

(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.	247	Press
B.P. No.		Miss
Dated	27. 1.	195
		1875

Original

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
27th January 1875.*

No. 506. Read the following endorsement of the Chief Engineer for Irrigation, dated Camp at Vaniembady, 19th January 1875, No. 74 :—

From Major J. BEATTY, R.E., District Engineer, Godavery, to Lieutenant-Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, dated Dowlaishweram, 4th January 1875, No. 3,051.

I HAVE the honor to request instructions in a fresh case affecting the rights or claims of riparian landholders.

1. Head Assistant Collector's letter.
2. Correspondence about lunka grass planting.
3. Collector's Circular.
4. Collector's Notice.
5. Sketch Map.
6. Estimate of Survey.

2. The village of Chedipi, where this case occurred, is situated about 12½ miles above the Godavery anicut, on the right bank of the river. The piece of land is proprietary; and its area,

14.47 acres, has been measured up by this department. There is no large scale survey of that part of the river, so that I am unable to give an exact plan, but I send a sketch map giving a rough idea of the position of the land in question and of the old set.

3. At this place a few years since, in the river channel between the outlying lunka and the river's margin, there was a dangerous set which cut into the berm, and carried away part of the old river embankment and of the village immediately behind it. This necessitated the construction of a new piece of embankment round the other side of the village.

4. But more recently that channel has been silting up, the set has ceased to be dangerous, and with the view of gradually silting up the channel completely and so joining on the outlying lunka with the present margin of the river, it has been the practice of this department to plant lunka grass in the bed of the channel and along the side slopes near its head, which is but a short distance below Thallapudi. It does not, however, appear to have been customary to interfere with the cultivation of the bed and side slopes in the lower part of the channel; and this is what my predecessor did, it is said, for the first time, in November 1873.

5. The District Engineer apparently claimed the right of planting the lunka grass and *encouraging its growth*, without payment of compensation, wherever such growth would have the effect of helping to stop erosion; and there is this difference between the present case at Chedipi and what occurred at Gopalpuram, on which Government passed orders in their No. 2,442, of 28th August 1874; that this riparian landholder at Chedipi claims a compensation of Rupees 760 for having been prevented in November 1873 rooting up lunka grass and cultivating tobacco at a place which he had been in the habit of renting out annually for tobacco cultivation; while in the Gopalpuram case the Zemindari's complaint was that this department prevented her encouraging its growth.

6. It has been ruled in the Revenue Department that Public Works Officers may forbid cultivation, *vide* Collector's Circular No. 13 of 20th March 1871, where the cultivation has not been customary, but there is no authority, so far as I am aware, for preventing a proprietor uprooting lunka grass and cultivating on land which he had been in the habit of cultivating. The only other regulation I know of is that relating to the renting out of the Government lunkas. I send

*Proceedings of the Madras Government, Public Works Department,
27th January 1875.*

herewith copy of a notice of the Collector, dated 20th March 1873, which bears on this point.

7. I have no funds at my disposal from which to meet such a claim for compensation as this; so that, if it is to be paid, a special allotment must be made, and in that case it will doubtless form an important precedent.

8. My predecessor does not seem to have anticipated any such expenditure, but that orders of Government would have long since been issued giving him full authority, without risk of claims for damages, to plant lunka grass and encourage its growth or uproot it wherever, within the river's margin, might appear to be expedient, in order to secure a proper alignment, and protect the margins from erosion.

9. As the whole village of Chedipi belongs to the Gutala Proprietor, the destruction of the village and the erosion of the river's margin in the limits of that village would be no loss to Government. The object therefore of planting up with lunka grass the old channel between the outlying lunka and the river's margin is simply the protection of the river embankment; and this is of great importance, because a breach there would cause a most dangerous spill into the Western Delta. It seems to me the proprietor is not entitled to compensation, because the planting up of that channel must eventually greatly benefit him, but of course if he can get compensation for permitting Government to plant he will do so; and I presume that under the present law the Revenue Department is correct, and that I have no authority to stop established cultivation.

10. I shall therefore await instructions before issuing fresh orders in this and other similar cases likely to involve Government in a heavy expenditure, as I understand there is a great deal of proprietary land on the right bank of the river above the anicut (between Vejaishweram and Polarum) where these sets take place, and the lunka grass planting is often interfered with by proprietors.

11. What seems to be now wanted is a large scale map of the river above the anicut from bank to bank, showing the river margins, lunkas, sand shoals, lunka grass plantations, and particularly the present condition of all those parts of the river's margin where the set of the river has of late been causing erosion, the limits of all proprietary land being also carefully ascertained and shown on the plan. Orders of Government are also, I consider, needed as to the manner in which compensation is to be determined where it becomes necessary to take up proprietary land for lunka grass plantations. In this particular case the compensation has been fixed at Rupees 52-8-4* for a single year, so that if the land is to be

* Per acre.

bought up at this rate, 20 years' purchase would come to Rupees 1,050 per acre. This place at Chedipi is said to have been one of those referred to by Colonel Fischer in his correspondence with the Tahsildar, though it was not specially mentioned.

13. I also send an estimate of the cost of making a complete survey of the upper part of the river. If sanctioned I propose to have the work carried out under the direction of the Assistant Engineer in charge of No. 4 Range.

*Proceedings of the Madras Government, Public Works Department,
27th January 1875.*

SUBMITTED for the orders of Government:

There is, it is thought, no room for doubting that the rooting up of nanel grass for the purpose of planting tobacco or for any other purpose is a very objectionable proceeding, and that so long as it can be done with impunity the prevention of erosion of the river bank and of imminent danger, as a result, to the flood embankments will be impracticable.

2. In this case an erosion which probably was rendered possible or was aggravated by the improper practice of rooting up grass on the face or scarp of the river bank, a practice which at the latter end of 1873 was observed by the undersigned to be still in vogue, was dealt with by the late District Engineer and certain lunka grass plantations were put down for the purpose of closing the channel, which had apparently breached the old line of embankment and rendered it necessary to form a new line behind the village of Chedipi. Part of this grass was rooted up by the ryots of this village which belongs to a proprietor, and it appears that cultivation of a part of the alluvium formed by the plantation having been prevented a claim for compensation, amounting to Rupees 760, has been made.

3. It is possible that, in the absence of any law on the subject, the proprietor may from custom have some claim to ownership of such land, although it is for the time at any rate a part of the bed of the river; but the general principles of law would seem to be altogether opposed to his so exercising any rights as to cause injury, and render probable the carrying away of embankments, on the integrity of which very large interests in the country below are dependent. The entire destruction of the village of Chedipi may be considered by the proprietor of little moment compared with the realization of the rental of a few acres of rich alluvium, but the embankment has also to be taken into account, and the effect of such proceedings on other parts of the river bed. Unless such law as there may be is altogether inoperative against wrong-doers, who can show that they have hitherto done mischief unchecked, it would seem to be possible to stop such improper acts by injunction of the Civil Courts. In these cases the land cultivated is usually the deposit of the year, and prescriptive right can hardly apply to that which had no existence a year or at most a few years ago.

4. The survey of the Godavery above the anicut being a matter which can be disposed of at once, it is recommended that the temporary establishment applied for be sanctioned, and that this work be at once carried out.

(Signed) JOHN MULLINS, Lieut.-Colonel, R.E.,
Chief Engineer for Irrigation.

No. 507. ORDER THEREON, 27th January 1875, No. 247.

IRRIGATION, No. 55.

Establishment.

THE Government sanction the employment of the following temporary establishment from the provision for that purpose, for the survey of the Godavery river above the anicut beyond the limits of the annual charts:—

Proceedings of the Madras Government, Public Works Department,
27th January 1875.

	RS.
2 Surveyors for four months at 50 Rupees	400.
12 Lascars for three months at 6 Rupees each	216
Contingencies	44
Total	660

2. The other subjects referred to in these papers are reserved for fuller consideration.

(True Extract.)

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

No 3051

District Engineer's Office, Godav.
Dowlaishweram 4th January 1875

From,

Major J. Beatty R.E.
District Engineer Godavery.

Enclosure 6 To,

Lieutenant Colonel J. Mullins R.E.
Chief Engineer for Irrigation.

Sir,

I have the honor to request instructions in a fresh case affecting the rights or claims of riparian landholders.

2. The village of Chedipi where this case occurred, is situated about 12½ miles above the Godavery Anicut, on the right bank of the river. The piece of land is proprietary, and its area, 14.47 acres, has been measured up by this Department. There is no large scale survey of that part of the river, so that I am unable to give an exact plan, but I send a sketch Map, giving a rough idea of ^{the} position of the land in question, and of the old set.

3. At this place a few years since, in the river channel between the outlying lunka and

and the river's margin, there was a dangerous set which cut into the berm, and carried away part of the old river embankment and of the village immediately behind it. This necessitated the construction of a new piece of embankment round the other side of the village.

4 But more recently that channel has been silting up, the set has ceased to be dangerous, and with the view of gradually silting up the channel completely and so joining on the outlying lunka with the present margin of the river, it has been the practice of this Department to plant lunka grass in the bed of the channel and along the side slopes near its head, which is but a short distance below Thallapudi. It does not, however, appear to have been customary to interfere with the cultivation of the bed and side slopes in the lower part of the channel; and this is what my predecessor did, it is said for the first time, in November 1873.

5 The District Engineer apparently claimed the right of planting the lunka grass and

90-2
encouraging its growth, without payment of compensation, wherever such growth would have the effect of helping to stop erosion; and there is this difference between the present case, at Chedipi, and what occurred at Gopalpuram, on which Government passed orders in their No. 2442 of 28 August, 1874, that this riparian landholder at Chedipi claims a compensation of Rs. 760 for having been prevented in November 1870, rooting up lunka grass, and cultivating tobacco at a place which he had been in the habit of renting out annually for tobacco cultivation; while in the Gopalpuram case the Zemindar's complaint was that this Department prevented her encouraging its growth.

6 It has been ruled in the Revenue Department that Public Works officers may forbid cultivation, vide Collector's Circular No. 13 of 20th March 1871, where the cultivation has not been customary, but there is no authority, so far as I am aware, for preventing a proprietor uprooting lunka grass and cultivating on land which he had been in the habit of cultivating. The only other regulation I know of is that relating

relating to the renting out of the Government lunkas; I send herewith copy of a notice of the Collector dated 20 March 1873 which bears on this point.

7. I have no funds at my disposal from which to meet such a claim for compensation as this, so that, if it is to be paid, a special allotment must be made, and in that case, it will doubtless form an important precedent.

8. My predecessor does not seem to have anticipated any such expenditure, but that orders of Government would have long since been issued giving him full authority, without risk of claims for damages, to plant lunka grass, and encourage its growth or uproot it wherever, within the rivers margin, might appear to be expedient; in order to secure a proper alignment, and protect the margins from erosion.

9. As the whole village of Chedip is belongs to the Gutala Proprietor the destruction of the village and the erosion of the river's margin in the limits of that village would be no loss to Government. The object therefore

therefore of planting up with lunka grass the old channel between the outlying lunka and the river's margin is simply the protection of the river embankment; and this is of great importance because a breach there would cause a most dangerous spill into the Western Delta. It seems to me the Proprietor is not entitled to compensation because the planting up of that channel must eventually greatly benefit him; but of course if he can get compensation for permitting Government to plant he will do so; and I presume that under the present law the Revenue Department is correct and that I have no authority to stop established cultivation.

10. I shall therefore await instructions before issuing fresh orders, in this and other similar cases likely to involve Government in a heavy expenditure, as I understand there is a great deal of proprietary land on the right bank of the river above the Annicut (between Vejaishweram and Polarium) where these jets take place

and

and the lunka grass planting is often inter-
fered with by Proprietors.

11. What seems to be now wanted is a
large scale Map of the river above the Amu-
cut from bank to bank, showing the river mar-
gins, lunkas, sand shoals, lunka grass planta-
tions, and particularly the present condition
of all those parts of the river's margin where
the set of the river has of late been causing
erosion; the limits of all proprietary land being
also carefully ascertained and shown on the
plan. Orders of Government are also I consider
needed as to the manner in which compensation
is to be determined where it becomes necessary
to take up proprietary land for lunka grass
plantations. In this particular case, the com-
pensation has been fixed at Rs 52-8-4 for a. ^{*}per acre
single year, so that if the land is to be brought
up at this rate, 20 years purchase would come
to Rs 1050 per acre.

12. I send herewith copies of papers bearing
on the case. This place at Chrdipi is said to
have been one of those referred to by Colonel
Fischer in his correspondence with the Tah-
sildar

136
Tahsildar though it was not specially mentioned
13. I also send an estimate of the cost of
making a complete survey of the upper part
of the river. If sanctioned I propose to have
the work carried out under the direction of
the Assistant Engineer in charge of N. & R. Range.

I have the honor to be,

Sir,

Your most obedient servant.

J. Beatty. Major R.E.
District Engineer Godaverry D.C.

No 74

Submitted for the Orders of Government.

There is, it is thought, no room for doubting that the rooting up of navel grafts for the purpose of planting tobacco or for any other purpose is a very objectionable proceeding, and that so long as it can be done with impunity, the prevention of erosion of the river bank and of imminent danger, as a result, to the flood embankments will be impracticable.

2 In this case an erosion which, probably, was rendered possible or was aggravated by the improper practice of rooting up grafts on the face or scarp of the river bank, a practice which at the latter end of 1873 was observed by the undersigned to be still in vogue, was dealt with by the late District Engineer and

certain

W. A. No 59
From
The District Engineer
Godavery District

To
The Chief Engineer
for Irrigation

Dated 4th January 1875
Serial 1118

1911 M 123051
Enclosures 2

Requesting signature
-tions in the District
-sionary and the
case; herewith reports

M 433/75

certain lunka grass plantations were put down for the purpose of closing the channel, which had apparently breached the old line of embankment and rendered it necessary to form a new line behind the Village of Chedipi. Part of this grass was rooted up by the ryots of this village which belongs to a proprietor, and it appears that cultivation of a part of the alluvium formed by the plantation having been prevented a claim for compensation, amounting to Rupees 760, has been made.

3. It is possible that in the absence of any law on the subject the Proprietor may from custom have some claim to ownership of such land, although it is for the time at any rate a part of the bed of the river, but the general principles of law would seem to be altogether opposed

opposed to his so exercising any rights as to cause injury, and render probable the carrying away of embankments on the integrity of which very large interests in the country below are dependent. The entire destruction of the village of Chedipi may be considered by the proprietor of little moment compared with the realization of the rental of a few acres of rich alluvium, but the embankment has also to be taken into account, and the effect of such proceedings on other parts of the river bed. Unless such law as there may be is altogether inoperative against wrong-doers who can show that they have hitherto done mischief unchecked, it would seem to be possible to stop such improper acts by injunction of the Civil Courts. In these cases the land cultivated is usually the deposit of the year and prescriptive

prescriptive right can hardly apply to
that which had no existence a year
or at most a few years ago.

4. The survey of the Godavary
above the Arment being a matter
which can be disposed of at once, it
is recommended that the temporary
establishment applied for be sanc-
tioned, and that this work be at
once carried out.

Camp at }
Vainembady }
19 January 1875 }
Lieut Col. R. L. }
Chief Engineer for Irrigation

To
The Secretary to Government
D. O. M.

P. W. 1875 Dept.
Rev-off for Laundry
No: 439

From

The Chief Engr.
for Irrigation

Dated 19 Jan. 1875.
Recd. 22 - - 1875.

E. J. No: 74.

Note relating
to the case of
the Chedipi Land
holders & recom-
mending the
employment of a
temporary estate
-listment for the
survey of the
Godavery river
above the Arment

Recd. 1875
Recd. 1875
Recd. 1875
No 506
1623-3-75
623-1-75

FORMER CASES.

No. of 187

Register No.

From

Receipt No.

Dated

LATER CASES.

No. of 187

" "

REMINDERS RECEIVED.

No. 1, dated 187
 " 2, "
 " 3, "
 " 4, "
 " 5, "

Keep-Withs.

1895 Sept.
 I Form No. 29.
 Register No. 439

The Chief Engr.
 for Irrigation.

No. 74

Dated

Recd 22-3 Jan'y 1895.

Subject:- Note relating to
 the case of the Chetpi
 landholders & recommend-
 ing the employment
 of a temporary estab-
 lishment for the sur-
 vey of the Godavery
 river above the An-
 ant.

ENCLOSURES.

From

to

Orders and Proceedings in file.

No.	Date.	No.	Date.
9. 24	10/1/95		
Enclos: draft order V. sent to the Secy. 10/1/95			

230 Sept 50

Proceedings of the Irrigation Board.

Read the following.

Chief Engineer } (N. E. No. 74 of 19th June 1895)
 for Irrigation }
 G. O. No. 247 of 27th January 1895

The Government sanction the employment of the following temporary establishment from the provision for that purpose, for the survey of the Godavery river above the Anant beyond the limits of the annual charts -

2 Surveyors for 4 months at 50- 100 Rs.
 12 Lascars for 3 months @ 6 Rs. each - 216-
 Contingencies - 44-
 Total Rs. 660

2. Separate orders will
be papered. The other
subjects referred to in these
papers are reserved for full consideration

Mar 20/17

Copy to [unclear]

Received [unclear]
[unclear]

[Faint, mostly illegible handwritten text in the left column]

[Faint, mostly illegible handwritten text in the bottom left]

11/7/17
26-1-75

40
4

To The Distt. Surg. Godavery.
" Chief Surg. for Irrigation
" Controller of P.W. Works
Mtd. dtd only to Govt. - 27/1/17
Recd - 12-2-75
6 Encls. - ent. 5th
11/2/17

Gobt. of 1875; Madras.
PUBLIC WORKS.

~~The Atk - Mrs.
Gardner~~

Good.

Encl.

G. O. 27 Jan 1875, No.

NOV. 576-507

Establisment - Goddard

8. Sanctioning the
employment of certain tem-
porary Establishments for
the survey of the Godavari
river above the Aricut
beyond the limits of the
Annual Charge -