(1) பக்கங்களின் எண்ணிக்கை 16

(2) புதுக்கித் திருப்பிய நாள் டிசம்பர் 1990

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

துறை

அரசாணை எண்.
மு. கோப்புத் தாள் எண். 2506

அச்சகம்
பலவகை

நாள் : 10—9—1885 198 .

மடிக்கவோ கண்டபடி கையாள்வோ கூடாது

ஆவண. கா-1—18,006—15-6-87.

2506

IV P.M.C 6699

These papers were sent to me marked "Confidential" from your office, and up to then they have been seen only by myself, L.W.P., and the clerk who made the four copies.

A paper to be marked "Confidential" must be treated as such in every office, and as there is (given through) contents or even to the amount of trouble it is advisable to limit the number of "confidential" papers as much as possible. The papers must perhaps in fact I think be treated "as ordinary"

WCR
23.5.24

I see no necessity for maintaining in the Confidential Register

Lun WCR 24.5.24 | Rec'd 27.5.24

No 45

Nilgiri Collectors Office,
Cotacamund, 5th February 1889.

250

From

L. R. Burrows Esquire,
Collector of Nilgiris,

To

The Secretary to the Commissioners of Land Rev:
Madras

Sir,

With reference to Board's Proceedings, dated 30th may 1887, No: 3307, Mis: (Confidential), relating to the encumbrances on the new Pykara road which are in dispute between Government and Mr: Barnard, owners of the land on which they have been planted, I have the honor to state that no evidence, oral or documentary is forthcoming to prove adverse possession for the last 12 years, nor can it now be proved that the trees were lopped or pruned by Government Servants.

2. The trees have been planted by Government according to Mr: Barnard's own admission some 20 years ago. They may have been enclosed and tended to for a few years after planting but there is no evidence on this point as all the Government Servants of that time who have had anything to do with the trees have either died or quitted this district.

3. The demarcation and Survey of the land on which the trees are, were made in 1869 and there is nothing to show why at that

time

time they were not excluded from the private holding. This circumstance would be strongly urged against Government if the dispute was taken into a Civil Court. The decisions quoted in the Government Pleader's letter communicated with the Proceedings above quoted would not, I think apply to this case, as the road and the margin reserved for it have been clearly defined and marked by the Survey Department.

4. I may mention here that in October 1888, on a date specified, Mr: Barnard intimated his intention to fell the trees. A subordinate of the Public Works Department was instructed to resist his interference which was effected by the latter entering on the land and pushing Mr: Barnard away. A complaint was filed before the 1st Class Magistrate (Sub judge) of Batticaloa and for assault and criminal trespass under sections 352 and 447 of the Penal Code. The dispute concerning the trees being one for the decision of the Civil Court, the Magistrate dismissed the complaint, but he remarks in his judgment as follows:— "The only point on which I feel any difficulty in this case is whether, since Government do not claim the land but only the trees, they were entitled by their officer to enter on such land to protect the trees, or whether they should not have sought the aid of a Civil Court rather than enter on land in prosecutor's possession."

5. Mr: Barnard has recently come forward and offered to compromise the

dispute

dispute as to the trees and to allow a reserve of 12 feet below them in exchange for Rs 250 and a piece of land measuring 3.78 acres registered as No. 1/184 which was purchased by Government in 1883 as part of the brick-field in Kandal and which is now no longer required for the purpose.

6. The above exchange is reasonable and the Executive Engineer has no objection to it.

7. As the legal claims of Government to the trees cannot be satisfactorily established in a Civil Court as above explained, I have the honor to request that the Board and Government in the Public Works Department will be so good as to sanction the exchange referred to in para 5 the land to be given being assessed at Rs one per acre.

8. A tracing showing the land on which the disputed trees are and the land asked for by Mr: Barnard in exchange is herewith submitted.

I have the honor to be
Sir
Your most obedient Servant
Signed L. R. Burrows
Collector

(True Copy)

Secretary to Government.

3

75 [illegible]

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT:

Read the following

1. Proceedings of the Board of Revenue, (Land Revenue) dated 28th February 1889, no: 1244 mis: on letter from the collector of Nilgiris, dated 5th February 1889, no: 45.

Resolution

Submitted with copy of Board's Proceedings, dated 30th may 1888, no: 3307, for the orders of Government. The Board support the collector's recommendation: —

2 - Letter from the acting collector of Nilgiris, dated 26th april 1889, no: 28: —

With reference to official memorandum, dated 15th Instant no: 591 (confidential) from the Under Secretary, I have the honor to state that the 3·78 acres of land referred to were acquired under Act X of 1870 at the rate of 140 Rupees per acre or Rupees 529-3-2 for the whole area plus 15 per cent on account of compulsory acquisition and interest at 6 per cent from the date of taking possession to date of payment of compensation

2. I am informed that the then collector Mr: Brandt considered this valuation to be decidedly over the mark. In my opinion the present value may be taken at Rupees 100 per acre. 4

Order.

Order thereon, 11th May 1889, no: 379.

The compromise suggested by the Collector in paras 5 and 7 of his letter, dated 5th February 1889, no: 45 is approved and the grant of the land referred to subject to assessment at 1R. per acre is sanctioned.

2. Orders will issue in the Public Works Department for the payment of the sum of Rs 250 to Mr: Barnard.

(True Extract)

Secretary to Government.

To

The Commr: of L.R.
with papers.

P.W. Department.

Sir,

An allotment of Rs 250 is made from the Provincial Revenue. The Supty: Engineer W. Circle will arrange for the disbursement of the amount.

Rwd
20.5.89

Copy

L.S.
S.E. W. Circle
Executive
Rev. Dept.

Confidential.

188

P. W. DEPARTMENT.

C.W.C. No. 4699

Current No.

From The Revenue Dept.

Enclos.—1.

No. 379.
Dated 11th May 1889.
Received 22nd May 89.

Subject.

Dispute between Govt. and Mr Barnard rel: to the avenue trees on the new Pykara Road.

Disposal.

No. 1886 Dated 23rd May 89

1889.

P. W. DEPARTMENT.

Current No. 5348

From The Examiner
P. W. Accounts.

ENCLOS.—

No. 807.

Dated 12th } June 1889.
Received 13th }

SUBJECT.

Land to be taken over from Mr. Barnard

Stating that the — should be acquired thro' the agency of the Collector.

DISPOSAL.

No. 3492 Dated 18th June 1889

To The Secretary to Govt
Revenue Dept

Please see the Examiners' Office Note - It seems questionable whether the P. W. Dept can even be debited by the Collector with

cost of compensation, as the trees and margin on which they are planted do not border a road in charge of this Dept. The road in question is understood to be a municipal one.

(Sd) R R E D B

W

No. 1386 W of 23.5.89.

6

250

12th August 1889, No. 692, Revenue.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—again the following G.O., dated 15th July 1889, Mis. No. 4412, Revenue :—

Read—the following office-note from the Examiner of Public Works Accounts, to the Joint Secretary to Government, Public Works Department, dated Madras, 12th June 1889, No. 807 :—

With reference to G.O., No. 1386 W., dated 23rd May 1889, ordering the Superintending Engineer, IV Circle, to arrange for the disbursement of Rs. 250 allotted for payment of land to be taken over from Mr. Barnard, I beg to point out that the land in question should be acquired through the agency of the Collector (*vide* Public Works Department Code, paragraph 1032).

2. I would also point out that there is no necessity in any such case for any disbursement of money by the Public Works Department—indeed any such disbursement is irregular, as the Collector should debit the Public Works Department with the amount disbursed by him. It would probably prevent mistakes and complications if Government orders were not worded so as to suggest any disbursement by any officer of the Public Works Department in such cases.

Endorsement No. 349 D.

Please see the Examiner's office-note. It seems questionable whether the Public Works Department can even be debited by the Collector with the cost of compensation, as the trees and margin on which they are planted do not border a road in charge of this department. The road in question is understood to be a municipal one.

Ootacamund, 18th June 1889. (Signed) R. R. E. DRAKE-BROCKMAN, Lieut.-Col., R.E., Ag. Joint Secy. to Govt., P.W.D.

To the Secretary to Government, Revenue Department.

Order—dated 15th July 1889, Mis. No. 4412, Revenue.

The Collector will be requested to report whether the road in question is maintained by the municipality, and, if so, whether they agree to pay the sum of Rs. 250 to Mr. Barnard if the Government makes over to him the land to be given in exchange for that taken up.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Collector of Nilgiris.
Copy to the Commissioners of Land Revenue.

Read—also the following letter from C. F. MacCARTIE, Esq., Acting Collector of Nilgiris, to the Secretary to Government, Revenue Department, dated Ootacamund, 20th July 1889, No. 52 :—

With reference to G.O., dated 15th July 1889, No. 4412, Revenue, I have the honor to report that the road referred to in the correspondence relating to the grant of compensation to Mr. Barnard is maintained by the Public Works Department and

7

not by the municipality, the road being part of the Gúdalúr-Mettupálaiyam road which Government took over for upkeep under orders, dated 7th May 1884, No. 1025, Financial.

2. Under the above circumstances the municipality cannot reasonably be called on to pay the sum of Rs. 250 due to Mr. Barnard as compensation.

ORDER—dated 12th August 1889, No. 692, Revenue.

Land Revenue, No. 73.

Transferred to the Public Works Department with reference to their endorsement, dated 18th June 1889, No. 349 D, with the remark that, in the circumstances reported by the Collector, the land and the trees thereon should be considered to have been acquired for the Public Works Department.

2. The Collector will now disburse the amount (Rs. 250) to Mr. Barnard and debit the amount to the Public Works Department.

(True Extract.)

Secretary to Government.

To the Commissioners of Land Revenue.
„ the Public Works Department.
„ the Accountant-General.

Exd. A. D. Xavier.

60 Copies.

250

Gobt. of {1889} Madras.

REVENUE.

Issued

Recd. Encl.

G.O., 12th August 1889, No. 692.

TO GOVERNMENT MAS. 30 AUG 89

AUGUST.

New Pykara Road, Ootacamund.

Stating that the land and the trees thereon acquired from Mr. Barnard for the — should be considered to have been taken up for the Public Works Department and directing the Collector to disburse the amount of the compensation to Mr. Barnard and debit it to the Public Works Department.

P.S. 1389/8.

No. 2506 dated 10 Sept. 1889

Communicated to the Supdg. Engineer IV Circle for guidance in supersession of the previous orders.

S. Ex Circle Encl. Queen 30-8-89

Copies to Dy

11/9

(8)