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(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.	2219	(W)	Press
B.P. No.			Mis.
Dated	22-8-	1876.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
22nd August 1876. No. 2,219.*

No. 518. Read the following letter from J W HANDLEY, Esq, Government Engineer, to Major-General G W. WALKER, R E, Secretary to Government, Public Works Department, dated Madras, 11th August 1876, No. 97.

WITH reference to the Proceedings of Government in the Public Works and Judicial Departments noted in the margin, I have the honor to report upon the two suits, the subject of those Proceedings. I have been in communication with the District Engineers of Tanjore and Trichinopoly, and have only lately received sufficient information from them to enable me to advise as to the defence of the suits.

2 These suits were originally brought in the District Munsif's Court of Perambalur, in the Trichinopoly district, for the recovery of certain Nanul plantations in the bed of the Coleroon river said to belong to the Streerythenatha Sami Pagoda in the village of Tirumalavadi taluq of Woodiarpolhem. The plaintiff is one Gopala Sami Iyer who calls himself Dharmakarta of the pagoda. The suits are, I understand, identical in their nature, but are brought against the Tanjore and Trichinopoly Public Works Officers for different portions of the Nanul plantations taken possession of them by them respectively. I have not been informed of the numbers of the suits, and have only been furnished with a copy of the plaint in one of them, viz, that in which the Tanjore Public Works Officers are defendants. I understand that both suits have now been transferred to the Trichinopoly District Court.

3 The case set up by the plaintiff is that these lands and the Nanul cultivation on them are the property of the pagoda, and have been illegally taken possession of by the officers of the Public Works Department and let out to renters. The defence suggested on behalf of Government is, 1st, that the lands being in the bed of the river are the property of Government, and that the Pagoda Trustees have no right to them, 2ndly, that if the Trustees ever had any such rights, they renounced them on a former occasion in some proceeding before the Tahsildar, and, 3rdly, that the plaintiff has no right to sue on behalf of the pagoda, not being a Dharmakarta, but only a dismissed Agent of the Dharmakartas. I enclose a draft of a written statement in the suit against the Tanjore officials embodying this defence concisely. A similar one *mutatis mutandis* will do for the other suit. The two last points are assertions of fact which, I presume, can be substantial by evidence. As to the first, I think it may be contended that, by the general law of the country, beds of rivers, tanks, &c, in fact all lands which are called I believe in revenue parlance 'porambok,' are presumably the property of Government, unless the contrary is shown. The Trustees of the temple rely, I believe, on a copper deed of grant from some Zemindar in ancient times, but the genuineness of this grant remains to be proved and its validity as against Government. At the same time I must observe that I understand from the papers before me that there has been long possession by the pagoda authorities, so that it may turn out that they have a better title than appears at first. In my opinion, the doctrine as to the rights of the Crown in navigable rivers referred to in the Proceedings of the Board of Revenue of 17th June 1861, No. 3,142, quoted by the Superintending Engineer, Tanjore, in his letter of 2nd February 1876, has no bearing on the present case, the Coleroon being in no sense a navigable river.

Proceedings of the Madras Government, Public Works Department,
22nd August 1876. No 2,219

4. The date of the first hearing of both cases is, I understand, now fixed for the 25th instant, on which date the written statements on behalf of Government should be filed

5 I return the original enclosures to the above Proceedings.

No. 519

ORDER THEREON, 22nd August 1876, No. 2,219.

ESTABLISHMENT, No 28-B

COMMUNICATED to the District Engineers of Trichinopoly and Tanjore.

(True Extract)

Colonel,

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

To the District Engineer, Trichinopoly

" " Tanjore
" Chief Engineer for Irrigation
" Examiner of Public Works Accounts
" Revenue Department

Esd E. C. Shunker.

Spore Copies

I presume this
suit has been
transferred to the
District Court
as well as the
suit against the
Trichinopoly
P.W. Officers

In the District Court of Trichinopoly
O.S. No. of 1876

Gopalasami Iyer - Plaintiff

v.
1 Mr. C. Shankarappa
Acting District Engineer
Tanjore

2. Lieut. Smart R. E.
Range Officer Tanjore

3 Palamandiy Pillay

4 Iyer Pillay —

Written Statement presented
by Captⁿ R. R. E. Brookman
R. E.
the present District Engineer
Tanjore on behalf of the
1st 3 defendants

1. The plaintiff is not a
darmakartha of the temple
and is not entitled to maintain
this suit.

2 The land & nannal padugam

in the Plaintiff mentioned
are situated in the bed of
the Coleroon river which is
the property of Government
and has always been under
the control and management
of the Officers of the Public
Works Department. The temple
in the Plaintiff named has
no right whatever to such
land and canal padugay
and the 1st three defendants
as the servants of Government
were perfectly just in
dealing therewith as they have
done.

3. By a deposition given
before the Tahsildar of
Goodianpollam on the

The particulars
of the alleged
violation of the
claims of the
trustees must be
here stated
of

the then Trustees of the temple
waived all their rights if any
to the said land and canal
padugay and agreed to offer
no opposition to the same
being occupied and managed
by the Officers of the Public
Works Department.

4. These defendants submit
that the suit should be
dismissed with costs.

I declare that what is herein
stated is true to the best of
my information & belief

1
em

P.W.D.
5117
642

No 97th Madras
11 August 1876

To
J. W. Hanley Esq
Government Pleader
Madras
To Major General G. W. Walker
R &
Secretary to Government
Public Works Department
Sir,

P. W. D.
14th Feb 1876
No 395
18th March 1876
No 712
Just Dept
5th April 1876
No 642^d

With reference to the Proceedings
of Government in the Public
Works and Judicial Department
noted in the margin I have
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suits the subject of those Proce-
- dings - I have been in com-
- munication with the District
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and have only lately received
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them

Madras City
Council
D. O. No 1876
Department
C. J. Thompson
13th March
D. O. No 1876
of the 3rd Department
of the 3rd Department
of the 3rd Department

them to enable me to advise
as to the defence of the suits.

2. These suits were originally
brought in the District Munsif
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plantations on the bed of the
Coleroon river said to belong
to the Streevithemathar Sami
pagoda in the village of
Tirumalvadi Taluk of Vodean-
polliem. The Plaintiff is
one Gopalasami Iyer who
calls himself Dharmakarta
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I understand identical in
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against the Tanjore and
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Officers

Officers for different portions of
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Public Works Officers are
defendants. I understand
that both suits have now been
transferred to the Trichinopoly
District Court.

3 The case set up by the
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and the manna cultivation
on them are the property of
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by the Officers of the Public
Works Department and let
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of Government and that the
pagoda trustees have no right
to them 2^{ndly} that if the
trustees ever had any such
rights they renounced them
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Page No. 22
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Government should be
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P.W.D.

21/10/76

L112

5. Return the original
enclosures to the above office -
- dir g.

I am the humble
Your most obedt Servt

J. W. Hambley
Government Pleader

At the Court of Sessions

21/10/76

41
17
58

Received 11/11/1876
Subscribed 11/11/1876
The Public Works Office
of the Government of Madras
has been directed to
order that the
enclosures be
returned to the
Government of Madras
for the use of the
Public Works Office
of the Government of Madras

To the Public Works Office
of the Government of Madras
for the use of the
Public Works Office
of the Government of Madras

L. 1. Form No. 22

No. 2219

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 22nd August 1876

Read the following -

From Govt Pleader - E. K. L. No 97 of 11 August 1876

Communicated
to the District Engineers
of Trichinopoly and
Tanjore.

by 21/8

To D. L. Trichinopoly 4
" " Tanjore. 5
Ch. Engr. for S. 5
" Examiner P.W.D. 5
" Secy Dept 5
Total 24
Desd 7/9/76

6112

GOVT. OF INDIA
PUBLIC WORKS.

13

No. N. B. Lichinopoly

Detail

Unit

Rel

Enl

G. O. 22nd May 1919, No. 2219

No. 518-519

Unit - Lachinopoly

Letter from the Co-2 Pleader
referring to the civil litigation
against the ~~the~~ officials.

Officials appeared in the
Court & Lachinopoly, by
one Sopala, learned lawyer
for the recovery of Naval Para-
goon, in the bed of the Selen
River. Could not find the
concern of

6-9-19