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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 1403 (W) ☒ Press
☐ Mis.

Dated 1-11-1877.

Not to be folded or roughly handled

14

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

• 1st November 1877, No. 1,403 W.

General.
Account.

Read the following paper :—

No. 9. From Major J. BEATTY, R.E., Officiating Superintending Engineer, Godavery District, to the Chief Engineer, Public Works Department, dated Camp, Dowlaishweram, 23rd October 1877, No. 2,376.

I HAVE the honor to forward herewith copy of a plaint preferred by one Kapaka Fammia, of Kakaraparru, against the officer

1 Letter, No. 209, of 24th July 1877, from Lieutenant Dorward, R.E., with its enclosure.

1 Draft answer.

1 Translation of plaint.

1 Letter, No. 379, of 6th October 1877.

* Herewith sent.

in charge of the Western Delta Division for the recovery of the value of some palmyra trees, and copy also of the draft answer filed in the District Munsif's Court at Narsapur in reply to the plaint, and to request, under the circumstances stated in the Division Officer's letter,* you

will obtain the permission of Government for defending the suit.

2. It will be observed that Lieutenant Dorward entered into an agreement with the owners of the land that was required for the new head of the Bank Canal for the removal of the trees growing on their land, all of whom, with the single exception of the man, Kapaka Fammia, fulfilled their part of the agreement, and it therefore seems to me he had no just grounds for bringing this claim, which should be resisted.

No. 10. ORDER THEREON, 1st November 1877, No. 1,403 W.

THE District Engineer should offer to pay such compensation for the number of trees actually felled as the Court may award.

(True Extract.)

Colonel, R.E.,
Secretary to Government, P.W.D.

To the District Engineer, Godavery.
„ Examiner of Public Works Accounts.

Exd. J. W. Fischer.
Spare Copies

24

Summons

Narsapur District Munsiff's Court
According to Chapter 41 & 43 of Act No. 8. of 1859.

Original Suit

1877— No 176.

1. Hapaka Lammia of Lakarapam. Complainant

1. N^o 3 Range Officer - Suit A.R. V.

Donward of Narsapur

2. Petta Supt. D. Janakiamiah of
Siddhantam

} Defendants

To The 1st defendant given

The Complainant has brought a suit against you in this Court. The details of the suit will be given below. You are ^{therefore} to attend the Court at 10 A.M. on the 1st September 1877. to answer the Complainant. If not, a Vakil who got all information necessary to answer all the questions on the subject may attend on your behalf. That Vakil can also bring a man who is well acquainted with the case to assist him. As the case will be disposed of on the date on which you are requested to attend the Court, all your witnesses are also to attend the Court on that date. If you do not attend the Court on that

that

that date the case will be enquired
exparte and disposed off. If you think
that there is any document favorable to
you in this case you may bring it or you
may send it by your gumasta.

If you can not get your witnesses
to attend the Court on that date - an
application for summonses to the witnesses
with a list of their names should be made
to the Court in proper time.

3rd March 1877 (Sd/ R. Venkatachellam
District munsiff.

Details of suit.

The Complainant requests to obtain
a sum of Rs 57-12-0 value of bopalmyra
trees cut, in his Inam land No 396 of
Kakarapattu village, by 2nd defendant
according to orders of the 1st defendant.

(True translation)
Translated by me.

R Venkatachellam
1st act.

A R Dorr and Smt
Assistant Engr. in charge
G.D.

G. O. / 1st March 1877

No. 209

CAMP Thadipilligudi
24th July 1877.

FROM

THE OFFICER IN CHARGE

WESTERN DELTA DIVISION

GODAVERY DISTRICT,

TO

THE Off^r Superintending Engineer
Godavery District

Encls: One SIR,
Copy of summons.

I have the honor to inform you
that I have been summonsed to appear
before the District Munsiff's Court
at Narasapur on the 1st September
next.

1. I enclose a translation of the sum=
mons. The facts of the case are as follows.
2. About the end of January 1875
I marked out the lands required for the
new head of the Bank Canal. There
were several palmira trees growing on
the lands to be taken up. The villagers
were quite willing to give up the lands
required for the new head but informed
me that they, instead of receiving -

Compensation for the palmyra trees in the usual way, wished to cut them down and remove them.

3 I, of course, had no objection to their so doing, but, being afraid that they would delay in cutting and removing the trees and so hinder the progress of the work, I asked them to state in their written agreement - handing over the land required that they themselves would cut down and remove the trees so as not to interfere with the work. They all did so and I have that written agreement. The Complainant Kapaka Sammia has appended his signature to that agreement.

4 All the ryots except Kapaka Sammia cut down and removed their trees as soon as the progress of the work rendered such removal necessary. Kapaka Sammia after the work had been some time in hand and the irrigation season was about to commence refused to cut down the trees growing in his Inaw field. The old heads of the

bank Canal had been closed at both ^{ends} and, knowing that if the excavations of the new heads were not completed the effect of the Bank Canal improvements would for a season be lost and that it would be expensive to again open out the old heads and close the new one, the Delta Supt. D. Janikaramia, in charge of the work cut down and removed the trees himself and wrote to me reporting what he had done. I wrote to the Delta Supt. and told him to write to Kapaka Sammia and state that if he did not pay the cost of cutting down the trees they would be sold on a certain date by Public auction.

5. The Delta Supt. did so. Kapaka Sammia gave the Delta Supt. a letter addressed to me stating "I don't want the palmyra trees. I beg you will give me compensation money for these trees. The trees may be disposed of according to the will of

Compensation for the palmyra trees in the usual way, wished to cut them down and remove them.

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5. The Delta Supt. did so - Kapaka Tammia gave the Delta Supt. a letter addressed to me stating "I don't want the palmyra trees - I beg you will give me compensation money for these trees. The trees may be disposed of according to the will of

of Government; they are not wanted by me. The letter was in Telugu. The above is my writer's translation.

6. The Delta Supt. did not send me Kapaka Tammia's letter but simply wrote to me saying that on Kapaka Tammia's refusal to remove the trees he had, as directed, sold them in a public auction for Rs 23. 11. 0; which sum was credited to Government.

7. The Detta Sept^r on hearing that Kapaia Tammaria was going to lay a charge against him in Court sent me this letter, two years after the trees were cut down. I have written to ask him why he did not send it before. Kapaia Tammaria has never written or spoken to me on the Subject since writing that letter.

8. The no of trees cut down on
Kafaka Tammia's land was 47,
not 60 as stated in the details of
the suit.

I have the honor to request—

No 1373

4 2 3 2 2 2

20 July 1977

General

102741
2722

FROM
WESTERN DELTA DIVISION OFFICER
GODAVERY DISTRICT.

Enclosure in a letter
No. 2376 dated 23 October
from the Offy. Supg Engrs
Godacerry -

DATED 24th July 1877.
Received 26th Do.

No. of enclosures. (210)

SUBJECT.

Suit — Requesting instructions as to the course to be pursued in the — brought by one Hapaka Jammia of Haka apanu, in the District munsiff's Court at Karsapur.

4 Oct 1896 / 1896

511 instructions as to the courses I ought
to pursue.

I have the honor to be

Sir

Your most obedt servant

A. H. Howard
Assistant Engineer in charge
Western Delta Division

Tanuku

61 CAMP Chittipatta 2432
No. 379
From The Officer in charge
Western Delta Division
Godavery District.
To The District Engineer
Godavery District.
Dated 6 Oct 1877
Despatched
Received
Encl.
Subject.
D. E's No. 1659 dated 24.8.77.

Sir, I have the honor
to forward herewith
a copy of the plaint
you asked for in
the above.
The plaint states
that R: 57-12-0000

settled by the Head
Assistant Collector as
compensation for loss
of trees. This I doubt
understand as no state-
ment was sent by me
to the Revenue Depart.
ment & I have never
been written to by
them on the subject.

In 1875 all com-
pensation for trees
was paid for by the
Revenue Department.
The clearing of the
suit has been pro-
posed till the 5th
of November -

I have
A. R. F. Dorward

Ecclesomeria
letter 2237 620
23rd October 1877
from the Chief Supt
Eugene J. G. & Co

4612 hrs 10 1/2

Tanuku

1877 No 47

To,

The District Munsiff's Court
at Narsapur.

Plaintiff. Kapaka Lammia of Kakara-
-parru - a Ryot.

Defendants - 1 Lieutenant A. R. F. Dorward
P.E. officer in charge No 3
Range - Narsapur. Engineer.
2. Diganilli Janikiramya Delta
Superintendent - at Siddhantam
Government employment.

The 2nd defendant, under the orders of
the 1st defendant, towards the end of April 75,
got cut 60 palmyra trees which were in my
Inam field of Kakaraparru village & which
used to give me an annual profit of Rs 15,
I asked them for the payment of Rs 57-12-0
being the amount settled by the Head Asst.
Collector as the value of damages caused
by the trees so felled, but payment was
refused. Consequently this suit is insti-
tuted to recover the above said amount
viz

viz Rs 57-12-0 with costs.

Hd Brammiah. 1st March 1877.

Pleader - mark - Tammia

I hereby certify that ^{as} far as I know the
above statement is correct.

1st March 1877. (mark) Tammia

Signed/ C. Venkatachellam
District Munsiff.

(True Copy)

Hd C. Venkatakrishnayya
H. Gumbata.

(True Translation)

L. Beatty - Major R.E.
Offg Supr Engineer C.D.

Enclosure in letter
#2376 dated 23rd
Oct 1897 from the
Offg. Superintending
Engineering & Survey.

407.2 hms. p. 101

Draft answer to be filed in reply
to the plaint brought by Kapaka Sammia^{es}
of Kaikaraparu.

In sending up the statements of land required to be taken up for the new head of Bank Canal, at Kapaka Tammia's own request the number of palmyra trees required to be taken up was not entered. - Kapaka Tammia stated that he would remove the trees himself when called upon to do so. - He gave a written agreement handing over his land to Government and engaging to cut the trees on it and remove them when called upon to do so.

to do so. When he was actually called upon to cut down and remove the trees he refused to do so, and when the trees were cut down by Delta Supt D. Janikaramiak he refused to remove them. He was told that he would only be allowed to remove them on paying cost of cutting down the trees. After due notice had been given to Kapaka Sammia the trees were sold in public auction.

Before the auction Kapaka Lammia gave the Delta Supt D. Janikaramiah a letter to me asking for some compensation for the trees but declining to remove them himself. That letter the Delta Supt did not deliver to me till a few months ago when he heard that Kapaka Lammia was going to put him in Court. The reason why the Delta Supt withheld the letter cannot be now ascertained, the Delta Supt being dead. I wrote to him for his reasons but when my letter reached him he was too ill to write and shortly after he died. I wrote to Kapaka Lammia and offered to pay him as compensation for his trees the amount the trees fetched in the auction above referred to. He has refused to accept this sum.

I propose then to defend the suit on the following grounds.

- (1) That Kapaka Lammia was bound by his written agreement to remove the trees, and that failing his doing so I was justified in selling the trees which were lying on ground which had been

15/1
been handed over to Government by the owner & which therefore belonged to Government.

- (2) That Government would have been put to considerable expense had the trees not been removed and that I was, owing to the conduct of a Delta Supt, ignorant that Kapaka Lammia had asked for compensation for the trees.

- (3) That the value of the trees has been offered to Kapaka Lammia who has refused to accept it, but asks for an extortionate amount stating that 60 trees were cut down, the actual number cut being only 47.

14/8/77- A. R. F. Dorward Esq. R.R.

14/8/77- Assistant Engineer W. D. D. Esq.

(True Copy)

J. Beatty Esq. Major R.R.
Offr Supt Engineer Godavery

NO. 2376

General.

FROM,

THE OFFG. SUPERINTENDING ENGINEER

GODAVERY DISTRICT.

TO,

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT

MADRAS.

Enclos 5.

CAMP DOWLAISHWERAM, 23rd October 1877

SIR,

1 Letter No 2209
of 24th July 1877
from District
Board
with its minutes

1 Draft answer
1 Translation of
plaint.

1 Letter No 379 of
6th October 1877

I have the honor to forward herewith copy of a plaint preferred by one Kapaka Lammia of Kakaraparru against the Officer in charge of the Western Delta Division, for the recovery of the value of some palmyra trees, and copy also of the draft answer filed in the District Munsiff Court at Karsapur, in reply to the plaint and to request under the circumstances stated in the Division Officer's letter you will obtain the permission of Government for defending the suit.

It will be observed that Lieutenant Dorward entered into an agreement, with the owners of the land that was required

*herewith
sent.

Godavery Staff

*Draft answer
to be filed in
reply to the plaint
brought by Kapaka
Lammia of Kakaraparru.*

*Enclosed in a letter
No 2376 dated 23rd
October 1877 from the
Offg. Supg. Engineer
Godavery-*

Lt Col. W. J. J. 1877

for the new head of the Bank Canal,
for the removal of the trees growing on their
land, all of whom, with the single excep-
-tion of the man, Kapaka Tammia, fulfilled
their part of the agreement, and it therefore
seems to me, he had no just grounds for
bringing this claim which should be resisted.

I have the honor to be,

Sir,

Your most obedient Servant
J. Beatty - Major R.E.
Offg. Supr Engineer. Godaverry D.

General.

FROM,

THE OFFG. SUPERINTENDING ENGINEER

GOAVERY DISTRICT.

TO,

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT.

MADRAS.

DATED

23rd October 1877.

RECEIVED

No. 2376

ENCLOSURE. 5

Tammina K. suit
brought by - against
the Officer in charge
of the Western Delta
Division. Request-
ing permission to
defend the -

4 @ 1/2 hour p.m. 10 h. 9

PUBLIC WORKS DEPARTMENT.

Letter from the Officiating Superin-
tending Engineer Godavery No. 2376
dated 23rd October 1877.

FOR ORDERS

The Chief En-
gineer does not re-
commend the de-
ference of this suit.
The nature of the
agreement entered
into by Kapa Kari
Tammina, by which
he is alleged to have
made over his land
to Government, is
not clear from the
papers - There is
nothing to show that
he was to receive an

I think the J.R. must
offer to pay such am-
ount for the Truck.
Firms followed as the
J.R. was aware.
The amount having
been already paid,
but we have no
to draw

R.P.

Kapata Jammia Ram
in charge Western Dist.
FOR ORDERS.

an equivalent for
the land taken
up, on which were
a number of pal-
myra trees - The
palmyra trees were
ultimately cut down
and sold, the pro-
ceeds being credited
to Government.
The owner seems
clearly entitled to
compensation for the trees.

Mrd C. B. R. E.

Chief Engineer &
Secy to Govt. P.W.D.
Fort St. George
24th Oct 1877

No 1403 W Public Works Department.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 1 Nov 77
Read the following

From the Offg. Supg.
Engineer Godavery.

N^o 2376 dated
23rd October 77

The District
Engineer should offer
to pay such com-
pensation for the
number of trees ac-
tually felled as
the Court may
award.

gtt
11

To The D. Godavery. Recd Copy Dated - 1/11/77
Per P.W. Accts. P.C. despatched to both 7-11-77

Copy
Obt. of 1877 Madras.
PUBLIC WORKS.

To

Dated

Issued

Recd.

Encl.

G. O. 14 Nov 1877, No. 1403 W

Nos. 9-10

apaka Fammia:

*Orkodavery to offer
lay — such compen-
sation for the number of
is actually felled as
Court may award.*

*Sub. Secy.
8.11.77*