

(1) Number of pages _____

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MADRAS RECORD OFFICE

Government of Madras

Public works DEPARTMENT

G.O. No. 1870B	Press
B.P. No. 219C 219D	Mis.
Dated 11-7-1874. 195.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
11th July 1874.*

No. 219C. Read the following letter from Colonel F. J. MOBERLY, R.E., District Engineer, Chingleput, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Guindy, 30th June 1874, No. 1,076:—

In reply to G. O. No. 1,576-A, of 13th June 1874, I have the honor to report that the Superintendent, Revenue Survey, complained, 6th November 1872, that Mr. Ottmann had increased the difficulties of his department by the expression to the Sub-Collector of an unwarranted opinion that the Demarcation Goomastah had, in collusion with the villagers of Kottoor, settled a wrong boundary between that village and Kapankalatoor.

2. Mr. Ottmann attempted to justify his proceeding by saying that the line was an extraordinary looking one, and did not meet his ideas of the Pymash accounts.

3. I reprimanded him for interfering with the work of another department, and attempting to settle a question which clearly could be decided only by a Civil Court. I was not aware that he had in any way acted on his erroneous opinion by closing the breach in the tank bank.

4. On 31st October 1873, the Sub-Collector asked for a contour line of the tank, showing its high water-mark referred to the top of the dam stones. Mr. Lowry had a survey made and sent it in with a report which rendered it quite valueless, stating that the tank had no calingulah or standard which could be relied on.

5. The next I heard of the matter was Mr. Lowry's letter No. 519.

6. An estimate, amounting to Rupees 93, prepared by Mr. Ottmann, was sanctioned in December 1871, and appears to have been carried out, and this is the form in which the protest has been made.

7. I am of opinion that Mr. Ottmann was quite wrong in deciding the point at issue and acting on his own opinion, but that he should have left it for the decision of a Court of Law, regardless of the possible loss of revenue.

8. There appears to have been no plaint, other than the statement particulars of claim, sent with the summons copy of which was forwarded.

No. 219D. ORDER THEREON, 11th July 1874, No. 1,870-B.

ESTABLISHMENT, No. 21A.

THE Government observe that they are unable from the information given to determine whether the suit brought by the Chellampattady ryots against certain defendants, of whom Mr. Lowry is one, for the removal of a bund is really defensible or not. Mr. Lowry appears to have had nothing to do with the matter, and so far as he is concerned the defence of the suit appears to be proper; but it would seem that Mr. Ottmann, when Range Officer, obtained sanction to an estimate of Rupees 93 for constructing the bund or closing the breach, which, in some way, which is not clear from the papers, affects a boundary dispute.

Proceedings of the Madras Government, Public Works Department,
11th July 1874.

2. Further orders will be passed when the result of the suit is reported, and care must be taken that all the evidence available is adduced to aid the Court in arriving at a right conclusion.

(True Extract.)

Lieut.-Colonel, R.E.,
Joint Secretary to Government.

To the Superintending Engineer, Chingleput.
Officiating Controller of Public Works Accounts.

No 1076

Chingleput District Engineer's
Office Chingleput 30 June 1874.

From

Colonel J. J. Moberly R.E.
District Engineer Chingleput

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

Sir

In reply to G.O. No 1576 of 13th
June 1874, I have the honor to report that
the Superintendent Revenue Survey complained
6th November 1872 that Mr. Ottmann ^{had} increased
the difficulties of his Department by the ex-
pression to the Sub Collector of an unwarranted
opinion that the demarcation gomashta had,
in collusion with the villagers of Kottur, settled
a wrong boundary between that village and
Kapankulatam.

Mr. Ottmann attempted to justify
his proceeding by saying that the line was
an extraordinary looking one, and did not
meet his ideas of the gomashta accounts.

I reprimanded him for interfering
with the work of another Department and
attempting

attempting to settle a question which clearly
could be decided only by a Civil Court.
I was not aware that he had in any way
acted on his erroneous opinion by closing
the breach in the tank bank.

On 31st October 1873 the Sub Collector
asked for a contour line of the tank showing
its High Water mark referred to the top of the
dam stones. Mr. Lowry had a survey made
and sent it in with a report which rendered
it quite valueless, stating that the tank had
no calingula or standard which could
be relied on.

The next I heard of the matter
was Mr. Lowry's letter N^o 579.

An estimate amounting to Paper 93
prepared by Mr. Ottmann was sanctioned
in December 1871 and appears to have been
carried out and this is the form in which
the protest has been made.

I am of opinion that Mr. Ottmann
was quite wrong in deciding the point at
issue and acting on his own opinion; but
that he should have left it for the decision
of a court of law regardless of the possible
loss of revenue.

There

There appears to have been no plan
other than the statement particulars of claim
sent with the summons copy of which was
forwarded.

I have the honor to be

Yours

Very Most Obedient Servant

J. H. B. Col R.C.

District Insp. Chingleput

Public Works Department
 Proceedings of the Madras Government
 Read the following
 The S. P. Engr. Chappah (B.B. 106-730)
 G.O. No. 1870 B dated 11th 1874.
 July 1874

The Government
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 - thus

1874

To the Secretary to Govt.
 P. M. D. P.
 The District Engineer
 Ching's Report

Dated 30 June 1874
 Recd. 1 July 1874

Commissioner's
 opinion as to whether
 the suit brought by the
 Mr. Lowry & Co. the
 willagood of Chellam.
 - Chellam is a defen-
 - sible or not.

P. O. No. 1870 B. 11-7-74

1874

Original copy of the letter

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2. Further orders will
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and care must be taken
that all the evidence a-
vailable is adduced to
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at a right conclusion.

[Signature]

To the P. & C. Charge, P. & C.
Controller of P. & C.

A copy of the report only to the Controller on the 30-7-74

In-3 copies only to P. & C. Charge, P. & C.
S. Copies despatched to P. & C. 23/7/74

3989

GOVT. OF MADRAS
PUBLIC WORKS.

The Supdt. Engr.
Chingleput

11 July 1874 No. 1870B

No. 219C-219D.

Suit

Passing orders on the ~~suit~~
subject of the suit brought
by the Chellampattady
ryots against W. Lowry &
others for the removal of a
bund in ~~the~~ the Chellam-
pattady Tank in the Con.
serviam during the Chingleput
Rt. stating that further
orders will be passed when
the result of the suit is reported