

*Proceedings of the Madras Government, Public Works Department,  
17th August 1875.*

No. 279.<sup>200</sup> Read the following letter from J. O'SHAUGHNESSY, Esq., Acting District Engineer, Tanjore, to Lieutenant-Colonel J. MULLINS, R.E., Officiating Secretary to Government, Public Works Department, dated Tranquebar, 4th August 1875, No. 1,387-A. :—

I HAVE the honor to request instructions regarding the defence of a Suit that has been filed in the Additional District Munsif's Court at Tanjore, and in which the District Engineer is named as one of the defendants.

*Enclosures.*

- |                                                                                                   |    |
|---------------------------------------------------------------------------------------------------|----|
| 1 Copy of Summons, marked ...                                                                     | A. |
| 1 Do. of Complaint and draft Defence, marked ...                                                  | B. |
| 1 Survey Sketch, marked ...                                                                       | C. |
| 1 Copy of letter from District Engineer, to Collector, dated 14th April 1862, No. 349, marked ... | D. |
| 1 Copy of letter from Collector, No. 143, dated 10th June 1862, marked ...                        | E. |
| 1 Copy of letter to Collector, No. 391, dated 23rd April 1875, marked ...                         | F. |
| 1 Copy of letter from Collector, No. 200, dated 10th June 1875, marked ...                        | G. |
| 1 Copy of letter to Collector, No. 1,105, dated 30th June 1875, marked ...                        | H. |
| 1 Copy of letter from Collector, No. 3,524, dated 22nd July 1875, marked ...                      | K. |

2. The Suit has been instituted by the villagers of Perriakottai, in the Munnargoody Taluq, to prevent the drainage of certain lands belonging to Siccappatti in the Tanjore Taluq passing through the lands of Perriakottai. The real object of the Suit is however to secure the drainage of Siccappatti for the irrigation of Perriakottai.

3. I enclose copy of the Summons marked A, copies of the Complaint, and proposed Defence (B), and a sketch showing the position of the disputed channel (C). I enclose also copies of correspondence marked D, E, F, G, H, and K, that has passed between this Office and the District Collector on the subject.

4. This correspondence shows that the dispute in question has been in existence about twenty years, and that nothing of any practical use has been done towards settling it to the present day.

5. So far back as the 14th April 1862, the District Engineer addressed the Collector on the subject (enclosure D), and suggested that a dam, which the villagers of Perriakottai had thrown across the drainage of Siccappatti some seven or eight years previously, should be removed.

6. In reply to this letter the Collector informed the District Engineer, on the 10th of June of the same year (enclosure E), that his suggestions had been carried out, and nothing further appears to have been heard of the matter until 1872.

7. In August of 1872, the Siccappatti people (defendants) obtained an estimate from Lieutenant Smart, R.E., for opening their channel through the disputed dam, and for a distance of some 50 yards beyond the dam; this estimate amounted to 21 Rupees, and was to be carried out by the villagers at their own cost; Lieutenant Smart, the Range Officer of Munnargoody, had nothing further to do with it, the circumstance did not appear in his books, and was not brought to the notice of the Superintending Engineer. It was to prevent the execution of this work that the law suit under reference was instituted.

8. The Suit was at first filed in the District Munsif's Court of Munnargoody on the 28th October 1872, and was put down for hearing in that Court on the 12th March 1873. It was transferred, before this date and for some unexplained reason, to the Court of the Additional District Munsif at Tanjore, and the hearing of the case in this Court has been postponed from time to time at the request of this office for the purpose

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of having information collected on the subject, and in the hope that the matter might be compromised and settled amicably out of Court.

9. With this object in view Colonel Roberts addressed the Collector on the subject on the 23rd April last (enclosure F), and suggested the erection of certain works which would remove all just cause of complaint by either of the parties concerned.

10. The Collector in his letter, dated 10th June last (enclosure G), concurs in Colonel Roberts' proposals, but he thinks it better to defer any action in the matter until the case pending before the Civil Court is decided.

11. Colonel Roberts' had in the meantime communicated his views to the parties concerned. The defendants readily agreed to Colonel Roberts' proposals, and offered, moreover, to pay a portion of the cost of the proposed works, but the plaintiffs stubbornly refused their consent to any sort of compromise, and their bearing towards the officer who communicated Colonel Roberts' proposals "was anything but friendly."

12. The only point that seems to me to require further explanation is the proceedings that were taken in the matter in 1862. If Colonel Oakes' suggestions were carried out in that year, as stated by Mr. Morris, the Collector, to have been the case (enclosure E), the question arises, why was the reconstruction of the dam allowed? And if the Collector had power in 1862 to remove the dam, why was not the same power exercised subsequently when the dam was again found to be in existence? I applied to the Collector for information on these points (enclosure H), but that officer is unable to give any information on the subject (enclosure K).

13. I have inspected the disputed work myself, and I have no doubt the plaintiffs are wrong. I may mention also that I consider Colonel Roberts' proposals more suitable than the proposals made by Colonel Oakes in 1862, but nothing can be done now until the case is decided in the Civil Court.

14. The hearing of the case is fixed for the 28th instant, and I request to be informed as soon as possible of the decision of Government as to whether it is to be defended at the cost of Government or not.

354  
No. 280: ORDER THEREON, 17th August 1875, No. 2,373.

ESTABLISHMENT, No. 18.

THE defence of the Suit at the public expense is sanctioned.

(True Extract.)

(Signed) G. W. WALKER, Major-General, R.E.,

Secretary to Government.

To the District Engineer, Tanjore.  
" Controller of Public Works Accounts.

Exd. S. T. Austin.  
Spare Copies

Notice.

Under Section 73

Court of the Additional District  
Munsiff of Tanjore.  
Original Suit No. 110 of 1873.

Kistnam undarayan & 10 others being the Plaintiffs  
R. F. Oakes, District Engineer 19th Dec. 1873 } Defendants  
This Substitute Colonel Robert 21st

To the above 21st Defendant.

Take notice that, as it has appeared to this Court that you have an interest in the subject matter of the above suit, and that you are likely to be affected by the result you have been made the 21st Defendant by an order of this Court on the application of the Plaintiffs 2.3.4.5.6.7.9 & 10 and that the hearing for the settlement of issues of the suit has been adjourned till the 12th August 1874 to enable you to appear and be heard therein and that you are hereby requested to appear before this

this Court either in person or by  
a pleader at 10 A.M. on the  
said date.

1<sup>st</sup> August 1894 } /Signed/ J. Magharajgungar  
3<sup>rd</sup> August 74 } Dist. Munsiff.

/True Copy/

P. Khargukey  
Ag. District Munsiff

A

13-1

13-1

13-1

13-1

A  
 Succession in the  
 from the 29. 11. 1875  
 in the 18. 12. 1875  
 at Court. No. 1. 18. 12. 1875  
 dated 2. August 1875

Copy of Notice  
 No. 5151/75.

To

The District Munsiff's Court  
 at Manargoody

Plaintiffs.

1. Kistna mandarogaru Son of Venuatu  
 Chalu Mandarogaru, residing at  
 Peria cottai, in Manargoody Taluk.
2. Thyapoori Mencondan Son of Palani then  
 : Condan
3. Pakiaranoodayaru, Son of Appoovannadayaru
4. Volakatharu, Son of Mootoosera tharu
5. Volakatharu Son of Chinna tharu
6. Panasamy tharu, Son of Appo tharu
7. Koothaperumal tharu
8. Arumugatharu, Son of Rajagopala  
 : tharu
9. Kallitharu, Son of Chinna tharu
10. Veerabathira Manjivaru
11. Athi Appa tharu, Son of Panasa  
 : sawmy tharu

Defendants.

1. Koolanthei tharu, residing at Picea  
 : putte in Tanyone Taluk.
  2. Kistna Sany tharu
  3. Pancharanda tharu
  4. Appa tharu
  5. Saranga tharu
  6. Darnalidugubaru
- Younger brothers  
 to above 3, 4, 5

7. Mostosauwathu
  8. Vythiingathu
  9. Vythiingathu of Kothathu
  10. Nacacigathu
  11. Gouindathu
  12. Samithu
  13. Major Co. Hatched by Sugriya Zangre
  14. Fureriethu in Pilly, residing in the Northern part of Cochin
- Defendants 1 to 12 are burascals and 13 & 14 are in employ.

### Plaint

### Answer

Para 3—The irrigating Channel measuring 135 Cols from East to West, and 1 Col from North to South, situated in the village of Peria-cottai in the Managudy Taluk, which belongs to us, is our ancestral possession.

Para 4—This Channel is the supplying Channel of our tank, called the Sthanary, which covers an area of 6 acres of land. Besides this Channel there is no other supplying Channel.

The Pymach Account No. 3 of Col. Baker's letter No. 349, dated 14 April 1862, contains three statements which are correct. It appears from the Collector's letter No. 143, dated 10 June 1862, that defendant's right to the Channel was then enforced. The Channel is entered in the Pymach Account as "Runned" and as having no supply Channel at all.

Para 5—The above Channel exists since a very long time, and by means of the above 2 1/2 gathies, 5 mahs & 79 1/2 gathies of land in our village above mentioned has been irrigated from July 1210, and the whole of the above said land has been so cultivated, and is in our enjoyment at the present time.

Para 6—Defendants 1 to 12 of the village of Liccaputto, and which is situated to the west of our village Periacottai, with the view of providing a new drainage Channel for their lands, petitioned the 13 Defendant, the must have passed off in some direction frame an estimate for and naturally it deepening our Channel must have been above mentioned, stating that the same was the drainage Channel of their lands. Upon this the defendant

No answer

No such petition

was received by the 13 Defendant, and no orders were given by the 13 Defendant as stated.

The drainage of defendant's lands must have passed off in some direction frame an estimate for and naturally it deepening our Channel must have been above mentioned, stating that the same was the drainage Channel of their lands. Upon this the defendant

1. the 14 Defendant states Defendants lands that he had received orders from the 13 Defendant to examine the locality and to frame the necessary estimate, and on the 8 August 1872, an estimate was framed in order that the channel may be used by the Defendants 1 to 12, as their drainage channel. The water from the land belonging to the Defendants 1 to 12, was never drained thro' our irrigating Channel above mentioned, and it is not their drainage channel.

Para 7 — If the channel be cut according to the estimate framed as shown above, water will not pass into our tank which is low high ground, while if the water from the land belonging to the Defendants 1 to 12 pass through our channel

The drainage must pass through the tank or by the Channel in question

Channel and drain over the Nunjah lands of our village, our tank will be overflowed and cause great damage to us in the rainy season.

Para 8 — We file this suit in the District in which our land in question is situated, including as Defendants, the 13 & 14 Defendants, who in favor of Defendants 1 to 12 framed an estimate for cutting for them, without our consent, a new drainage channel by which damage would be occasioned to us as shown above.

Para 9 — We beg therefore that judgment may be passed that the Defendants are not to interfere with, or carry on, any work in our irrigating Channel above mentioned which is bounded as described below and which covers an area of 135 Curies of land worth Rs 67.8., that the Defendants 1 to 12 are not to pass the drainage of their lands through our channel spreads back above referred to, and that the same on Defendants we incur on account of this suit be returned from Defendants 1 to 12.

The Channel is not a new Channel, Plaintiffs say in Para 5 that it exists since a very long time.

The Plaintiffs Object is to store in their tank the drainage of Defendants lands. The tank is not capable of containing this drainage and when it is stored up it overflows and turns a portion of these lands.

Date of the Commencement of this  
 Suit, the 9<sup>th</sup> August 1872.

| Description of boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | Extent of land |    | Value |   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------|----|-------|---|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | 2              | 3  | 4     | 5 |
| Tanjore District, limits of the<br>Needamangalam Culi Registrar<br>Pooranor Madam, Athanor<br>Taluk, Periasettai village.<br>To the South of the tanks Southern<br>Bank to the North of the Kattayam<br>Kollee Pongah. to the East of<br>Seecaluttoo limits and the large<br>Western Bank & to the West of<br>the Eastern bank of the tank.<br>Situated within these boundaries<br>is the irrigating channel men-<br>sioned from East to West - 135<br>Cols from North to South 1 Col. |  | 1              | 35 | 67    | 8 |

Use the Plaintiffs in this suit declare  
 that the whole of the statements herein  
 contained are as far as we know all  
 true. The 27<sup>th</sup> September 1872.  
 (Signed) Nishin Chandarogan and the  
 10 other Plaintiffs.  
 (Signed) Naya Nayyan Plaintiffs Value  
 filed on the 30 September 1872  
 (Signed) C.O. was sworn  
 District Munsiff.

lands into a tank  
 for the Plaintiffs  
 benefit. The defen-  
 dants are required  
 to relief in this  
 respect and it  
 is the duty of the  
 13 Defendant  
 to afford this  
 relief by regulat-  
 ing the supply of  
 water in a  
 fair and  
 equitable man-  
 ner - His power  
 to do so in con-  
 junction with  
 the Revenue Autho-  
 rities is confirmed  
 by the Proceeding  
 with L.O. in the  
 P.W.D. De-  
 partment  
 dated 21<sup>st</sup> Oct.  
 1872. No.  
 2477.

*Whitney*  
 Ag. District Munsiff

B  
Enclosed is a  
letter from the Dy.  
Dist. Supt. Tanjore to  
the Secretary to Govt.  
P.W.D. Es. 1387<sup>th</sup> dated  
4 August 1875.

Copy of Plaintiff  
and draft  
defence

Mr 5151/75.  
2

No. 349.

14 April 1862.

From  
The District Engineer of  
Tanjore

To  
The Acting Collector of  
Tanjore

Sir  
I have the honor to inform you  
that there has been a long standing dispute  
between the Mirasdars of the Sekkapatty  
and Periakottai tanks regarding the sub-  
mersion of the lands of the former by the  
water spread of the latter.

2 From the investigations I have  
made I find that though the bank  
a, b, c, A prevents the water in the  
Periakottai tank from submerging the  
Sekkapatty lands, this bank is rendered  
useless by the cut made at A in the  
boundary bank A c b a and by the  
closing of the cut c in the bank bank  
by which the surplus of Sekkapatty  
is prevented from escaping and when the

7. The Periakottai tank is full between  
2 and 3 Valies of the Lickaputty land are  
submerged and the crops are destroyed.

3. It would appear from the Taluk  
1. sildars reports that the Periakottai tank  
is entirely dependent upon local rains, that  
the Brasdars have no right to obtain  
water from the Lickaputty surplus for  
their tank, that the Lickaputty surplus  
passes through the Periakottai village  
lands but not into the Periakottai tank  
and that the Bund of the Tank was  
extended some 7 or 8 years ago to C to  
enclose the surplus channel of Lickaputty  
within the tank. the original bund  
terminated at D. under these circumstances  
I am of opinion that the portion of the  
bank from C to D should be removed, that  
the Periakottai Brasdars should be  
prohibited from embanking across the  
Lickaputty surplus channel and that  
they should be compelled to make  
the cut or Puttel maday for the supply  
of their lands North of D.

4. The Agent from the Irrigation  
Requester appears to be  
Periakottai 47 acres Rs 95 Assessment  
Lickaputty 126 — Rs 304

5. I beg that the enclosed sketch  
may be returned when no longer required

I have &c  
Signed, R. F. Baker Esq. M.B.  
District Engineer Bangalore

(True copy)

W. H. S. S. S.  
Acting District Engineer  
Bangalore

Nagapatam  
10 June 1862

No 143

From  
The Collector of  
Tanjore

To  
The District Engineer of  
Tanjore

Sir  
In returning the sketch received  
with your predecessor's letter of the 14<sup>th</sup>  
April last No 349, I have the honor  
to state that the suggestions therein  
contained with regard to remedying the  
evil referred to have been carried out.

I have &c

/ Signed / G. Lee Morris  
As. Collector

/ True copy /

/ Signed / D. Aruthanath  
Collector

/ True copy /

M. K. S. S. S.  
Acting District Engineer  
Tanjore

D

Enclosure is called  
from the As. District  
Engineer Tanjore to the  
Secretary, Government.  
No 1387 dated 4 August 5.

M. S. S. S.  
4/25-

Copy of letter from  
District Engineer  
to Collector, dated  
14 April 1862 No 349

No. 391.

Superintendent's Office  
Tanjore 23<sup>rd</sup> April 1875

From

The Superintending Engineer  
Tanjore

To

The Collector of Tanjore

Sir,

I have the honor to inform  
you that my predecessor, in his letter  
No. 349, dated 14 April 1862, has brought  
to your notice that there has been  
a long standing dispute between  
the Mirasidars of the Sikkaputtoo  
and Periacottai Tanks respectively  
regarding the submersion of the  
lands of the former by the water  
spread of the latter.

2. Periacottai Tank is a small  
rainfed Tank with an Ayaat  
of 47 acres assessed at Rs. 95,  
and the question is whether the  
Cultivators under that tank have  
the right to block up as they have  
done the drainage Channel  
of the Sikkaputtoo tank, thereby sub-  
merging the lands of that tank  
in

11

Enclosure  
Letter from the Dy  
Superintending Engineer  
to the Collector, 18<sup>th</sup> Oct  
No. 1387 dated  
14 August 1875

Copy of letter from  
Collector No. 143  
dated 10 June 1862

11/11/75  
5.1/75

in order to get more water for them =  
=selues. I should mention that  
Siceaputtoo tank has an adjacent  
of 126 Acres, assessed at Rs. 304.

3— In his letter above quoted  
Major Oakes is clearly of opinion  
that the Periacottai people have no  
right whatever to interfere as they  
have done with the drainage  
channel of the Siceaputtoo tank.

4— As the dispute is still  
unsettled, the matter was referred  
to me, and I personally directed  
the Taluk Overseer Mr. Jackson  
to inspect the spot and report  
whether matters could not be  
arranged.

5— Mr. Jackson's report being  
at variance with the opinions  
previously expressed in this case,  
I determined to visit the spot  
myself. But various causes  
having prevented my doing so,  
I deputed the present Range Officer,  
Mr. Littlewood to go very carefully  
into the case and submit a report  
with

with a sketch & plan of the same.  
6— These I now forward to  
you together with the enclosure  
viz, a letter and a sketch from  
Mr. Jackson.

7— As this dispute has been  
going on for so many years it  
is very desirable that it should  
be put an end to as soon as  
possible; for it is an intolerable  
nuisance that the time of mem-  
bers of both the Revenue and  
P.W. Departments should be  
taken up in furtherance of what  
appears to be little more than  
a family squabble.

8— The matter is so fully dis-  
cussed in the various letters  
quoted and forwarded that I  
need not go into further detail  
here. As Mr. Littlewood remarks,  
it is utterly ridiculous to suppose  
that the Drainage channel of  
Siceaputtoo Tank could have  
been the feeder of the Periacottai  
Tank and it cannot be permitted  
therefore that this channel shall  
be

be blocked up for that purpose  
by the Periacottai people to the  
detriment of the Liccaputtoo  
Cultivators.

9. I would propose therefore  
to compromise the matter in  
this manner, viz, to build a  
Dam across the Surplus Channel  
of the Liccaputtoo Tank at or  
about the point marked at  
our Littlewood's Plan, the  
dam to be on a level with the  
lower fields under the Licca-  
puttoo Tank, so that all water  
below the level may be retained  
by the Periacottai people in this  
manner the Periacottai Tank  
would obtain a certain  
amount of supply without  
detriment to the Liccaputtoo  
Cultivators.

10. Now will observe  
that neither of the tanks under  
reference is supplied with a  
slice but that the supply for  
the fields below is obtained

in either Case, by means of cuts  
in the Bund. This is a wretched system  
and I shall direct therefore  
a Plan and estimate to be pre-  
pared for a slice for each Tank.

11. I shall feel greatly obliged  
if you can use your influence  
to put an end to this long standing  
dispute. So long as these Ryots  
choose to spend their time in liti-  
gation is a matter of little moment  
to you or to me provided that the  
time of members of our respective  
Departments is not directed from  
their many onerous duties by  
being taken up in disputes of  
the kind under notice, where there  
is little disposition to come to an  
agreement.

I have &c.

/ Signed / M. A. Roberts Esq. Col. R.  
Rupz Engineer Bangalore

/ True Copy /

A. Whymper Esq.  
As District Engineer

ail.

No 200.

Tanjore Collector's office  
Point Calimere 10 June 1875

From

The collector of  
Tanjore

To

The Acting District Engineer  
of Tanjore

Sir

With reference to your letter No 676 dated 15 May 1875, I have the honor to inform you, that I have deferred replying to the Superintendent Engineer's letter therein referred to, pending the final result of the Civil suit which I observe has been instituted in connection with the subject matter of the dispute between the villagers of Sikkapattar and Periakottai.

2. The hearing of the Petition put in by the Merasdars of Periakottai for a review of judgment had been posted for the 3<sup>rd</sup> ultimo, but it is reported by the Deputy Collector Tanjore Division, to have been postponed to the 28<sup>th</sup> Instant.

3 I fully approve of the plan of

F

Enclosure  
Letter from the Dy  
District Engineer Tanjore  
At the Secretary's  
Office. No 8. No 1387  
Dated 4<sup>th</sup> August 75

Copy of letter to

Collector No 391

Dated 23<sup>rd</sup> August 75

M. S. S. / 1  
8/25

of compromise proposed by Colonel Roberts  
is the construction of a dam across the  
surplus channel in dispute so as to  
provide for a free discharge of the  
drainage of Sikkaputtoo lands and  
at the same to secure a certain amount  
of supply to Pusiakottai tank, but I  
consider it better to wait and see how  
the long pending litigation in reference  
to this case, now at its concluding  
stage terminates

4. From previous correspondence I observe that Major Oakes was a co-defendant in this suit, and from Mr. Oversee Jackson's report which forms an enclosure to the Superintending Engineer's letter under acknowledgement, it appears that he is now a co-defendant, and further that the deepening of the channel in dispute for which an estimate was prepared by your Department has been suspended by an injunction from the Court.

5. I return the papers received with the Superintending Engineer's letter of the 23<sup>rd</sup> April in case you should require them.

I have &c

I have &c  
[Signed] H. S. Thomas.  
Collector.

(True Copy)

P. W. K. S. S. S.  
Acting District Engineer  
Tanjore

2. 22. July 1973  
To. O. 26  
From O. 29  
To. O. 31 - 12.180.

Supr Engineer's office  
Camp Ammapet 30 June 1875  
No. 1105.

From

The Acting District Engineer  
of Tanjore

To

The Collector of  
Tanjore

Sir

As the District Engineer has been made a defendant in the Civil suit referred to in your letter No. 200 dated the 10<sup>th</sup> instant it will be necessary to obtain the authority of Government to engage a pleader for his defence and I have therefore applied through the Government Pleader for a further postponement of the hearing of the case for 2 months from the 28<sup>th</sup> instant to give me time to refer the matter to Govt.

In applying for the sanction of Government to defend the suit you are of course aware that it will be necessary to explain the grounds upon which the proposed defence is to be based and in this connection I request you to favour me with information

G

Enclosure in a  
letter from the Dy  
District Engineer  
The Secretary to Govt  
No. D No. 1384  
Dated 28 August 75

GA 17<sup>th</sup> Aug 75  
No. 2373

Copy of letter from  
Collector No. 200  
Dated 10 June 1875

Mr. S. S. S. S.  
2/7/75

information in the following points.

So far back as the 14 April 1862 Major Cakes in his letter No. 349 brought the subject of the present suit to the notice of the Collector and he suggested that the dam thrown across the Likkaputty surplus channel should be removed.

The Collector in his letter No. 143 dated 10 June 1862 informed Major Cakes that his suggestions had been carried out.

If the dam was removed in 1862 by the Collector's orders and from the letter last quoted there appears to be no doubt about it. The Government will probably wish to know by whose authority it was reconstructed and if the Collector had authority to remove the dam in 1862 it may be necessary to state why the same authority was not exercised when the dam was reconstructed in defiance of the orders passed by the Collector in 1862.

I request also to be informed if there is anything in the nature of the tenure by which the lands of Likkaputty and Periakottai are held which would make the judgment communicated in the Proceedings of the Board of Revenue dated

dated 24 Sept. 1872 No. 1901 inapplicable to the present case.

Signed J. O'Shaughnessy  
Acting District Commr. Bangalore

True copy

M. O'Shaughnessy  
Acting District Commr. Bangalore

N<sup>o</sup>. 3524

Tanjore Collector's Office  
Pondicherry 22<sup>d</sup> July 1875.

From

The Collector of  
Tanjore

To

The Acting District Engineer  
Tanjore

Sir

With reference to your letter 30<sup>th</sup> ultimo No 1105. I have the honor to inform you that I cannot gather from the records in my office when and under whose orders the dam thrown across the Sikkaputty surplus channel therein referred to, was reconstructed I shall be obliged if you can throw some light on the point.

2. The lands of Sikkaputty and Periakottai are Ryotwari and the assessment thereon is payable to Govt. In the absence of the judgement communicated in the proceedings of the Board of Revenue dated 24 September 1872 No 1901, I am unable to give my opinion as to whether the subject matter therein disposed of is applicable to the case in question.

I have &c  
Signed, H. S. Thomas  
Collector

True copy/  
W. H. S. S. S.  
Acting District Engineer

H

Enclosure in  
letter from the  
District Engineer  
to the Secretary to  
Govt. No. D. to 1387  
dated 4 August 75

90-17<sup>th</sup> August 75  
No 2373

Copy of letter to  
Collector No 1105  
dated 30 June 75.  
Mr. S. S. S.  
8/25

No 1387A  
Sriperumbadi Engineer, No 5294  
Tranquebar 4 August 1875

From  
I O S Kaughnessy Esquire  
Cq. District Engineer, Tanjore

To  
Lieut Col John Mullins M.R.  
Secretary to Government

Sir  
I have the honor to request  
instructions regarding  
the defence of a suit  
that has been filed in  
the Additional District  
Munsiff's Court at  
Tanjore, and in which  
the District Engineer is  
named as one of the  
Defendants.

2. The suit has been  
instituted by the villagers  
of Periakottai in the  
Munnargoody Taluk to  
prevent the drainage of  
certain lands belonging to Siccappatti  
in the Tanjore Taluk passing through  
the

9.

H

Enclosure  
Letter from the Dy.  
District Engineer  
At Secunderabad  
Encl. No 1387  
Dated 4 August 75

20.  
17<sup>th</sup> August 75  
J. 2373  
M. S. S. / 31

Copy of Letter from  
Collector No 3524  
Dated 22<sup>nd</sup> July 75

the lands of Perriakottai. The real object of the suit is however to secure the drainage of Siccapputti for the irrigation of Perriakottai.

3. — Enclosure Copy of the Summons marked A. Copies of the Plaintiff and proposed defence (B) and a sketch showing the position of the disputed Channel (C). I enclose also copies of correspondence marked D, E, F, G, H and K that has passed between this Office and the District Collector on the subject.

4. — This correspondence shows that the dispute in question has been in existence about 20 years and that nothing of any practical use has been done towards settling it, to the present day.

5. — So far back as the 14 April 1862 the District Engineer addressed the Collector on the subject (enclosure D) and suggested that a dam which the villagers of Perriakottai had thrown across the drainage of Siccapputti some seven or 8 years previously should be removed.

in

6. — In reply to this letter the collector informed the District Engineer on the 10 of June of the same year (enclosure E) that his suggestions had been carried out and nothing further appears to have been heard of the matter until 1872.

7. — In August 1872 the Siccapputti people (Defendants) obtained an estimate from Quent Smart M.R. for opening their Channel through the disputed dam, and for a distance of some 50 yards beyond the dam. This estimate amounted to 21 Rs.

and was to be carried out by the villagers at their own cost. Quent Smart the Range Officer of Bangalore had nothing further to do with it, the circumstance did not appear in his books and was not brought to the notice of the Superior Engineer. It was to prevent the execution of this work that the Jaw Suit under reference was instituted.

8. — The suit was at first filed in the District Munsiff's Court

Court of Muzungudi on the 28 October 1872, and was put down for hearing in that Court on the 12 March 1873. It was transferred, before this date and for some unexplained reason, to the Court of the Additional District Munsiff at Tanjore and the hearing of the Case in this Court has been postponed from time to time at the request of this Office for the purpose of having information collected on the subject and in the hope that the matter might be compromised and settled amicably out of Court.

9 — With this object in view Col. Roberts addressed the Collector on the subject on the 23<sup>rd</sup> April last (Enclosure F) and suggested the execution of certain works which would remove all just Cause of Complaint by either of the parties concerned.

10 — The Collector in his letter dated 10 June last (Enclosure G) concurs in Col. Roberts proposals, but he thinks it better to defer any action in the matter until the Case

the Case pending before the Civil Court is decided.

11 — Colonel Roberts had in the meantime communicated his views to the parties concerned. The defendants readily agreed to Colonel Roberts proposals and offered more over to pay a portion of the cost of the proposed works, but the Plaintiffs stubbornly refused their consent to any sort of compromise, and their bearing towards the Officer who communicated Colonel Roberts proposals "was anything but friendly".

12 — The only point that seems to me to require further explanation is, the proceedings that were taken in the matter in 1862. If Colonel Gokes suggestions were carried out in that year as stated by Mr Morris the Collector to have been the case (Enclosure E) the question arises, why was the reconstruction of the dam allowed? and if the Collector had power in 1862 to remove the dam why was not the same

13. \_\_\_\_\_ I have inspected the  
disputed work myself and I have  
no doubt the plaintiffs are wrong;  
I may mention also that I consider  
Colonel Roberts proposals more  
suitable than the proposals made  
by Colonel Baker in 1862, but —  
nothing can be done now until  
the case is decided in the Civil  
Court.

ad.

No 2373. <sup>2d</sup>  
 The object of the suit at the Public  
 Expense is discontinued.  
 17 Aug/75  
 Wm J B  
 K<sup>y</sup> 299-300  
 Ci. 13.8.75 Pl. 17.8.75  
 Resp. to 4-10-8-75  
 S. C. 11/11/75  
 28  
 S. C. 10/10-3.9.75

1875-1876  
G.O. of 1875 Madras.  
PUBLIC WORKS.

To

Dated

Recd.

G. O.

1875, No. 2373

Nos. 797-892

Sub against the Dehga  
by certain villagers of Rona.  
Kottai in the Munnargudi  
Taluk, Tanjore Dt.

The defences of the  
at the public expense,  
sanctioned