

- (1) பக்கங்களின் எண்ணிக்கை 14
 (2) புதுக்கித் திருப்பிய நாள் Aug
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 100

தமிழ்நாடு ஆவணக் காப்பகம்.

(33)

தமிழ்நாடு அரசு

P.W.D. துறை

அரசாணை எண். <u>2332</u> மு. கோப்புத் தாள் எண்.	அச்சகம் பலவகை
நாள் : <u>24-8-1889</u>	<u>198</u>

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

7. Shale 227

ஆவண. கா-1-18,006-15-6-87.

From C. D. Maclean Esq.,
Collector of Vellore, to the Suptg.
Engineer 2nd Circle, dated 11th
June 1889 No. 613.

With reference to your letter
No. 135 N.L. dated 23rd May 1889,
I have the honor to state that
the proposals of this Office
regarding lands taken up for
the Penner right & left Embank-
ments were forwarded to the
Executive Engineer for his remarks
with letter No. 4930 dated 19th
August 1886. He was subsequently
reminded in letter No. 1724 of
30th March 1887.

2. The Executive Engineer
sent up 2 Schedules for lands
permanently required with his
letter No. 2325 of 10th Nov. 1888,
and reviewed the proposals
of this Office observing that
certain cases for loss of produce
were unsustainable. The matter
is

is under reference to the Kellore
Tahsildar.

3. It is out of my power to say when the settlement will be completed, the claims of the parties on the one hand and the opinion of the Public Works Department on the other being widely divergent.

(True copy)

Harmon

Superintending Engineer
H. Birch.

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2332
From A. A. J. Malet Esquire,
Executive Engineer, Nellore Division,
to the Collector of Nellore, dated
Nellore 10th November 1888 No. 2325.

I have the honor to draw your
attention to the correspondence ending
with your Nos. $\frac{4,930}{19-8-86}$ & $\frac{1,724}{30-3-87}$.

The former letter deals with land
taken for the Flood Bank Left Bank
of Penner in the Vallakalva Khandriga.

The latter with land taken up
for the Flood Bank Right bank
of Penner.

This correspondence has extended
over some years, and it is most
desirable that some definite settle-
ment should be arrived at. I
propose to review each case sepa-
rately and trust that you will
see your way to dispose of them
at an early date.

Land for Flood Bank on Left
Bank of Penner in Vallakalva Khandriga

This land comprises two sets of
areas. For one set aggregating 102.61
acres taken up in Faslies 1262, 1284 &
1286, compensation has been settled
by granting exchange of land in the
village

Cont. 1485/89. No. 2 5046 of 89
No. 2 4900 of 89

de your
1907
21-4-85.

village of Gandavaram and in addition to this, the owners brought a civil suit and obtained compensation for loss of produce at Rs. 3 per acre.

The other set aggregates 49.56 acres, and is still under dispute. This 49.56 acres comprises 16.76 acres as noted in the enclosed schedule and colored red on the enclosed land plan, and about 32.80 acres situated in Nos 1994, 1995, 1996 & 1998 and lying between the Flood Bank and the river. The area of 16.76 acres is required for the Flood Bank; the area of 32.80 acres is not required.

As stated in your No. ⁴⁹³⁰ 16-8-86 the owners of this 32.80 acres appear to be willing to take this area back if they are paid compensation at Rs. 3 an acre for the period in which it has been in the possession of the P.W. Department, i.e. from the date on which they assert it was occupied by the P.W. Dept. up to date. It is important that an early settlement of these 16.76 + 32.80 acres should be arrived at.

Pending

233 Pending a final settlement, I have the honor to request that if possible you will arrange for the owners to occupy the 32.80 acres situated between the Flood Bank and the river at once, so that should the claim for loss of produce on this land be decided in their favor, no further claims may accrue; and also to settle compensation finally for the 16.76 acres which are undoubtedly required for the Flood Bank.

The case stands thus:-

The collector's decision has hitherto been that the owners can claim compensation for all land cut off between the Flood Bank and the river. The Suptg. Engineer declines to accept this decision on the grounds that it is not usual to pay compensation for land lying between the Flood Bank and the river, which is not required for the Flood Bank, and that if compensation for such land is allowed, it would make the cost

of

of embanking rivers prohibitive.

In the first case referred to in this letter, viz. the area aggregating 102.61 acres (colored yellow on enclosed plan) the decision has been given in favor of the ryots, and they also through a civil suit obtained compensation for loss of produce.

With reference to this, I would refer you to my No. $\frac{265}{23-4-85}$ from which you will see that no notice of this suit was given to the Executive Engineer & in consequence, I believe that important evidence on behalf of Government which was readily available was not produced. I have questioned the Amicut Superintendent and lascars and as far as I can ascertain, the P.W. Department have not exercised any rights on or been in possession of the 32.80 acres referred to in the second case. Cattle in this area have never been sent to the pound, and the owners have always been free to exercise their rights over it.

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2332 I do not therefore see why Government should pay compensation for loss of produce in this area.

There is a good ramp over the bank, and if the ryots have failed to utilize the ground, it is their own fault.

I consider this area of 32.80 acres is and always has been in the possession of the ryots.

The Tahsildar of Nellore in his No. $\frac{1039}{8-10-85}$ forwarded with your No. $\frac{4930}{16-8-86}$ makes a strong point in connection with the cattle pound receipts. These receipts do not show that Government servants have pounded the cattle. The receipts read as follows:-

"Received Rs. 3-4-0 for 4 Buffaloes
"and 10 calves impounded in the
"Kovur cattle pound by Katurreddy
"Rangareddy and soon by other
"3 persons"

which certainly appears to show that the owners were looking after and reserving the land.

The Kyfiat given by lascar Pulliah distinctly asserts that he

he only pounded cattle found on the Flood Bank which may be taken to include land north of the deep cut, and that he did not pound any cattle found grazing on the waste land south of the Flood Bank, i.e. on the 32.80 acres above referred to, which I assert we have never entered on. If the owners have failed to make use of this 32.80 acres, I maintain it is their fault. We have entered on the 16.76 acres, and Government is responsible for compensation on account of this 16.76 acres and for loss of produce on it, and compensation for it should be settled.

With reference to the last 2 paras of your No. $\frac{4930}{19-8-86}$, I think that as the land has been acquired, it should not be given on ordinary pattah. I propose to retain it.

Land for Flood Bank on Right Bank of Penner Dⁿ Nos 308, 309, 330, 331 & 333.

In this case, the owners claim compensation for land cut off between Flood Bank and River and for loss of

of produce on this land from the date on which they assert it was occupied by the P. W. Dept^y up to date. *g B*

The total area concerned including both the area required for the Flood Bank and the area lying between the Flood Bank and the River which is not required is 57.03 acres.

Of this 57.03, the area required for the Flood Bank is 25.14 acres & the area lying between the Flood Bank and the River, which is not required is 31.89 acres.

I enclose a schedule and land plan for the 25.14 acres which are required. This area viz: 25.14 acres has been entered on & Government is responsible for compensation due on account of it, and on account of any loss of produce. The land is here sandy waste, and has I understand never been cultivated. The arguments and disputes are the same in this case as in the one already dealt with.

The area of 31.89 acres has never

never been entered on or occupied, and no cattle on it have ever been sent to the pound. If the owners have failed to exercise their rights over this 31.89 acres, it is their own fault. I have the honor to suggest in this case also that pending a final settlement of all disputes, the following action may be taken. The area of 25.14 acres actually taken up for, and occupied by, the Flood Bank to be settled for in full.

The owners to be informed that they should occupy and utilize the area of 31.89 acres not required for the Flood Bank, so that if the final decision regarding loss of produce on this area is given against Government, no further claims may accrue.

(True copy)

J. H. Munn
Superintending Engineer,
II Circle
Gmt. 1255/89. Rev. 5046 of 89
Rev. 4900 of 89

26689

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read

the following Proceedings

of the Board of Revenue (Land Revenue)
dated 22nd July 1889, No. 4392 Ins. on
L.C. Revenue Dept., dated 11th July 1889, No.
4348 Ins.

not communicated to P.W.D.
vide 449D of 89

Resolution:-

Communicated to the Collector
of Koller, who is requested to expedite
the settlement of claims and to make
the report called for by Govt. as
soon as possible.

Order thereon, 5th Augst 1889, No. 4972.

Recorded.

1/ True Extract/

Ch. W. G. Govt.
Secretary to Govt.

M. S. S. Works Dept.
with 2 Enclosures

AR

PNC 8-7649 ✓

(2)

R/10.8.89

Ho 2332 W of 24th August 1889

Communicated to
the Suptg. Engr. II Circle
with reference to his
letter No. 2697 L. of 26th
June 1889.

S. En Circle ✓

CS

Press

21.8.89

24/8

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