

- (1) பக்கங்களின் எண்ணிக்கை 20
 (2) புதுக்கித் திருப்பிய நாள் 21-5-1989
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் [Signature]

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பொதுமன்ற துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1435 w	அச்சகம் பலவகை
நாள் :	21-5-1990	[Signature]

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

No 122

Memo

1435



The Taluk Magistrate in Wallajah
is informed that the sanction of the collector
is not required for the trial of a Village
Munisiff for offences which have not
been committed by him in his judicial
capacity. The collector understands that
several days have been wasted over the
Aalalar case owing to this point having
been disputed.

Subst Magistrate's Office
Camp - Wandirach.
3rd Feb'y 1890.

Lt. J. S. Lefanu
Collector.

(True copy).

Forwarded to Fr. W. Ashpitel Esq
Executive Engineer Vellore.

Lt.

for collector.

(True copy)

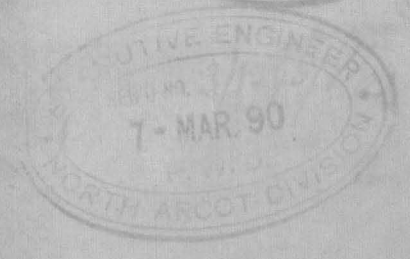
Assistant Engineer
Vellore Sub Div.

833-NA
17-3-90

P.W.D.
3169/90

Vellore Sub Division Office
18th February 1890

CP 2329



From

H. W. Aspinwall Esq.
Assistant Engineer
Vellore Sub Div.

To

The Executive Engineer
North Arcot Division
Vellore

Enclosure 1.
Copy of letter

Sir,

With reference to your letter CP 1648 S.D. dated 11th instant. I have the honor to inform you that the letter in question was a semi-official from the Collector which you forwarded to me from Trichinopoly. I am unable to find it now, so presume that I did not keep it. The question at issue is whether the S. P. W. have power or not to distribute water from the Palar Dam and also whether villagers have the right to offer violence to S. P. W. subordinates in the execution of their duty.

In December there was a frost in the Palar river and as Damab Tank was nearly empty. I ordered the Channel Superintendent to let water to it

it in the ordinary way through the Avaran
head which in Gamin dawa di channel.

The Channel Superintendent returned
and informed me that the Avaran
villagers would not allow this as they
wanted to build up water above
Full Tank level in this Tank. I again
gave him an order to show to the villagers
and also told the Amerses to see to it
in person. The Avaran villagers again
refused and threatened violence,
whereupon a police escort was obtained
and what water was still available
was let into Manal Tank. I then wrote
to the Head Assistant Collector who replied
demi-officially, from Madras informing me
that the proper course to take was to summon
the villagers before the Tahsildar. I
accordingly wrote to the Amerses to do
so and the case is still pending. When
the case commenced the Amerses conducted
the prosecution in person but finding
that the defendants were well represented
by Council, he, on the spot, engaged
a wakil of the District Court trusting
that his action would be approved.
When the suit was commenced, I had
no idea that the officers committed to
by the defendants were viewed so
seriously but thought that it was

3/1435

a case such as is frequently taken
before the Tahsildar and dealt with
summarily. Further to wait until
the end of Xmas holidays and then
to ask permission to prosecute would
have seriously affected the result
as it is no light matter to get hold
of 30 or 40 people after a delay of some
weeks. As it is I have no apprehension
of the result of the case which appears
to be perfectly simple. I enclose a copy
of a letter from the Collector regarding
this same case which was written after
he had been given full particulars by
me at your request (demi-officially
from Trichinopoly). I would again
point out that the special feature
of the case is whether the S. P. to have
the power to distribute ancient water,
to Tanks or not. If we have not the
Palar system would appear to be a far

The case is still going on
in the Tahsildar's Court at Wallagah.

I have the honor to be,
Sir

Yours most obedt servt

Assistant Surgeon
V. S. S. S.

2/833-04 2/790-04
17-2-90 1-5-2-90

P.W. S.
3169/19

P.W. S.
3169/19

With 8 will P.W. 8

North Arcot Division

Criminal suits - Proposal to prosecute under G.O. No 2050N dated 7 July 1888
A case on Emergency

Name, occupation and address of the accused	Charge or charges, preferred against the accused	Result of the case	Decision of the court
---	--	--------------------	-----------------------

1. J. J. Raghava Sengal, over 50, at the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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2. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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3. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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4. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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5. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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6. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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7. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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8. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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9. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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10. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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11. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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12. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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13. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
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14. P. Narayana Rao, Superintendent of the P.W. Hallapah Salug, Arcot St.	Charges of conspiracy, preferred against the accused	Result of the case	Decision of the court
---	--	--------------------	-----------------------

Remarks and
needed of trial.

This case was filed on
emergency against 33 persons,
before the Sheriff's Court and
nd class magistrate of Wallapah
Salug, by whom summons
were issued, one of the
accused, has absconded on
a warrant is out for his
arrest.

of the remaining 32, 19
were discharged at the close
of the prosecution for want of any
direct evidence against them
and charges were framed
against the remaining 13
of whom 8 have been
acquitted by the magistrate
and convictions have been
secured against 5 named
in column 1 of this statement.

Nos 1, 2, 4, 6 have been fined
each Rs 100 and 3 have been
fined Rs 50 and 5 who
resist the magistrate, has been
sentenced to 2 months
rigorous imprisonment and
20 fine, two others named
unapprehended Rajagopalachari
and Raja Rajagopalachari whose
names were not known at
the time of the institution of
this suit, also resist the magistrate
removed by the over-seer, and
their names have been
brought out, during the
trial of this suit. No more
evidence has been made
against them yet.

The time of the institution of
this suit, also resist the magistrate
removed by the over-seer, and
their names have been
brought out, during the
trial of this suit. No more
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their names have been
brought out, during the
trial of this suit. No more
evidence has been made
against them yet.

for S. S. Raghava Sengal
overseer S. P. W.
10. 8. 90.

I forwarded to the Engineer
with reference to his No 1702 dated 7/10/90

for F. W. Asst. Engr.
14/3/90

for C. C. Rawson Major R.E.

Signature Engineer W.A. D.C.

24. 8. 90

True Copy!

for the Engineer

for the Engineer

1435

SUPERINTENDING ENGINEER'S OFFICE,
V Circle, Madras,
Chennai, 25th March 1890.

No. 8118.

From Colonel W. H. Burton R.E.

SUPERINTENDING ENGINEER, V CIRCLE,

To The Chief Engineer
P.W. Department

SIR,

Enclosures. 2

*Statement
Ref. 2150 W
Chennai*

I have the honor to state that with reference to para 3 of G.O. No. 2150 W dated 7 July 1888, a criminal suit was instituted against certain villagers in North Arcot District for obstructing and offering violence to the Channel Superintendent and overseers, while in performance of their duty in distributing water from the Palat; I enclose copy of statement showing all the particulars connected with the case and I request that sanction may be given to the sum of Rs 200 paid to the Vakul who conducted the prosecution. The services of the Vakul should have been obtained through the District Magistrate who also

5871
1435
6

also should have determined the
amount of the Vakul. fees. as per G.O.
Nº 1118 Judicial Department dated
14 May 1888. In the present case it
was of great importance that action
should be promptly taken and the Vakul
was engaged without the intervention
of the District Magistrate. The copy
of the judgment in the case will
follow.

I have the honor to be

Sir

Yours most obedient servant

W. S. S. S.

Comptroller

Superintendent 5th Circle

5/1435

P. W. No. 31694

From

The Supt Engineer

5th Circle

To

The Chief Engineer

P. W. Department

Dated 25th

Recd 27th

March 1890.

Encls. 23

From

THE SUPERINTENDING ENGINEER,
V Circle

To

THE

Dated

18

Recd.

No: 14 35 Wd/21st March

Enclosures

No.

No. 8118

Criminal Suit against
the Ryots of Avalar Village

Enclosed Copy of State
ment showing all the
particulars connected
with the — & requests
sanction for the pay-
ment of Rs 200 paid
to the Vakil.

No. 2050 Wd/7-7-88
- 1676 W - 7-6-8
- 1507 W - 15-6-8

6/1025 SUPERINTENDING ENGINEER'S OFFICE,
V Circle, Madras,

No. 706

Chepak, 10th May 1890.

From

Lt Col. H. Clarke, R.E.

To

THE

Chief Engineer

P. W. Department

SIR,

With reference to your Memo of 21753C
dated 8th April 1890. I have the honor
to inform you that the Executive
Engineer North Arcot Division
reports that the Suit against the
Villagers of Avalar lasted
for 12 days in all during
January and February 1890.

I have the honor to be
Sir

Yours Most Obedt Servt

Lt Col. H. Clarke, R.E.

Offg Supt Engr
P. W. Dept

From
The Supt Engineer

Memos no 1753C of 2.4.90
for Hrs 2150W of 7.7.88
B. 16 76 W of 7-6.88.
1507W of 15-6.88.

5th file
To
The Chief Engineer
For Enigalim

Dated 10th } May 1890.
Recd 12 }

Submitted to the
Hon. member with refer
to his query under the
draft order on Curren
no 3195.

At 706
Suit against the Village
of Aralur

It appears that the En-
gineer North Street
Division reports that the
for 12 days in all -

Received 16.5.8
His statement is
high but may be sanctioned
17 May
No 1435W of 210th May 1890

13/5 1882-1
Hrs 16.1 2117-1

Water to Darnal and Sankarambadi village
Tanks for which we are provided in the Avalur
Tank weir. The 2nd witness accordingly opened the
Tank weir. The 2nd witness accordingly opened the
Tank shutters of the four weirs. Meanwhile, the 1st accused
and other defendants came there used insulting
threatening words to the 1st witness. Under the orders of
the 1st defendant the weirs were shut up by the 2nd accused.
The 3rd accused used great many abusive language
to the 1st witness Oversee. The 1st witness asked the 1st accd
as to the reason why he did so. Then the 1st & 3rd accused
disputed the authority of the 1st witness and provoked
the 1st witness by using many insulting and provoking
expressions which also indicated some threat or fear
in the mind of the 1st witness. In consequence of this ill-
gal action on the part of the accused the 1st witness
gave a written order to the accused asking him to
mention the names of persons who repeat the shutters
and to reopen them. A reply was given by the manager,
1st accused that he could not comply with the request
of the Overseer 1st witness. This reply is the exhibit A.
Upon this also many insulting expressions were
used by the accused against the 1st accused witness
and in consequence of this obstruction the 1st witness was
obliged to leave the tank without carrying out his official
functions. This action of the accused made the Darnal
and Sankarambadi village to suffer loss by diminution
of water for their agricultural purposes.
4. In support of the prosecution, 6 witnesses have
been examined. They substantiate the story of
the prosecution though there are slight discrepancies
in quoting the Tamil insolent expressions used by
the 1st and 3rd accused on the 29-Dec-89. I don't
consider this discrepancy very material as they
convey all the same meaning and it is really very
impossible to remember the very expressions used
a month ago. The prosecution witnesses on the
whole corroborate each other fairly and there was
nothing suggested by the defence as to why the pro-
secution witnesses viz 1, 2 & 3 should swear
falsely. I fully believe the evidence of prosecution.
Prosecution witnesses satisfactorily swear
that the Avalur Tank was full then and it was receiving
more supply into it then.

and 30 a ...

5. The 1st defendant states that he and another man went to the tank bund as the Overseer Pro¹airness sent for them. He states that he did not obstruct the Overseer from opening the vents of the tank in the Avalur tank but he simply represented to the Overseer that he is not authorized to shut the shutters under the orders issued by the Revenue Authorities. Subsequent to 30th November generally and the deficiency of water would be caused to Avalur ryots if the vents were to be opened. and he requested the Overseer not to open the vents. He adds that the vents were not at all opened by the 2nd Prosecution witness under the order of the witness Overseer, as alleged by the prosecution witness. He also adds that the Avalur tank was not full and he had not used insulting language to the Overseer.

6. All the other defendants state that they were not present at that time.

7. From the prosecution there is sufficient evidence to charge the defendants 1.3.4.5.7.8.9.18.20.22.24.25 & 30 under sections 186.4.30 & 504 I.P.C. A charge was framed accordingly against the accused 18.20.22.24.25 & 30. To these I now direct against the other defendants to show that they have committed any offence I discharge them under section 253 I.P.C.

8. The defendant against whom charge was framed pleads not guilty and calls thirty defence witnesses. Out of them the 1st accused examined 8 witnesses on his behalf.

9. The 1st defence witness is the grandfather of the 8th accused. He states that he on the morning of the 23rd passed by the side of the river and found at a distance below the Calingula two inches of water was less in the Tank.

10. The 2nd defence witness is the curman. He swears that under the Avalur tank even single crop yielded double crop in this year. He also adds that D.P.W. every now & then interfered

2. with this tank though it was a private tank on behalf of the defence that from 1865 the village alone have been meddling with it. 8

11. The 3rd defence witness is one Kandappa foundan. He belongs to different village. He holds $\frac{3}{16}$ of a cawni of land in the front of the Avalur tank. He says that if the tank is full his land would have been under the water spread by $\frac{1}{2}$ foot. There are adjacent landholders who have large extent of lands. They were not cited as witnesses. Besides what the witness states is not sufficient to prove the falseness of the Tank.

12. The 4th and 5th witnesses are Thakies of the village of Avalur working under the orders of the 1st defendant managar. They assert clearly that they do not know what transpired between the 1st accused and the Overseer before they came to the Kalimpala as they were engaged in removing the some sticks at a distance of $\frac{3}{4}$ of a mile from the Calimpala.

13. The 6.7 & 8th witnesses are Iggepari relatives to the 1st accused and others at Avalur. By reading the evidence of these witnesses it would strike to one's mind that they are concocted witnesses to help the defence. These witnesses are quite strangers to the village and their evidence is very inconsistent in many points.

14. The evidence of the defence witnesses cited by 3.4.5 & 8 defendants are very unsatisfactory because the prosecution witnesses satisfactorily proved that these defendants were present at that time and took some part in committing the offences with the 1st defendant who was the leading member among them.

15. The other defendants viz 7.9.20.22.24.25 and 30 are not cited as witnesses.

testimonies but some said that they were at present at the dispute. Their defence witnesses from prove that they were not present there at the time of dispute. The prosecution witnesses did not prove that what action each of them did at that time.

16. This is a large tank under the Palar Ament system. It is solely under the supervision of the D.F. The 1st witness is the Overseer attached to Palar Ament system. As an officer of the D.F. the Overseer has got authority to regulate the water of the tanks under his charge. For which he has produced the authority exhibit G. Moreover the Divisional officer in his orders marked J & K ordered that the water should be allowed to Damal Tank through the Avalur Tank. There is clear evidence that the Tank of Avalur was full and it was receiving a further supply to allow water to Damal and Laukarambadi tanks without shortening the supply in it. Even if the Overseer had acted wrongly the accused cannot use right of private defence as the Overseer has acted in good faith under colour of his office. The Overseer has got the sanction of his Divisional officer to prosecute these defendants vide exhibits D & E.

17. I consider from the evidence above recorded that the defendants 1-3-4-5 & 6 have voluntarily obstructed the 1st witness Overseer who is a public servant and thereby caused diminution of water to the Damal and Laukarambadi tanks and they also insulted the Overseer by using insolent language towards him.

18. Resiⁿ is the above evidence the 1st defendant

Vijayaraja the orders of me, the 8th defendant a Mussalman and two Brahmins Rajapala-lafhari and Varpathur Rajapalafhari who are not accused in this case closed the vents which were opened by the 2nd prosecution witness under the orders of the 1st prosecution witness the Overseer. The 27th defendant also adds that the 1st defendant insulted the 1st witness by using such words to touch the feelings of the Overseer.

19. Under the above circumstances I find the accused persons, Greenivasafhari 3. P. Greenivasaraphari 4. Tirumalai Tirumapadafhari 5. Chinna Rajapalafhari and 8. Kannappa Sahib guilty under Section 186. 430 & 504 I.P.C. and sentence them as follows:-

The 1-3 & 5 defendants do pay each a fine of 100 Rs. in default to suffer rigorous imprisonment for 2 months, the 4th defendant do pay a fine of 50 Rupees in default & suffer rigorous imprisonment for one month and the 6th defendant to suffer rigorous imprisonment for two months and to pay a fine of 20 Rupees in default to suffer rigorous imprisonment for a further period of one month.

20. The defendants 7. Kyzvencan 9. Indurphari Greenivasafhari 18. Tirumalai Rajapalafhari 20. Tirumalai Greenivasaraphari 22. Varapuduru Appasami Isacper 24. Vasista Rajapalafhari, 25

His 20 fls. mapotata

to the same place
Shirts & 2 of less maps



SUPERINTENDING ENGINEER'S OFFICE,

No. 8164.

V Circle, Madras,
Chepak, 26 March 1890.

From Colonel W. H. Burton R.E.

SUPERINTENDING ENGINEER, V CIRCLE,

To -
THE Chief Engineer
P.W. Department.

SIR,

Enclosures.

In continuation of my letter
No. 8118 dated 25 March 1890, I
have the honor to forward copy
of the judgment in the case

I have the honor to be
Sir

Your most obedt servant

W. H. Burton Coape
Supt. Engineer Fifth Circle

From

The Supy. Engineer
5th Circle

Curr 310
3195
4458

To

The Chief Engineer
P. W. Deane

No: 1435-54/21st July 1890
from [unclear]

Dated 26th } March 1890.
Recd 28 }

Encl 1

In the circumstances
stated, sanction is
accorded to the payment
of the fee of Rs 200, and
the instructions
in G.O. No. 2050W of 7th
July 1888 should be
attended to in future

N. 8164.

Case against Dealer
Villagers.

WCH.
31.3.90
Recd M
31.3.90

How long did the case last?

WCH

Forwards Copy of the
judgment in the

S.E.V circle

Exr. P.W. Deane

ARC WCH
2805

62582-V
21.17.17

Recd
22/5

1902/285

How 14-90 RE-4-90