

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENTG.O. No. 778 (W) Press
B.P. No. — Mis. —

Dated 27 3 1876

Not to be folded or roughly handled

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

No. 433. Read the following letter from J. D. GRANT, Esq., Officiating District Engineer, Tinnevely, to Lieutenant-Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, dated Palamcottah, 6th March 1876, No. 147:—

I HAVE the honor to enclose a translation of the plaint in a suit brought against the Taluq Overseer of Nanguneri and others, and to request permission to defend it.

2. Thennavaneri tank, in Nanguneri taluq, was being repaired on estimate when the plaintiffs objected to the bund being made up at the south end, alleging that no bund previously existed there, and that if a bund were thrown up, their nunjah in the tank-bed would be submerged and destroyed. I inspected the place and found what seemed to me clear indication of a bund having previously existed where they say there was none, and after pointing out to them that, as there was a calingulah in the tank, no lengthening of the bund could affect the water-level, I ordered work to go on. An injunction to stop work was, however, obtained, and the present suit instituted. In defence, I propose that Overseer should plead—

I.—That there was previously a bund where the plaintiffs contend that none existed; this can be shown from the village map, a tracing of which I enclose.

II.—That no harm would follow the construction of the bund, since the calingulah regulates the water-level.

III.—That if the bund is not constructed the water of the tank will escape.

3. I enclose a copy of the statement made by the Taluq Overseer, embodying the above defence. I would beg permission to defend the suit.

No. 434. ORDER THEREON, 27th March 1876, No. 778.

ESTABLISHMENT, No. 28.

THE defence of the suit is authorized at the public expense, and the result should be duly reported.

(True Extract.)

Major-General, R.E.,
Secretary to Government.

To the District Engineer, Tinnevely.
„ Chief Engineer for Irrigation.
„ Examiner of Public Works Accounts.

Exd. J. Wright.
Spare Copies

31
The Additional Commissioner of
Tinnevely

Statement of Pleader Namadiva
gum Pillay, on behalf of Nanguneri Salug
(Overseer) Trimmugam Pillay, 1st Defend-
-ant in Suit No. 557 of 1875 on file of
the above Court.

1. The Tank mentioned in 1st Column of
the Plaintiffs' plaint appears to belong
to the Defendants.

2. The Nungah lands are situated in
the bed of the Tank as stated in the 2nd
Column.

3. The Statement given in the 3rd Column
of the plaint, that 706 yards (of bunds)
were formerly in existence on the Southern
Side of the north sluice, is false.

4. An Estimate for the Ordinary
Repair of the Shennavameri Tank, now
under dispute, was submitted for sanc-
-tion on the 1st March 75 & was sanc-
-tioned in April 75, & work commenced.
When this Estimate was prepared, the
disputed place which is at the Southern
end of the Tank was in good order & no
provision was made in the Estimate for

for closing breaches in the place, under dispute, which occurred in the rains of November 7th, before the Estimate was received & sanctioned. Thinking that the water will go to waste, if this breach is not closed & as thorough repair to the Sank was under execution, this was ordered to be closed. There is high ground on the South side of the place in question opposite to this bund. As the above ground shows the existence of the old bund up to it, Sakivaree for only 12 yards in length was given & the statement that 38 yards were ordered to be closed, is utterly false.

5. There being a Calingulah in the Sank, it is possible easily to drain off more water than was customarily stored & the statement made that the closing of the breach in the disputed place & the old bund being repaired will cause damage to the hujrah, is false. The District Engineer has also seen this disputed place, & in his presence, the Plaintiffs agreed, that if the Calingulah is raised to Full Sank level with brick in chunam & arrangements made to reserve no water above the Calingulah, the

the Sank bund may be made up as desired.

6. No bund was erected in the Pungah land as stated by the Plaintiffs.

In conclusion, the Plaintiffs have brought an illegal suit contrary to the good the Defendant has done, both to Government & the Ryots.

(Signed) P. M. Arumugam Pillay

Silug, Overseer, D. P. W.

I, the 1st Defendant, do solemnly affirm that, to the best of my knowledge & belief, what has been stated in this is true.

(Signed) P. M. Arumugam Pillay
Silug, Overseer, D. P. W.

(True Translation)

J. D. Grant

Off^{ce} District Engineer.
Sinnerelly.



Ce's 4/76

Pl 2093/76

Declaration of the
Plaintiff made
by the District Officer

Pl 27 March 76 Pl 433

To.

The Additional Magistrate of

Tirunelveli.

Plaintiffs.

Koomarasamy Reddiar
(son of Soolbaya Reddiar
living in Koonthace-
dum village, Kangu-
meri Taluk) and 3
others.

Paikel - Kungasamy
Iyer.

Defendants.

Kangumari Taluk, Overseer
Kunungum Pillay, and
19 others.

Plaint.

This is a suit brought with intention to get an
injunction issued, prohibiting the erection of a
new bund in the Pungah land belonging to the
Plaintiffs in order that the Plaintiffs' Kungah or
Pungah lands may be submerged.

1. The Thennavani Tank of Shembajaramanallur,
Kangumari Taluk, belongs to the Defendants from
2 to 16.

2. On the south side of eastern ^{bank} of the above Tank
stretching from North to South, there are Pungah
lands belonging to the 1 to 3 Plaintiffs and the 17
to 20 Defendants; and the Kungah and Pungah
lands in the bed of the Tank, are of the Plaintiffs
and others.

3. The above mentioned bund was formerly

706 yards in length on the south side of the North sluice.

4. With the assistance and permission of the 1st Defendant, the other Defendants from 2 to 16, with laborers, attempting to extend the present eastern bund of the above tank, 58 yds further south into their Pungah land, threw earth incompletely for 6 yards on the night of 1st November; and in a few days, the work will be completed.

5. By so lengthening the bund, there will be a damage to the Pungah lands of the 3 Plaintiffs and the Kungah and Pungah lands (in the bed of the tank) about 6 cottaks of the Plaintiffs, will be submerged. By this the Plaintiffs will have to undergo a heavy loss, there being no place for cultivation.

6. The above Defendants have no right whatever to erect a bund in the undemonstrated Pungah.

We therefore pray that the suit may be decided that 1 to 16 Defendants have no right to erect a new bund in the Pungah land noted below, and to order them to remove, at their own cost, the incompletely built 6 yds bund, as also to decide that the costs of the Plaintiffs with interest may be paid to them. As the defendants from 17 to 20 have not come forward in this suit, they were also taken as defendants.

Schedule

q/s

1. Pungah from 6 to 9 shie in 1st Pungah of Melavanavanur column attached to Shew = bagaramanallur, Kungumari Taluk.
2. New bund incompletely erected 6 yds in length to the south of above Pungah.

2 November 175.

/s/ Koomarasamy Reddiar and 3 others.

We, the Plaintiffs do solemnly affirm that, to the best of our knowledge and belief, what has been stated in this is true.

/s/ Koomarasamy Reddiar and 3 others.

/True Translation/

J. D. Grant
offr District Registrar
Trinivally



Cls 4/2/76

PTW 209 3/76
2

Transliteration of the
Plaint.

Pl 27 March 16 BT 433

No. 147 District Engineer's Office, Tinnevely,
Palamcottah, 6th March 1876.

To, Mr.

J. D. Grant Esquire

Off: Dist Engineer Tinnevely.

For,

Suit: Island J. Mullins R. Co.

Chief Engineer for Irrigation.

Sir,

Enclosure 3.

I have the honor to enclose a translation of the Plaint in a suit brought against the Taluk Overseers of Kanganeri and others and to request permission to defend it.

2. The Kanganeri Tank in Kanganeri Taluk was being repaired on Saturday when the Plaintiffs objected to the bund being made up to the South end, alleging that no bund previously existed there and that if a bund were thrown up, their Kanyah in the Tank bed would be submerged and destroyed.

I visited the place and found what seemed to me clear indication of a bund having previously existed where they say there was none and after pointing out to them that as there was a Kalugulaki in the Tank, no lengthening of the bund could affect the water level. I ordered work to go on. An injunction to stop work was however obtained and the present suit instituted. In defence, I propose that

Overseer should plead:-

- I. That there was previously a bund where the Plaintiffs contend that none existed: this can be shown from the Village map, a tracing of which I enclose.
- II. That no harm would follow the construction of the bund, since the *balinjulah* regulates the water level.
- III. That if the bund is not constructed the water of the Tank will escape.
3. I enclose a copy of the statement made by the Taluk Overseer, embodying the above defence. I would beg permission to defend the suit.

I have the honor to be
Sir

Yours most obedt servt

J. D. Hunt

Offr District Engineer



Chas No 11
Regd.

Regarding permission
to defend the suit brought
against the assignment
of duty Overseer.

Notice
Received of all on 10/10/76.
Chas No 11
Nucleo = 3-21

Chas No 11/76 Deft
Ground No 2092
The Office District Engineer
Sincerely
for the Chief Engineer
for duty assigned.

Ch 27 March 76 BW 433

Estw

No 778 of 27th March/76.
The defence of the suit is author-
-ized at the public expense and
the result should be duly
reported.

Assd
GMR

To the District Engineer, Finneyville
Chief Engineer for Irrigation
Examiner of Public Works Account

despatched in No 1 to Ing 27.3.76.
drop - 6 April/76

FORMER CASES.

No.

of 187

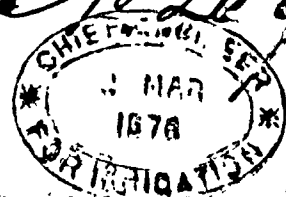
Receipt No.

Dated

I Form No. 29.

Register No.

From



The District Engineer
Financially

No. 147

Dated

6th March 1876
Recd. 9th do

Subject:— Requesting permission
to defend the suit brought against
the Manguneri Salug Overseer.

The defence of the suit
is authorised. The
result should be duly
reported.

ENCLOSURES.

3 74-3-76

From

"

"

"

Orders and Proceedings in file.

No.	Date.	No.	Date.
~~147~~ 1825	8 th July 76		
	With order.		

REMINDEES RECEIVED.

No. 1, dated 187
" 2, "
" 3, "
" 4, "
" 5, "

Keep-Withs.

433/4

1/2 mile at end of road

Ln 22-3-76

2093
Govt. of 1876 Madras
PUBLIC WORKS.

To
The M. C. Sinnerly.

29/3

Dated

Issued

Recd

Encl.

G. O. 27th March 1876, No.

778

Nos. 433/4

Encl. brought against the
Salary of Mr.
-mari, Sinnerly, Dr.
The definer of the —
authorised, and the re-
-sult will be duly reported.

Encl. to Raj
18-4-76

En 22-3-76