

- 22
- (1) பக்கங்களின் எண்ணிக்கை _____
- (2) புதுக்கித் திருப்பிய நாள் 18/8/88 _____
- (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் _____

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

சி.புதுப்பணித் துறை

அரசாணை எண். 3357 W மு. கோப்புத் தாள் எண். 3357 W	அச்சகம் பலவகை
நாள் : 22. 10. 1888 198	

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண. கா-1-18,000-15-0-87.

அ.ச.புதுப்பணி.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—the following paper:—

Proceedings of the Board of Revenue (Land Revenue), dated 18th September 1888, Mis. No. 5562.

H. S. THOMAS, Esq., F.L.S., F.Z.S.

Read—the following letter from L. R. BURROWS, Esq., Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated Ootacamund, 24th August 1888, No. 369.

At the instance of the Executive Engineer, Nilgiris, I have the honor to request that Government may be moved to sanction the acquisition, under Act X of 1870 (Land Acquisition Act), of a small piece of land, 144 square feet in extent, situated in settlement No. D-267 A in Ootacamund, for the purpose of constructing a cistern in connection with the new water-supply scheme to the Government offices on Stonehouse Hill. There is a spring in the above private property which the Executive Engineer proposes to impound in the cistern to be constructed and thence to carry water through pipes.

2. The Executive Engineer has been unable to make any private arrangements as the ownership of the property is not clear. In the correspondence sent by him the title is described as follows:—"It seems that the property originally belonged to a Major Jones who bequeathed it to a native Muhammadan lady who, in her turn, has sold it to a Mr. Barclay; but she appears to have never taken out letters of administration of the property, and Mr. Barclay refuses to pay for it until she does. Consequently neither the native lady nor Mr. Barclay can show a good title to the property, and I am unable to treat with either."

3. The question of title was referred to the Government Solicitor by the Executive Engineer through the Superintending Engineer, IV Circle, and he advised that "the spring referred to by the Executive Engineer and all land necessary in connection therewith should be taken up by the Collector under the Land Acquisition Act, 1870. There seems to be no prospect of acquiring a good title to the land in any other way. The course I have suggested may entail considerable cost and may involve the acquisition of the whole of the property in which the spring is situated, and the matter will have to be referred for the orders of Government."

4. I enclose a plan (to be returned) of D-267 A showing in yellow the site required for the cistern (144 square feet in extent), a right of way to it (7 feet $\times$ 3 feet) also shown in yellow, and the line of piping running for 473 feet in D-267 A shown in red. In regard to the right of way, it must be observed that there is at present no public road or right of way in connection with it, and, consequently, a portion of the private road leading to the Towers Cottage shown in brown has also to be acquired and declared a right of way. The piping through the land will entail excavation and partial damage, and the Executive Engineer observes that he does not require any

portion of the 473 feet permanently, but that a right of way should be reserved for the officials of the department or of the Ootacamund Municipal Council to examine the pipes when necessary. A condition is also suggested that no building, which may hereafter be constructed over the pipes, may be allowed to touch them. Mr. deWinton writes that the proposed improvement of the water-supply will not interfere with the water-supply to the house, and that, on the other hand, it will prove more convenient than the present arrangement.

5. Mr. deWinton had promised Mr. Barclay a sum of Rs. 200 as compensation if he could show a good title, and requests that any award that may be given under Act X of 1870 may not be for a less amount.

6. I feel doubtful whether the land easements and rights can be acquired or created under Act X of 1870, as such acquisition is required to be absolute and free from all encumbrances—*vide* sections 16 and 17. At any rate, it seems to me that, if the law is enforced, as in this case there is no other course the person interested in the property can very well insist upon the whole of the property being acquired under section 24, clauses 2, 3 and 4, and section 55, or claim a compensation nearly equal in value to the property and out of all proportion to the sites, easements and rights required.

7. I have the honor to submit the above for the consideration of the Board and Government before the application of the Act is determined on. The Executive Engineer's offer of Rs. 200, if accepted, will be very low, and, considering the small amount involved, perhaps the Board and Government will consider it desirable to conclude the arrangements with Mr. Barclay even with his present weak title. He has, however, occupied the house for some years and is a respectable man, being a pensioned uncovenanted officer of the Central Provinces with a monthly pension of Rs. 250.

Resolution—dated 18th September 1888, Mis. No. 5562.

Submitted for the orders of Government.

2. Acquisition, under the Act, of the whole of the land required appears the only possible course. Mr. Barclay has not yet paid for the land and no valid title can, therefore, be obtained from him, and the Act does not recognize the acquisition of easements over land as opposed to the land itself.

(A true Copy and Extract.)

(Signed)

H. A. SIM,
Acting Secretary.

No. 5866, Revenue.

Transferred to the Public Works Department.

(Signed)

C. A. GALTON,
Ag. Secretary to Government.

OOTACAMUND,
5th October 1888.

ORDER—dated 22nd October 1888, No. 3357 W., Public Works.

The Collector will be instructed in the Revenue Department to negotiate with Mr. Barclay for the purchase of the required land and easements.

(True Extract.)

To the Revenue Department, with plan.
„ Superintending Engineer, IV Circle.

Exd. J. Henricus.
Spare Copies

Captain, R.E.,
Under-Secy. to Govt., P.W.D.

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of (1888) Madras.

PUBLIC WORKS.

Dated October, 22nd.

Recd.

Encl.

G.O., 22nd Oct. 1888, No. 3357 W.

OCTOBER.

Land

The Revenue Department to instruct the
Collector of Nilgiris to negotiate with Mr.
Barch for the purchase of the — and ease-
ment required in connection with the water-
supply to Government offices on Stonehouse
Hill.

No 369 ^{3/37}

Nilgiri Collector office 110
Calacound 24 August 1888
2902 8

L R Burrows Esquire
Collector of Nilgiris

The Secretary to the Commissioner
of Land Revenue
Madras.

Sir,

At the instance of the Bangalore
Engineers, Nilgiris, I have the honor to
request that Government may be moved
to sanction the acquisition under Act of
1870 (Land Acquisition Act) of a small piece
of land, 144 square feet in extent, situated
in Settlement No. 267 in Calacound
for the purpose of constructing a Cistern
in connection with the new water supply
scheme to the Government Offices on
Stonehouse Hill. There is a spring in the
above private property which the Bangalore
Engineers propose to impound in the

Bar 42/18

Cistern to be constructed and channels to carry water through pipes.

2. The Executive Engineer has been unable to make any private arrangements as the ownership of the property is not clear. In the correspondence sent by him the title is described as follows:— "It seems that the property originally belonged to a Major Jones who bequeathed it to a native Muhammedan lady, who, in her turn, has sold it to a Mr Barclay. But she appears to have never taken out letters of administration of the property, and Mr Barclay refuses to pay for it until she does. Consequently neither the native lady nor Mr Barclay can show a good title to the property and I am unable to treat with either."

The question of title

18/5/71 211
was referred to the Government Solicitor by the Executive Engineer, through the Superintending Engineer, 4th Circle, and he advised that "the spring referred to by the Executive Engineer and all land necessary in connection therewith should be taken up by the Collector under the Land Acquisition Act 1870. There seems to be no prospect of acquiring a good title to the land in any other way. The course I have ^{suggested} ~~adopted~~ may entail considerable cost and may involve the acquisition of the whole of the property in which the spring is situated, and the matter will have to be referred for the orders of Government."

4. I enclose a plan (to be returned) of $\frac{D}{267A}$ showing in yellow the site required for the cistern - 144 square feet in extent - a right of way into it 7 feet x 3 feet also shown in yellow: and the line of

piping running for 473 feet in
D_{267A} shown in red. In regard to the
right of way, it must be observed that
there is at present no public road or
right of way in connection with it and
consequently a portion of the private road
leading to the Lauro's Collage shown in
brown has also to be acquired and
declared a ^{right} right of way. The piping
through the land will entail excavation
and partial damages, and the Engineer
observes that he does not require
any portion of the 473 feet permanently,
but that a right of way should be reserved
for the officials of the Department or of the
Ratnamund Municipal Council to
examine the pipes when necessary. A
condition is also suggested that no
building which may hereafter be constructed
over the pipes may be allowed to touch them

9/5/31 31
Mr DeWinton wishes that the proposed
improvement of the water supply will not
interfere with the water supply to the houses,
and that, on the other hand, it will prove
more convenient than the present arrange-
ment.

5 Mr DeWinton had promised
Mr Barclay a sum of Rupees 200 as
compensation if he could show a good
title and requests that any award that
that may be given under Act X of 1870
may not be for a less amount.

6. It is doubtful whether the land
tenements and rights can be acquired or
created under Act X of 1870, as such
acquisition is required to be absolute
and free from all encumbrances - vide
Sections 16 and 17. At any rate, it seems
to me that if the law is enforced as in
this case there is no other course, the person

interested

interested in the property. Can very well
insist upon the whole of the property
being acquired under Section 24 Clauses
2, 3 and 4 and Section 55, or claim a
compensation nearly equal in value to
the property and out of all proportion
to the sites, easements and rights required.

I have the honor to submit the
above for the consideration of the Board
and Government before the application
of the Act is determined on. The
Executive Engineer's offer of Rs 200,-
if accepted, will be very low and
considering the small amount involved
perhaps the Board and Government
will consider it desirable to
conclude the arrangements with Mr.
Barday even with his present weak
title. He has, however, occupied the
house for some years and is a respectable
man being a pensioned uncovenanted
officer.

48
8/32/57
Officers of the Central Provinces
with a monthly pension of Rs 250.

I have the honor to be
Sir

Your most obedient servant

B. B. B.

9/57
3357

Draft Notification

758 & 1/2
published
Dunfries

Under Section 6 Act X of 1870, the
Right Honourable the Governor in Council
hereby declares that land he mentioned in
the following schedule and measuring acres
.00378 be the same a little more or less is
needed for a public purpose, to wit, for the
construction of a cistern in connection with
the new water supply scheme to the Government
officers on stone house hill, a right-of-way
to the cistern; and laying in pipes; and under
sections 3 and 7 of the same act, the collector
of Malguzas for the time being is appointed
to perform the functions of a collector
under the act and directed to take
order for the acquisition of the said
land:—

Schedule

3
Nov 6472/18

9.7.1902

Receipts of land out on day inclosed from account taken with surveyor Pamela N. G.	Receipt of of account	Receipts North East South West up	Extent the taken up	Remarks
By Leasing Settlement No. 2674	By Leasing Settlement No. 2674	By Leasing Settlement No. 2674	By Leasing Settlement No. 2674	By Leasing Settlement No. 2674
Known as Lousso Cottage	Known as Lousso Cottage	Known as Lousso Cottage	Known as Lousso Cottage	Known as Lousso Cottage
Negative & owner - No. 1098 Name of account - Mr. H. Barclay				
12' x 12' = 7' x 3' =				
Area required for a cistern 00048 Required for a road to the cistern				
Note (a) It is proposed to lay in pipes through the land for a distance of 1473 feet; but no land is permanently required; after the pipes have been laid in. No building shall be built over the pipes so as to rest on them. (b) A right of way is also required over the existing private road to afford access for inspection etc.				

Collector



570

Proceedings of the Board of Revenue
(Land Revenue).

Dated 18th September 1888.

No. 5562 Misc.

M. S. Thomas Esq. J. L. S. J. B. S.

Read

Letter from the Collector of Nilgiris, dated
24th August 1888, No. 269.

Resolution:-

Submitted for the Orders
of Government.

2. Acquisition under the Act,
of the whole of the land required appears the
only possible course: Mr. Barclay has not
yet paid for the land and no valid title
can, therefore, be obtained from him, and the
Act does not recognize the acquisition
of easements over land as apposed to the
land itself. (True extract)

SD

To the Secy to Govt R.D. with letter
and 2 enclosures in original
copy to be retained in Nilgiris

Secretary

9
B/
3357

ABSTRACT.

N^o 219 Wd/19. 1888.

6P

Ind^t. N^o 5866.

Transferred to the
Public Works Dept.

Collector
to Govt.
Atacamuna
5th Oct 1888

To the A.M.D.
with 3 lbs

PMC N^o 1035

(1888.)

REVENUE DEPARTMENT.

No. 6472.

From

The Board of Revenue
(Land Revenue)

Dated 14th Sept 1888.
Received 20
Enclosures 12. 10. 88

Plan
No. 65 P2 Indis.

SUBJECT.

Submitting for the order
of Govt. with remarks applica-
tion of the Collector of Indis.
for the acquisition under the
act of a piece of land in
Atacamuna required for the
construction of a reservoir in
connection with the water
supply scheme to the
Govt. office in above House
Hill.

Under the Indis.

PUBLIC WORKS DEPARTMENT.

10/3355

Read the following:—

Proceedings of the Board of Revenue (Land Rev) N^o 5562 Indis of
September 18, 1888.
Endorsement in Revenue dept N^o 5866 of October 5.

FOR ORDERS.

The Collector's suggestion
certainly. Mr Barclay's little
to sell does not depend on whether to treat with Mr. Barclay
he has paid the purchase money seems the best under the
circumstances.

The cost of acquiring
the whole property under the
Land Acquisition Act would
be out of all proportion to
the benefits expected from
the spring of water.

M. H.
13/10/88

L.S.

11/335

Railways & Roads
Civil Works

J.P.

Dep. 3357 10/10/00

The Collector will be
instructed in the Revenue
Department to negotiate
with Mr. Baralag ^{for} the
purchase of the required
land and encumbrances.

W.W.

17.10.00

M.R.

17/10/00

U

14/10

Res Department ^{with plaw.} 3/12
S.E.T.V. (into)
(The Secretary to Govt. Res. Dept.
for favor of counterintensity)

Rev. 15.10.00
S.E. 15.10.00
Returned 22.10.00

Govt. of [1888] Madras.

PUBLIC WORKS.

28/10/88

Recd.

Encl.

No. 22 Betr 3357/88

Land

The Revenue Dept. to instruct
The Collector of Nilgiris
to negotiate with
Mr Barclay for
the purchase of the
~~gora dora~~ & East,
tracts required in
connection with the
water supply to Govt.
Offices on Stone-
house hill.

95

4

Per Mr. 23/10