

(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. 1102 (9) Press
B.P. No. Mis.

Dated 4.5. 1876.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
4th May 1876.*

No. 40. Read the following Proceedings of the Board of Revenue, dated 21st April 1876 :—

Read the following letter from J. D. B. GRIBBLE, Esq., Collector of Cuddapah, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Madanapally, 11th April 1876, No. 84.

With reference to the letter noted in the margin and the correspondence to which it refers, I have the honor to report that the Shrotriendars have as yet executed no repairs to the Jillala Madka tank, nor have they taken any steps towards the building of a calingulah.

2. This tank has formed the subject of a frequent correspondence between this office and the Board of Revenue, and the Railway authorities.

3. The condition of the tank has been pronounced unsafe by the Railway authorities and by the District Engineer. In conformity with the recommendation of the latter officer, copy of whose letter* and of Mr. Horsley's reply† are herein enclosed, a notice‡ was served on the Shrotriendars, warning them of their responsibility to carry out the repairs. The Consulting Engineer now again reports (copy§ enclosed) that no steps have been taken towards executing the repair.

4. I therefore request instructions as to what course I am to adopt. Two courses would seem to be open, (1) to file a suit for an injunction, which, however, would probably cause great delay, and pending which the tank might be damaged and the damage be done; or (2), order the necessary repairs to be carried out by the Department of Public Works, and then to file a suit for their recovery. If this course is adopted the tank will be repaired before the next rain sets in; but it is possible the Government might not recover. In the event of either of these courses being adopted, I beg to be informed by whom the suit should be filed, by the Government or by the Railway authorities.

5. In G.O., No. 2,724,* dated 21st September 1875, this tank is amongst others alluded to, and the course suggested by the Government in paragraph 2 has been followed. From the Advocate-General's opinion it would appear that there is ample remedy, civil or criminal, after such a tank has caused damage. The question here is whether it would not be advisable to incur a small expense in repairing an insignificant tank, and run the chance of not recovering the cost, rather than incur the risk of a large portion of the line being washed away.

6. The Board will observe that Mr. Horsley considered that the 30-feet arch provides sufficient water-way, and that the tank was not dangerous to the line on account of the absence of a calingulah. It is, however, reported that the bund is weak, and there can be no doubt that if the bund breached a 30-feet arch within so short a distance would be quite insufficient to provide water-way.

7. I beg to enclose a rough sketch of the position of the tank and line of rail taken when I personally inspected it last year.

*Proceedings of the Madras Government, Public Works Department,
4th May 1876*

From Colonel A. S. MOBERLY, District Engineer of Cuddapah, to W. D. HORSLEY, Esq.,
Collector of Cuddapah, Camp at Reddypully, 27th August 1875, No. 1,180.

In letter No. 247, of 1st January 1873, my predecessor brought to your notice the state of the Korlacoonta and Jillala tanks; the former of these, as you are aware, is a Government tank, and the latter a Shrotriemandar tank. They are divided by a bank which at the time he wrote was in a very bad order. The railway runs through the Government tank in a south-east and north-west direction, the division bank running nearly north and south.

2. The surplus weir of the Jillala Madka tank was, it appears, damaged about the year 1870, and not being repaired, but having only a ring-bund put round the breach, the entire work was in 1872 destroyed; since then nothing has been done to repair the weir, but merely ring-bunds have been constructed to retain water for the cultivation. In conclusion, Mr. Sage asked you to take steps to make the Shrotriemandar build a proper masonry weir, as otherwise he thought the cultivation under the Government tank would not be safe.

3. In your reply, No. 41 of the 25th April 1873, you, I think, very correctly suggested, in the interests of Government, to permanently separate the tanks by raising the bund which formerly existed, but which was then partly submerged. You stated that it was a question whether a portion of the expenses of this work should not be borne by the Agraharamdar, but that under the circumstances, as he did not attend to his own interests by repairing his calingulah, you considered it would be expedient that the work should be performed entirely at the cost of Government. You concluded your letter by suggesting some improvements to the supply-channel from the Goondleru to the Korlacoonta tank.

4. The required estimates for repairing the bank, &c., were called for and submitted, and sanction was communicated to the Range Officer in the end of November 1873. The carrying out of the work has progressed very slowly chiefly on account of the very wet season in 1874, but I expect now to have the division bund finished in about a fortnight.

5. In a letter, No. 210 of 5th July 1875, your Head Assistant forwarded, for my opinion, the accompanying petition from the ryots of Jillala Madka Agraharam, requesting to have two culverts opened in the division bund between the two tanks; and then, in the last paragraph, he says "I am very doubtful myself whether the bund between the tanks is not dangerous to the Shrotriemandar tank; and I am still more doubtful as to whether if the tank should burst its owners would not have a case against Government for damming up their tank water by that bund. This view of the matter has only lately occurred to me, and I have taken steps to inquire how long the division bund has existed, and under whose authority it was originally built. I shall be obliged if you will direct a search to be made in your office records on the point." In reply, I stated that I could see no good grounds for acceding to their request, as the Jillala Madka tank could be made perfectly safe if a proper sized surplus weir was built; that I did not believe it was usual to pass the surplus water of the one tank into the other, which is what the ryots say; that I could not understand how the division bund could be a source of danger if it was kept in a proper state of repair, and that I considered all expenses for keeping it in order should be shared equally between the Government and the Shrotriemandar.

6. As regards when the division bund was originally built, &c., I stated that I could give no information, and pointed out that the bank in question is shown in the Trigonometrical map. This map was, I see, published on the 1st July 1842, but I cannot say how long before that date the survey was made.

7. This view, as now taken up by Mr. Atkinson, was, I believe, first mooted by Mr. Gribble in the month of June last, when he was in charge of the district during your absence on privilege leave.

8. I have carefully examined both tanks and have had inquiries made, and am informed that no one knows when this division bund was originally constructed; that some old people speak of quarrels between the ryots under the two tanks so far as seventy years ago. I do not know when the Jillala Madka tank was given on Shrotriemandar, but perhaps the bank was then made in order to define the rights of each party.

*Proceedings of the Madras Government, Public Works Department,
4th May 1876.*

9. In his letter of 5th July, your Head Assistant said that the object of the petitioners in asking to have two culverts in the division bund appeared to be two-fold; first, to relieve their tank in the wet weather, and second, to let them take into their tank in the dry weather that excess of water which the Korlacoonta tank is unable to hold, and which therefore runs to waste.

10. I will reply to this second reason first.

11. Neither I, nor, I believe, any one else ever heard of the Korlacoonta tank having an excess of water in the dry weather, unless there was a cyclone, and I do not believe that the water then received from the Goondleru is anything like sufficient for the crops under the Korlacoonta tank, and if any culvert was constructed the area over which this small supply of water would be spread, would be increased, the loss by evaporation would be increased, and the quantity available for cultivation would be greatly decreased. The greater part of the tank is dry now.

12. Taking, now, the first reason, viz., to relieve the Jillala Madka tank in the wet weather, I beg to inform you that I do not understand why Government should be asked to provide extra length of weirs, which would be necessary if culverts were constructed unless they were provided with shutters, in order to relieve the Jillala Madka tank.

13. It seems to me that every reason can be brought forward for the necessity of keeping the division bund in good order. First, to keep in each tank the supply belonging to it, and so prevent quarrels and disputes between the two sets of villagers; and, second, that if one tank is breached the other may in no way be affected.

14. I have gone thus fully into the matter because with such antagonistic opinions (as from your letter, No. 41 of 25th April 1873, I gather that you and I agree in this matter) I think the final decision of Government should be obtained.

15. I now beg to refer to the present state of the Jillala Madka tank, and to inquire if nothing can be done to oblige the Shrotriemandar to put his tank into good order, as unless it is done serious damage may be done to the railway and also to Government property; if not prepared to put his tank into good order, cannot the paramount power force him to dispose of his Shrotriemandar.

16. The length of the beach is about 125 feet, and it is situated at a distance of about 200 feet from the division bund. As the area of the catchment basin draining into the Jillala Madka tank is about 10 square miles, the discharge to be provided for is 2,611 cubic feet per second, which, allowing 3 feet to pass over the weir, will require 150 feet of escape. This should not be put on a higher level than the weirs of the Korlacoonta tank, as otherwise the division bund may be endangered. The tank bank is, as a rule, quite high enough, but it is weak in section, more especially the western portion. The revetment is not in good order, and at the west end it requires to be rebuilt. A masonry sluice is also required at the west end, instead of the present open channel. The division bund between the two tanks is very much eroded by the action of the water, and should be either revetted or made with very long slopes. The cost of keeping this in proper order should, I think, be equally divided between the Government and the Shrotriemandar, or, as the earthwork has been done, let each revet their own side.

From W. D. HORSLEY, Esq., Collector of Cuddapah, to Colonel A. S. MOBERLY, R.E.,
District Engineer of Cuddapah, dated on Circuit at Latchmipallem, 22nd September 1875, No. 175.

In reference to your letter No. 1,180, dated 27th August 1875, I have the honor to state that I agree with you in saying that a bund separating the Korlacoonta from the Jillala Madka tank is absolutely necessary for protecting the interests of Government. I do not believe that the Shrotriemandars will do anything to render the Jillala Madka tank safe, and, when it breaches, the Korlacoonta tank will lose the greater portion of its water. To expect the Shrotriemandars to meet a portion of the expense towards keeping the dividing bund in repair is out of the question. If called upon to pay they would probably say that the work was not undertaken at their request. It would be of no use urging that the bund would be advantageous to them in cases

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4th May 1876.

the Government tank breaches use they know that their tank is weaker than the Government tank. The bund must be made by Government without the assistance of the Shrotriendars.
2. I regret that I cannot do anything towards making the Shrotriendars repair their tank that it may not be a source of danger to the railway. The Consulting Engineer has written to me on the subject, and I enclose a copy of my reply.* Considering the size of the arch-way through which the waste water from the tank passes under the line, it appears to me that the Local Fund road is in greater danger than is the railway line.

* Dated 4th August 1875, No. 12.

From Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, to J. D. B. GRIBBLE, Esq., Acting Collector of Cuddapah, dated Madras, 31st March 1876, No. 417.

With reference to your letter No. 1, dated 8th January 1876, I have the honor to inform you that I learn from the Agent and Manager of the Madras Railway Company that the proprietors of the Jillala Madka tank have as yet taken no steps to repair the tank.

THE Collector has not noticed an alternative mode of procedure which is considered by the Advocate-General applicable to such cases, and has been resorted to in North Arcot, viz., proceedings under Chapter XXXIX of the Criminal Procedure Code. He is requested to state whether there are any objections in the present case to this course, which is more expeditious than the institution of a Civil suit. Should he be of opinion that the circumstances of the case do not warrant his taking action as a Magistrate, he should file a suit for an injunction to compel the Shrotriendars to take precautions for the safety of the tank, unless the District Engineer is of opinion that the danger is so imminent, looking to the fact that the District Court will not re-open before the setting in of the south-west monsoon, as to render it necessary to take immediate steps to ensure the safety of the tank, in which case the requisite outlay must be incurred by Government at once and an endeavour made to recover it by Civil suit hereafter. The approximate cost of executing the necessary repairs and providing a surplus weir has not been stated.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 41. ORDER THEREON, 4th May 1876, No. 1,102.

IRRIGATION, No. 5.

COMMUNICATED to the officers concerned, who will give immediate attention to the matter.

(True Extract.)

Colonel,

Offg. Under Secy. to Govt., P.W.D.

To the District Engineer, Cuddapah.
" Chief Engineer for Irrigation.
" Consulting Engineer for Railways.
Ed. S. T. Austin.
Spare Copies

Railway Department

No. 417

From

The Consulting Engineer
for Railways
Madras

To

The Collector of
Cuddapah

Sir

With reference to your letter No. 1 dated 8th January 1876, I have the honor to inform you that I learn from the Agent and Manager of the Madras Railway Company that the proprietors of the Jillala Madka tank have as yet taken no steps to repair the tank.

I have the honor

(Signed) C. J. Smith Major R.E.
for Cons. Engineer for Railways.
(True copy)

J. D. B. Gribble
Acting Collector

P. N. 2848/46

Subd. No. 21107/78

Enclosure III
In a letter from the acting
Collector of Cuddalore dated
11 April 1876 No. 84

NO

911

Revenue Department.

Proceedings of the Board of Revenue.

Dated 21st April 1876.

Read the following:—

No. 84.

From J. D. B. Gribble Esq.
Collector of Cuddalore.

To C. A. Dalton Esq.
Secy. Secy. Board of Revenue
Madras.

Sir,

With reference to the letter noted in the
margin and the correspondence to which it
72 dated 5th 1874 of this
is to the Board refers, I have the honor to report that the
revenue.
Shrotriendars have, as yet, executed no re-
pairs to the Jellala Chakka Tank, nor have
they taken any steps towards the building
a Calingula.

2. This tank has formed the subject of
frequent

frequent correspondence between this Office and the Board of Revenue, and the Railway authorities.

3. The condition of the tank has been pronounced unsafe by the Railway authorities and by the District Engineer. In conformity with the recommendation of the latter officer, copy of whose letter and of Mr. Forslie's reply are herein enclosed, a notice was served on the

* dated 27 August
1875 No 1180.
o. dated 22 Sept/75
No 175.

Theroendard warning them of their response. ^① original is here with sent (to be returned)

Engineer now again reports ^{*} (copy enclosed) that no steps have been taken towards executing the repair.

4. I therefore request instructions as to what course I am to adopt. Two courses would seem to be open (1) To file a suit for an injunction which however would probably cause great delay and pending which the tank might burst, and the damage be done or (2) order the necessary repairs

repairs to be carried out by the D.D.W. and then to file a suit for their recovery. If this course is adopted the tank will be repaired before the next rain sets in, but it is possible the Government might not recover. In the event of either of these courses being adopted, I beg to be informed by whom the suit should be filed by the Government or by the Railway authorities.

* Communicated
with B.D. Pr. Dated
24 Oct 1875-12
2922.

5. In Government Order No 2724 dated 21st September 1875, this tank is amongst others, allotted to and the course suggested by the Govt in para 2 has been followed. From the Advocate General's opinion it would appear that there is ample remedy either civil or criminal after such a tank has caused damage. The question here is whether it would not be advisable to incur a small expense in repairing an insignificant tank and run the chance of not recovering the cost rather than incur the risk of

of a large portion of the line being washed away.

6. The Board will observe that Mr. Fors-
they considered that the 30 feet arch provides
sufficient water-way and that the tank
was not dangerous to the line on account of
the absence of a Calingula. It is however re-
ported that the bund is weak and there can
be no doubt that if the bund breached a 30
feet arch within or short a distance would
be quite insufficient to provide water way.

7. I beg to Enclose a rough sketch of the
position of the tank and line of rail taken
when I personally inspected it last year.

Madan Mohan Chowdhury
Office on Circuit at
Madan Mohan Chowdhury
11 April 1876.

I have
(Signed) J. B. Gribble
S. W.

The Collector has not noticed an
alternative

12
alternative mode of procedure which is con-
sidered by the Advocate General applicable
to such cases and has been resorted to in
North West viz proceedings under Chapter
XXXIX of the Criminal Procedure Code.
He is requested to state whether there are
any objections in the present case to this
course which is more expeditious than the
institution of a civil suit. Should he be of
opinion that the circumstances of the
case do not warrant his taking action as a
Magistrate, he should file a suit for an
injunction to compel the Shrotrmandars to
take precautions for the safety of the tank,
unless the District Engineer is of opinion
that the danger is so imminent, looking to
the fact that the District Court will not re-
open before the setting in of the South West
monsoon, as to render it necessary to take
immediate

J. B. Gribble 1876

2870✓

Govt. of Madras
PUBLIC WORKS.

To

The B. & Cuddalore

Virgunt

6 May

Dated

Issued

Recd.

Encl.

G. O. 17th May 1870 No. 1102

No. 410

Kala Madka

K - Cuddalore S.

Proceedings of the B.

Rev: communicating
copy of the instructions
issued to the Collector re-
lative to the steps to be
taken for the repair of the