(1) பக்கங்களின் எண்ணிக்கை 70

(2) புதுக்கித் திருப்பிய நாள் 6.12-89

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P.W.D துறை

அரசாணை எண். / மு. கோப்புத் தாள் எண். 413-W, 414-W

அச்சகம் / பலவகை

நாள் : 7. 2. 1890 198 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

த. தி

ஆவண, கர்-1—18,000—15-6-87.

Public Works Department.

1/413

Current No. 1180

Letter No. Nil

Dated 4th February 1890

From the Ecclesiastical Deptt:

B/ To S.E. for disposal

6.2.9

NOTE OF REMARKS.

The accompanying
Estimate for repair
to St Patrick's Cat
amounting to Rs
was returned
the Supg: Engr:
in view to the Co
[illegible]
Vicar General being
obtained to the Est:
and the submission
of the Est: to Group
in the Ecclesiastical
Deptt:—

4/413

The estimate is
now resubmitted f
sanction duly Co
signed by the
General and
in the Eccles
Deptt:—

C. No. 16

2/413

2/413

Catholic Cathedral, Madras,

16th January 1890

No. 28.

From the Most Rev. Doctor J. Colgan, D. D.,
Archbishop of Madras.

To

The Chief Secretary to Government
Fort Saint George

Sir,

I have the honor to submit, herewi for the favorable consideration and sanct of His Excellency the Governor in Counc an Estimate, from the Superintending Engineer 5th Circle, for certain repairs an alterations that are needed to render St. Patricks Oratory quite fit for use as a Mortuary Chapel. The Oratory is at present in very bad repair and I beg to request that early orders may be passed.

I have the honor to be
Sir
Your Obedt. Servant
+ J. Colgan
Archbishop of Madra

C. N.º 16

Ecclesiastical (1890) Department

From the Most Rev. Dr. Colgan
Archbishop of Madras

To

The Chief Secy. to Govt.,

Fort St. George.

No. 28.

Dated 16th } January 1890.
Received }

CHIEF SECRETARY'S
17 JAN 90
GOVERNMENT OF MADRAS

Enclosure 5

Subject.

Forwarding Estimate for repairs of St. Patrick's Oratory for favorable consideration and sanction.

15/1/90

Transfer

28/413

p Rct— 17—9—85.

P.W. Cd No 1180

Hm—

R: 760

JHS 3/2/90.

approved and transferred to the Public Works Department

J Bruce
Ag Chief Secretary.
4th February '90.

SECRETARY TO GOVERNMENT
-5 FEB.90
P.W. DEPARTMENT, MADRAS.

No. 3175 C d/ 12-7-89.

No. 414 W d/ 7 Feb 1890

The estimate is returned to the Supg. Eng. & Circle for disposal.

7.2.90

7.2.90

7.2.90

C. 30

By the S.Er write

3/413

uckady—
1st April 1887—

Mr R. Ry. Custooreechund Rupchund
Sett—
Calicut—

Sir, I have had a conversation with yo[ur] agent Kes[illegible] Nambooree about my using stone for metal from your "As-parulla" land—

Some three months ago my Servant (who is your tenant) wrote you on the subject but received no answer.

I have told your agent that I am prepared to pay Anna one per Cubic yar

4/413

Calicut 3rd April 1887

To E. C. Mitchell Esqre -
Luckady - Vythry
From Kustoorie Chund Roopchund Sett -
Proprietor of the "Arramullah"
Estate in Wynaad -
Calicut -

Sir,

I beg to acknowledge receipt of your letter of the 1st Instant - In reply I beg to state that some 2 months ago, you commenced taking stones from my "Arramullah" land without my knowledge and consent, - But as you have now written to me that you require more stones and would pay me at one anna per Cubic yard, or give a sum of Rs 50 for the right of quarrying, I beg to observe that you don't mention in your said letter how many Cubic yards you would require, nor for what period you will be quarrying - I understand that 4 anas are now paid for a Cubic yard there, so to avoid all misunderstanding and disputes in future, I send my agent Achudne Numboodry to see, and speak to you about the terms of your taking the stones, and paying according to the Custom of the place, and if it would suit me you could execute a Karar to me, regarding the matter, but before executing any Karar between you and me, or the Numboodry (my agent) you
will

you will prepare a draft of it, and send for my perusal and approval. I hope and beg that you will abstain from taking any stone whatever from my land until the Karar shall be duly executed and registered.

I remain &c. —

(Signed) Anetoore Chund Roop Chun

(True Copy) —

Anootoorchund Roopchund

Calicut 6th May 1889.

6/413

To P. R. Allan Esqre.
Civil Engineer in charge of the
Govt. Roads at Vythery
Wynaad.

From Kustooree Chund Rupchund Sett.
Proprietor of the "Avramullah" Coffee
Estate at Vythery. Calicut.

Sir,

I do myself the honour to bring to your notice that I have been informed by my agent in charge of the aforesaid Estate there that 2 Coolies of your Contractor Mr. Mitchell who has undertaken to repair the roads there have have trespassed into my aforesaid Estate land, and are taking stones, &ca for the repairs of the roads under your charge and supervision. This being quite irregular, and unwarrantable, I hasten to request you will be good enough to forbid your said Contractor doing so in future, or I shall be under the necessity of addressing the authorities there on the subject, and stop it at once and eventually sue for damages &ca caused to me. Please, do the needful at once, and save me the trouble of adopting unpleasant steps in the matter, replying to this at your earliest convenience. My aforesaid Agent has further informed me that he had requested the Overseer of the Contractor not to trespass, and take stones &ca from my said land but that he has not attended to it, but continues in his impudent act in taking the stones from my land for the repairs of his Contract works –

I have &c –

(Signed) Nustooree Chund Rupchund –

(True Copy) –

[illegible]

Nustooree Chund Rupchund –

Calicut 16th May 1889-

To P. R. Allan Esqre-
Civil Engineer in charge of the Govt.
Roads at Vythry- Wynaad-

From Kustooree Rupchund Sett-
Proprietor of the "Arramullah" Coffee
Estate at Vythry- Calicut-

Sir, I had addressed a letter to you on the 6th Instant, bringing to your notice that I had been informed by my agent in charge of the aforesaid Estate there that 2 Coolies of your Contractor, Mr. Mitchel who has undertaken to repair the said roads there have trespassed into my said Estate land, are taking stones &c., for the repairs of the roads under your charge and supervis and requesting you to forbid your said Contractor Mr. Mitchel doing so in future but you have not done so as yet- I have this day received another letter dated 15th Instant from my aforesaid Agent that your Contractors' Coolies are still trespassing into my aforesaid Estate, and taking stones &c. for the aforesaid purpose, and that no preventive orders have been issued by you on the subjec, which is indeed, a matter of regret to me- In 1887 your aforesaid Contractor Mr. C. C. Mitchell having done the same thing, I wrote to him on the subject and he replied to me on the 1st April 1887 and then I wrote to him on the 3rd April 187 & about the terms I would allow him to take my stones &ca. - a copy of the letter I addressed Mr. Mitchell regarding the stones &ca. is herewith sent for your perusal to enable you to interfere in the matter, and put a stop to the taking off the stones &ca. belonging to me.

I now again request you will be good enough to order your aforesaid Contractor not to take any stones further from my Estate land, or I shall be compelled to take steps preventing such irregular, and unwarrantable proceeding. Please, reply sharp to this.

I beg to remain &ca.

(Signed) Kustooree Chund Roopchund.

(a true Copy) -

[illegible]

Kustooree Chund Roopchund -

Calicut 9th August 1889 -

To
E. C. Mitchell Esqre -
Contractor of the Govt. Roads at Vythry,
Wynaad -

From
Kustooree Chund Rupchund Sett -
Proprietor of the "Arramullah" Coffee
Estate in Vythry -
Calicut -

Sir,

In consequence of your having taken Stones &ca. recently from my "Arramullah" land at Vythry without my knowledge, and consent, I had addressed you some letters on the subject and requested you to pay me the value of the said stones &ca., in order to avoid my taking any legal steps to recover the same from you, but you have not replied to my said letters, which induced me to institute a Police Complaint against you in the Sub Magistrate's Court at Vythry for your having trespassed and taken the stones, &ca., from my "Arramullah" land without my knowledge, and consequent loss sustained by me, but the said Complaint was dismissed, and I was advised by the said Sub Magistrate through my agent there that I should compromise the matter with you which I intended to do without going to law, and that was the reason for my writing to you to pay me the value of the stones, &c., now taken by you for the repairs of the govt. roads - I now beg to acquaint you that I am prepared to settle the matter with you in an amicable manner, provided you will let me have the value of the same already taken by you, and then enter into an agreement between I and you to take in future at some fixed rate per Cubic yard – I therefore request you will kindly remit to me the value of the stones &c., already taken by you from my said land, and inform me if you are disposed to enter into an agreement with me regarding the said transaction, or not – Please, let me hear from you on the subject at your earliest convenience, or I shall be under the painful necessity of instituting a Civil action against you for the recovery of my claim as advised by the Sub Magistrate of Vythry – Please, reply sharp to this, and save me the trouble of doing so –

I beg to remain &c.

(Signed) Kustooree Chund Rupchund –

(True Copy)

Kustooree Chund Rupchund –

Calicut 31st August 1889

To P. R. Allan Esqr
Civil Engineer in Charge of the Govt
Roads at Vythry in Wynaad

~~From~~ by Kustooree Chund Roopchund Seth
Proprietor of the "Arramallah"
Coffee Estate at Vythry
Calicut

Sir,
On the 6th and 16th May 1889, I had addressed ~~[illegible]~~ letters to you informing you that the Coolies of your Contractor Mr. Mitchell had trespassed into, and taken stones &ca from my aforesaid Estate for the repairs of the Govt. roads there, and requested you to forbid your said Contractor doing so in future, and to pay me the value of the stones &ca already taken for the said purpose but received no reply whatever from you to my said letters. This induced me to prefer a Police Complaint against your said Contractor in the Sub Magistrate's Court there, but it was dismissed by him for groundless reasons and I was advised by that officer to have the matter settled amicably consequently I wrote to Mr. Mitchell, the Contractor, on the subject, but I have not up to this day received any reply whatever from him (Copy of my letter to Mr. Mitchell dated 9th August 1889 is herewith submitted for your perusal). — Act No. X of 1870 positively forbids any one interfering with the landed property &ca of others without first obtaining the consent of the Proprietors, or Owners, of the property and

paying the value of the same - under these circumstances I beg you will be good enough to forbid your Contractor Mr Mitchell's ordering his Coolies to take Stones, or any other material from my aforesaid land without paying me the value of the same - On your failing to comply with my request, I shall be forced to adopt legal steps to recover my claim &c. from you - Please reply to this with the least possible delay -

I remain &c. -

(Signed) Kustooree Chund Roopchund

(True Copy) -

Calicut 27th September 1889

To The District Collector and Magistrate
of Malabar
Calicut -

Sir,

I beg leave to submit herewith copy of a letter addressed to Mr. Mitchell, the Contractor of the government roads at Vythry by me, and that of the one I addressed to Mr. Allan, the Civil Engineer in charge of the said roads, from which you will perceive the nature of the Case, but I have not up to this day (the 2d September 1889) been favoured with any reply whate from them to my said letters, which is indeed, a matter of great grievance to me. As you are the Representative of the Government in Malabar, I consider it proper to bring the matter to your notice, and solicit you to interfere, and direct the aforesaid Officials to satisfy my claim, before my taking legal steps to recover the same, when both myself and the Government shall have to incur expences, and trouble - I understand that Mr. Mitchell has been trespassing and taking stones &ca, from the lands of one Pollikel Coonjy Cootty and that he, Coonjy Cootty has already represented the matter to you, soliciting redress from you, so I also most humbly beg you wi be pleased to pass an order on this address directing me as to what steps I should adopt to recover my claim, &c., if you are not disposed to interfere, and settle my case — Plea pass an early reply to this my humble address

I beg to remain &c. —

(Signed) Kristoone Chund Roopchund
Proprietor of the "Assamunk
Coffee Estate at Vythry —

(True Copy) —

~~[illegible]~~

Kristoone Chund Roopchund —

16/913

No 3833.

20 DEC 89

Read petition dated 18th November 1889 presented by Custoory Chund Roopchund complaining of the removal of stones &c from his land by Mr Mitchell, contractor of the government roads, and requesting to be informed as to what steps he should take to put a stop to it.

Read also his petition dated 27th September 1889.

Order.

The matter is one in which the Collector is not concerned, and he must decline to offer petitioner any advice.

Malabar Collr's Office
Calicut, 22nd November
1889.

(Signed) V. Chappen Menon
for Collector.

(True Copy).

[illegible]

Custoor Chund Roopchund

UNDER SECRETARY
12 DEC 89
PUBLIC ETC. DEPT.

To His Excellency the Right Hon^ble the Governor
in Council of Fort St. George –
Madras –

The humble Memorial of Kustooree Chund Rupchund Sett, Proprietor of the "Arramallah" Coffee Estate at Vythry in Wynaad residing at Calicut in the District of Malabar –

Most respectfully Sheweth,

That your Memorialist is greatly aggrieved with the order passed by the District Collector and Magistrate of Malabar dated 22d November 1889, Nº 3833, on his Petitions dated 27th September, and 18th November 1889 on the ground that "the matter is one in which the said Collector is not concerned, and he "must decline to offer Petitioner any advice", to which your Memorialists begs leave to observe that he had addressed the aforesaid Collector and Magistrate as he is the Representative of the Government in Malabar, requesting that Officer to interfere, and put a stop to the irregular and unwarrantable acts of Mr. P. R. Allan, the Civil Engineer in charge of the Govt. roads at Vythry, and of his Contractor Mr. E. C. Mitchell, in taking stones, &ca, from your Memorialists' "Arramallah" land without his Knowledge and consent, and without paying him the value of the same.

That from a perusal of the Papers herewith submitted, your Excellency in Council will perceive the nature of your Memorialist's Case.

That from February 1887 Mr. Mitchell, the Govt. Contractor, commenced taking stones, &c., from your Memorialist's land without his consent for the purpose of repairing the public roads, and without paying the value of the same, which is quite opposed to the Government Act No. X of 1870.

That the Contractor Mr. Mitchell addressed a letter to your Memorialist on the 1st April 1887, proposing to pay for the stones &c. taken by him @ 1 Anna per Cubic yard, and in reply to it, your Memorialist wrote to him on the 3rd April 1887 to say that without entering into an agreement with your Memorialist, he should abstain from taking any stone or other material from his land, but he, Mr. Mitchell, did not send any reply to his letter of the 3rd April 1887 but subsequently sent him 50 Rupees on the said account, and did not enter into any agreement &c., and from time to time, and even up to this day, he, Mr. Mitchell, has been taking stones, &c., from your Memorialist's land, and to all the subsequent letters addressed by him, both to Mr. Mitchell, and Mr. P. R. Allen on the subject, they have not replied, which induced your Memorialist to address the Collector and Magistrate of Malabar regarding the matter in question and Copies of the said letters are also herewith submitted—

That it was with a view to avoid a law Suit, which would entangle expences both to your Memorialist, and the Government, that your Memorialist petitioned the Collector, and Magistrate of Malabar to interfere, and settle the matter, and it is with the same view that your Memorialist now addresses your Excellency in Council on the subject, and most humbly solicits you will be graciously pleased to direct the Civil Engineer at the Neilgiris (under whom, your Memorialist understands, the Civil Engineer at Vythery is) to interfere, and settle the matter by paying your Memorialist the value of the stones, &c., already taken by the Contractor Mr. Mitchell, and entering into an agreement with your Memorialist for taking any materials from his land in future for which benign act, your Memorialist as in duty bound,

Shall ever pray—

Calicut—
9th December 1889—

Kustoorchund Roopchund

1/515
31-12-89

SUPG: ENGINEER'S OFFICE
No. 1321
20 DEC. 89
P. W. D.
FOURTH CIRCLE

EXECUTIVE ENGINEER'S OFFICE
No 3910
23 DEC. 89
NILGIRIS

SUPG: ENGINEER'S OFFICE
No. 7/69
25 JAN. 90
P. W. D.
FOURTH CIRCLE

188 .

P. W. DEPARTMENT.

Current No. 11966

From Custooreechund Rupchund Sett
Proprietor of Aramulla coffee estate at Vythry in Wynad residing at Calicut, Malabar

No. —

Enclos. —

Dated 9th } December 1889
Received 14th }

Circles

SUBJECT.

Petitioning against Mr. P. R. Allen, the civil Engineer in charge of the Govt. roads at Vythry and Contractor E. C. Mitchell for taking stones &c from his land without his consent.

DISPOSAL.

No. 5896 C Dated 18th Decr./89

Referred to the Supty: Engineer IV circle for inquiry and report.

Rundall Brickman
Lt. Col. R.E.
Ag: Joint: Secy: to Govt:
P. W. D.

17.12.89

No 674/NI of 20-12-89

Forwarded to the Executive Engineer Nilgiri division for report.

Major R.E.
Supg. Engineer IV Circle
December 1889.

EXECUTIVE ENGINEER'S OFFICE
No 7/16
22 JAN. 90
NILGIRIS

---

18 JAN 90

21/413

P. W. D.

~~Vayitri~~ Wynad SUB-DIVISION

FROM P. Roscoe Allen Esq.
THE OFFICER IN CHARGE
~~VAYITRI~~ Wynad SUB-DIVISION

To The Exec. Engineer
Nilgiri Division

No. 112

Dated 11th } January 1890.
Received }

Despd. 16th

ENCLOSURES. 15

Petitioner's — 8. Encl.
his petition 1.
G. O. no: 5896 C with enclosure 1.
Survey Dy. Supdts Letter copy 1.
Do. resett. supdts. 1.
T. B.O.'s no: 70 Copy 1.
Dy. Collr's 1628 do 1.
E. E.'s no: 3325 1.
15

Reference Your Endt. No. 3325.
Dated 23rd December 1889.
~~on G.O. No. 11966 of 19.12.89~~

Sir,

I have the honor to report, with respect to Kustoorie Chund Rupchund Sett's petition that when we took in hand the improvements to this portion of the Calicut–Vythery road, and which is situated in the Wynaad taking 34 miles from Calicut and a from Vythery, Mr. Mitchell, as usual, sent to the owner asking his leave to quarry stone in his land the Aramulla estate.

worked under Col. Kennedy and

2. Mr. Mitchell received no answer but, as it was the usual custom of land owners, only too glad to get the road, to give such leave, commenced quarrying at once at quarry B shown in the hand sketch and which has been used as a quarry ever since Col. Kennedy's time as can be seen from its dimensions.

3. On Mr. Mitchell putting men on to quarry stone for metalling the road the owner's agent objected and Mr. Mitchell offered him the handsome compensation of Rs 50.

4. At about ~~this time~~ Quarry C (vide hand sketch) was opened and on the completion of the Calicut-Vythery road improvements Mr. Mitchell took stone for subsequent annual repairs from all three quarries shown in the sketch as A, B and C. These quarries have since been closed by me as all the good stone in them pinched out.

5. The petitioner lodged a complaint against Mr. Mitchell in the Submagistrate's court at Vythery for taking this stone but in his not accepting Mr. Mitchell's offer of Rs 50. the Submagistrate could easily detect in the petitioner a desire to make himself as

17.12.89

great a nuisance as possible in order to get a large sum to keep quiet. After obtaining which he would in the same way have set about obtaining a similar amount again.

6. The land is all abandoned coffee and wild grown over with impenetrable lantana and is certainly not worth Rs5.0.0. per acre. I had the greatest difficulty in getting along the old path to quarry C to measure its distance from the road.

7. One settlement of the matter, if necessary, presents itself in taking up the land but this will cost about Rs60 to cut survey paths alone irrespective of the demarcation stones which, in Wynaad, are costly. The land will never be of the slightest use to Government.

8. The grounds of this man's petition are so mixed up with a rather vexed question, especially as to quarry A, that it is inseparable from the other. When I joined the sub-division I was given to understand that the bare limits of the 2 side drains on each side the road was all that Gov. had reserved. After serving about 18 months I came across a petitioner's reason who had served under Col. Kennedy and

this man informed me that from Calicut etc. through Vythery and Suttons Battery as far as the Mysore frontier the Gov. has taken up on each side of the road measured from the centre 1 chain of 66 feet in uncultivated land and ½ a chain in cultivated land. This was not only confirmed by the discovery of 1 or 2 stones bearing L. F. on them but also by some unpruned coffee trees in the Vythery estate. It turned out that Rs 0.4.0. had been paid for each tree within the limits of ½ chain from the road centre, that the former owner had been forbidden to prune them and that the crop was annually to be sold by Col. Kennedy. The Dy Collector of N. W. road Mr. W. E. Underwood confirmed all that the pensioned writer had told me. There were, however, no records to help us and so I sent into the Dy. Collector a complaint (a copy of which is forwarded) of several people having settled on the Gov. lands and I got the reply a copy of which is enclosed. On the new survey being made I complained to the Assist. Supt. of the demarcation stones being put close to the road and the previous limits being ignored and I got replies copies of which are enclosed. I have now been ordered to send in surveys of all encroachments and this will be done at an early date

but I hope you will kindly realise the position this placed me in being sent here to make a road with Mr. Mitchell as contractor and having only the bare limits of the 2 side drains to work on and I consider it a great tribute to Mr. Mitchell's tact that these should have been the only complaint arrived.

23 / 813

I have the honor to be,

Sir,

Your obedient Servant

P. Roscoe Allen

Asst Engineer

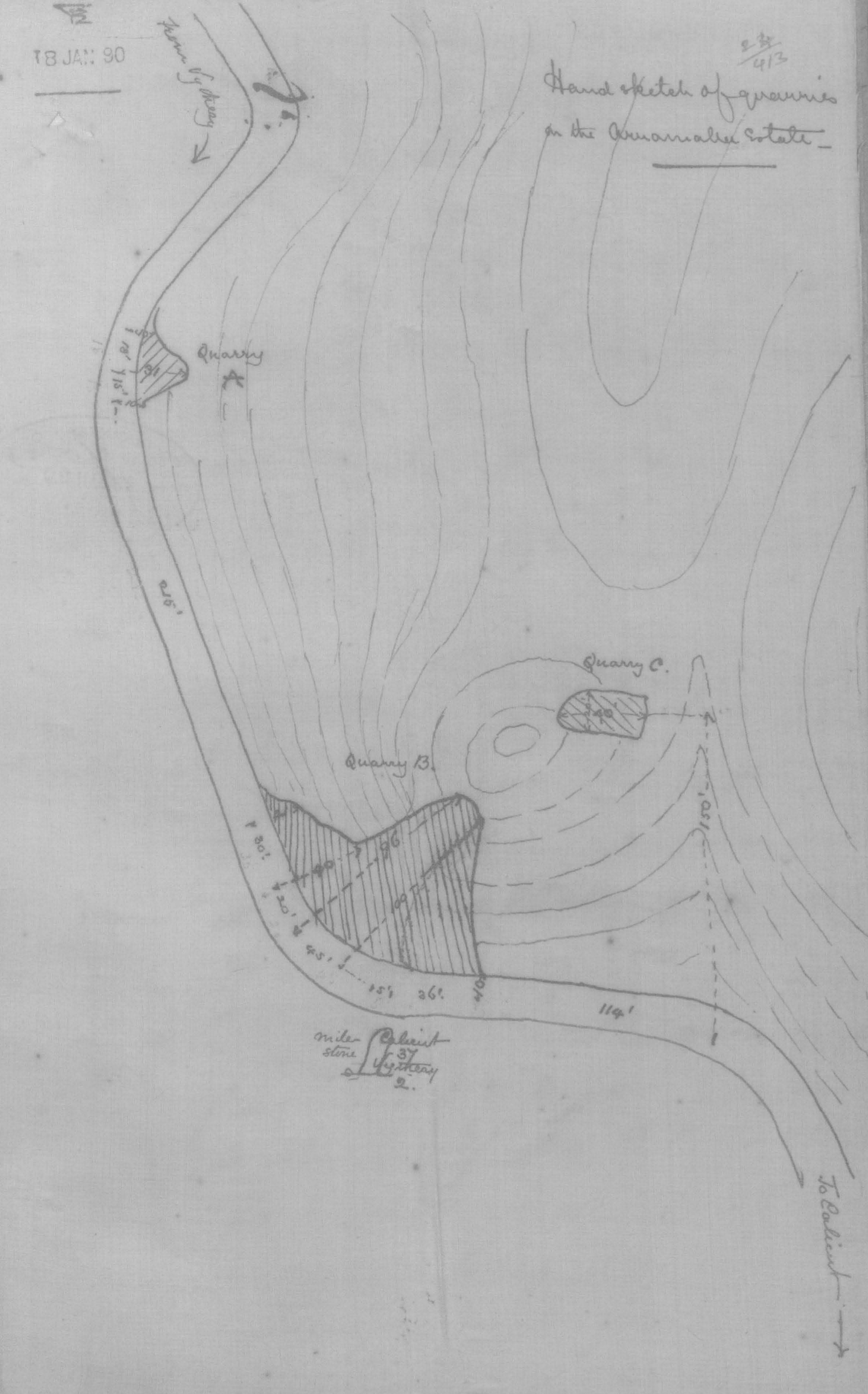
EXECUTIVE ENGINEER'S OFFICE
No 4/247
22 JAN. 90
NILGIRIS

SUPG: ENGINEER'S OFFICE
No. 6/69 P.W.D.
25 JAN. 90
F.
FOURTH

18 JAN 90

2 3/413

Hand sketch of quarries on the Annamalai estate_



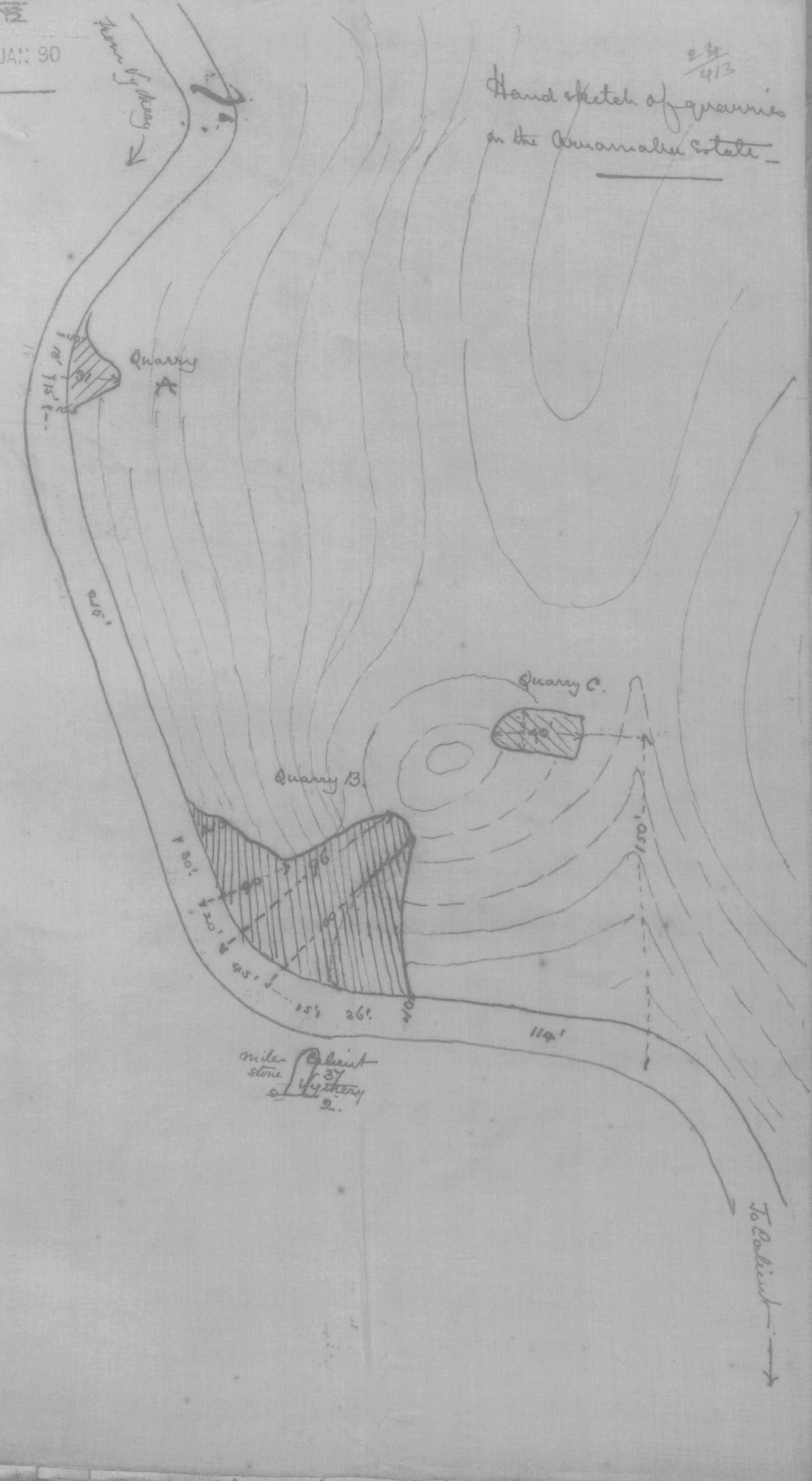
EXECUTIVE ENGINEER'S OFFICE
No. 4242
22 JAN. 90
NILGIRIS

SUPDG. ENGINEER'S OFFICE
No. 6/69
25 JAN. 90
FOURTH

18 JAN 90

2?/413

Hand sketch of quarries on the Arramallee Estate



No. 3983/Vol. 18 JAN 90

Survey Office
Calicut 12th December 1889 25/413

From,

T A Tomlinson Esq
Deputy Superintendent
No V Party Madras Survey

To

G C Greene Esq
Ag 1st Asst Superintendent
No V Party Madras Survey

Sir,

With reference to your remarks on letter no. 8 of 12. 10. 89 from Mr W H Allen Assistant Engineer, I have the honor to make the following observations which you should communicate to that officer

2. The total length of road from Calicut to Mysore Frontier is 72 miles. Of this distance 36 miles (from 1st to 36th mile stone) run through the Calicut taluq. When that taluq is taken up for demarcation, the Government reserve on each side

of the road in question will be duly marked and mapped. From the 37th to the 72nd mile stone is in Wynaad Taluq. The Government reserve, to a width of 50 links on each side from centre of the Road, for this distance, where it passes through the land occupied by cultivators, is shown in the Survey maps as reserve and a certain area is deducted as "Road reserve" though this extent has apparently not been delineated by marks on the ground. This demarcation and survey was done during a period extending from 1882 to 1885 when it was apparently not the practice of the Survey Department to make reserves on the ground, but only to note the extent of reserve in Estate and other maps.

3. The Allen states "Compensation was paid for this land and

and it was duly marked out" (by whom does not appear). This being the case it seems to me that if any portion of the road reserve has since been encroached upon by adjoining land holders, the officers of the D.P.W. who seem to have slept on their rights, are entirely to blame.

I have &c.
(Sd.) G. C. Tomlinson
Dy Superintendent
No V Party Madras Sy

(True Copy)

Survey Office
Camp Vaniyankulam
13th Dec 1889

(Sd.) G. P. Greene
Asst Supdt No V Party
Madras Survey

(True Copy)

18 JAN 90

Roscoe

Jany 1890

Asst Engineer

No. 7/m. 18 JAN 90 Survey Office

Camp Vaniyambalam 13th Dec 89

27/913

From,

G. J. Greive Esq.
Assistant Superintendent
No V Party Madras Survey

To

J. R. Allen Esq.
Assistant Engineer
Wynaad Sub Division

Sir,

I forwarded your letter No 8 dated 12-10-89 to the Dy Supdt No V Party Madras Survey with endorsement that "the system in "Wynaad appears to have been not "to demarcate the true boundaries "of the road, as is done in other places - but to place stones any where on the side of the road and to fix the limits of the Reserve by plane table"

The assistant Engineer has pointed out to me the great objections to this practice, and how it leads to endless litigation. Squatters taking the direct line between the stones as the boundary of the road, settle within the reserve and remain there for some months before they are detected. To remove them then a law suit is necessary.

He (the Assistt Engineer) also points out that numbers of stones are in such a position that in repairing or widening the road their removal will be necessary or they will at all events be covered over. I asked him why this was not pointed out while survey was in progress. He informed me that no notice was sent to himself or his overseers to inform them that the demarcation was in progress.

This should have been done vide section 203, page 21 of the Survey Manual.

I consider it necessary to bring this matter to your notice as there is now a case pending in the courts against a squatter on Government Reserve and papers will no doubt be called for from the survey office, with a request that the reasons for not demarcating the true boundaries may be explained."

To this I have received a reply, a copy of which I forward for your information.

I have &c.
Sd/. G. C. Greene
Assistt Superintendent.
No V Party Madras Survey

(True Copy)

18 JAN 90

R Roscoe Allen

Jany 1890.

Asstt Engineer

Wynaad Sub Divl office
Vayitri 22nd August 1889

No. 70.

18 JAN 90

28/413

From,

F. Roscoe Allen Esq.
Assistant Engineer.

To

The Deputy Collector
Wynaad.

Sir,

I have the honor to inform you that several people have been building houses and planting gardens on land belonging to Government and situated along side the Calicut Vayitri Road. The land it would appear has been taken up one chain on each side the road centre in all places except where the road runs through Coffee estates where 33 feet only was taken up.

2. At 36/5 (being thirty six miles and five furlongs

from

as the Government boundary gets overlooked and blackmail is levied on my contractors for taking metal from what is Government land.

The people also begin to think they have a right to the land and encroach too near the road, and by cultivating up to the edge fill in drains with mud washed from the land and damage the roads.

I must therefore ask you to take such steps in the matter as you see fit and which will assist me in making the Government boundary respected all along the road.

I have &c.
Sd/ F. Roscoe Allen
Assistant Engineer.

(True Copy.)

Executive Engineer's Office No. 2/4242 22 JAN. 91

Supdg. Engineer's Office No. 2/1692 25 JAN. 90 P.W. Fourth C

18 JAN 90

Comp.
January 90.

F. Roscoe Allen
Asst Engineer

Proc: 94
18.10.89

18 JAN 90

No. 1628

Wynaad Dy Collector's office
Camp Sultan's Battery
18th October 1889

86/413

From
W. E. Underwood Esq
Dy Collector, Wynaad

To
F. R. Allen Esq.
Assistant Engineer
New Wynaad Sub Dn
Vayitri.

Sir,

Adverting to your reminder No 7 dated 17th October 1889 I have the honor to inform you that your letter on the subject of encroachments was forwarded on to the Dy Tahsildar of Vayitri long ago with necessary instructions.

2. There is no doubt that the existence of these encroachments is due to the want of timely prohibition on the part of the supervisors in charge of the road

or connivance on their part. I believe that one of your own lascars is in the list of squatters.

3. There are only two ways now of removing the encroachments, viz, by paying compensation or by levying prohibitory assessment on the occupations.

4. I am not aware if you would be able to place me in funds should the first course be decided on. As regards the second of the two ways I would be obliged by your letting me know on which of the encroachments you wish me to do so in view to the occupiers of the land you actually require to be vacated, may be insisted on to quit.

I have &c.
Sd/- W E Underwood
Dy Collector
True

Y

(True Copy)

31/413

18 JAN 90

A Roscoe a.c.w.

Comp. January 1890 } Assistant Engineer Wynaad Dn.

No. 3628.

Nilgiri Division Office,
Ootacamund, 23rd January 90

From,

Colonel Ross Thompson, R.E.,
Executive Engineer,
Nilgiri Division,

To,

The Superintending Engineer,
Fourth Circle,
Coimbatore.

Sir,

Encl: 16.
*Chief Engr's Endt. No. 6896c dd 18-12-89 with its 9 Enclosures
⊗Mr. Allen's letter to the Executive Engineer, Nilgiris with its 5 Enclosures.

With reference to your Endorsement No. 674/N.J. of 20th December 1889 and its accompaniments, as per margin*, I have the honor to submit a report with enclosures as per margin⊗ on the question by Mr. Roscoe Allen, Assistant Engineer, in charge of the Wynaad Sub Division.

2. It seems to me that the question is one with which the P.W. Department has nothing whatever to do. The petitioner Custureechund Rupchund Sett complains that stone has been taken from his land by Mr. Mitchell

for road purposes, and calls upon Mr Roscoe Allen to prevent Mr Mitchell so doing. Mr Mitchell is a contractor and not a servant of Mr Roscoe Allen's; he procures stone where and how he best can, and sells it to Mr Allen at Contract prices.

3. Mr Roscoe Allen has nothing to do with where Mr Mitchell procures the stone, unless Mr Mitchell takes it from land reserved for the road margins, and purposes. If there are good reasons why Mr Mitchell should not be permitted to quarry stone for the road on such road margin reserves, then Mr Roscoe Allen can prevent his doing so, but beyond such limits Mr Roscoe Allen has no jurisdiction and Mr Mitchell is free to quarry where he pleases, of course at his own personal risk and cost.

4. According to Mr Roscoe Allen's hand sketch, he, Mr Allen, has a right to permit Mr Mitchell to quarry or to prevent him from quarrying

in

in such portions of quarries A + B as lie within the margin of land reserved for road purposes. If Mr Mitchell goes beyond these limits, he alone is responsible to the owners of the land encroached upon. So far as I can see therefore the only way in which the petitioner can obtain redress is to take such proceedings against Mr Mitchell as the law will admit, and he had better consult his legal adviser accordingly.

I have &ca

(Sd) Ross Thompson, Col. R.E.,
Executive Engineer.

Enclo: 16. No. 35/E.W.

Copy submitted to the Chief Engineer P.W. Department with reference to his endorsement No. 589 bc of 18th December 1889 herewith returned.

2. In the circumstances brought to notice, the petitioner has no other alternative than to seek redress in a Court of Law.

Camp Coonoor
29th Jany/90

J.W. Campbell Major R.E.,
Supg. Engineer, IV Circle.

No. 413 W

35/413

B/

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

d/ 7 Feby 1890

READ the following

Petition from Custoore Chund Rupchund Seth - d/ 9th December 1889.

From the Supdg. Engr. IV Circle. Lr. No. 35 E d/ 29 Jany 1890.

The Government learns that the acts complained of by the petition were not done by ~~a Contractor Mr. Mitchell, who is not a Government~~ its servants. The petitioner must seek his own remedy, ~~against Mr. Mitchell~~.

WCO 5 Feb

WCO 1.2.90

1.2.90

To
The Petitioner
" Supdg. Engr. IV Circle

D 8/2

Entd. T.C.C. 12/2

Cu

No: 5896 c d/ 18-12-89.

No. 413 M.c / 7 Feb. 1890

P W C No 957

From

The Supg. Engr
4th Circle

Dated 29th } Jany 1890
Despd 30th }

Recd 31-1-90

No: 413 W. of 7th Feb 90

No $\frac{35}{E W}$

Enclo: 16.

Quarrying stones in the land of Custuri Chund and Rup Chund Sett

Submitting copy of letter from the Executive Engineer, Nilgiris submitting a report on the —

M.m. 3-2-90 R. 6-2-90