M.R.O. 1—10,006—28-2-50.

(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.	1576-A	Press
~~B.P. No.~~ 273A:273B.		~~Mis.~~
Dated	13-6-1874	~~195~~ .

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 13th June 1874.

No. 273A. Read the following endorsement of the District Engineer, Chingleput, dated Guindy, 2nd June 1874, No. 697:—

From R. J. LOWRY, Esq., Executive Engineer, Chingleput Range, to Colonel F. J. MOBERLY, R.E., District Engineer, Chingleput, dated Chingleput, 23rd May 1874, No. 519.

I HAVE the honour to request you will obtain the permission of Government for me to defend the suit for which I am summoned in the document, copy of which is enclosed, in which I am made defendant in a case brought by Jagiappah Moodelly and 26 other inhabitants of Chellampatadai, in which plaintiffs sue for the removal of a mud bund said to be raised by defendants in the Chellampatadai Tank, with damages, Rupees 31-12-0.

2. It would appear from Mr. Ottmann's letter, No. 982, of 28th November 1872, copy of which was sent with my No. 953, December 4th, 1872, the boundary of their respective lands in the tank named has long been a subject of dispute between the Kotoor and Chellampatadai villages, and that the Sub-Engineer thinking the right to be on the side of the Kotoor people decided accordingly; in so doing I think he was wrong, as it is one of those cases that can only be decided in a Civil Court, and he ought not to have interfered.

3. My answer to the plaint is that I did not construct the bund in question, as it would appear to have been many years in existence; the boundary in question must be decided according to the evidence.

SUBMITTED to Government for orders.

(Signed) F. J. MOBERLY, Colonel, R.E.,
District Engineer, Chingleput.

No. 273B. ORDER THEREON, 13th June 1874, No. 1,576-A.

ESTABLISHMENT, No. 15A.

THE suit may be defended in the first instance at the public expense, leaving it to be determined afterwards how such expense shall be borne.

2. The District Engineer has transmitted Mr. Lowry's letter for orders without remark, or any of the detailed information which it was incumbent upon him to furnish. A copy of the plaint and draft of the proposed answer should have been submitted with full explanation.

3. The Executive Engineer states that he did not construct the bund the removal of which is sought by the plaintiffs, but admits that a mistake was probably made by his predecessor. It would seem that the bund was constructed by the Public Works Department; and it should have been stated under what circumstances the estimate was sanctioned, and whether the suit is, in the opinion of the District Engineer, defensible. He will do so now without delay.

(True Extract.)

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

To the District Engineer, Chingleput.

Exd. S. T. Austin.
Spare Copies

P. W. D.

Proceedings of the Madras Government,

Under date the 187 .

Read the following :—

From

The Dt Engineer Chingleput (R.L. No 6979 2d June/14)

She suit may be
defended in the first
instance at the Public
expense leaving it to be
determined afterwards
how such expense shall
be borne—

2 — The District Engineer
has transmitted Mr Lowry's
letter for orders without —
such information as it
was incumbent upon him
to furnish— The Executive

R.R. 2/6
Sanction asked
Jeevan.

Engineer states that he did not construct the bund the removal of which is sought by the Plaintiffs, but it would seem to be inferred by what is said about Mr Ottmann's proceedings as to the latter that the bund was constructed by the Public Works Department; and it should have been stated under what circumstances the Estimate was sanctioned Should it appear hereafter from the Record that the suit is one which ought not to have been defended or that the action of the Range Officer in the matter was not justifiable, the District Engineer will have to defray the expenses incurred

Gwynn

G.O. No: 1579 A dated 15th June 1874

Public Works Department

Proceedings of the Madras Govt.

Read the following:-

From

The Dt. Engineer
Chingleput

(H. E. No. 697 of 2nd June 74)

The suit may be
defended in the first
instance at the public
expense leaving it
to be determined af-
terwards how much
expended shall be
borne.

2. The District Engineer has transmitted Mr. Lowry's letter for orders without remark on any of the detailed information which it

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Dist Engrs
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Dec Proceedings -

+ Chingleput

R. 15 Jn. 1874
C. 11/6/74 Rb 13/6/74

it was incumbent upon him to furnish a copy of the Plaint and Draft of the proposed answer should have been submitted with full explanation.

The Executive Engineer states that he did not construct the bund the removal of which is sought by the Plaintiffs, but admits that a mistake was probably made by his predecessor. It would seem that the bund was constructed by the Public Works Department; and it should have been stated under what circumstances the estimate was sanctioned, and whether the suit is in the opinion of the District Engineer defensible. He will do so now without delay.

Encl

No. S. dispd. only to Dy Engr.
Bangalore 13/6/74.
Encs returned to the Dy Engr
S. Copies dispd 24/6/74. 18/6/74

3338

Govt. of 1874 Madras.

PUBLIC WORKS.

To

The Secy. Govt.
Chingleput

Dated

Recd. Encl.

G. O., 13 June 1874, No. 1576

Nos. 273A. 273B.

Subject

The defence of the suit in the first instance at the public expense brought against Mr. Lowry by one Jagiappala Mudaliy and others of the Pallam presidai Village in Conjeveram Taluq of the Chingleput Dist. pending in

273A-273B.

Ret R.O. 13 June/74