

(1) Number of pages _____

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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2774	Press	<i>Original</i>
B.P. No.		Mis.	
Dated	17-10-	4876	195-

Not to be folded or roughly handled

No. 242. Read the following letter from W. HUGHES, Esq., Acting District Engineer, Tinnevely, to Lieutenant-Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, dated Camp at Streevilliputur, 3rd September 1876, No. 80 :—

I HAVE the honor to forward a letter from Mr. D. McNair, Sub-Engineer in charge of Northern Range of this district, requesting that he may be allowed to defend at Government expense a suit which has been brought against him with the object of recovering compensation for alleged injury sustained by the improvement of an irrigation channel in Streevilliputur Taluq, and of

1 Mr. McNair's letter, No. 493, dated 31st August 1876.
1 Copy of summons.
1 Do. of plaint.
1 English translation of plaint.
2 Copies of estimates.
1 Sketch.
1 Level.

having the arrangement originally existing in the channel restored. A copy and translation of the plaint, a copy of the estimate and map with sections according to which the improvements to the channel were carried out, and a level section from the main or Valaicolam channel along the bed of the Kariselcolam branch to the offtake of plaintiffs' field channel, and thence along the bed of field channel, are enclosed with the letter.

2. The circumstances of the case are briefly these: Water was diverted for the irrigation of plaintiffs' land by a dam built across the Kariselcolam branch channel which is supplied by a sluice in the Valaicolam channel. The dam is about 116 yards below the sluice; its crest is 3 feet above the sluice floor, and the latter is at about bed level of Valaicolam channel. The Valaicolam channel is a natural stream from the hills embanked on both sides, and carries down very little water for a considerable portion of the cultivating season. The plaintiffs found the supply so precarious that they gave up wet cultivation in 1868. As the dam was useless and prevented the Kariselcolam tank receiving any supply except when the Valaicolam channel was in considerable fresh, it was decided to improve the branch channel and alter the line of it so as to cut off the bend in which the dam was built. The reason for the suit is given in the 4th paragraph of the plaint. The proof which can be given, that the cultivation of the land as nunjah was abandoned in 1868, seems to me a sufficient reply. It also appears from the levels that should the lands be again taken up for wet cultivation, only a little improvement to the field channel will be required. I have the honor to request you will obtain permission of Government for the defence of the suit.

3. The case will have to be transferred to the Court at Palamcottah where the services of the Government Pleader can be obtained.

From D. McNAIR, Esq., Officer in charge of Northern Division, Tinnevely, to W. HUGHES, Esq., Acting District Engineer, Tinnevely, dated Streevilliputur, 31st August 1876, No. 493.

I HAVE the honor to inform you that one Surappa Iyer and another, the cultivators of a piece of land belonging to the Natchiarcovil Devastanum, under the Valaicolam channel, Streevilliputur Taluq, have instituted a suit against certain ryots of Kariselcolam and me (as 5th defendant) in the District Munsif's Court at

1 Copy of Munsif's summons.
1 Do. of plaint.
1 English translation of plaint.
2 Copies of estimates.
1 Sketch.
1 Levels.

Streevilliputur, to restore the channel supplying the Kariselcolam tank and irrigating the plaintiffs'

land, and which was altered and improved by this department in 1874-75 to its original alignment, to allow the water to flow over the old dam across the said channel, and to recover mesne profits and cost.

2. A copy of the plaint and of the District Munsif's summons, dated 11th instant, are enclosed.

3. The channel in question proceeds from a sluice $2\frac{1}{2}$ feet $\times$ $4\frac{1}{2}$ feet in the right bank of the Valaicolam channel, and supplies the Kariselcolam tank and Malayittan tank, and, until a few years ago, also irrigated the plaintiffs' land. The Malayittan tank is fed by a branch taken off the main channel 56 yards below the head sluice, and the plaintiffs' land was irrigated by means of a masonry dam 60 yards lower down.

4. This dam, only 116 yards from the head of the channel, however, was 3.02 feet above the sill of the head sluice, and consequently no water flowed over the dam to the Kariselcolam tank, except during freshes, and when the water was running more than 3 feet in depth in the Valaicolam channel, and as the Kariselcolam channel between the head sluice and dam used to be silted up with sand to the level of the latter, the water was also conveyed to the Malayittan tank and to the plaintiffs' fields with some difficulty and expense every year. The Kariselcolam tank was badly supplied, the cultivation under it partly failed every year from want of water, and the ryots sustained frequent losses.

5. The ryots, therefore, in September 1873 petitioned the District Engineer praying that the channel may be improved and the tank better supplied, and Mr. Berlie, who was then in temporary charge of the division, under orders from the District Engineer (*vide* District Engineer's endorsement, No. 1,212, dated 26th September 1873, on Kondamiengar's petition), prepared and submitted in April 1874 two estimates, one of Rupees 220 for constructing a dividing dam at the head of the Malayittan channel (at B on sketch herewith sent), the crest to be on the same level with the sill of the head sluice, and the water discharged through this sluice to flow in the proportion of four-fifths to the Kariselcolam tank and one-fifth to the Malayittan tank; the other of Rs. 320 for improving the channels to both tanks, by widening and deepening them, and straightening the course of the Kariselcolam channel immediately below the dividing dam from B to D where a great bend existed. These estimates were sanctioned by the District Engineer and Collector in June 1874, and carried out, and the works completed by Mr. Berlie by November of that year.

6. By straightening the main channel below the dividing dam, the dam C in the bed of the old channel, and which irrigated the plaintiffs' fields, was cut off and left to the right of the new cut, and no provision was made for irrigating the plaintiffs' fields, because as stated by Mr. Berlie in his letter to the District Engineer, dated 15th July 1874, No. 116—

1st.—It was ascertained from the Tahsildar that the plaintiffs' land, measuring only 14 acres, was so far back as Fasli 1277 (nine years ago) converted into punjah owing to the difficulty they experienced in conveying the water to it;

2nd.—The channel when straightened proved to be exactly the old line, as the old bed of sand was found 3 feet below the surface; and

3rd.—No one would recommend a dam being built across the Kariselcolam channel which feeds a tank yielding a revenue of Rupees 1,533 to Government for the purpose of raising water to a small piece of land which, when under wet cultivation, yielded Rupees 64-8-8, and now as dry pays Rupees 16-7-4.

7. The plaintiff Surappa Iyer addressed a petition to the District Engineer in June 1874 when the sanctioned works were under execution, and objected to the cutting of the new channel and the abandonment of the old dam which irrigated his land. A copy of the District Engineer's endorsement on this petition has not been filed in my office, but I believe Mr. Rundall, who satisfied himself of the necessity for the dividing dam and for the new straight cut in the channel so as to avoid the obstruction caused by the old dam to the free flow of water to the Kariselcolam, overruled the plaintiffs' objections on the grounds mentioned in Mr. Berlie's letter.

8. Though the above-mentioned estimates were prepared and carried out by Mr. Berlie, with the approval and sanction of the District Engineer, during my absence from the range, I might have arranged, after my return to it in November 1874, to irrigate the plaintiffs' land had they applied to me, but they never did so, nor attempted to bring it under wet cultivation.

9. The plaintiffs' land F, G, H, I immediately below the Malayittan tank bund is from $\frac{1}{2}$ to 7 feet below the sill of the head sluice in Valaicolam channel as ascertained by levels (herewith sent), and therefore I do not see what necessity there was for raising the crest of the old dam C to 3 feet above it, unless that previous to the organization of the department in 1857, the plaintiffs, in lieu of clearing out the channel which irrigated their land of the annual deposits of sand in it, gradually raised the crest of the dam without leave or license as the bed of the main and irrigating channels became silted up.

10. The old dam, which is still standing uninjured, is not necessary to irrigate the plaintiffs' land as it is quite practicable to convey the water to it by merely deepening the irrigating channel from E where it joins the new cut, and this can be done now if the plaintiffs wish it.

11. In defence of the suit therefore I propose to plead—

(1.) That the portion of the channel in question which has been closed was abandoned, because the masonry dam across it was on too high a level and greatly obstructed the flow of the water to the Kariselcolam tank, yielding a revenue to Government of Rupees 1,533 per annum, the cultivation under which frequently suffered from want of water, and because the said dam had not been used since 1868, and was not necessary to raise the water to the plaintiffs' land.

(2.) That the new channel was opened for the better supply of the Kariselcolam tank, by straightening the old one and deepening it to the level of the sill of the head sluice in the right bank of Valaicolam channel.

(3.) That it is not necessary, in order to irrigate the plaintiffs' land, to allow the water to flow over the masonry dam, since the land is below the level of the sill of the head sluice and can be watered without the means of a dam across the channel, the land being from $\frac{1}{2}$ to 7 feet below the sill of the head sluice as seen by the levels.

(4.) That the plaintiffs had converted the land in question into punjah seven years before the Kariselcolam channel was altered and the old dam in it abandoned as proved by the devasthanam accounts obtained from the Tahsildar, and that they have not been prevented from deepening the irrigating channel and conveying the water to their land, and that, therefore, they have not sustained any loss of mesne profits which they now demand.

12. If the above defence is considered satisfactory, I beg that the suit may be caused to be transferred to the Civil Court at Palamcottah, and that I may be permitted to defend the suit at the expense of Government.

No. 243. ORDER THEREON, 17th October 1876, No. 2,774.

ESTABLISHMENT, No. 22.

THE defence of the suit is authorized.

But the District Engineer should first offer in writing (without prejudice to the case)

to deepen the channel leading to the plaintiffs' field.

(True Extract.)

Major-General, R.E.,

Secretary to Government.

To the District Engineer, Tinnevely.

„ Chief Engineer for Irrigation.

„ Examiner of Public Works Accounts.

Exd. A. Grubert.

Spare Copies

7

Detailed Estimate
 Pinnaveilly District. Strivilliputtur Taluq.
 Improving Kariselkolam and Malazittan supply
 Channels

Height	Central contents.
"	24288
"	14058
"	40260
"	3267
"	23166
"	4752
	109791
	1066 $\frac{1}{3}$
$\frac{1}{4}$	648
	648
	24
$\frac{1}{4}$	216
	216
	8

Number of feet of
 length in section of
 units circulated

1000

5000

GOVT. OF MADRAS. } 187 . } P.W. DEPT.
CHIEF ENGINEER FOR IRRIGATION.

Madras,

187 .

OFFICE NOTE.

To 27

KEEP WITH.

Apparently the Sais should
be defended by the
outpost again should
there be a rising / without
prejudice to the case / to
deepen the channel from
1.. to Manikoff field.

and
19-9.

No. dated 187 .

Detailed Estimate
Tinnevely District. Strivilliputtur Taluq.
Work. Improving Kariselkolam and Malazittan supply
channels.

Particulars	Measurements in feet.			Cubical contents.
	Length	Breadth	Height	
<u>Kariselkolam supply channel</u>		Area ft		
Cutting	132	18 1/2	"	24288
Do	198	71	"	14058
Do	660	61	"	40260
Width	726	3	1 1/2	3267
<u>Male</u> <u>ely channel</u>		area		
Cutting	198	117	"	23166
Do	792	6	"	4752
4. 1 barth cubic feet				109791
See equal to cubic yards				2068 1/3
Revetting south slo. of Valchekolam channel west of Karisel kolam Headsluice in pro- longation of wing wall	32	9	2 1/4	648
Total Poughstone packing cubic feet				648
Being equal to cubic yards				24
Gravel Packing	32	9	3/4	216
Total gravel cubic feet				216
Being equal to yards				8

Irrigation Register No 4 & 52.

Abstract Estimate.

Yinnerelly District. Strivilliputtur Taluq.

Work. Improving Kariselkalam and Malagittan supply channels.

Statistics of cultivation						Total repairs		Details of Tanks		
Azacut		5 years average		Highest of 5 years		During last 5 years.		Long th of bund in feet	No of sluices	No of canals
Extent	Rev	Extent	Rev	Extent	Revenue	Year	Amt			
379	2155	283	1806	"	"	Kariselkalam Tank was repaired during the year 1873-74	1090--	"	3	1 Kariselkalam
Quantity	Description of works					Rate	Amount		Total.	
1,066 $\frac{3}{4}$	bzds of Earth_____at					" 1	254	24		
24	" of Roughstone revetment_____					1 8	36	"		
8	" of Gravel Backing_____					" 8	4	"		
	Levelling, tamping spoil banks & sundries &c_____					" " "	9	13 8	304	" "
	Superintendence_____								16	" "
	Total amount of Estimate Rupees_____								320	" "

Northern Range Officer
14. April 1874

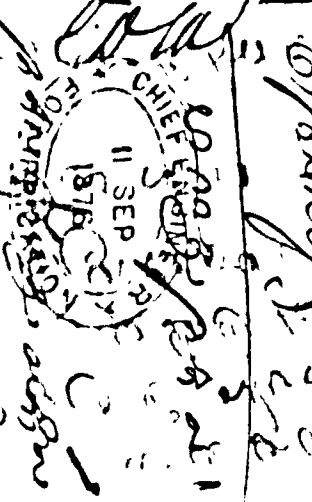
Sd. Henry Charles Berlee
Northern Range Officer.

Sd. W. H. Long
Ag Collector.
28.4.74.

Sd. J. W. Purdall
District Engineer
Yinnerelly.
27.4.74
True Copy/ O. W. Ham
Sub. Engr.

[illegible]

Handwritten text in Tamil script, likely a legal or administrative document. The text is arranged in vertical columns, with some lines crossed out or corrected. The script is dense and appears to be from a historical or official record.



FORMER CASES.

No. of 187 .

E. I. Form No. 29.

Receipt No. 815.1

From

The District Engineer
Tinnevely

Receipt No.

Dated

No. 80

Dated 3rd Sept/76.

LATER CASES.

No. of 187 .

Subject:— Suit brought against
Mr. Iuckair.

Sent to Government with No.

18

W. of

Printed with G. O. No.

dated

To: E.I.

13/9

ENCLOSURES. 8

From

to

Remission Received.

Orders and Proceedings in file.

No.	Date	No.	Date

Detailed Estimate No. 1 of 1871/75
Tinnevely District. Strivilliputtur Talug.

Works. Constructing a Dividing Dam at Head of Kariselholam
and Malagittam supply channels

Particulars of work	Number	Each	Measurements.			Cubical contents.
			Length	Breadth	Height	
Concrete.						
Body of Kariselholam chkl Dam	1	8 1/2	8 1/2	4 1/2	1	38
Do of Malagittam chkl Dam	1	1	1	4 1/2	1	4
Wings	2	23 1/2	47	3	1	141
Dividing Pier	1	28 1/2	28 1/2	3	1	85
Total concrete in chunams cubic feet						268
Being equal to Cubic yards						10
Foundations.						
Body of Kariselholam Dam	1	9 1/2	9 1/2	3 1/2	3 1/4	108
Do of Malagittam Do	1	2	2	3 1/2	3 1/4	23
Wings	2	22 1/2	45	2	4	360
Dividing Pier	1	27 1/2	27 1/2	2	4	220
Superstructure.						
Wings on both sides	2	22	44	1 1/2	6	396
Dividing Pier	1	27	27	1 1/2	6	243
Total left						1350
Deduct for.						
Cut stones let into the wings	4	3	12	1/2	3/4	4
Remaining less deduction Rough stones in chunams left						1346
Being equal to Cubic yards						497 1/2
Cut stones						
For Kariselholam Dam	1	11	11	3	3/4	25

Malagittan Dam		1	3 1/2	3 1/2	3	3 1/4	8
Total cut stone in chumam cubic feet							33
Being equal to Cyds							1 1/4
Pointing							
Wings		2	44	88	50	4	528
Do on top & ends		2	34	68	16	"	100
Outside of Dividing Pier		1	33 1/2	33 1/2	"	6	201
Top & ends of Do		1	39	39	16	"	58
Top & sides of Kariselholam Dam		7	10	70	2 1/2	"	45
Do of Malagittan Do		1	2 1/2	2 1/2	4 1/2	"	11
Total Pointing square feet							945
Being equal to Squares							

Irrigation Register No 4752

19

Abstract Estimate.

Ginnevelly District. Strivillipattur Taluq.

Work. Constructing a Dividing Dam at Head of Kariselholam and Malagittan supply channels.

Statistics of cultivation						Total repairs		Details of Tanks							
Acre		5 years average		Highest of 5 years		During last 5 years		Length of bund in feet	No of sluices	No of valingulabs					
Extent	Revenue	Extent	Revenue	Extent	Revenue	Year	Am ^t								
179	2155	283	1806	"	"	Kariselholam Tank was repaired during the year 1873/74 1090		"	3	1 Kar					
Quantity	Description of work					Rate		Amount		Total					
	10	Cyds of concrete in chumam					2	4	"	22	8	"			
	49 ⁷ / ₈	" Rough stone in chumam					3	"	"	149	10	"			
	1 ¹ / ₄	" Cut stone in chumam					10	"	"	12	8	"			
	9 ¹ / ₂	Squares of Pointing					1	8	"	14	4	"			
		Excavating foundation and sundries								11	2	"	210	"	"
	Superintendence											10	"	"	
	Total amount of estimate Rupees											220	"	"	

Northern Range Office
14th April 1874

Sd. Henry Charles Butler
Northern Range Officer
Ginnevelly.

Sd. W. H. Comyn
Ag Collector
30. 4. 74.

Sd. J. W. Pundall
District Engineer
29. 4. 74 Ginnevelly.

True Copy / D. W. Hain
Sub Sgr

Stroviliputtur 21
11th August 1876.

From.

The District Munsiff
of Stroviliputtur.

To.

The Officer in charge of
North Northern Range.
Ginnavelly.

Sir.

Whereas one Sootappa Iyer and another
residing at Rajahmullam Sammanthapuram Village
in Stroviliputtur Taluk, have instituted a suit
(No 146 of 1876) in this Court against you (as 5th Defend-
ant) of which the particulars are hereunder specified,
you are hereby required to appear in this Court on the
23rd Instant, at 10 o'clock in the forenoon in person
or by a pleader of the Court duly instructed and able
to answer all material questions relating to the suit
or who shall be accompanied by some other person able
to answer all such questions, to answer the said Plain-
tiffs and for the settlement of issues; and you are hereby
required to take notice that in default of your appear-
ance on the day before mentioned the suit will be heard
and determined in your absence; and you will bring
with you or send by your agent any document on
which you intend to reply in support of your defence.

I

I have the honor to be

Sir.

Your Most Obedient Servant.

Sd. S. S. Munroosamy.

District Munsiff

Particulars of the claim.

Suit to reopen the old channel in question, to fill up the channel newly excavated, to allow the water passing over the stone anicut to flow to the fields of Kariselkulam and to recover mesne profits & costs.

Sd. S. S. Munroosamy.

District Munsiff.

True Copy/

D. W. Harr
Sub Eng.

P.W.D.
2000776
No 7500
CHIEF ENGINEER
11 SEP 1876
FOR IRRIGATION

To

The District Munsiff
of Srivilliputhur.

Plaintiffs. Surappa Iyer son of Lingappa Iyer residing at Sammanthapuram of Rajahpolliem 1. His son Lingappa Iyer 2. Defendants. Pharmangiah son of Kristnama Rajah residing at Paliapolliem of Rajahpolliem 1. Alaga Rajah known as Anna son of Alaga Rajah of Do. 2. Muthuvengat son of Annariengat of Srivilliputhur busah 3. Pamiengat son of Vengadapathy Iyengar 4. Mr. D. Monair Sub Engineer 5.

Plaintiffs. To reopen the old channel in question, to fill up the new channel & allow the water to pass over the stone dam as usual & to recover mesne profits & cost. The Plaintiffs ancestral property viz. 14 cottahs & 14. Marshals of Nanyah under the Sennaravayenichari meli were irrigated by the channel marked A in the enclosed plan & the water that passed over the stone dam marked B to the southward, supplied the Melapattam Karaselkulam.

2. 1st Defendant a partner of the lands marked C under Karaselkulam. 2nd Defendant a partner of the lands marked E under Alisodai & 3rd & 4th Defendants partners of the lands marked D under Malazittam requested the 5th Defendant to execute the necessary improvements in order to obtain a better supply of water

to their tanks.

3. When according to the estimates prepared by the Defendant in June 1874, the undermentioned works have been performed.

The head of the channel A that supplied the plaintiffs Sennaravayen Nanyah lands has been filled up to a height of 2 yds & 3 yds broad; the stone Dam B has been covered with earth & embankments 67 yds long, 4 yds broad, 2 yds high have been raised to the north and south of it; and a new channel 2 yds deep & 4 yds broad has been excavated to the east of the stone Dam B & the usual channel.

4. Owing to the above the usual flow of water to the Plaintiffs Nanyah land was stopped, hence they had to give up the cultivation & incur much loss thereby.

5. Therefore, I request the court to decide that the channel marked A in the plan & mentioned in the first para of the suit be reopened; that the channel mentioned in the third para of the suit be filled up; that the water passing to Kamaselkulam tanks marked C be taken over the stone Dam marked D & mentioned in the 2nd para of the suit & that the mesne profits & cost with interest be paid to the Plaintiffs by the Defendants.

6. In the said suit, the court decided that the earthen bank 2 yds high, 3 yds broad raised at the head of the channel supplying the Sennaravayen lands belonging to the Natchiar covil in Strivilliputtur Taluk should be removed & the stone Dam south of it.

II. The earthen bank raised over the stone Dam south of

25
the above & also the embankments 67 yds long, 4 yds broad & 2 yds high to the north & south of it.

III. The newly excavated channel 2 yds deep & 4 yds broad east of the above stone Dam & west of the head of the channel supplying the Sennaravayen Nanyah lands.

Id. Surappa Iyer. Lingappa Iyer

20th June 1876.

Id. Somvagi Iyer. Pleader.

Id. Sanganalingam Pillay

3rd August 1876.

Plead by mastah

True translation

D. W. Ham
Sub. Supr.

No 493 Strivilliputtur.
31st August 1876.
27

From.
The Officer in charge of
Northern Division
Tinnevely.

To
The District Engineer
Tinnevely.

Sir
I have the honor to inform you
that one Surappa Iyer and another, the
cultivators of a piece of land belonging to
the Natchiarcoil Derristanum, under
the Valaikulam channel, Strivilliput-
tur Talug. have instituted a suit against
certain ryots of Karaselkulam, and me
(as 5th Defendant) in the District Muns-
siff's court at Strivilliputtur, to restore
the channel supplying the Karaselkulam
Tank and irrigating the plaintiffs' land,
and which was altered & improved by this
Department in 1874-75, to its original
alignment; to allow the water to flow
over the old Dam across the said channel,
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2. A copy of the plaint & of the
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Instant are enclosed.

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Malazittan tank, and, until a few
years ago, also irrigated the Plaintiffs'
lands. The Malazittan tank is fed

Enclosures 7.

1. Copy of Munsiff's summons.
1. " of plaint.
1. English translation of plaint.
2. Copies of Estimates.
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1. Levels.

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5. The ryots, therefore, in September 1873 petitioned the District Engineer praying that the channel may be improved and the tanks better supplied, and Mr Berlie who was then in temporary charge of the Division, under orders from the District Engineer (Vide District Engineer's endorsement No 1212 dated 26th September 1873 on Kondamienagar's petition) prepared & submitted in April 1874, two estimates. One of Rs 220 for constructing a Dividing Dam at the head of the Malagittan channel (at B on sketch herewith sent) the crest to be on the same level with

29 4
the sill of the Head sluice, and the water discharged through this sluice to flow in the proportion of $\frac{1}{5}$ to the Karaselkulam tanks and $\frac{4}{5}$ to the Malagittan tanks: the other of Rs 320 for improving the channels to both tanks, by widening and deepening them, and straightening the course of the Karaselkulam channel immediately below the Dividing Dam, from B to D where a great bend existed. These estimates were sanctioned by the District Engineer & Collector in June 1874, and carried out, and the works completed by Mr Berlie by November of that year.

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1st It was ascertained from the Tahsildar that the Plaintiffs' land measuring only 14 acres, was so far back as July 1877 (9 years ago) converted into Puryaj owing to the difficulty they experienced in conveying the water to it.

2nd The channel when straightened proved to be exactly the old line, as the old bed of sand was found 3 ft below the surface, and

3rd No one would recommend a Dam being built across the Karasel-

Kulam channel which feeds a tank yielding a Revenue of Rs 1533 to Government for the purpose of raising water to a small piece of land which, when under wet cultivation, yielded Rs 64-8-8, and now, as dry, pays Rs 16-7-4.

7 The Plaintiff Surappa Iyer addressed a petition to the District Engineer in June 1874, when the sanctioned works were under execution, and objected to the cutting of the new channel and the abandonment of the old Dam which irrigated his land. A copy of the District Engineer's endorsement on this petition has not been filed in my office, but I believe Mr. Rundall, who satisfied himself of the necessity for the dividing Dam and for the new straight cut in the channel so as to avoid the obstruction caused by the old Dam to the free flow of water to the Karaselkulam, overruled the Plaintiff's objections on the grounds mentioned in Mr. Berlie's letter.

8. Though the above mentioned Estimates were prepared & carried out by Mr. Berlie, with the approval & sanction of the District Engineer, during my absence from the Range, I might have arranged, after my return to it in November 1874, to irrigate the Plaintiff's land had they applied to me, but they never did so, nor attempted to bring it under wet cultivation.

9. The Plaintiff's land F. & H. I immediately below the Kalazittan

315
bank bund is from 2 to 7 ft below the sill of the Head sluice in Valaikulam channel, as ascertained by levels (there with sent) and therefore I do not see what necessity there was for raising the crest of the old Dam C to 3 ft above it, unless that previous to the organization of the Department in 1857, the Plaintiffs, in lieu of clearing out the channel which irrigated their land, of the annual deposits of sand in it, gradually raised the crest of the Dam without leave or license, as the bed of the main and irrigating channels became silted up.

10. The old Dam, which is still standing uninjured, is not necessary to irrigate the Plaintiff's land, as it is quite practicable to convey the water to it by merely deepening the irrigating channel from E where it joins the new cut, and this can be done now if the Plaintiffs wish it.

11 In defence of the suit therefore I propose to plead.

That the portion of the channel in question, which has been closed, was abandoned, because the masonry Dam across it was on too high a level and greatly obstructed the flow of the water to the Karaselkulam tank, yielding a Revenue to Government of Rs 1533 per annum, the cultivation ^{under} which frequently suffered from want of water, and because the said Dam had not been used since 1868, and was not necessary to raise the water to the Plaintiff's land.

I have the honor to be
Sir,

your most obedient servant...

D. W. Han
Northern Division Officer.

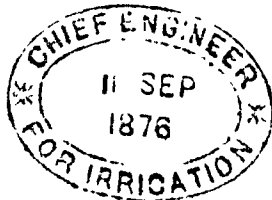
2. That the new channel was opened for the better supply of the Karasulhulam tank, by straightening the old one and deepening it to the level of the sill of the Head sluice in the right bank of Valaikulam channel.

3 That it is not necessary, in order to irrigate the Plaintiffs' land, to allow the water to flow over the masonry Dam, since the land is below the level of the sill of the Head sluice and can be watered without the means of a Dam across the channel, the land being from $\frac{1}{2}$ to 7 ft below the sill of the Head sluice as seen by the levels.

4. That the Plaintiffs had converted the land in question into Pirjah 7 years before the Kharasul-laham channel was altered & the old dam in it abandoned, as proved by the Devastanum accounts, obtained from the Bahsildar, and that they have not been prevented from deepening the irrigating channel & conveying the water to their land, and that therefore they have not sustained any loss of mesne profits which they now demand.

12. If the above defence is considered satisfactory, I beg that the suit may be caused to be transferred to the civil court at Palamcottah, and that I may be permitted to defend the suit at the expense of Government.

J.



P.W.D.
20 OCT 76
No 7560

Reporting that a suit has
been instituted against him
in the District Munsiff's
Court by one Sargappa Vger
in connection with the im-
provement of Naravallu
channel executed in 1874-75
a requesting permission to
send it at the expense of Govern-
ment.

Dated 31 August 1876.

Chief District Engineer
Trimmally.

Respectfully

The Officer in charge
Northern Division

Trimm.

11/424/76

No 80

District Engineer's Office, Trimmally
Camp, Trimmally, 31 September
1876

From

Ed. Hughes Esq.
District Engineer

Lieut. Col. J. Mullins
Chief Eng. for Irrigation
Madras

Enclos: 8.

1. Mr. McHains
Letter No. 493
31-8-76.
1. Copy of Summons.
1. Do. of Plaintiff.
1. English Trans-
lation of Plaintiff.
2. Copies of
Estimates.
1. Sketch.
1. Level.

I have the honor to forward a
letter from Mr. D. McHains, Sub Engineer
in charge of Northern Range of this
District, requesting that he may be
allowed to defend at Government ex-
pense a suit which has been brought
against him with the object of recover-
ing compensation for alleged injury
sustained by the improvement of an
irrigation channel in Trimmally
Taluk, and of having the arrangement
originally existing in the channel re-
stored. A copy and translation of the
plaint, a copy of the estimate and map
with section, according to which the
improvements to the channel were
carried out, and a level section from
the main or Taluicolum channel along
the bed of the Kariselolum branch

to the collapse of plaintiff's vessel & was
run and thence along the bed of said
channel, are enclosed with the letter.

2. The circumstances of the case are briefly these. Taler was directed for the irrigation of plaintiff's land by a dam built across the Kariseolan branch channel which is supplied by a sluice in the Valaisian channel. The dam is about 116 yards below the sluice; its crest is 8' above the sluice level and the latter is at about bed level of Valaisian channel. The Valaisian channel is a natural stream from the hills enhanced on both sides and carries down very little water for a considerable portion of the cultivating season. The plaintiffs found the supply so precarious that they gave up wet cultivation in 1868. As the dam was useless and prevented the Kariseolan from receiving any supply except when the Valaisian channel was in considerable fresh, it was decided to improve the branch channel and alter the line of it so as to cut off the head in which the dam was built. The reason for the suit is given in the 1st para of the plaint. The proof which can be given

that the cultivation of the land as
Kanyer was abandoned in 1868 seems
to me a sufficient reply. It also ap-
pears from the levels that should the
lands be again taken up for in-
cultivation only a little improvement
to the Pilot Channel will be required.
I have the honor to request you will
obtain permission of Government
for the defence of the suit.

3. The case will have to be transferred to the Court at Paimotta where the services of the Government Pleader can be obtained.

I have the honor to be
Sir

Yours most obco^l serv^t

H. Hughev.

As District Engineer



P.W.D. 200076 7500

From
 The Chief Engineer
 for Irrigation
 Dated 3rd Sept 1876
 No. 80
 Referred to the
 Channel
 The proposed
 to deepen the
 the public
 a ditch
 gained the
 by the
 of

No 2774 Public Works Department. 39

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 17th Decr. 1876.
Read the following:—

From
The Dist. Eng^r Sivevelly (No. 80 of 3rd Sept 1876)

The defence of the
suit is authorized. But
the District Engineer should
first offer in writing (with-
out prejudice to the case)
to deepen the Channel
leading to the Plaintiffs
field.

Ans^d

Dist. Eng^r Sivevelly
 Chief Eng^r for Irrigⁿ
 Ex^t P.W. Accts.
 ms des^d 18/10/76.
 Recd - 1-11-76

7560 CH.

41

Govt. of 1876 Madras.

PUBLIC WORKS.

To

Mr. N. S. Srinivasally

Dated

Issued

Recd.

Encl.

G. O., 17th Dec 1876, No.

2774

Nos. 242 - 243

Suit - Srinivasally, S^r

The ~~defence~~ defence
of the — brought against
the Sub Eng. & the claim
by certain Ryots in
connection with certain
improvements carried
out to the Marielcolum
Channel, authorized
by the — with remarks.

Done in the
2-11-76

with