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. 2891 Press Mis.
156, 157, 158,

Dated 7 - 12 - 1872.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 7th December 1872.

Read the following papers:—

No. 156. Proceedings of the Board of Revenue.
(Here enter No.——8th November 1872.)

No. 157. From the Superintending Engineer, 4th Division.
(Here enter No. 3,661, 19th November 1872.)

No. 158. ORDER THEREON 7th December 1872, No. 2,891.

IRRIGATION, No. 9.

THE Government have recently had under consideration the case of certain repairs to a private tank, which were carried out by the Department Public Works at the request of the Collector, to prevent the injury to a public road, which it was feared would result by the proprietor of the tank neglecting to execute them himself. The proprietor declines to repay the amount expended, and, in the opinion of the Government Pleader, no suit will lie for the recovery of the money.

2. His Excellency the Governor in Council resolves to direct the discontinuance of the practice which has led to this loss of public money.

3. Public Works Officers will in future represent to the proper authority any liability to damage which may be incurred by works under their charge from neglect by private proprietors, with a view to the necessary legal steps being taken to force them to adopt such measures as will obviate the threatened damage.

4. The Revenue Department will be requested to issue similar instructions to Collectors.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government.

To the Revenue Department.
To District Engineers.
,, Major R. B. Kennedy.
To the Acting Chief Engineer for Irrigation.

Exd. S. T. Austin.

No. 559.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th April 1872.

Read the following letter from J. D. ROBINSON, Esq., Collector of North Arcot, to the Secretary to the Board of Revenue, dated Chittoor, 28th February 1872, No. 84:—

ABSTRACT.—Requests instructions of the Board as to the course to be pursued for the recovery of the amount due by the Shrotriemdar spent by Government in re-building a culvert across the road from Tirupathy Railway station to Tirupathy, which the Shrotriemdar refuses to make good.

THE Collector is requested to report what has been the usual practice in regard to executing repairs to the Opparapolliem tank, to what extent the Shrotriemdar is interested in the lands dependent on it, and on what terms he holds his Shrotriem.

(A true Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of North Arcot.

Exd. J. Tulloch.

No. 1,979.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th October 1872.

Read the following letters:—

From W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Secretary to the Board of Revenue, dated Chittoor, 29th August 1872, No. 413.

I HAVE the honour, with reference to the Proceedings of the Board, dated 9th April last, No. 559, to report that it appears from the Arzi of the Tahsildar of Chendragherri, No. 223, dated 5th August 1872, received in this Office on the 14th idem, that the Village of Oopparapoliyam is not a Shrotriem Vvillage, but is a Service Inam; that the Inamdars themselves used to execute repairs to the tank in question whenever it was necessary, and that of the total nunjah ayacut under the tank, viz., Cawnies 89-4-12, Cawnies 87-4-8 are in the enjoyment of the Inamdars, the remaining Cawnies 2-0-4 being sundry Inams. The Inam is now held exclusively by the Inamdars on the condition of performing festivals in the Govindurajuluswami's Temple at Lower Tripati and in the Venkateswaraswami's Temple at Upper Tripati.

From the same Officer, dated 29th August 1872, No. 414:—

IN paragraph 5 of their Proceedings, dated 20th instant, No. 1,641, the Board quote their former Proceedings, dated 12th February, (not April as given in the Proceedings) 1872, No. 1076, and require me to report, without delay, on the subject of the unadjusted miscellaneous advance of Rupees 416-2-0 outstanding in the accounts of the Chendragherri Range Officer of this district.

2. I beg leave to refer the Board to my predecessor Mr. Robinson's letter of the 28th February last, No. 84, in which the cause of this advance not having been adjusted, and the difficulty which exists of immediately adjusting it are fully set forth. With reference to that letter, the Board have called for further information in their Proceedings, dated 9th April last, No. 559, to which I have this day sent a reply in my letter No. 413.

COPIES of the Board's Proceedings, dated 9th April 1872, No. 559, and of these letters will be forwarded to the Government Pleader, with a request that he will advise the Board as to the chance of success in a suit against the Inamdar for the recovery of the advance, supposing the facts stated in Mr. Robinson's letter of the 28th February 1872, No. 84, to be proved.

(True Copies and Extract.)

(Signed) H. E. STOKES,
Acting Sub-Secretary.

To the Government Pleader, with copies of Collector's letter, dated 28th February 1872, and Board's Proceedings, dated 9th April 1872, No. 559.

Copy to the Acting Collector of North Arcot.

Exd. G. A. Turton.

1872.
Board of Revenue,
MADRAS.

PROCEEDINGS, 9TH APRIL 1872, No. 559.

Enc.

Received
P. P. 542/72.
APRIL.
No. 559.

Opparapolliem Tank—in Chendragherry Taluq, North Arcot District.—Collector requested to report what has been the usual practice in regard to executing repairs to—, to what extent the Shrotriemdar is interested in the lands dependent on it, and on what terms he holds his Shrotriem.

1872.

Board of Revenue,

MADRAS.

PROCEEDINGS, 7TH OCTOBER 1872, No. 1,979.

OCTOBER.

No. 1,979.

Oopparapoliyam Tank—in Chendragherri Taluq, North Arcot District.—Copies of certain papers relating to an advance made for the repair of—forwarded to the Government Pleader for advice as to the chance of success in a suit against the Inamdar of Oopparapoliyam for the recovery of the advance.

Received 12 P.M. 5 Nov 72.

Encl.

No. 2,167.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th November 1872.

Read again Board's Proceedings, 9th April 1872, No. 559, and 7th October 1872, No. 1,979.

Read also the following letter from J. W. HANDLEY, Esq., Government Pleader, to the Secretary to the Board of Revenue, dated Madras, 29th October 1872, No. 130.

I HAVE the honour to acknowledge receipt of the Board's Proceedings noted in the margin requesting my opinion as to the chance of success in a suit proposed to be filed against the Inamdar of the village of Oopparapoliyam, in North Arcot, for the recovery of the amount expended in repairs to the tank of that village.

7th October 1872, No. 1,979.

2. In my opinion, no suit will lie for the recovery of this sum. The facts appear to be that, in order to prevent an apprehended injury to a public road by the discharge of water from the tank, certain repairs were executed by the Officers of the Public Works Department by direction of the Collector to a calingulah in the tank. The tank is for the supply of the lands of the inam village alone, and has always been repaired by the Inamdars. The Inamdar did not request or authorize the execution of the repairs in question; on the contrary, he objected to them and wished to make a calingulah in another spot. I do not see how he can be called upon to re-pay money expended by the Revenue authorities upon his tank against his wish, and not even for his benefit but for that of the public at large. If any injury was caused, or was likely to be caused, to the road by the existing state of the tank, a suit might have been brought to compel him to take the necessary steps to prevent the injury; but, the Revenue authorities having chosen to do for him that which he might have been compelled to do, cannot now compel him to pay for it.

THE Board concur with the Government Pleader in thinking it would be useless to institute a suit against the Inamdar of Oopparapoliyam, and resolve to request Government, with reference to G. Os., No. 339, 3rd February 1872, and 3rd May 1872, No. 1,136, Public Works Department, to allow the item of Rupees 416-2-0 "For constructing a calingulah of eight yards to Oopparapoliyam Tank" to be removed from the list of unadjusted miscellaneous advances.

(A true Copy and Extract.)

J Gole
Secretary.

To the Secretary to Government, Public Works Department,
with copies of Board's Proceedings, Nos. 559 and 1,979 of 1872.

Copy to the Chief Secretary to Government, Revenue Department, with do. do. do.
" to the Government Pleader.
" to the Collector of North Arcot.

Exd. A. S. Rodgers.

P. W. 1872 Diary
Pub. Gen. Dept. Letters
No. 5492.

1872.

Board of Revenue,

MADRAS.

PROCEEDINGS, 8TH NOVEMBER 1872, No. 2,167.

Encl. 1

Received 9th Nov. 1872.

NOVEMBER.

No. 2,167.

Suit—against Inamdar of Oopparapoliyam, in Chendragherri Taluq, North Arcot District, for recovery of sum expended in repairs to tank of that village.—Letter from Government Pleader objecting to institution of —. submitted to Government with expression of Board's concurrence with Government Pleader. Sanction requested for removing item of Rupees 416-2-0 on account of repairs from list of unadjusted miscellaneous advances.

No 156

No. 2891-7th Nov. 1872.

for the recovery of this sum. The facts appear to be that, in order to prevent an apprehended injury to a public road by the discharge of water from the tank, certain repairs were executed by the Officers of the Public Works Department by direction of the Collector to a Calingula in the tank. The tank is for the supply of the lands of the Irain Village alone and has always been repaired by the Inamdars. The Inamdar did not request or authorize the execution of the repairs in question, on the contrary he objected to them and wished to make a Calingula in another spot. I do not see how he can be called upon to repay money expended by the revenue authorities upon his tank, against his wish and not even for his benefit but for that of the public at large. If any injury was caused or was likely to be caused to the road by the existing state of the tank, a suit might have been brought to compel to compel him to take the necessary steps to prevent the injury, but the revenue authorities having chosen to do for him that which he might have been compelled to do cannot now compel him to pay for it. -

Madras
29th October 1872

I have &c.
(Sd) J. W. Handley
Government Pleader

The Board concur with the Government Pleader in thinking it would be useless to institute a suit against the Inamdar of Coppara-polium, and resolve to request Government with reference to Government Order No. 339, 3rd February 1872, and 3rd May 1872, No. 1136, Public Works department, to allow the item of Rs. 416-2-0 "for constructing a Caliguiah of 8 yards to Copparapolium tank" to be removed from the list of unadjusted miscellaneous advances. -

True Copy & Extract

J. Grote
Secretary

By the Secretary to Government
Public Works dept.
with copies of Ad. Pro: Nos. 659 & 1979 of 1872

Form C. No. 39 5/72

MEMORANDUM

Reported for reference the under-mentioned papers:—

1380

Requisition and Letter from the Kumaon Commr. of 8th November 1872 and Letter from the Executive Engineer, 1st Circle of 19th November 1872 &c. &c. received in the Proj. Sec. to the P.W.D. on 27th December 1872 &c. &c.

Government Office,
Revenue Department,
13th December 1872.

Registrar.

To The Registrar of the Public Works Department.

P. W. 1872 Depart.

No. 5492.

Proceedings of the Board of Revenue

Dated 8th November 1872.
Despd 8 ——
Received 9 ——
Encl 2

Requesting Govt. to allow item of Rs. 416-2-0 for constructing a cattle = gulah to Coopparapo = lieu tank in Chendra = giri Taluq North Arcot Dt. to be removed from list of unadjusted Miscellaneous Advances.

Memo
No 220

No 2891 P.W.D.

Proceedings of the Madras Govt.
Read the following:-

Pro. of the Board of Rev: (H. E. &c. — 7 Oct 1892)
From the Supt Engineer
S. & D. } (" " 3661 - 19 " — ")

The Government have recently had under consideration the case of certain repairs to a private tank, which were carried out by the P.W.D. at the request of the Collector, to prevent the injury to a public road which it was feared would result by the proprietor of the tank neglecting

Chge 54926710

Govt. of {1872} Madras.

PUBLIC WORKS.

To The Revenue Dept.

Dated

Recd. Encl.

G. O. 7th Dec. 1872, No. 2891.

Nos. 156 & 158

Damages- Public Works officers directed in future to represent to the proper authority any liability to damage incurred by works under their charge from neglect by private proprietors with a view to steps being taken to force their obviating the threatened danger: and the Revd Dept requested to issue similar instructions to Collectors.

Rec. 27 Nov 1872 P. 28
625 Nov 72