

(1) Number of pages 16(2) Date of repair 3.3.47

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.**Government of Madras.***Public Works* **DEPARTMENT.**

G.O. No. 494

Press
Mis-

365-66

Dated 22. 2

1872.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
22nd February 1872.*

No. 365. Read the following letter from the Officiating Superintending Engineer, 6th Division, to the Secretary to Government, Public Works Department, dated Tanjore, 17th February 1872, No. 892:—

I HAVE the honour to inform you that a suit has been brought against Mr.

1 Translation of Plaintiff.
1 do. of proposed Defence.

Supervisor Littlewood by one Ayavayen,
in the District Munsif's Court at Tritra-
poondy, to prevent the excavation of

earth from his land for the repairs of the west bank of the Mooverasem Cottagum
lands, and the case is to come on for hearing on the 26th instant.

2. The circumstances of the case are fully detailed in the defence proposed
to be put in, translation of which and of the plaintiff I enclose; and I have the honour
to request that if the Government approve of the case being defended at the
public cost, their approval may be intimated to me sufficiently early to enable me
to put in the defence on the 26th instant.

No. 366. ORDER THEREON, 22nd February 1872, No. 494.

ESTABLISHMENT, No. 30.

THE Government sanction the
defence of the suit, in the first instance,
at the public expense.

(True Extract.)

(Signed) J. CARPENDALE, Colonel, R.E.,

Secretary to Government.

To the Superintending Engineer, 6th Division.
,, Controller of Public Works Accounts.

Exd. S. T. Augustin.

In the Court of the District Magistrate
of Tripunaverry.

Plaintiff.

Ayanayen, Son of Po.
boocatty Dyar, Meria.
Sidan of Yedayoon,
residing at Kunnon
attached to the above
Taluk.

Defendants.

Mr. Supervisor Little.
Wood, Muntawony
Naiken, son of Soobha
athan.

Suit relating to land. Amount Rs 15-12-6

The first defendant gave to the second
defendant, the Contract of repairing the western
boundary bank of Moovara em. Cottagum
attached to the Peromale Village, in the
above Taluk and directed him, on the 28th
April last, to obtain the earth required for
the embankment from the land held by
one under right of Merasi measuring
3 — 15 as below specified, situated im-
mediately to the west of the above embank-
ment in the Village of Yedayoon. — The
second defendant accordingly pegged out

on the land, the next day is the 29th June
and commenced the excavation of earth.

2 It is to be sustained by
me by the excavation of earth from the
land owing to its being thereby lowered
& rendered unfit for cultivation. I say
that a decree may be passed prohibiting
the excavation of earth from the land
measuring ^{mahs 9000} 3-15 valued at Rs. 50
and assessed at Rs. 3-2-6 & awarding
payment of the costs of the suit by the
defendants.

Particulars of land. W. M. 4

The Plot at the Eastern extremity of
Pymah N. 593 in the Village of
Yadagoon. ———— 1-3 1/2

The Plot at the Eastern extremity of
Pymah N. 594 ———— 1-85 1/2
————— 3-15

Value at 5 times the amount of the
annual assessment in the land
(Rs. 3-2-6 ———— Rs. 15-12-6)

I, Ayanayen, the Plaintiff do hereby
solemnly declare that all the facts stated
above are correct. (True Translation).

Subscribed: Capt. R. E.
Offg. Sub. Judge

Enclosure in a letter
No 892, dated 17th Fe.
bruary, from the off^r
Sup^r Engineers C^d D^r
to the Secretary to Gov^t
O. W. D.

P. W. 888/72.
Dec. 23rd Feb/72 No 2365

Translation of
Plaint.

Proposed Answer to Suit No 78 of 1874 in-
stituted by Ayayayen in the District Munsiff's
Court of Tatrakandy against Mr Supervisor
Littlewood.

Plaintiff.

Ayayayen Menapi,
Son of Gadagoo.

Defendants.

Mr Supervisor Littlewood
Mentusamy Naiken
Contractor.

Ayayayen states in
his Plaint that Mr
Supervisor Littlewood,
the first defendant, au-
thorized Contractor Men-
tusamy Naiken, the
second defendant, to
excavate the earth re-
quired for the repairs
of the west bank of
Mooverasam Cottam
from the Plaintiff's land
measuring 3 Mah^o
and 15 Gules, and
as the land will be
injured & rendered
unfit for cultivation,
thereby, prays that a
decree

Contractor Mentu-
samy Naiken was not
authorized to excavate
earth from the Plaintiff
land for the repairs of
the Mooverasam Cottam
from Bank as stated
by the Plaintiff.

A Bank was con-
structed in 1854 at the
cost of Government to
prevent the inundation
of the Mooverasam
Cottam lands, it
also formed the East
Bank of a Surplus chan-
nel in Gadagoo limits
which

copy to D^r

Decree may be passed
prohibiting the exc.
excavation of Earth from
the land & awarding
payment of Costs
by the Defendants.

which skirted the Mos.
Museum Cottage and
an Estimate was pre-
pared at request of the
Tahsildar & sanctioned
in January 1871. for re-
pairing the Bank; it
was proposed to obtain
the soil required for the
Bank by deepening the
bed & cutting projections
from the sides of the main
Surplus Channel, which
was found to be much
silted up and in some
places almost closed.
Ayavayen through whom
land the Channel has
been objected to, it being
interfered with on the
plea that the Channel
was his private prop-
erty & his land would
be destroyed by cutting
away the projections
& brought the suit
referred to & obtained

an injunction from the
Court to stop the work.

From information
obtained from the Tah-
sildar on the Subject
it is observed that
although the Channel
is not entered in the
Pymash. Accounts, it
existed long before
the land came into the
possession of Ayavayen
who purchased it from
the original owner in
1868 & as in the Sale
deed recited to him,
a copy of which was
furnished by the Tah-
sildar, a deduction of
5 Makh of land is made
on account of the Sur-
plus Channel, Ayavayen
has no right whatever
to the Channel. It is
also clear that the
Channel runs not through
Ayavayen's land alone
whose

2007-78 5

At the Sub Court

whose holding in the Village
is only 4 Naylies & 12
Maks of Land, but that
the drainage of a large
extent of Land in P.E.
Lagoon finds its way
through it into the Pa.
noonanthen Lagoon.

The length of the
Surplus Channel pass-
ing through Ayana-
yans Land, as lately
surveyed, measures
 $956\frac{1}{3}$ yards & as the
Channel is proposed to
be widened to a breadth
of 24 feet at framed level,
it will only cover a Su-
perficial area of $7655\frac{1}{3}$
Square yards, or, within
the 5 Maks deducted
for the Channel in the
Sale deed executed to
Ayavayen, he will therefore
sustain no loss what-
ever by widening the
Channel as proposed.
Ayavayen

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Ayavayen, taking ad-
vantage of the Surplus
Channel not having
been entered in the
Pyrmash Account,
appears to have made
use of it as he wished
by filling up & cutting
making a great part of
the Channel passing
through his Land and
feels aggrieved at the
proposed restoration
of the Channel to its
original width of 24
feet evidently pro-
vided for in the 5 Maks
deducted in the Sale
deed executed to him.

Under the above cir-
cumstances it will be
seen that Ayavayen has
no grounds of Complaint.

Witnessed. Capt. R. E.
Off. Secy. Sigsbee 6th Dec 1884

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P. W. 1872 Report.
No. 888.
The following begins in
the District

The following is
from the 1872
District

Vol. 872.
dated 17th
June 20th June 1872

Am. 2.
to the 4-22-72. When
requesting permission
to return at the public
to return a full report
against the Superior
Court in the District
of Mississippi (not at
the time of the
Chambers - 1872

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Chambers - 1872

P. W. 888/2.
Am. 2-1872 & 1873

Proposed Measures
to suit 1873 of 1871.
initiated by the
man in the District
of Mississippi's Court of
the Superior Court against
the Superior Court

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There is not time for
a reference to the Collie
but I doubt very much
whether any claim can
be founded on a dedication
made in a private deed
of title to a land ^{part} ~~part~~
no party - however no time
can elapse to a Court of law

L & C

1/2 888

Govt. of 1872 Madras.
PUBLIC WORKS.

*to The Superintending Engineer
1st Division*

Filed

Recd.

Encl. 2

G. O 22nd July 1872 494.

Nos. 1654366

Sub. The expense of the
trip brought against Mr.
Alvario Littlewood in
to St. James's Court at
Trichinopoly, Andhra.