to
ascertain how they propose
to establish this before sanctioning
the defence. The Memo furnished
by the Chief Engr for Irrigation
makes the merits of the
suit appear very doubtful.

BC.

2
4
6 The Officer Engr Jammalai
5 Controller
5 Asst Chief Engineer
for Irrigation.

Recd 5/12/12

Cloth

Govt. of {1872} Madras.

PUBLIC WORKS.

To

The Collector & Assistant Agent
Tinnevelly

Dated

Recd.

Encl. 11

G. O. 3rd Decr 1872. N 2823.

Nos. 26 & 27 & 28

Passing orders
on note by the
Engr for Irrign
Drainage relative to
the dispute at Kotte
in the Tinnevelly Dt.