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MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	3104	Press
B.P. No.		Mis.
Dated	20 - 11	1955

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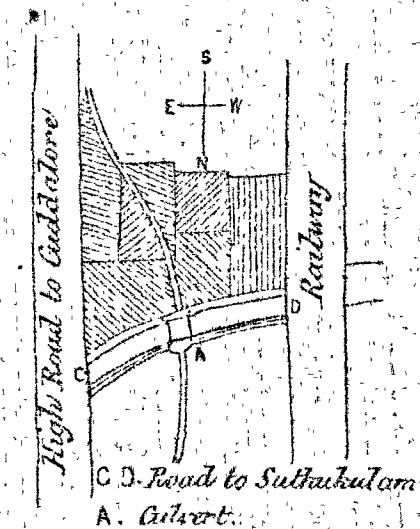
*Proceedings of the Madras Government, Public Works Department,
20th November 1876. No. 3,104.*

No. 345. Read the following endorsement of the Chief Secretary to Government, dated Fort St. George, 25th October 1876, No. 1,647 :—

From J. H. GARSTIN, Esq., President of the Municipal Commission, Cuddalore, to the Hon. W. HUDLESTON, Chief Secretary to Government, dated Cuddalore, 21st October 1876, No. 115.

At the request of the District Engineer I have the honor to refer for the decision of Government a claim advanced by the Municipal Commissioners of Cuddalore to payment from Imperial Funds of the cost of constructing a culvert over a channel which intersects a road leading to a village in municipal limits. The facts are as follow :—

Suthukulam is a small village within the Cuddalore municipal limits, to the west of the high road leading from Cuddalore to Chedambram. The road to it was an unmade sandy track, which shortly after leaving the high road dipped down to the level of the bottom of a small channel which crossed it at the dip.* When rain fell or when there was water in the channel there was a considerable sheet of water, sometimes 1 or 2 feet deep in the deepest part, standing in the hollow, and the Suthukulam villagers represented to the Municipal Commissioners in December 1874 the inconvenience they suffered in going to and from the village in consequence of the state of the road. An estimate for building a culvert over the dip and for raising the road was thereon ordered to be prepared, and after considerable delay was submitted to the Commissioners who ordered it to be revised. This was in January 1876, and at the following meeting in the same month it was resolved that the District Engineer should be requested to have the culvert estimated for and built as the channel was "an irrigation channel crossing a village road." In June last the District Engineer forwarded the plan and estimate* as requested, but declined to sanction the construction of the culvert from Irrigation Funds, as he did not see under what rules the Municipality could ask it to be done "as the channel has been for years in existence."



* Amounting to Rupees 380.

The Commissioners thereon appointed a Committee to inspect the road and report if a culvert was wanted. They reported that it was, but thought that a smaller one than that designed by the District Engineer would suffice.

The Tahsildar of the taluq was then written to for information as to whether the road or the channel was the more ancient. This was in July. His reply was received on the 15th August to the effect that from the inquiries he had made he learnt that the pathway was older than the channel, "the outlet of the latter having had its origin at a subsequent period." In the meanwhile the estimate for the smaller work recommended by the Committee, and amounting to 190 Rupees, was sanctioned by the

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Commissioners and the work ordered to be carried out. Subsequently on receipt, and consideration of the Tahsildar's letter, it was resolved that as materials for the work had been collected its progress should not be arrested, but that the Department Public Works should be requested to defray its actual cost, as from the Tahsildar's report it appeared the cost of construction was payable by the Department Public Works out of Irrigation Funds. The District Engineer, to whom a copy of the Commissioners' resolution was sent, requested the Commissioners to state on what grounds they proposed to base their application for the payment of the cost of the culvert by the Department Public Works, as he considered the fact of the channel being an old one was a reason why, under G.O. of the 15th June 1872, No. 1,483, the Commissioners should pay for the culvert. In reply the Commissioners referred the District Engineer to the Government Order quoted by him, and quoted the Tahsildar's report to the effect that the road was older than the channel. During the month of September the culvert was built and the Commissioners resolved at their first meeting in the current month that the District Engineer should be requested to send them a cheque for the amount expended, viz., Rupees 123-10-4.

In reply came the letter of which a copy is enclosed.*

* From District Engineer to President of Municipal Commission, dated 9th October 1876, No. 203.

2. The question seems to me to be whether the Government Order to which both parties appeal is to be construed prospectively or retrospectively. In the former case it appears to me the Commissioners cannot, and in the latter, I think, they can, claim that the work be paid for from Imperial Funds. I request the orders of Government on the point.

From Major H. R. MEAD, R.E., District Engineer, South Arcot, to J. H. GARSTIN, Esq., President, Cuddalore Municipality, dated Camp at Shatlatope, 9th October 1876, No. 203.

With reference to Proceedings No. 9, at the meeting of the Cuddalore Municipality, dated 19th September 1876, and a letter, No. 101, dated 3rd October from the Vice-President, regarding the cost of a culvert built by the Commissioners across the channel crossing the pathway leading to Suthukulam, I have the honor to request that you will refer the matter to Government should you agree with the Commissioners that they are authorized under G.O., No. 1,483, dated 15th June 1872, to request me to reimburse to them, from what they call Department Public Works funds, the cost defrayed by them in building a culvert across a channel that has been in existence from time immemorial for an ancient pathway that the Tahsildar thinks existed before the channel.

2. I believe the Government Order quoted refers only to new channels that may be excavated across existing communications, and therefore the cost of the culvert should be met by the Municipal Commissioners.

3. I return the bill and regret that the Commissioners have chosen this way of asking for the work to be paid for by Government, as if they are correct the work should have been regularly sanctioned as a minor new work by you and myself and built under my orders.

TRANSFERRED to the Public Works Department for disposal.

(Signed) W. HUDLESTON,
Chief Secretary.

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No. 346.

ORDER THEREON, 20th November 1876, No. 3,104.

ACCOUNT, No. 28-A.

THE cost of the culvert cannot be defrayed from Imperial Funds, the channel and the road being both of long standing, and the conversion of the latter from a sandy track into a road being a modern improvement.

(True Extract.)

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government.

To the District Engineer, South Arcot.

- „ Chief Engineer for Irrigation.
- „ Examiner of Public Works Accounts.
- „ Financial Department.

Exd. S. T. Austin.

Spare Copies

24. *Revised 20-11-76*

No. 3104

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the 20th Nov. 1906
Read the following:—

From the President,
Municipal Commission
Ludlowe } H. E. No 115 721 C. L. 1906.
thru' Fin. Dept

The cost of the culvert
cannot be defrayed from
Imperial Funds, the channel
and the road being both
of long standing, and the
conversion of the latter
from a sandy track into
a road being a modern
improvement.

L. L. South Arcott
Ch. E. for Lr. 5
L. P. H. Accts. 5
Financial Dept. 7/7

504. B. 28-11-70

W. L. 1. 1. P. M. No. 44.

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Gobt. of 1876 Madras.
PUBLIC WORKS.

To
The P. & C. South Arcot

21-11-76
Dated

Issued

Recd.

G. O., 20th Nov. 76, No. 3104

Nov 31, 1876

Culvert over a channel
crossing a road leading
to the Village of Sutta Kolum
South Arcot Dist —
Declining to sanction the
cost of the construction of a
— from Imperial
Funds.