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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W.D. DEPARTMENT

G.O. No.
B.P. No.

4007.W.

Press.
Mis.

Dated

14.10.1978

1978

JP

Not to be folded or roughly handled

100/1

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

14th October 1878, No. 4,007 W.

General.
Establishment.

Read the following paper :—

No. 155. From Captain R. R. F. BROCKMAN, R.E., District Engineer, Tanjore, to the Chief Engineer, Public Works Department, dated Tanjore, 9th October 1878, No. 2,367.

In forwarding herewith copies of letters* received from Mr. J. Hannan, Executive Engineer, in charge of Mayavaram Division, relative to a suit brought against him by one Rajappayen of Mungamadam village in Shiyali taluk, I have the honor to inform you that the object of the above Mirasidar Rajappayen is to obtain by a court decree the exclusive right and possession of the surplus channel named Nanthikunni voikal which empties all the surplus water into the Munniyaur during the rainy season.

2. The Mirasidars of Konampatam and Thundampatam requested the Range Officer last year, with a view of improving the irrigation to their own villages, to have a dam constructed at the head of the drainage channel above referred to.

3. Mr. Hannan personally inspected the locality and found that the supply channel to Mungamadam, &c., villages came down from Theruvaly yairi by means of a head sluice, a little below which this Nanthikunni takes off carrying all the surplus water into the Munniyaur and finding irrigation of the Konampatam, &c., villages defective, whilst water was going to waste to the sea over the surplus weir of Theruvaly tank when the Therunageri head sluice was closed, ordered that water might be taken through the Nanthikunni as long as the water did not fall below the level of the crest of the surplus dam, and allowed an opening of 3 feet in width in the temporary dam of bamboos and straw placed at the head of that channel.

4. It will thus be observed that Mr. Hannan has done what was only his duty, as the power of making proper irrigation arrangements is vested in the hands of this department. The plaintiff Rajappayen bases the exclusive right to the use of the surplus channel on the Pymash accounts as well as the decision of the Head Assistant Collector of Mayavaram in 1871 and other subsequent orders in connection with the exclusive right; but I have here to mention that the above decisions appear to have been passed by the authorities concerned without communication with the officers of this department who should have been consulted, as the matter was one of purely a technical nature. With regard to the Pymash accounts, allowing the exclusive use of the channel to the Mirasidars of the Therunageri, &c., villages, I have the honor to state that this department was not established when the Pymash accounts were prepared, but this cannot form the only ground for the exclusive right of the Mirasidars to the use of the above-noted channel, when it has been ascertained on good grounds that water which could be utilised to advantage by Government goes to waste, and that its diversion does not inflict an injury on the objecting parties.

5. Under these circumstances I request that you will be so good as to move Government and obtain their early sanction to defend the suit at the public cost. The Range Officer has already been requested to move the Court for the postponement of the hearing pending the Government sanction above solicited.

6. The translation of the plaint is also herein enclosed.

No. 189. ORDER THEREON, 14th October 1878, No. 4,007 W.

THE defence of the suit is authorised.

(True Extract.)

(Signed) E. A. DORD, Colonel, R.E.,
Secy. to Govt., P.W.D.

To the District Engineer, Tanjore.
" Chief Engineer for Irrigation.
" Examiner of Public Works Accounts.
" Revenue Department.

Exd. E. C. Shanker.
Spare Copies

4007
2

GENERAL
ESTABLISHMENT

Govt. of (1878) Madras.
PUBLIC WORKS.

THE DISTRICT ENGINEER,
TANJORE.

Dated October 15th.

J. H. H.

P. M.

L. L.

G. O. 140 October 1878, No. 4,907 W.

OCTOBER.

Nos. 188-189.

Mr. J. H. H., District Engineer, Madras.
Tanjore District. The District Engineer,
Tanjore, is directed to refer the case against
one Rajapayam, authorized.

No. 389
From The officiating charge
To The District Engineer
Tanjore
Mayaveram Division of the
Camp & locally 10 October 1878
Mayaveram Division Tanjore

Sir In continuation of this
office letter no. 315 dated 26 Aug 1878
I have the honor to inform you that
I have received a notice of a fresh
suit instituted against me in
view of suit no. 14 of 13 April 1878,
referred to in the above, which was
dismissed on account of an informality
in the preliminary proceedings.
I therefore request that you will
obtain the necessary sanction
for my defending it. The particulars
of the case have already been reported
in this office letter no. 195 dated 2 July 1878.
I enclose a copy of the fresh plaint.

I have the honor to be &c
Yours / J. H. H.
District Engineer

Enclosed /
Messrs. B. M. & Co. Captains
District Engineer, Tanjore

Enclosure in a letter
from the District Engineer
Dunlop to the Chief Supt
of Pub. W. 2307 dated
9 October 78.

By 11/11/78

Copy of Range Office
Letter No. 389 dated
1st October 78

1895

Range Office
Camp Annamallath
20 July 1898

From The Officer in Charge 22 Range
Tanjore District
To The District Engineer
Tanjore

Sir With reference to the enclosed
documents tranquilly noted, I have
the honor to request that you will
obtain the permission of Government
to defend the suit in question
if under the circumstances stated
below you consider any defense
necessary. The question is one which
it is thought has been decided
over and over again namely whether
this Department has right to
interfere in the regulation of
water supply.

Last June 12 months one
Doraiswami Ayyar having brought
to my notice that the Plaintiff in
this suit prevented him from
taking off water through a certain
surplus channel called Nallakunni
which branched from the Plaintiff's
channel called Theeromacheru which I
inspected the locality and found
that the latter channel is supplied
from the large head sluice in the
Theeromacheru

Theroovaly Tank on Road No. 43.
and that a short distance from
its head the Nautthookunmy takes
off as the bed of the latter is
some 3 feet higher than the Theroo-
magery channel it is only surplus
water which can flow down it
at the time that I inspected
the channel there was water
going to waste to the sea over
the surplus weir of the Theroovaly
Tank and the ^{Theroovaly} ~~Theroovaly~~ ^{channel} ~~channel~~
sluice was closed. I pointed this
out personally to the Plaintiff and
showed them what a dog in the manger
sort of thing they were doing not
using the water themselves and
preventing others from using it.
They did not see the force of my
argument, so waiving the
question as to whether Dorasamy
Jey had or had not a right to
the water I gave him a written
authority to take water thro'
the Nautthookunmy as long as the
water in the Tank did not fall
below a certain level viz. the
level of the crest of the surplus
calingulak, and to do away
with the objection of the Plaintiff
that owing to the Nautthookunmy
having

having a great fall it would
take away all the water from the
Theroomageri vital, I ordered a
temporary Dam of bamboos and
straw to be made at the head
of the former channel with a
vent of only 3 feet and with the
floor of the vent on the bed of the
channel. I also informed all
parties concerned that the Condi-
tional permission to take off
water was only for that season
and that I would more fully
investigate the matter before
next irrigation season,
but up to the present I have
not been able to do so.

I have &c

[Signed] J. Vannan
Deputy District Engineer

[Witness]

M. S. Subramaniam Captain R.E.

District Engineer, Tanjore

Enclosure in a letter
from the District Officer
Dargone to the Chief Magistrate
Dud no. 2267 dated
9 Oct 20.

Copy of Nance Affidavit
Letter no. 195 dated
27 July 20.

Before the District Munsiff
of Shealli.

Rajayen Mersidan of
Mungamadum residing in
the Agraharam of Eroore.
gaddoo Surkajirajaperam,
Shealli Taluk. } Plaintiff

1 J. Kannan Esq. Executive
Magistrate, Tranchellam. }
2 Theudapani Iyer son of
Iyayyer of Eroore. Shealli
Taluk. Mersidan } Defendant

The plaint is as follows

1 A channel called Theroonaphy
located and measured out in the Pymach
Accounts branches from Theroonally
gaining exclusively for the irrigation
of 20 talies including Theroonaphy
among others belonging to the Plaintiff
& other Mersidans. A surplus channel
channel called Nanthoocunmy branches
from this supply channel draining the
surplus water during the rainy season

into the Munniam. The Plaintiff is
a Munniam of Mungamadum which
is irrigated by the above channel

2 The villages of Thundamputrum
& Conamputrum wherein the 2nd
defendant & others hold lands have
no right whatever to the drainage
channel called Nauttoocunney, a surplus
channel solely pertaining to the villages
of Plaintiff & others, for these villages
have a separate supply channel -
included in the Pymach Account.

3 It has also been decided by
the Head Asst. Collector of Myasorum
in his order dated 9th January 1871, & by
other subsequent orders that the
Munniam of Thundamputrum & Conam-
putrum villages cannot have a supply
for the improved irrigation of their
lands from the Nauttoocunney the
above mentioned surplus channel as
it will be prejudicial to the
Munniam of Miroonagheny & ca (of
the Plaintiff & others).

4 Again in direct opposition to

these proceedings, & on a cunning
application of the 2nd defendant, an
order has, in the absence of any
investigation, been issued by the 1st
defendant in September 1877, date not
known but subsequent to the 10th it may
be, to the effect that, at the time
when there is water above 5 1/2 feet
in the Tank sluice on which depends
the irrigation of the lands of the Plaintiff
& others, a vent of 3 feet may be made
in the drainage channel, Nauttoocunney,
& that the water passing through
the same may be used for Thundam-
putrum & ca villages. The 2nd defendant
& others, supported by the above order,
are obtaining their supply by a cut
in the channel belonging to the villages
of the Plaintiff & others. This is in direct
opposition to own interest, & a great
loss is incurred to say nothing of its being
contradictory to the previous final order.

5 The 1st defendant was pointed
out of the unjust order he issued

by a petition dated the 26th September
1877 with a request that, unless the
above order is cancelled, a civil suit
will be instituted, but no proper
answer was received for it in reply.

The Plaintiff prays, therefore,
for a decree cancelling the above order
of the 1st Defendant, and enjoining that
the 2nd Defendant & others of them and
their heirs & Co-occupants villages
have no right whatever for
obtaining supply from the Nautoo-
cunay, the pure drainage channel
of the Niroonagheny & Co. villages.

This plaint was presented on a
10 Rupees stamp paper for the purpose
of cancelling the above order, & for
establishing the right to the drainage
channel. Herewith is produced the
1st Defendant's endorsement on the
petition informing him that a civil
suit will be instituted & Co. The
other documents such as the copy of the

order of the 1st Defendant Collector, by a
veram Decision, relative to the irriga-
tion of the channel in dispute, now
filed by the plaintiff in Original
Suit No. 74 of 1878 of this Court; the
Pywash Account which would
define the particular irrigation &
drainage channels for the villages
of the plaintiff & others, & for those
of the 2nd Defendant & others; as well
as the irrigation accounts which
are in the Collector's Office; & also
such orders, wages, diaries, & other
records that are in the Sheath
Taluk, in the Collector's Office, &
in the Lajis Office, prohibiting the
granting of supply to the villages of
the 2nd Defendant & others, & declaring
that they have no right whatever
on the channel in dispute, will
be produced at the time of the
hearing.

I, the plaintiff Rajapyeu
herewith referred to solemnly declare

$$\frac{100}{a}$$

True translation

Wells & Co. Capt. R. C.

1
District (Capt. Tanjore)
9th October 78

Enclosed in a letter
from the District Engineer
Dangore to the Chief Engineer
DNU No. 2367 dated 10
9th Oct 70.

877 11/11/7

1907-11-10-78

Translation of
Plaint.

No. 2367

District Engineer's Office
Dangore 9th October 1878

From

100/0

Captain R. R. E. Brockman R.E.
District Engineer, Dangore

To

Colonel E. A. Ford R.E.
Chief Engineer DNU

Rec. 3.

Sir,

In forwarding herewith
Copies of letters received from Mr. J.
Hannan Executive Engineer in Charge
of Mayawaram Division, relative to a
Suit brought against him by one Rajap-
payen of Mungamadam village in
Sheally Taluk, I have the honor to inform
you that the object of the above Mungamadam
Rajappayen is to obtain by a Court
decree the exclusive right and possession
of the surplus channel named Nautta
Kunni toikal which empties all
the surplus water into the Mungam
during the rainy season.

The Mungamadam of Konampatam
and Mungamadam requested the
Range Officer last year with a view of
improving the irrigation to their own
villages

villages to have a Dam Constructed at the head of the drainage Channel above referred to.

no dam should be closed in drainage ch.

Mr. Hannan personally inspected the locality and found that the Supply Channel to Mungamadam & villages came down from Theruvally Nery by means of a Head Sluice a little below which the Nanthakunni takes off carrying all the surplus water into the Munnayan and finding irrigation of the Konampatam & villages defective whilst water was going to waste to the sea over the surplus weir of Theruvally Nery when the Theruvally Head Sluice was closed, ordered that the water might be taken through the Nanthakunni as long as the water did not fall below the level of the Crest of the surplus Dam, and allowed an opening of 3 feet in width in the temporary Dam of Bamboos and straw placed at the head of that channel.

It will thus be observed that Mr. Hannan has done what was only his duty as the power of making proper irrigation arrangements is vested in the hands of this Department. The Plaintiff Rajappayen bases the

Exclusive

Exclusive Right to the use of the surplus channel on the Pinnash accounts as well as the decision of the Head Assistant Collector of Mayavaram in 1871 and other subsequent orders in connection with the Exclusive right, but I have here to mention that the above decision appears to have been passed by the authorities concerned without communication with the Officers of this Department who should have been consulted as the matter was one of purely a technical nature. With regard to the Pinnash accounts allowing the Exclusive use of the Channel to the Mirasidars of the Theruvally & villages I have the honor to state that this Department was not established when the Pinnash accounts were prepared, but this cannot form the only ground for the Exclusive Right of the Mirasidars to the use of the above noted Channel, when it has been ascertained on good grounds that water which could be utilised to advantage by Government goes to waste, and that its diversion does not inflict an injury on the objecting parties. Under these circumstances I request that you will be so good

as

as to move Government and obtain
their early Sanction to defend the Suit
at the public Cost. The Range Office
has already been requested to move
the Court for the postponement of the
hearing pending the Government Sanction
above solicited.

The translation of the Complaint
is also herein enclosed.

I have the honor to be

Sir

Your most obedient Servant.

Amos Robman Captain US
District Engineer

1007
12

From No. 11411
The District Engineer
Tanjore

To
The Chief Engineer
D. N. W.

No. 2367
Dated 9 Oct 78
Recd 11 " "

No. 3.

Suit - Requesting
Sanction to defend the
suit brought against
Mr. Harman by one
Rajappan.

To Coly 11-10-78
Cir 12-10-78
Dtd 12-10-78

No 4007
Public Works Department.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 14 Oct 78

Read the following - 12/13

From
The Dist. Engineer Tanjore (M.E. No 2367 dtd 9 Oct 1878)

The defence of
the suit is authorised.

SK

11/10/78

D. Eng. Tanjore
C. Eng. for S.D.
Ex. P. W. Accts
Rev. Dep. Secy
Dtd 29-10-78

Secy
11/10

11611

Govt. of (1878) Madras.

PUBLIC WORKS.

To

D. I. Langre

Dated

Issued

Recd.

Encl.

G. O., 14th Oct^r 1878, No. 4007 w

Nos. 188 to 189

M^r. J. Annam En Eng^r.
Mayavaram & Tanjore Dt

The defence of the Suit
brought against — by one
Rajappan, authorized.

Subd^r Engr.

Cir 12-10-78. Dtd 14-10-78