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TO

HIS EXCELLENCY

THE SECRETARY OF STATE

FOR INDIA IN COUNCIL.

The Humble petition of V. R. Alwar Ayengar, son of late V. Raghavachariar Contractor of the Srivaikuntam anicut for him and for his minor brother V. R. Sundara-Raja Ayengar under Section 424 Civil Procedure Code.

MOST RESPECTFULLY SHOWETH:—

That the petitioners' father late V. Raghavachariar contracted with the Government for the construction of the anicut and bridge across the Tambraparni at Srivaikuntam, Tenkarai Taluq in the Tinnevelly District in the Madras Presidency and also anicut project works.

2. That the original estimate formed for the work provided for the construction of the said anicut together with a bridge of 33 arches of 36 feet span to carry on a roadway of 15 feet in width.

3. That captain H. L. Pendergohst wrote to the superintending Engineer in his letter of the 8th August 1868 as follows. Para 7 "The original estimate provided for a bridge of 33 arches of 36 feet span and 9 feet rise with piers 15 feet in height above apron to carry on a roadway 15 feet in width between the parapets; but as the anicut is not situated on any line of road, it is now felt that the expensive construction of a bridge is not a legitimate charge to a work of irrigation, but should be carried out hereafter under the head of communication. Still with a view to economy and saving of time in future it is proposed to build the foundations of 32 *piers* each 6 feet thick to the same depth as those of the body of the anicut supported by wells as also the foundations of the wing walls in order that the superstructure of a bridge as described above may at any time be built."

4. The above proposal was approved by the Madras Government in No. 3365 dated 26th October 1868 and also was sanctioned by the Government of India in No. 38 dated 15th April 1869.

5. And that the contractor was directed by the Executive Engineer in his $\frac{366}{26—2—70}$ to proceed with the work and promised payment at the sanctioned rate when the estimate was approved of by Government.

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6. That the late contractor V. Raghavachariar petitioners' father did accordingly, lay the foundation and built up the piers to the required length and completed the anicut project works.

7. The Government in G. O. $\frac{1525\ A}{9—6—73}$ instructed the District Engineer of Tinnevelly to treat the work done under the Srivaikuntam anicut agreement (i. e.) the bridge work now in question as entirely distinct from other works (i. e.) the project works done by the contractor and such being the case the G. O. distinctly stated that his claims on account of the former would not be affected by the pending settlement in connection with the latter.

8. The account regarding the anicut project works alone was settled by Mr. Rundall by his letter No. 169 on the 6th January 1875 and the same has been approved by the Government. (Vide G. O. $\frac{546}{25—2—75}$.)

9. That the Government without considering that the piers were not constructed at the cost of the Government but at the contractor's expense and without paying him for the same allowed the Local Fund Department in September 1885 to construct the bridge over it and the bridge was completed in 1891.

10. That the 1st petitioner was then a minor and the second petitioner, the first petitioner's brother is yet a minor.

11. The petitioners now beg to submit that the work done by the petitioners' father unpaid up to this time is as follows:—
Coursed rubble masonry Piers from the bed of the river to the crest level of anicut.

	No.	Length.	Bredth.	Height.	Contents.
	32	$18\frac{1}{2}$	6	6	21312
Cut-waters	32	2	3	6	1152
Portion of abetments	2	$18\frac{1}{2}$	3	6	666
Cut-waters to above	4	2	1	6	48
				Total.	23178.CFt.

and that they should be paid for the same at the sanctioned rate.

12. That otherwise they would be driven to the necessity of seeking remedy in Civil Courts.

13 That the petitioners pray therefore that your Lordship may be pleased to settle the accounts of the above said work and to pay them the cost of the work above mentioned *(i. e.)* of building up of the 32 piers above referred to, with interest and to render them justice.

For this act of justice the petitioners will as in duty bound, ever pray.

Tuticorin.
2—5—1895.

V. Alwar Aylngar

P. W. CURRENT No. 4884

Rec'd: 26.6.95

No. 1574 W of 27th June 1895

Rec'd 21/6/95.

Recorded with reference to G.O. No. 1341 W of 7th June 1895.

Recorded with reference to G.O. No. 1341 W of 7th June 1895.

CLARKS 22/6/95

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