

- (1) பக்கங்களின் எண்ணிக்கை 14
 (2) புதுக்கித் திருப்பிய நாள் 21 செப் 92
 (3) ஆதாரங்குறிப்பவர் கருக்கொப்பம் [Signature]

தமிழ்நாடு ஆவணக் காப்பகம்.

(23)

தமிழ்நாடு அரசு

P.W.D. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1182	அச்சகம் பலவகை
நாள் :	3.5-1889	198 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

7. Sheets

Boitel Sheet 2, 3, 4.

ஆவண. கர-1-18,006-18-6-89.

Prasur lands. The Calingulah was not blocked up during the remaining 1 1/2 days. This 1 1/2 days supply was allowed for Thudithangichery lands. This turn (Morai) is being observed up to date without incurrence. No loss has, by this arrangement, been occasioned to Thudithangichery.

According to settlement the Prasur lands should yield 5000 & odd coles; but after the above turn have been introduced, the lands do not yield properly and the Plaintiff is undergoing loss.

That the 3^d Defendant misrepresented to the 2nd Defendant that the Thudithangichery lands are not supplied properly.

The 2^d Defendant obtained the approval of the 1st Defendant and decided to remove the Prasur Dam, and to construct a new Dam in the Thudithangichery limits.

The Plaintiff has served the necessary notices more than 3 months ago, under section 84 of the Civil

Procedure

Procedure Code.

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The Cause of action arose from the 7th November 1888, when the 2nd Defendant ordered the removal of the above Calingulah.

The Plaintiff prays therefore that his right to 3 1/2 days Morai out of the 5 days existing Morai in the undermentioned Dam, should be established and to declare that the Defendants are not entitled to demolish the existing Dam, as also for the grant of an injunction, prohibiting the Defendants from demolishing the existing Prasur Dam and constructing a new Dam in Thudithangichery limits and for an order to pay the Defendants the Cost of the Suit.

Description of the Calingulah.

The Calingulah is situated in the East and West of Agamalawar, north of Prasur village and north of the Southern bank of the said channel, and south of the North bank of the said channel in the Mammargudy Taluk, under the jurisdiction of the

3 3 Mammargudy

Mamargudy Sub-Registrar in
Tanjore District, Registration Depart-
ment.

Cost for establishing his rights Rs 300
Cost for granting injunction Rs 150
Total Cost Rs 450.

The suit was brought on a Court-
fee stamp paper worth Rs 21-4-
ie. Rs 10 for establishing the rights
and Rs 11-4- for granting injunction.

9-2-89.

(Sd) Gopala Sivas
Plaintiff

(True copy of translation)

W. Hughes

Superintending Engineer
V. H. Cole

15/4/89.

Arasur Dam Dispute

O.S. No. 56 of 1889 in District Munsiff's
Court at Mamargudy.

Draft Reply Plaint brought by
Minsidan Gopal Sivas.

(1) Water Regulation and the Agamalaan belong
to Government solely. The Plaintiff has no
right to any fixed morae and his first Court
is found left.

At the same time it is not contemplated to
alter the modified morae 3 days to Arasur
and 2 days to Kudatangi Cheri prejudicially
to Plaintiff's lands. His fears are as grounded
as his claims. Should any such modification
be made hereafter Plaintiff can then repore
sent any injury sustained thereby to the
Collector who controls the water Regulation
in this District.

2. The existing Arasur Dam, as the Aga-
malayan and all its works belongs to
Government not to Plaintiff. He has no
grounds for claiming its retention.

At the same time it is not intended

A L

to remove it till the new dam is completed.
3. The plaintiff has no grounds for asking
that the construction of the new dam may
be stayed. The Government is sole owner
of Ammalavan. The construction however
will benefit not injure Arasur irrigation.

Camp. Tiruchirappalli (Signed) J. C. Manson
19 — 3 — 1889
In charge Engineer

- June Copy -

11-4-89

J. C. Manson
In charge Engineer
Tiruchirappalli

W. Hughes

Superintending Engineer
V. Circle

15/4/89.

No 10555.

Office of the Supt. Engineer Madras
Tiruchirappalli. 15 April 1889.
Sept 16

From

W. Hughes Esq.
Supt. Engineer V circle.

To,

The Chief Engineer
P. W. D.

Encls: 3

- 1. Staff reply
- 1. Copy of plaint
with translation.

Sir,
I have the honor to request per-
mission to arrange with the collector
of Tanjore for the defence of a suit
brought by a rerasidar named
Gopala Iyer under the following cir-
cumstances.

2. Across the Agamalamar channel,
in Manargudi Taluk, there is a weir
called the Arasur Dam built some
35 years ago for diverting water to the
Arasur lands. About three quarters
mile further down the stream is the
Kudithangacheri sluice, the last in
the channel. During the past 30-
years or more there have been bitter
disputes about the distribution of
water between the two villages -
In 1875 Col. Baker then District Engineer,
5

acting on information which is now said to be incorrect, established a rule that in every period of 5 days, whenever water was deficient, the dam should be closed for $3\frac{1}{2}$ days for the supply of Arasur and open for $1\frac{1}{2}$ days to pass water down to Budithangicheri. This rule, which was approved by the Collector, seems to have been accepted as authoritative but was not properly enforced, Gopala Sizer the present, plaintiff who is a man of strong influence, and had means of controlling the regulation to a great extent, having abused his power to the detriment of Budithangicheri. With a view to settle the perpetual disputes the Honorable Mr. Stokes when Collector of Saipore directed that as an experimental measure the dam should be closed for three and opened for two days. This order was never carried out except for a short time last season.

3 Considering the constant disputes between the villagers the great difficulty of getting any sort of

1152 regulation carried out at the Arasur dam and the need of a dam to raise water to the Budithangicheri lands which are reported to be on nearly the same level as the Arasur lands, the predecessor Mr. Brindall with the approval of the collector sanctioned an estimate for a new vented dam below the Budithangicheri shicee. The top of the shutters of the new dam, now under construction, will be on the same level as the top of the dam stones of a new dam.

4. The plaintiff claims that any alteration of the old regulations and any interference with the Arasur Dam would be against his vested interests and has obtained a temporary injunction against the removal of the old dam. The suit is brought against Mr. Gibson the collector, Major Campbell, Supt. Engineer, and against one of the ryots of Budithangicheri.

5. Major Campbell being unable to attend the Court gave a power of Attorney to Mr. Mansoon the Executive Engineer

Engineer to appear for him. I request
permission to charge the cost of this
to 4. to my office contingencies.

6. The delay in asking for
instructions is due to the draft reply
to the plaintiff having been at first
drawn up without consultation with
the Govt. Pleader. Upon reference
made to him he states that the
draft may be adopted. It is herewith
submitted with a copy of the plaint.

I have the honor to be

in

your most obedient servant.

W. H. W.

Supt. Engineer of Circle.

7182

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No 1182 Wd/3rd May 1889

Hcl
27/4

B The defence of the
suit is sanctioned
2 In accordance with
para 410 of the P.W. Code
the papers were made
out to the district prob.
pleader for the necessary
action.

3. The cost of the power of
attorney referred to in para 5
should be treated as part of the
expenses of the case
and debited accordingly
vide Code paras 421 and
828, and also the
concluding clause of
para 410.

MCM
24.4.89

Quett
25.4.89

To the S. & VI Circle
by Mr. A. D.
3/5

24/4
P. 8/5
A.S. 75/4. Hm 28/4. M 29/4.

From The Superintending Engineer
(3) VI Circle
Trichinopoly
To The Chief Engineer,
P.W.D.
Madras

N-10575 Rev. 3

Dated 16. } April 1889
Recd 16. }
Recd 20.

No 1182 Wd/3rd May 1889

Enclosures 3.

7 Arasur Dam.

Requesting permission
to arrange with the Collect
of Tanjore for the defence
of a suit regarding — brought
by a Mr. Assidat named
Gopalappa under the then
mentioned circumstances

With orders