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MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	1336	Press
B.P. No.		~~Mis.~~
Dated	27-5-	1876 —195—

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
27th May 1876.*

No. 491. Read the following Proceedings of the Madras Government in the Revenue Department, dated 21st April 1876, No. 527 :—

ABSTRACT.—*Kondakirla Ava in Vizagapatam District.*—Requesting definite information on certain points relating to the —.

No. 492. ORDER THEREON, 27th May 1876, No. 1,336.

IRRIGATION, No. 47.

ORDERED to be recorded.

(True Extract.)

Colonel,
Offy. Under Secy. to Govt., P.W.D.

To the Revenue Department.
" District Engineer, Vizagapatam.
" Chief Engineer for Irrigation.

Exd. E. C. Shunker.
Spare Copies

3

*Proceedings of the Madras Government, Revenue Department,
21st April 1876.*

Read the following papers :—

No. 140. Proceedings of the Board of Revenue, dated 20th December 1875, No. 3,383.

Read again G.Os., dated 19th December 1873, No. 123, 30th May 1874, No. 217, 29th October 1875, No. 2,310; Board's Proceedings, 1st July 1875, No. 1,820, and 12th November 1875, No. 3,096.

Read also the following letter from H. Sr. A. GOODRICH, Esq., Acting Collector of Vizagapatam, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 24th November 1875, No. 2,061 :—

With reference to the Board's Proceedings of 9th January 1874, (Miscellaneous No. 119), and of 12th June 1874, (Miscellaneous No. 3,920), I have the honor to submit the following observations.

2. In the first place, Government desire that the rights of Government in connection with the Ava may be clearly and definitely ascertained.

G.O., 12th December 1873, No. 2,994.

3. In the second place, Government desire to be informed on whom the expenditure on account of the contemplated improvements will fall; and that

G.O., 20th May 1874, No. 1,339.

a careful estimate of the amount needed under the head of Compensation for Land be framed.

4. As to the rights of Government over land in the bed of the Ava, I have expressed my opinion in a report on a petition to the Board printed in their Proceedings, dated 1st July 1875, No. 1,820. In those Proceedings, the Board observe that I assigned no reason for my surmise that the lands in the Ava bed were fraudulently excluded from the assets of the estates at the time of Permanent Settlement. I thought the inference I drew sufficiently obvious. The custom of cultivating the lands is of immemorial antiquity, and the Inspectors might so easily be led to record that lands which they saw under water were uncultivable, that I prefer to believe that they were persuaded or induced to represent a state of things at variance with that then existing.

5. The Permanent Settlement Accounts show 704 acres in Mungapaka, 124 acres in Vadarapilly, "swamped by the lake." These lands belong to the Ankapilly proprietor. A similar description is given of 203½ acres in Andalapilly and Kakarapalli of Kondakirla Estate: 2 Vissams (acres 4) of Personal Inams and 8 Vissams, 12 pirrahs (acres 17½) of Service Inams entered in the Permanent Settlement Accounts are situate within the waterspread of the Ava. This is strongly suggestive of cultivation having been then carried on.

6. Kondakirla lapsed to Government in 1844. Its lands situate within the waterspread were then found to be held, part on a putta for Rupees 84-8-0, a second part on a putta for Rupees 14, a third part on the system of sharing produce. Two years afterwards Government issued a putta for all the lands in the third part for Rupees 310.

These three puttass have now been subdivided into thirty-four holdings. No remission was granted prior to Fasli 1284, when the Principal Assistant Collector ordered the water not to be let off, and the lands could not be cultivated.

7. Government never reserved any rights to the lands in the lake, nor would they have objected had the three proprietors who held parts thereof diverted the

feeders and reclaimed the whole bed. Government never claimed any rights over the lake as they might have done, e.g., by letting the fishery which is valuable.

8. On the whole, I am decidedly of opinion that if Government want to extend irrigation under the Ava, and for that purpose render lands usually cultivable not cultivable, they must take up the land in the usual manner, paying full compensation based on the rent which the proprietors have received.

9. I now come to the second head of the question (paragraph 3 *supra*). The Government assumed management of the sluice and calingulah of the Ava when they seized the Kondakirla Estate; the channel which led from the Surada Nadi, feeds the Ava, is called the Kristamraz Channel, and feeds large areas of wet land belonging to the Ankapilly and Kassimkota Estates before it reaches the lake.

10. Government have assumed the management of the anicut and head works which they rebuilt in Faslis 1262, 1263, 1264, and charged the cost, Rupees 8,216, in shares as follow: Government 2,689, Kassimkota 2,367, Ankapilly 3,160.

11. If all irrigation works supplying both Ryotwari and Zemindari lands were declared to be under the management of Government, and if proprietors were chargeable rateably with sums expended on such works, it would perhaps be well in all districts. Without the sanction of law, such claim can hardly be enforced without previous agreement.

12. The provision of sufficient water-way for the drainage of the Ankapilly Ava at the point where it crosses the Kristamraz Channel at or near the present bridge on the Pudimadaka Road is incumbent on the Ankapilly proprietor. It is owing to his works higher up the Surada Nadi, which lead a great supply of water into the Ankapilly Ava in heavy monsoons, that this necessity is felt. To remedy this defect of the channel, the District Engineer proposes to alter the level of the Kristamraz Channel at this point, to build a new (1) bridge and (2) regulating dams above and below it, and to (3) build an aqueduct.

	Rs.
Cost (1)	2,000
(2)	1,510
(3)	5,825
	9,335

13. The proprietor of Ankapilly can no doubt be lawfully enjoined to provide that the flood-water whose excessive volume is due to his works does not occasion damage to his neighbours. It is a difficult matter, however, to decide how far the water flowing across the Kristamraz Channel is the result of local rain-fall which is lower levels through its natural out-fall, and how far the small dams above Ankapilly have diverted the river water, and carried to the east of Managala that which would naturally have passed away to the west. The proper remedy, however, seems to be by a suit for damages, as the Government, having taken the management and controlled the channel, can hardly discover a remedy to emergent which they have so long neglected to supply.

14. That the whole cost of the proposed work at the reallocation of the Ankapilly proprietor is by no means clear. The Government has built the present bridge and must be supposed to have provided the level of the channel are, I understand, pronounced by Col. and Major to be the means of passing the surplus water across the channel without injury thereto.

15. It will, I imagine, be at the proprietor's discretion whether he carries out the works needed himself, or consents to pay the cost of the works which the Department of Public Works proposes to execute. Provided his arrangements are effectual, I do not see how he can be compelled to prefer the employment of the Government staff to private agency.

16. Owing to the antagonism which has subsisted between the Engineer who has been in charge of the channel, which feeds Government lands at the lower end, and the proprietors whose lands the channel irrigated in its higher reaches, it is likely that the proprietors will be very unwilling to pay any thing that cannot be demanded as a clearly legal claim.

17. Some years ago when the cost of works at the head of the channel was ordered to be divided between the three estates (Kassimkota, Kondakirla, and Ankapilly), Mr. Smollet expressed with great emphasis his opinion that the claim which he made might be successfully resisted, inasmuch as the proprietors had never been consulted as to the works which were executed, and I recommend that an agreement be made beforehand as to the sharing of the cost of any works undertaken for the benefit of the three estates jointly.

18. Compensation for land is demanded at excessive rates, and I recommend that such land as may be found to be needed be taken up under the Act.

19. As to the necessity of any improvement to the Ava for the purpose of rendering the supply to the existing ayacut less precarious, it is not known to me that any person has advocated expenditure on this account. No remission has ever been granted to any of the lands with the exception of Rupees 3 in Fasli 1277 during the past ten years.

20. That the District Engineer has been unable to advocate the larger scheme I much regret. The forty-feet cutting near Modathur meets with no rock or difficult excavation, and the great area of wastedry land on that side which might be commanded gave a prospect of considerable returns.

21. In a letter to the District Engineer, whereof I enclose a copy, I have expressed my opinion that but slender returns are to be hoped from any improvement to existing irrigation. Enough is as good as a feast, and the lands under the Ava have enough. If you store them water for a second-crop, you sacrifice a thousand acres of land in the Ava bed; whether any second-crop cess could be levied or not is doubtful. That the compensation claimed for the lands in the bed would be very large I am well assured, and I cannot regard the prospects of successful resistance to the claim as cheerful.

22. In conclusion, I beg to request orders as to any further action the Board may wish me to take in the direction of ascertaining the rights of Government in connection with the Ava. There is no evidence that I can procure of any Government rights over lands in the Ava excepting the estimation thereof as unproductive in the Permanent Settlement Accounts. Although it may be that it was then unproductive it would be hard to prove this. If it was then unproductive and has since been reclaimed, the profits seem to me to fairly accrue to the proprietors. The existence of the maniams alone seems to me hardly proof sufficient of their cultivation at the time of settlement.

23. That some difficulty might have to be met in apportioning shares of proposed expenditure I have indicated. Outlay, however, for works and compen-

*Proceedings of the Madras Government, Revenue Department,
21st April 1876.*

sation seems to me almost certain to be abandoned, as the District Engineer appears to have given up the extended scheme and the utility of the restricted scheme appears questionable.

ENCLOSURE No 1.

From H. St. A. GOODRICH, Esq., Acting Collector of Vizagapatam, to the District Engineer, Waltair, dated 20th November 1875, No. 2,044.

With reference to your letter of the 11th ultimo, I have the honor to furnish you with the following opinion.

2. The contemplated improvements to the Kondakirla Ava will raise the area irrigated to 8,412½ acres, as stated by the Range Officer.

Hereof 480 acres near Panchadarla appertain to the Vizianagram Estates, 500 acres are Government waste said to be cultivable, if supplied, and 7,462½ are for the most part now irrigated by the channels led from the Ava.

3. The result of your improvements to the Ava and its feeding channel will be to render somewhat less precarious a very valuable source of irrigation.

From the ryots' point of view, Government will be fulfilling its contract. He believes that contract (as expressed by the classification and taxation of the land as irrigated from a Government source) to bind Government to supply that land as well as possible.

4. That any thing like general consent will be obtained to any increased assessment in consideration of less precarious water-supply I do not believe. The land might be surveyed and a new settlement made, and the ryots would then have no alternative but to pay.

5. The Surada Nadi is inferior as a source of irrigation to the Nagavalli and Wamshadhara. These rivers have never, I believe, been reported to fail in irrigating the Chicacole Taluq. The lands thereunder pay a consolidated wet assessment of about 3½ Rupees per acre on an average. My recommendation that Rupees 4-8-0 should be imposed was lately regarded by the Director of Revenue Settlement as an advocacy of an excessive rate for the country. In no respect do the two tracts differ. In Chicacole, the roads are better and the demand for export more active. In Survasidhi, the large villages and towns cause greater demand for inland consumption. The soil of Chicacole and its irrigation are superior. The climate and the people are of the same character in either district.

6. In the villages under irrigation at present 6 Rupees is now paid on an average, and some slight rise might, in my judgment, be imposed on a resettlement. I should, however, look on seven as a maximum average. As no measurement has ever been made of the lands, it is impossible to say whether much could be gained to the revenue by a survey. Probably not more than 10 per cent. This increase would not be due to the improvement of irrigation. No second-crop cess is leviable in the villages in question.

7. I am of opinion that after a survey and settlement you might expect an increase of 6,000 on these wet lands, if the irrigation be improved; without these processes the return will be nil.

As to the area of waste in the marsh towards the river's mouth at Kopaguntapalem, the soil is not promising, being highly saline. It is very possible that it might prove fertile when irrigated, and after population had been attracted, it might in this case be worth 5 Rupees an acre.

There is nearly 500 acres of Zemindari land near Velchur, and on this, provided the works succeeded in greatly improving the present supply, the Zemindar would, I believe, undertake to pay an extra rupee per acre.

8. You will observe that I regard the returns to be expected from the improvements to be most meagre and uncertain. The cause of this is in the nature of the scheme. In a climate like that of the Northern Circars, where three years out of five the most primitive irrigation works suffice, the need for elaborate works is little felt; the land proposed to be affected by the scheme already pays regular irrigated assessment, and the holders would regard it as a violation of custom to ask them for more. Unless the need of water be extreme, or the only source whence water is

*Proceedings of the Madras Government, Revenue Department,
21st April 1876.*

to be taken be one only controllable by works requiring great skill in construction, water will not fetch a fancy price. Almost any scheme which will supply sufficient water to a good area of "dry" land will pay well; almost any scheme merely for improving the supply to land now rated as wet will be a failure financially.

9. The intention at one time entertained of cutting a channel through the high land south-east of the Ava to a point near Modathur has been apparently abandoned. On the line which such a channel would have taken, a large area of land now without any water-supply is to be found, and I regarded the project as promising well as long as the irrigation of this dry waste land was contemplated.

(True Copy.)

(Signed) H. St. A. GOODRICH,
Acting Collector.

ENCLOSURE No. 2.—Extract from Permanent Settlement Accounts.

From H. St. A. GOODRICH, Esq., Acting Collector of Vizagapatam, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 27th November 1875, No. 2,084.

AFTER my letter of 24th November, No. 2,061, had been despatched, I received Proceedings of the Madras Government, Public Works Department, 1st October 1875.

To the four questions therein asked (in G.O., No. 2,833), I can only reply—

1st.—I believe that Government have no right to carry out the works without the consent of the proprietors and to charge them any shares whatever of the cost. I believe that the irrigation of Kassimkota and Ankapilly is so well supplied, that the want for improvements is little felt. If improvements were needed, the proprietors would, I have reason to believe, prefer to execute them themselves. Government have assumed the management of the channel, and repaired it at considerable cost twenty years ago. They inflicted one-third of the cost of the repairs upon Ankapilly Estate and one-third upon Kassimkota, although the Government revenue thereunder is 45 per cent., and the Government area irrigated 47 per cent. of the whole. I have already said that works to ensure the passing of the Ankapilly Ava surplus across the Kristamraz Channel are necessary. I now observe (from the Proceedings, dated 1st October) that the plans submitted need much modification.

2nd.—I have reported in my letter of 24th that the Act had better be put in force if land be needed. I have also expressed the opinion that the title of the Government to the Ava bed is doubtful, and that compensation might have to be paid if the cultivation thereof is prevented.

3rd.—Not Dalwa only but Sarwa crops have been grown for many years in the Ava bed. Mr. Fane, in 1851, writes of the Dalwa as a second crop, and may have intended to imply that Sarwa had been grown previously.

4th.—Remissions appear to have been about 0002 of the revenue during the last ten years.

In the letters read above, the Collector furnishes the information called for by Government regarding the ascertainment and maintenance of their rights in connection

*Proceedings of the Madras Government, Revenue Department,
21st April 1876.*

with the Kondakirla Ava, and as to the incidence of the expenditure requisite for the purpose of rendering the Kristamraz Channel efficient and the amount of land-compensation which will have to be paid.

2. As regards the first question, Mr. Goodrich states that the lands in the bed of the Ava were excluded from the assets of the estates concerned at the time of the Permanent Settlement, but that this was probably the result of some fraud which may be inferred from the fact that the custom of cultivating the lands is of immemorial antiquity, that their area is shown in the Permanent Settlement Accounts, and that certain Personal and Service Inams are situated within the waterspread of the Ava.

3. In his letter recorded in Board's Proceedings, dated 1st July 1875, No. 1,820, he points out first that the Ava is a natural lake, not a tank, on which ground he considers that the cultivation of part of the waterspread may be regarded as reclamation rather than encroachment; and, second, that Government succeeded in 1844 to such rights only as the ejected proprietor possessed, when the Kondakirla Estate lapsed; that the late proprietor never objected to cultivation in the bed; and that ever since the resumption of the Kondakirla Estate, Government have granted puttass for land so situated. On these grounds, Mr. Goodrich expresses his decided opinion that compensation must be paid for any land within the waterspread of the Ava rendered uncultivable by extension of irrigation.

4. With reference to the second question, Mr. Goodrich states that on the resumption of the Kondakirla Estate Government assumed the management of the sluice and calingulah of the Ava, and also of the head works of the Kristamraz Channel, a share of the cost of rebuilding which was charged to the proprietors of the Kassimkota and Ankapilly Estates. He considers that the Ankapilly proprietor is bound to provide sufficient water-way for the drainage of the Ankapilly Ava, where it crosses the Kristamraz Channel; but that it will be a difficult matter to decide what proportion of the cost of the works contemplated for effecting this object should be borne by him, and as Mr. Goodrich anticipates resistance to any claim that cannot legally be enforced, he recommends that the shares of the several estates concerned should be settled by agreement beforehand, and that the land required be taken up under the Act, excessive rates being demanded. He further states that there is no necessity for any improvement of the Ava for the purpose of rendering the supply to the existing ayacut less precarious, no remissions having been granted during the last ten years, and that the scheme for extension of irrigation appears to have been abandoned.

5. Mr. Goodrich's report appears to the Board conclusive as to the expediency of enlarging and improving the Ava with a view to benefiting existing cultivation. There has been no complaint of the insufficiency of the supply, and remissions have been inappreciable, nor would any improvement justify the levy of enhanced rates of assessment. Whatever claims might have been asserted to the lands in the waterspread of the lake at the time of the Permanent Settlement, they have been allowed to lie dormant so long that their assertion at this distance of time is attended with difficulty, and the Board do not recommend that the attempt should be made. Compensation must be paid for any lands within the

*Proceedings of the Madras Government, Revenue Department,
21st April 1876.*

spread that have been ordinarily cultivated if kept out of cultivation by the operations of the Public Works Department.

6. It does not appear that any scheme for a material extension of irrigation is under contemplation. The Collector should report what has become of the Pengole River Scheme, *vide* Board's Proceedings, dated 24th November 1875, No. 3,204.

7. Provision for the passage of drainage from the Ankapilly Ava is necessary, and the proprietor should apparently bear a considerable portion of the cost, though not perhaps the whole. The Collector should negotiate with the proprietor after conferring with the District Engineer, and report specifically what arrangement can be made. The land required for the necessary works must be taken up under the Act, if the claims to excessive rates are persisted in.

8. It is also very desirable that a definite decision should be arrived at as to the storage of water in the Kondakirla Ava, and the extent to which it is to be let off for the purpose of cultivation in the bed, and that the settlement should be recorded for the avoidance of dispute hereafter. The Collector will negotiate with the holders of the land in question, and report what terms they are prepared to accede to, and whether they are reasonable.

(True Copies and Extract.)

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

No. 141. Proceedings of the Madras Government, Public Works Department, dated 23rd February 1876, No. 493.

Abstract.—Passing orders on Note by the Chief Engineer for Irrigation submitting letter from the District Engineer, Vizagapatam, regarding the Kondakirla Ava Project, Vizagapatam District.

No. 142. Proceedings of the Board of Revenue, dated 9th March 1876, Miscellaneous No. 2,147.

Read the following letter from H. St. A. GOODRICH, Esq., Acting Collector of Vizagapatam, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Senugavarapucotta, 16th February 1876, No. 235:—

In answer to Board's Proceedings, dated 24th November 1875, No. 3,204, I have the honor to inform you that no proposal has been made to revive the scheme for extending the Koppaka Anicut and forming an Ava there.

2. The site is very favorable, but the proposed Ava would submerge three of the finest villages of the Uratla Estate with all their rich and well-watered lands.

3. The lands to be watered are mainly Zemindari and mainly already irrigated whilst the compensation to be paid would be enormous.

Submitted for the information of Government with reference to paragraph 6, Board's Proceedings, dated 20th December 1875, No. 3,383.

(True Copy and Extract.)

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

*Proceedings of the Madras Government, Revenue Department,
21st April 1876.*

No. 143.

ORDER THEREON, 21st April 1876, No. 527.

Irrigation, No. 3.

BEFORE disposing of the several questions referred for determination by the Revenue Department, in the Public

Works Department G.O., dated 1st October 1875, No. 2,833, the Government consider it necessary to communicate the recent Proceedings in that Department, dated 23rd February 1876, No. 493, to the Board of Revenue with the request that it may be ascertained how much of the entire area of the Ava within the upper contour, as given in the Range Officer's letter, i.e., 1521-17 acres, is excluded from the Permanent Settlement Accounts and how much of the area so excluded is now cultivated by the ryots of the Ankapilly Estate and the Government ryots severally.

2. The Government desire to have at the same time definite information on the following points:—

(1.) The amount of remissions granted during the last ten years for failure of irrigation in the villages supplied by river channels below the Godary Anicut.

(2.) The extent of Government land on which only a single crop is now raised and only a single crop assessment levied, and which would yield a second crop, if an increased supply of water were available; this with the amount of extra cess leviable to be specified severally under the Kondakirla Ava and the Kristamraz Channel, and collectively under other channels branching from the Surada Nadi below the Godary Anicut. It should be stated whether or not a second-crop assessment can be levied in each case, and if not, why not.

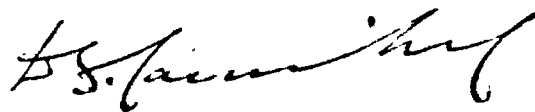
(3.) Whether or not the promised extra water rate of one Rupee an acre referred to in the Collector's letter, dated 30th December 1872, is intended to include second-crop cultivation.

(4.) The extent of Government waste or dry land which can be brought under wet cultivation if the requisite water-supply be available, and the charge leviable thereon; to be specified under each head as required in clause 2.

(5.) The extent of land required for the proposed improvements of the Kristamraz Channel and the amount fairly payable, if it is taken up under the Land Acquisition Act.

3. The Collector's reply regarding the result of the negotiation ordered by the Board in paragraph 7, with respect to the provision to be made for the drainage of the Ankapilly Ava, should be communicated to Government in due course.

(True Extract.)



Secretary to Government.

To the Board of Revenue.
„ the Public Works Department.

Exd. A. Grubert.

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the

Read the following:—

Pro. in the Revenue Dept. (H.R. No 527 of 21 April/76)

Recorded with the observation that the Collector's remark in para 3 of his letter N. 2084 of the 27 November 1875 that the (Kondakirila) Awa is a natural lake, not a tank, appears to be incorrect, and if so, his deduction that the cultivation of part of the water spread may be re-

P. W. 1876 No 1876

82-3366

Govt. of 1876 Madras.

REVENUE.

To

THE BOARD OF REVENUE.

At, Co., Co.

Do I, Govt. Secy.

At 9th May, 1876

G.O. No. 214 of 15th May 1876.

APRIL

No. 110-111

Forwarded to the Secretary to the Government of Madras for the purpose of being placed on file in the Revenue Department.

N. 491

Recd. 19.5.76
 17.5.76
 19/5/76

50/24 Oct/75 No 2833.
 23rd Feb/76 1893.

garded as reclamation rather than encroachment would seem to be untenable. Originally the Ava may have been a lake; but by the construction of a calingulah, which conjointly with the bund along the right side of the lower part of the Kristamray Channel, served to retain water at several feet above the level at which it would have remained had the natural lake been left in its original state, the lake was converted into a reservoir. The area

* This is the area at 54.32 and the level of the discharge channel is at or below 53.40.

of the natural lake was less than 635.50 acres while that at the level of the crest of the calingulah is more than 1521.17, consequently the area of the tank is some 900 acres greater than that of the natural lake.

by 16/5

P.M. L. 23rd Feb. 1906, 2:493.
Crest of calingulah 59.96
floor of sluice in
calingulah 53.40
+6.56

(Revised)

Revised

by 24/5

To Revenue Dept.
• Attnr. Vixayapatam
• Chief Engr for Irrig.

No 1336

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the 27 May/76.

READ the following:—

^{als}
 Pro: in the Revenue Dept (H.E. No 527 dt. 21 April/76)

Recorded.

 May 27/5
 [Signature]

 No 3336
 [Signature]

 Recd by
 S. E. Nagarajapuram
 C. E. [Signature]
 Dated 6/6/76

3366 J H.

Govt. of 1870

PUBLIC WORKS.

The Recorder West

May 13 1888

Vol. 49/92

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Pro: in the Rec: Office
requesting definite infor-
mation on certain points
relating to the —
records of —

But no B.P.
b-1/4/88