

(1) பக்கங்களின் எண்ணிக்கை 8

(2) புதுக்கித் திருப்பிய நாள் 9/9/

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PW துறை

அரசாணை எண்.
மு. கோப்புத் தாள் எண்.

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அச்சகம்
பலவகை

நாள் : 24.11.1892 198.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

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Proceedings of the Board of Revenue
(Land Revenue),

Dated 12th October 1892,

No. 6468 M.S.

Mr. E. Gibson

Mr. A. J. Strudel.

READ the following letter from J. Thomson Esq., Collector of
Chingleput to the Secretary to the Commissioners
of Land Revenue, Madras dated 6th Oct. 1892. Reference
on No. 2875 M.S.:-

A copy of the
plaint & plan
herewith
sent.

I have the honor to solicit the sanction of the
Board for the defence of S.S. No. 469 of 1892 on the
file of the District Munsiff's Court of Tiruvallur
brought by Kuppasaram and others, ryots of
Pattapetam against Mr. Bartlett (late
Executive Engineer, Chingleput Division) and as
Secretary of State for India in Council, and as
Kuppasaram and others D. P. W. Supervisor. The
Plaintiffs seek to establish their exclusive right
to the water which they divert into the Metta-
thukkal (a river channel feeding this village tank)
during freshes in the Vaidakshiraniadi and
to the spring water which runs in it at ordinary
times and to obtain a permanent injunction
restraining the Defendants from erecting a Head
sluice and excavating a Channel therefrom to con-
nect it with the Pandur Tank channel with a
view to divert the water in the Metta-thukkal to
the Pandur Tank.

2. The Head Sluice is under construction by
the

the D. P. W with reference to order contained in my proceedings No. 217 dated 3rd February last, a copy of which is herewith submitted. The facts of the case are fully set forth therein and it is not necessary to re-iterate them here.

3. On a miscellaneous petition filed in the suit by the plaintiffs the Executive Engineer was called upon to with-^{draw} ~~sent~~ ^{show} cause why an ad interim injunction should not be issued restraining him from proceeding with the construction. As the matter was of importance as affecting the right of Government to the distribution of river water I instructed the Government Pleader at Chingleput to oppose the application on the grounds set forth in para 3 of the enclosed copy of Memo to him. Reference to ²⁶¹³_{ver} dated 11th September 1892. He reports that the plaintiff's vakil withdrew the application. A copy of the order of the Court has not yet been received. It will be submitted to the Board on receipt. I have now asked the Executive Engineer to proceed with the construction of the sluice with the sill at the level of the river bed.

4. The plaintiffs are labouring under a misapprehension that the water running in their channel at ordinary times will be diverted into the new sandur channel. This I have in my proceedings quoted above expressly prohibited. Their claim to the exclusive right to the freshes in the river is futile. All that the Government is bound to see is that there is no diminution of the usual supply in the Mettathukal. This cannot occur during freshes when water is over the river bed.

5. A question ^{however} may arise as to what should be considered a fresh in the river requiring the demolition of the spoil bank (said to be

of some magnitude, of the Mettathukal channel by between the channel and the bed of the river (vide p 11 of my proceedings). In cases of large freshes banks will be demolished without interference; in cases of smaller freshes, the D. P. W will have to decide. The banks of course will be removed and put up if necessary by the sandur ryots for who benefit the work being done. 3233

6. I propose filing the accompanying answer in the case and requests that it may be approved as also my action in opposing the application for injunction referred to in para 3 Supra.

7. The suit should properly have been filed against the Collector as it was with reference to my decision that the sluice was determined on. I therefore submit the case for the sanction of the Board. As the written statement has to be filed on 25th Instant, I solicit early orders.

Resolution

In the circumstances reported the defence of the suit is sanctioned and the draft answer approved with the following modifications:-

For the clause "all water flowing in the river that shiranadhi, subject to any rights that have already been acquired therein" occurring in para 2 of the draft answer substitute "all water flowing in the vaddhakshiranadhi and the Mettathukal channel branching therefrom, subject to the beneficial enjoyment of the same for the irrigation of their branches as heretofore enjoyed";

Similarly the words "the supply hitherto afforded to the plaintiffs by their Mettathukal" occurring in para 3 should be replaced by "the supply of

water in the Mettattukkal as hitherto actually
enjoyed by the Plaintiffs for the irrigation of their
manicars;

between paras 3 and 4 add the following as para 3A:-

"That the Plaintiffs' prayer for the grant of
permanent injunction is also untenable as no
right of theirs has been invaded and no damage
has either already ^{occurred} or will be caused in future
by the construction of the head sluice and the ex-
cavation of the new channel complained of."

The Collector's action with reference to the
application for an ad interim injunction is also
approved.

A copy of these proceedings will be submitted
to Government in the Public Works Department
for the formal confirmation of the Board's Sanction

True copy and Extract,

Ther
for. Sg. Secretary.

To

The Collector of Chingapat with the
plaint and plan returned.

Copy to the Secretary to Govt. P. W. D.
(through Govt in the Rev. Dept.) with
5 enclos. to be returned.

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Revenue (1892) Dept 1161/92
 Board of Revenue
 (Land Revenue,
 MADRAS.

Current Number 8834

To
 The Secretary to Govt
 P. W. D through the
 Secretary to Govt
 Revenue Department

15 Oct 92
 Proceedings, dated 12th Oct 1892
 No. 6468. Mis. Routine. Enclosures. 5

Sanctioning the defence of, and
 approving with remarks the
 draft answer proposed to be filed
 in O.S. No. 469 of '92 on the file of
 the District Munsiff of Tiruvallur
 instituted by the ryots of Patra
 perum badur against the Executive
 Engineer, chingleput Division,
 approving the action of the collector
 of chingleput in approving the
 Plaintiff's application for an
ad interim injunction in con-
 -nection with the Subject matter
 of that suit and Subjg: a copy
 of these pros: for the formal
 confirmation of govt in the P.W.D.

With an endorsement

Enclosure to S.E. V.
 738 C 14 of 8-11-92

Endorsement No 235

Forwarded.

Secretary to Government.

20/10
 Cotacamund
 25 October 1892

To The Secretary to Govt
 Public Works Dept
 15-11-92
 instant amended
 in P.W.D.
 C-5

SUPERINTENDING ENGINEER'S OFFICE,
 V CIRCLE, MADRAS,
 Chepak, 21 November 1892.

No. 492 W.

From

W. Hughes Esquire
 SUPERINTENDING ENGINEER,
 V CIRCLE,

To

THE Chief Engineer
 P.W. Department.

SIR,

Enclosures. 6.

I have the honor to return,
 after perusal, the Enclosures
 received with G.O. No. 904 I dated
 4th November 1892.

I have the honor to be
 Sir
 Your Most Obedt Servt

W. Hughes
 Suptd Engineer
 V Circle

P. W. CURRENT No. 11619

From

THE SUPERINTENDING ENGINEER,

V CIRCLE,

To

THE

Chief Engineer

P. W. Department

Dated

21st

November

1892.

Recd.

22nd

ENCLOSURES

(6) *See*

No. 4937

Letter substituted
by Padreperambur.

Returning certain papers
in connection with the
after funeral.

No 904 274-11-92

No. 3233 Waf 24 Nov
1892

Read again Pro. of the Board
of Rev. (Land Revenue) No 6468
2/12 Oct. 92.

Letter from the S. E. Circle
No 4937 of 21 Nov. 92

The five enclosures of
the Proceedings read above
are returned to the
Board, as requested.

Pro. of the Board
23-11-92

To the Bd. of Rev. with 5 enclos.
et.

24/11/92

28/11

J. C. 25/11