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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No. 2300 (Ry) Press
B.P. No. —Mis.—

Dated 30-8-1876

Not to be folded or roughly handled

No 670 Read the following Proceedings of the Madras Government in the Revenue Department, dated 21st August 1876, No 1,143 —

Read the following Proceedings of the Board of Revenue, dated 4th August 1876, No. 1,972 —

From J H MASTER, Esq, Collector of Bellary, to C A GALTON, Esq, Acting Secretary to the Board of Revenue, dated 15th July 1876, No 255.

THE Consulting Engineer in his letter, No 1,222, dated 20th September 1875, applied for Acres 6 65 of land for temporary purposes on the north bank of the Pennair river.

2 This letter was, on the 25th idem, sent to the Sub-Collector, who informed me, with reference thereto in his letter, No 722, dated 26th October 1875, that a portion of the land had been taken possession of about two months before and some buildings constructed thereon, causing injury to the crop then standing on the land. The value of the crop lost was Rupees 150

3 This letter was referred to the Consulting Engineer on the 5th November last. He informed me that the estimate of the damage sustained was excessive, as the crop was very poor and a small portion of it only had been injured

4 It has now been reported, however, that the land has been occupied by the Railway Company for a year past, and that a bungalow, store-sheds, and houses for servants, &c, have been erected, and that the entire land applied for is now under their possession. It has also been reported that the owners of the land claim an exorbitant sum for the land, the trees thereon, and the injured crop. The amount of compensation claimed by them is Rupees 1,821-3-0, and that offered by the Tahsildar is Rupees 713-6-6.

5. The particulars of their claim are as follow — The areas required by the Railway Company is Acres 6 65 assessed at Rupees 3-2-5. The owners claim as compensation Rupees 999-3-0, but the Tahsildar offers Rupees 50-6-6. There are 326 babul trees, most of them very small. The owners ask Rupees 622, but are offered Rupees 163. The owners' estimate of the loss of crop is Rupees 200, but it only amounts to Rupees 50

6 The owners cannot be prevailed upon to come to a fair settlement. I have, therefore, the honor to request that you will be good enough to obtain the formal sanction of Government for the acquisition of the land under Act X of 1870. The Sub-Collector, Mr C. J. Crosthwaite, should be empowered to take up the land. The land is classed by the Railway Company under the Head C, and is situated on the north bank of the Pennair river in the village of Narasapoor of the Tadpatry Taluq.

A draft notification accompanies

ENCLOSURE No 1.—Draft Notification

THE foregoing letter will be submitted for the orders of Government

2 The revised rules for acquiring lands for Railway purposes have been in force for many years, and the officers of the Madras Railway Company must be well acquainted with their provisions. The case now submitted shows that these rules have been wilfully transgressed, and the consequence is that the owners of the land which has illegally been taken possession of by the officers of the Company now prefer a heavy claim for compensation and damages

*Proceedings of the Madras Government, Public Works Department,
30th August 1876. No. 2,300.*

3 The facts of the case, as gathered from the Collector's letter, are briefly these —
In July or August 1875 the officers of the Railway took possession of a certain extent of land, Acres 6 65, on the north bank of the Pennar river in the Bellary District, and thereon erected a bungalow, store-sheds, and servants' houses, and on the 20th September of the same year the Consulting Engineer forwarded the application for the land under Class B prescribed by the rules to the Collector, who, on proceeding to make arrangements with the owners for the acquisition of the same, found that it was already in the occupation of the officers of the Company, and that the owners demanded a fancy price as compensation for loss of lands and crops. As the Collector has been unable to obtain any abatement of these claims by private negotiations, he now proposes that the land should be acquired under Act X of 1870, and submits the necessary draft declaration under Section 6 for the sanction of Government.

4 The Board observe that, possession having been already taken, the provisions of the Act are obviously inapplicable. The officers of the Railway Company have rendered themselves liable to a suit for damages on account of injury sustained by their unauthorized proceedings, and the claim put forward could not probably be successfully contested in a Court of Law. As the owners appear to be firm in their demands, and a suit for damages would entail law expenses possibly equivalent to, or even in excess of, the compensation claimed, the Board are inclined to think that the demand should be complied with.

(A true Copy and Extract)

(Signed)

C. A. GALTON,
Acting Secretary

The Government agree with the Board that, considering the unauthorized manner in which the lands were taken possession of by the Railway Company and the probability of the claim being successful in a Court of Law, it is desirable that the demand should be complied with. The necessary orders will be issued in the Public Works Department. It is observed that the land is classed C by the Company, it must therefore be paid for by them.

(True Extract.)

(Signed)

D. F. CARMICHAEL,
Secretary to Government, P.W.D.

No. 671.

ORDER THEREON, 30th August 1876, No. 2,300.

RAILWAY, No. 72.

Communicated to the Consulting Engineer for Railways who will report as to the necessity of the land for the use of the Railway, and obtain an explanation of the procedure adopted by the Railway Authorities.

(True Extract)

Colonel.

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

To the Consulting Engineer for Railways
1 cl. T O Contor.
Spare Copies

*I find no ground alleged
for the imputation
appropriation of the land
at variance with all
rules laid down in any
statement of the necessity
of it. The Board may &
are probably right. That
present payment for a
long committed work save
law costs. But I entirely*

fail to see the
justice of making it
an item of charge of the
Govt of A. in guarantee
intent as Capital or
against them as a revenue
charge either — and of
the sanction involves (as I
understand it does) that
result — the sanction ought
not to be given — the

Board officers dealing
with it — as they think best
& having the ~~the~~ cost

By 23/8

I think that we must be guided
by the fact that this land is
or is not essential to the Railway.
If so, however irregularly obtained
it must be an item of charge
against Capital or Revenue.

I will ask for an explanation
upon that point, namely necessity
of acquisition & on irregularity

of conduct of H⁴ authorities

Ally

27/8

Governor of Fort St George in Council
 situated on the North bank of the Ponnar
 Bellary District, and containing, by or
 and little more or less, and being the lands
 in inspection at the office of the collector
 public purpose, viz. for temporary pur-
 ear river, and shall be taken by Government

aries of land

South. West North.

River Pnakini No 19 bicar Rayap
 cultu
 -nub as
 field

Do	No 55	Do
Do	No 56	Do
Do	Railway in field No 58	Do
Do	No 59	Do
Do	No 60	Do
Do	No 61	Do
Do	Railway in field No 62	Do
Do	No 63	Do

Public Works Department

Draft Notification

Under the provisions of Section 6, Act X of 1870, His Grace the
 hereby declares that the under-mentioned plots of dry lands, sit-
 uate in the village of Karasapur of the Tadpatry Taluq in the
 recent admeasurements, Six Acres and sixty five cents, be the
 particularly delineated and described in the plan kept for
 of the said district of Bellary, are needed and required for a
 poses of the Railway Company on the North bank of the River
 at the public expense.

Lands proposed to be
 taken for temporary
 purposes of Railway
 Company

Bellary

Genere Names of Pattadars

Description of the extent East.
 field

Pattah Malakatalla Abi Dry 55 1.28 N. 56
 Reddy

P W R

	20	56	0.78	No 57
Chinnia Reddy	20	57	0.60	Railway field No 58
	20	59	1.10	No 60
	20	60	0.53	No 61
	20	61	1.6	No 62
	20	62	0.18	No 63 linear
Subbakkah	20	59	0.28	No 60
Karakka wife of	20	60	0.84	No 61
Aswathu				

Order thereon 21: August 1876 A. 1143 ment.

The Govt. a free with 6.
the Board that, considering the un-
authorized manner in which the lands
were taken possession of by the Railway
Company and the probability of the claim
being successful in a Court of Law,
it is desirable that the demand
should be complied with. The necessary
orders will be issued in the Public
Works Department. It is ordered
that the land is claimed by the
Company, it must therefore be paid
for by them (see extension)

J. G. Brown

Secretary to Govt.

To
The Public Works Department

July 11th 1876

30-7/75/15

P.W.D.
1 SEP 76

Pres: Revenue Dept.

Dated 21st Aug 1876 -

No 1143 -

Encl: 1 ✓

Communicated to the Consulting Engineer for Railways who will call upon the Agent & Manager of the Madras Railway to adjust the claim preferred, and to submit such explanation as he may have to offer in regard to the irregular proceedings reported in these papers.

26/7

Enc: 1 ✓

Aug 23-8-76 Dtd 30.8.76

Intimating that the land taken up by the Madras Railway on the North Bank of the Pongu River should be paid for, and directing the P.W. Dept. should issue orders to that effect.

With order

No 2300

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 30th Aug 1876 -
Read the following -

Proceedings of the
Revenue Dept.

(St. C. No 1143 of 21st Aug 1876)

Communicated to the Consulting Engineer for Railways who will report as to the necessity of the land for the use of the Railway, and obtain an explanation of the procedure adopted by the Railway Authorities.

Pres: Engineer for Railways ✓ Dtd 23/9/76

300

Cont. of 1870 Madrid.
PUBLIC WORKS.

The Cont. Eng^o for W.

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0.30^m 2308

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Cont. Eng^o for W.

Land taken up by the
Madrid R. on the North
bank of the Pinar
in the Building R. R.

The Receipts interesting
to be — should be
for, & directing the same
orders in the R. & Cont.
of, Cont. to the Cont.
R. — with instructions

670-671