Works (1896) Department.

G.O., No. 3571 W.

DATED 12 December

[Despatch Abstract.]

Attempted Removal of a pot Sluice: Sanctioning the payment of the pleader's bills in connection with certain law proceedings which arose out of the -- in the bund of the supply channel to the Paravathur tank Wallajah taluk North Arcot Dt. & warning the Ex. Engr. with remarks to be more careful in future not to incur such expenditure without authority.

T.C.
12/12.

[P.W. 25. / 4,000—30-11-96.]

Indexed. 16/12

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Paravathur P

W.D.

DEPARTMENT 9241.

B/ Issue orders

No. 3571 W of 12-12-96.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

From the S.E. IV Circle No 2458W of 25th May 1896
" " — do — — " 4114W of 22. Augt 1896
" " — do — — " 5-66W of 12 Nov. 1896.

No. 2519C. of 12.9.96
1184W. 12.5.94
521W. 26.2.94.

Payment of the three bills amounting to Rs 78, Rs 106 and Rs 4-5-0 is sanctioned.

2. The Ex. Engr. will be warned that he mus be more careful in fut not to incur such ex- penditure without au thority.

3. The Govt. observes that the port sluice in the bund of the supply chann to the Paravathur tank has not after all been demolished — if it is not still considered necess for the safety of the b

P. W. 40.
50—2-9-96.

BACK PAPERS

to demolish the sluice, the Supdg Engr should hear what the owner has to say, and having done so, he should submit the matter for orders through the Chief Engr for Irrn.

Ch

10/12/96

S. E. IV circle w/ enc
7 enclos (op enc 491
Engr P.W.D.
Ch. E. for Irrn
14/

Paruvathur P
Case

P.W.D.

Current Nos 4910, 7841.
& 10370 –

Note for H.E. the Governor

These papers relate to certain law proceedings which arose out of the attempted removal of a pot sluice in the bund of the supply channel to the Paruvathur tank, Wallajah taluk, North Arcot District –

In 1894.+ the Sub divisional officer asked the Head Asst Collector to have the sluice removed as it was an unauthorised one, & a source of weakness to the bund.

The Head Assistant * Collector replied that the owner the sluice was reported to have been in existence for twelve years, & that any interference with it

I observe that the sluice has not been demolished. If it is still considered necessary for the safety of the Bund to demolish the sluice, the P.W.D. officer must hear what the owner has to say, and having done so to submit the matter for orders to the Head of the Dept.

The pleaders' bills may be paid with a warning to the Ex. Engineer that he must be more careful in future not to incur such expenditure without authority.

+ Ex Engrs letter of 18.5.96 flagged (A)

ASH 8.12.96

* ~~[illegible]~~ Stated in para 2 of Ex. Engrs letter flagged (A)

Case S.A.W.

it would render the P.W. Dept liable to a civil suit –

Further enquiry was then made by the Dept. & the Overseer reported that the lands irrigated by the sluice were classed as dry, & had never regularly paid wet assessment. The Ex. Engineer, Mr A.S. Clerk, thereupon wrote to the Sub-divisional officer, under date the 17th + Octr 1884, to the effect that as the land commanded by the sluice were classed as dry, & had not regularly paid wet assessment, no claim to prescriptive right to the water could be established; also that as the sluice was a highly objectionable one, it should be closed, & that even if a suit were brought against the Dept, & it lost it, the amount that any Court would award as damages, would be trifling in comparison with the benefits which would be derived from the abolition of the sluice –

+ Flagged (D)

+ Letter No 1713, flagged (C)

‡ Para 5 of Ex. Engr's letter flagged A.

The Head Asst Collr + having declined to undertake the removal of the sluice on the ground that the tank was in charge of the P.W. Dept, ‡ Mr Clerk ordered its destruction by P.W. Agency, but the ryots who owned the land prevented this being done, & brought a criminal charge of assault against the overseer. A cross action was then ~~also~~ instituted against the ryots for obstructing a public servant in the discharge of his duties, & a pleader was engaged to conduct both cases on behalf of the P.W. officials – Mr Clerk authorised both the defence & prosecution without obtaining previous sanction of Govt. Mr is stated that he intended to apply for such sanction, but did?

by some mistake, the point was overlooked.

In the first case, the overseer was acquitted, & in the second, the accused were discharged.

The Supdg. Engineer + then reported the matter to Govt, asking for sanction to the payment of the pleader's fees, & remarking that although the Ex. Engr. should have applied for the prior sanction of Govt. to the defence & prosecution, yet as it was a case in which the right of the Dept to remove an objectionable work should be asserted, he thought the costs might be paid.

Three bills were submitted, –

(a) for defending the overseer – Rs 78-..-
(b) for conducting the prosecution – 106-..-
(c) for letter to witnesses, stamps &c. – 4-5-.
Total Rs 188-5-.

The bills were referred

+ Endt. No 24 SW of 25-5-86, on back of letter flagged (A)

+ Ex. Engr's letter of 19.8.86 flagged (C)

+ flagged (B)

to the Collector, & on its being ascertained that they were + reasonable, considering the number of days the pleader was employed, the case was submitted to His Excy for orders, with a note + by the undersigned, dated 15-8·76 –

On this note His Excy asked the following questions, –

(a) whether in ordering the demolition of the sluice, the P.W.D. officer had taken sufficient precautions to ascertain that he was not infringing the rights of the owner

(b) The overseer sent to demolish the sluice would not consent to look at the records of the owner. Is not this high-handedness

(c) Was the sluice actually demolished, & has its demolition been maintained?

To these questions, Mr. Lambert, the present Ex. Engineer, N. Arcot division + gives the following replies.—

+ Letter dated 8.11.26 flagged (G)

(a) His predecessor (Mr. Clarke) "when he ordered "the removal of the pot sluice "in the bund of the supply "channel to the Paravattum "Tank, was sufficiently led "to the conviction that the "existence of the sluice was "an unauthorised one and a "source of weakness to the "bund, and that further the "owner had no claim for "prescriptive right to the "water to the lands com- "manded by the said sluice"

(b) Submits an extract from the overseer's deposition before the magistrate, in which he declared that the first accused did not show him any records about the sluice, but only Post office receipts for certain registered letters.—

(c) The sluice has not been demolished.—

The papers are now resubmitted to His Exy for orders generally, & for authority to pay the pleader's bills.

5/12/26

W

Cn

fees ... the

P.W. Current No 784.

Note for His Excellency the Governor.

The facts connected with the two law suits with which these papers are connected are fully set forth in the Executive Engineer's letter No. 66 S.E., dated 18th May 1896. (flagged A).

Flag. A.

2. It is stated that the Executive Engineer in charge of the North Arcot division at the time (Mr. H. E. Clerk) intended to apply to Government for sanction to the defence and prosecution, but that by some mistake this was not done.

3. The matter has now come up to Government in connection with the pleader's fees. There are two bills, one for Rs. 78 for the defence of the overseer, and the other for Rs. 106 for conducting the prosecution on behalf of Government. There is a further small bill of Rs. 4-5-0 for incidental expenses.

4. These bills were returned to the Suptg. Engineer to obtain the Collector's opinion as to their reasonableness, and as it is now shown that the charges are not excessive considering the number of times the pleader had to attend court it i-

proposed

The charges may not be excessive, but it appears open to question whether, in ordering the demolition of the sluice, the P.W.D. Officer had taken sufficient precautions to ascertain ~~what~~ that he was not infringing the rights of the owner. The Overseer sent to demolish the sluice would not consent to look at the records of the owner. Is not this high-handed action?
Was the sluice actually demolished, and has its demolition been maintained?

A. SH. 18.9.96

H.E. 5/12 R 9/12

proposed to sanction them.

15/8/96

W.

P. W. CURRENT No. ~~4910~~

Government of Madras.

1896.

EXECUTIVE ENGINEER Regd. No. 2/2448 4 - JUL. 96 P. W. D. NORTH ARCOT DIVISION.

P. W. DEPARTMENT.

~~CURRENT No.~~

SUPG. ENGINEER'S OFFICE, P.W.D. No. 3717 29 JUN. 96 cncle: 2 FOURTH CIRCLE.

From

The Supg: Engineer

IV circle

SUPG. ENGINEER'S OFFICE, P.W.D. No. 5227 20 AUG. 96 cncle: 6 FOURTH CIRCLE.

~~ENCLOS.~~

No. 248 / W.C

Dated 25.5.96

~~Received~~

SUPG. ENGINEER'S OFFICE, P.W.D. No. 6384 15 JUN. 96 FOURTH CIRCLE.

SUBJECT.

Submitting, with remarks, letter from the Exe: Engineer North Arcot Dn requesting orders for payment of charges incurred in connection with a criminal case of assault brought against overseer Eswara Sastri.

Eswara Sastri

CURRENT No. 673 / MN ~~91~~

22 6

EXECUTIVE ENGINEER Regd. No. 5/1150 15 AUG. 96 NORTH ARCOT DIV.

P. W. 29.
2000—1-5-96.

DISPOSAL.

Enclos. 7

Recd: 27.5.96

No. dated

No. 2519 Cd/12-June 1896

Returned to Suptg: Engineer IV Circle in view to Collector's approval the charges being obt prior to the orders of Govt: being taken

J. H. Campbell Col. RE.

Chief Engineer P.W.D.

No. 230/CM d/17-6-96

Forwarded to the Collector of North Arcot with a request that he will be good enough to state whether the charges claimed by the Pleader are fair & reasonable.

J. C. Lamm

Supg Engr, 4th circle

17/6

Enclos: 8.

To be obligingly returned.

at 151

18/6

NORTH ARCOT, COLLECTOR'S OFFICE,

No. OF 1896.

Chittoor 25th June 1896.

Dis No 755/Magl of 96 of 25-6-96

FROM

R. H. Campbell Esquire

Ag COLLECTOR AND DISTRICT MAGISTRATE,

North Arcot,

TO

THE Superintending Engineer

IV Circle

SIR,

Referring to your endorsement No 230/En dated 17th Instant, (returned herewith with all its enclosures), I have the honor to forward herewith a copy of G. O No 373 Judicial dated 15th February 1894 laying down certain general rules for the payment of enhanced fees to Public Prosecutors. This G. O may be taken as a guide in fixing the amount to be paid to the Vakil who conducted the cases referred to in the above correspondence.

I have the honor to be
Sir
Your most obedient servant
RHCampbell
Ag District Magistrate

Cly
26-6

SUPG. ENGINEER'S OFFICE P.W.D.
No. 371 A
29 JUN. 96
Encls: 1 - 9/10
FOURTH CIRCLE.

From

The District Magistrate
North Arcot

SUPG. ENGINEER'S OFFICE P.W.D.
No. 502 A
20 AUG. 96
Encls: 4
FOURTH CIRCLE.

To
The Superintending
Engineer
IV Circle

Dated 25th June 1896

Dis No $\frac{755}{Magl}$ 96 of 25-6-96

Subject

Forwarding herewith copy of G. O No 373. Judl of 15-2-96 laying down rules for the payment of enhanced fees to Govt Pleader.

No $\frac{278}{T.W.}$ d/30-6-96

To E E North Arcot to correct the bill in accordance with the G.O. quoted

J C Lamm
S E (IV)
30/6

$\frac{M}{1/7}$

Enclos: 10
(To be returned)

3/7

To this or send to S. Dn. for compliance

EE.

SUB-DIVISION RANIPET
REG'D. No. 851
14 JUL. 96
P. W. D.
NORTH ARCOT DIVISION.

EXECUTIVE ENGINEER
Regd No. 2448
4 - JUL. 96
NORTH ARCOT DIVISION

No $\frac{761}{SD}$ dated 11-7-96

Forwarded to Sub-Dn Officer Ranipet for compliance and early return of the file.

[illegible]
Ex: Engineer
11/7

$\frac{SD}{877}$

(To be returned)

$\frac{6 ?}{28 - 1896}$

EX. CUT. ENGINEER
Regd No. 3/1184
15 AUG. 96
P. W. D.
NORTH ARCOT DIVISION

Government of Madras

Judicial Department.

Read the following paper.

From the District Magistrate, Kistn

dated 25th December 1893 No 1007.

Order — dated 15th February 1894 No 3;
Judi

The Government considers that fee of Rs 250 will be sufficient in the present case

2. The expenditure in the form of special fees to Public Prosecutors amou to a considerable sum annually and seems to be rapidly increasing. It is necessary that District Magistra should consider closely all the circum-stances of the case before they submit to Government proposals for the payment of an enhanced fee and the following general rules must be observed.

(1) Not more than Rs 25 for each appea in court will be sanctioned save in exceptional cases.

(2) No fee is payable as a general rule for days spent in examining the record

(3) If a Public Prosecutor is require

to leave Head-Quarters he is allowed actual conveyance expenses but not halting allowances: He is also allowed a fee for days of which so much has been spent in travelling as to render it impossible for him to attend in court.

(4) Public Prosecutors are expected to travel second class by Railway

True Extract

(Sd) J F Price
Chief Secy

SUPG. ENGINEER'S OFFICE, P.W.D.
No. 3771
29 JUN. 96
Circle: 1
FOURTH CIRCLE.

SUPG. ENGINEER'S OFFICE, P.W.D.
No. 5020
20 AUG. 96
Circle: 5
FOURTH CIRCLE.

/True Copy/

R N Campbell

Ag Dt Magte

EXECUTIVE ENGINEER,
Regd. No. 1/244
4 - JUL. 96
P. W. D.
NORTH ARCOT DIVISION

Clk
26.6

EXECUTIVE ENGINEER,
Regd. No. 4/1134
15 AUG. 96
P. W. D.
NORTH ARCOT DIVISION

Ow.E.D
7841/96

D. P. W.

No. 1043.

SUB-DIVISION OFFICE,
12 August 1896.

FROM
Reni de Chazal Esqre
SUB-DIVISION OFFICER,
Ranipet Sub-Division,

EXECUTIVE ENGINEER,
Regd. No. 1134
15 AUG. 96
P. W. D.
NORTH ARCOT DIVISION

TO
THE Executive Engineer
North Arcot Division

SIR,

With reference to your Endorsement No 761 S.D. of 11-7-96 (herewith returned with all its enclosures) regarding Parruvathur Pot sluice case, I have the honour to forward herewith letter No $\frac{618}{mag.}$ of 1896 dated 22nd July 1896 from the Second Class Magistrate of Wallajah from which it will be seen that C. C. No 536 of 95 was heard in Court on the 8th, 15th & 21st October 1895 and C.C. No 8 of 1896 on the 16th, 25th & 31st January 1896 and 4th, 14th & 19th February 1896 making a total of 9 days on which the Vakil appeared and conducted the cases. The fees payable to the Vakil on Rs 25-0-0 per day with reference to the scale laid down in G. O. No 373, of 15-2-1894, Judicial, come to Rs 225.

~~I think the amount claimed by the Vakil Rs 184 is reasonable and may be passed.~~

ENCLOSURES.
1. letter from Pleader W. A. Varadachariar date 11/8/96
1 letter No $\frac{618}{mag.}$ 896 from the Magistrate
1 File of papers.

The Vakil gives 20th of Feb 96 and not 16th of January 96.

Forward
S.E.
15/8

The

D. P. W.

SUPG. ENGINEER'S OFFICE, P.W.D.,
No. 502 N.a.W.D.
20 AUG. 96
Circle : 3
FOURTH CIRCLE.

FROM

SUB-DIVISION OFFICER,

TO

THE

Dated
Despatched 189 .
Received

ENCLOSURES.

No.

SUBJECT.

The Vakil's letter is also enclosed for information.

I have the honor to be
Sir,
Your most obedient servant
Rene de Chazal
12/8/96
Assistant Engineer

OW 505
78/96

Ranipetai 11 August

Rt No 280
13/8/96

From
W. A. Varadachariar B.A
Pleader Ranipetai

To
The Sub-Divisional Officer, D.P.W.
Ranipet Sub Division

Sir

With reference to your letter No 877 dated 18th July 1896, I have the honor to state that in respect of C.C No 536 of 1895 in which Perumal Reddi complained against Mr Eswara sastriar, Overseer, I attended the 2nd Class Magistrate's Court Walajah on 8th, 15th and 21st October 1895. On the 8th October the Examination in chief and the Cross Examination of the prosecution witnesses was conducted and the Case was argued ~~out~~. On the 15th the defence witnesses were Examined and concluding remarks were offered tending to the acquittal of the accused. On the 21st I attended Court to hear judgment pronounced. In ~~October~~ Calendar Case No 8 of 1896 I attended Court on 25th and 31st January, and 4th, 14th, 19th and 20th February. On the 25th January the Examination in Chief of the prosecution witnesses was conducted, on the 31st the Cross Examination and re-Examination of the prosecution witnesses was over. On

16th adverse Magistrate

this date not included by 2nd Class Mag

the

SUPDG. ENGINEER'S OFFICE P.W.D.
No. 5020
20 AUG 96
Encls 2
FOURTH CIRCLE

EXECUTIVE ENGINEER
Regd. No. 1434
15 AUG 96
P.W.D.
NORTH ... DIVISION

O.W.E.6
7841/96

Public Works (1896) Department.

CURRENT No. 7841

AE
B

Order Not issued

~~Payment of the three bills amounting to Rs 78, Rs 106 and Rs 4-5-- is sanctioned.~~

~~2. Prior sanction should have been obtained to conduct the suits at the expense of Government.~~

15/8/96

From The Supdg. Engineer IV circle

No. 414 W

Dated 22. 8. 96

Received 1. 9. 96

Enclosures 14

Spare copies .

SUBJECT.

Overseer Eswara Sastri

Requesting sanction for payment of charges incurred in connection with a criminal case of assault brought against ______.

Cy

S.E. IV Circle with 12 enclos
~~Gov~~ Pl. Wt. -

[P. W. 19 / 1,000—5-8-96.]

Sent again 14/9/96 Sent again 6/10/96 R 7/10

O.L. 372

BACK PAPERS.

G.O.	No.	Department.	Date.
	2579 C	P.W.	12.6.96
	1184 W	"	12.5.94
	521 W	"	26.2.94

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 245 SE

North Arcot Division Office,
19th August 1896.

From
G. B. Lambert. Esq.
Executive Engineer,

To
The Superintending Engineer
IV Circle.

Sir,

In returning the bills from the pleader who conducted the case against Overseer Iswara Sastry, together with the connected papers, sent to me for correction with your No. $\frac{278}{n.a.}$ of 30 June/96, I have the honor to inform you that, from the report of the Sub. Dn. Officer, Ranipet of 13 August 1896, you will perceive that the charge claimed therein is reasonable. I request that necessary sanction may be obtained for payment of the same.

Enclosure. 5

3 bills
1 file of correspondence
1 S.D.O. letter No 1043 of 13-8-96 with 2 Encl:

I have the honor to be
Sir,
Your most Obed. Servt.

G B Lambert
Executive Engineer
N. A. D.

18/8

19th Desp'd:

N. $\frac{414}{W}$ d/22d August 1896
Submitted to the Chief Engineer P.W.D. with reference to his No. 2579.C. dated 12th June 1896.

Supg. Engineer 4th Circle

Enclo: 5

$\frac{L}{18/8}$

SUPG. ENGINEER D. P. W. P. W. D.
No. 5020
20 AUG. 96
Circle 1-12
FOURTH CIRCLE.

From
The Executive Engineer
North Arcot Dn.

To
The Supdg. Engineer,
4th Circle.

Dated 19th
Despatched August 1896.
Received

Enclosure. 5

No. 245 S.E.

S.E's No. 414/W

Subject. Enclo: 5

Claim of Charges incurred in the case of Assault on Overseer Eswara Sastrigal

Informs that it will be perceived from the Enclosed letter from Ranipet Sub Dnl. Officer that the - is reasonable & requests that necessary Sanction may be obtained for payment of the Same.

Public Works (1896) Department.

CURRENT No. 10370

~~Ag~~

for **Orders**

I must have a note summarizing this case.
A.G.H 29.11.96

Submitted with reference to His Excy's note of 18.9.96 on the paper flagged B.

19/11/96
W

From
The Supg. Engineer
4th Circle.

No. 566/W.

Dated 12th November 1896
Received 16.11.96
Enclosures (3) Three.
Spare copies

SUBJECT.

Paravathur pot Sluice.

Subimits replies from the Ex: Engineer, North Arcot Division to Chief Engineer's queries regarding the proposed demolition of

H.E. 20/11 R 1/12

BACK PAPERS.

G.O.	No.	Department.	Date.
Memo	3531C	P.W.	7-10-96 ✓
"	2519C	"	12-6-96 ✓
G.O.	1184W	"	12-5-94 ✓
"	521W	"	26-2-94 ✓

FURTHER PAPERS.

G.O.	No.	Department.	Date.

North Arcot Division Office,

No. 66 S.E.

18th May 1896.
19th despd:

From
G. B. Lambert. Esq.
Executive Engineer,

To
The Superintending Engineer
IV Circle.

Sir,

I have the honor to report the following:—

In 1894 the Sub Dn officer, Ranipet asked the Head Asst Collector to have a pot sluice in the bund of the supply channel to Paranathur tank Walajah Taluq removed, as it was an unauthorized one and a source of weakness to the bund.

2. The Head Asst Collector replied that the sluice was reported to have been in existence for 12 years and that any interference with it will render this Department liable to a Civil suit for disturbance of the right to enjoy the same.

3. It appears that further enquiry was made by this Department and that the Overseer reported that the lands irrigated by the pot sluice were classed as dry, and have never paid

Enclosure.
7

1. Copy of N. A. Dn office No. 1790 SW 19-10-94
1. -do- of Hd Asstt: Collr: No: 1713 of 95 d/30-4-95
1. Copy of Wallaja Tahsildar's letter to the Collr: N. A d/16-11-95.
1 Copies of judgment.
3 Bills ✓

7

paid regularly wet assessment either as first crop or Tirunajasti.

4. Mr. Clerk thereupon wrote this office No. 1790/S.O. of 17-10-94 (copy enclosed), and in answer received the reply contained in the 1st Asst. Collector No. 1713+ of 30th April 1895, in which the 1st Asst. Collector does not Rev. dispute the facts set forth in this office No. 1790/S.O., but evidently attempts to throw the whole responsibility on to this Department.

+ copy herewith.

5. Mr. Clerk thereupon ordered the sluice to be closed, but the owner of the land Perumal Reddy and 6 others interfered and prevented this being done. Further they brought a criminal case of assault against the Overseer.

6. The defence of the Overseer was sanctioned by Mr. Clerk & the Collector was requested to direct the Govt. pleader to assist in the case; accordingly the Collector sent a memo to the Tahsildar of Walajah to nominate a competent pleader to defend the Overseer.

7. Permission was requested by the Sub Dl. officer to prosecute Perumal Reddy and others for obstructing a public servant in the discharge of his duties. Mr. Clerk intended to apply for sanction of Government to employ a pleader, but by some mistake (owing to some confusion it is supposed in the records,) he sanctioned this prosecution.

8. The Sub Dl. officer in his No. 3916 of 14th January 1896 & 2713 of 20th January 1896 reported that he had directed the Overseer to

to engage a pleader, and that Wal. Varadachariar. This order appears to have been given without the sanction of Mr. Clerk.

9. In the first case the Overseer was acquitted, and in the second the accused were set at liberty. Copies of letter from Tahsildar to Collector and judgement are herewith enclosed for your perusal.

II I enclose two bills forwarded by pleader Wal. Varadachariar for payment, one for fees &c for defending the Overseer, & the other for fees &c for conducting the prosecution on behalf of Govt. against Perumal Reddy & others.

2. I request your orders whether the amo can be paid, after first ascertain from the Collector, whether the charges a fair and reasonable.

3. A bill of charges for Court expenses is also submitted for your sanction for payment.

I have the honour to be,
Sir,
Your most obedt. Servt.

Executive Engineer
N. Ard.

18/5

18/5

D. P. W.

SUPG. ENGINEER'S OFFICE, P.W.D.
No. 311 MA
21 MAY. 96
1-7
FOURTH CIRCLE.

From

G. H. Lambert Esqre.
Executive Engineer
North Arcot Dn.

SUPG. ENGINEER'S OFFICE, P.W.D.
No. 32 MA
20 AUG. 96
FOURTH CIRCLE.

To

The Supg: Engineer
4th Circle

SUPG. ENGINEER'S OFFICE, P.W.D.
No. 3711 M
29 JUN. 96
3
FOURTH CIRCLE.

EXECUTIVE ENGINEER
Regd. No. 6/1134
15 AUG. 96
NORTH ARCOT

Dated 18th
Despatched 19th May 1896
Received

6.

ENCLOSURES 7.

SUPG. ENGINEER'S OFFICE, P.W.D.
No. 1/638 W
15 JUN. 96
FOURTH CIRCLE.

No. 66.

EXECUTIVE ENGINEER
Regd. No. 3/2448
SUBJECT. 4 - JUL. 96
P. W. D.
NORTH ARCOT DIVISION

Criminal Case of assault brought against Overseer Eswara Sastri by Perumal Reddy and 8 others of Paravattur village for having removed a pot Sluice —

Forwards Copies of Correspondence & Judgment in the — and requests orders for payment of Charges incurred — On the back

---

W. CURRENT. No. ~~4910~~ 7841/96

No. 248/W.S. d/25-5-96

Submitted to the Chief Engineer P.W.D. for favor of sanction to payment of the Overseer's costs.

For although the Executive Engineer should first have applied for sanction to defend the Overseer and prosecute the others, still as it is a case, where it is considered the right of the department to remove an objectionable work, should be asserted, it is thought that the cost may be paid subject to the Collectors' approval of the amount claimed.

J. C. Lawrence
Superintending Engineer, 4th Circle.

Enclos: 7

25/5
Enclos 7
Recd: 29.5.96

3531C

Cir: 7841

W

Draft memo: in accordance with A.E.'s note of 18.9.96 submitted for approval.

It is submitted however that as the pleader is entitled to his fees, he should be paid at once, leaving the incidence of the charge to be settled hereafter.

Ch
1/10/96

Ch
3/10/96

No. 3531 C of 7th October 1896 P. W. D.

C/

"As this is SAW's draft, the papers had better be sent to him.

28 Sep 96

S. A. W.

Read 20/10/96

Memo

With reference to letters from the Supdg. Engr. IV Circle No. 248 W of 25th May and No. 414 W of 22nd August 1896, the undersigned has the honour to inquire whether when the Ex. Engr. North Arcot division ordered the removal of the private sluice in the bund of the supply channel to the Parawathur Tank, he had taken sufficient precautions to ascertain that he was not infringing the rights of the owner.

2. It appears from the papers that the overseer sent to demolish the sluice would not consent to to look,

8/10

at the records of the owner, & explanation of his action in this matter should be submitted.

3. It should be reported whether the sluice was actually demolished, & if so whether its demolition has been maintained.

No 3531 C/Y 7-x-96.

S. E. IV Circle.

7/10/96

Cn

orders for pay-
in served — ...

From

The Executive Engineer
North Arcot Division

To

The Sub Divisional Officer
Ranipet

Dated 17th October 1894.

No 1790 S.D.

Ref: his No 4154 dated 13 October 1894 regarding the pot sluice at Paravathur.

The undersigned considers that as the land commanded the pot sluice under reference are classed as dry and have according to the overseer never regularly paid wet assessment either for 1st crop or for Teerwajasti no claim for prescriptive right to the water could be established altho the sluice or cut may have been in existence for 12 years.

The sluice is evidently a highly objectionable one and should be closed.

Even if a civil suit is brought against us for damages and we were to lose it the amount which any court would award

would

—trifling in comparison with the benefits which would be derived from its abolishment.

A copy of this together with the overseer's letter should be sent to the Head Assistant Collector for any further remarks.

Sd/ H. E. Clerk
Executive Engr S. D.

(True Copy)

ENGINEER
No. 687 Na
11 NOV 96
3
FOURTH CIRCLE

PWE.1
10320/96

D. P. W.

No. 1065 Na

NORTH ARCOT DIVISION OFFICE,
25 Oct 1895.

FROM
H. C. Clark Esqre
EXECUTIVE ENGINEER,

TO
THE Collector
North Arcot

SIR,

ENCLOSURE.

I have the honor to inform you that in 1894 the Sub Dn Officer Ranipet asked the Head Assistant Collector to have a pot sluice in the bund of Paravathur Tank Wallajah Taluq removed as it was an unauthorized one and a source of weakness to the bund. The Head Assistant Collector in his No $\frac{2347}{Rev.}$ dated 22 June 1894 reported that the sluice was reported to have been in existence for 12 years and that any interferance with it will render us liable to civil suit for disturbance of the right to enjoy the same.

2. Further enquiry was made by this Depart and it was reported by the overseer that the lands irrigated by the pot sluice were classed as dry and have never paid regularly wet assessment either as first crop or Teerwajadi. I therefore wrote this Office No 1790 dd 17-10-94 copy enclosed and in answer received the eminently unsatisfactory reply contained in the Head Assistant Collector's No $\frac{171}{Rev}$ d/30-4-95.

D. P. W.

From. 687 Na / 2

SUPERINTENDING ENGINEER P.W.D. FOURTH CIRCLE
11 NOV. 96

To

Dated

Despatched 189

Received

ENCLOSURE.

No.

SUBJECT.

It will be noticed that the Assistant Collector does n dispute the facts set fo my No 1790 dd but evidently attempts to throw the whole re ponsibility on to this Departmen

3- I therefore ordered the sluice to be closed and the owner of the land, Perumal Reddy & 6 others have interfered and prevented the closing of the sluice and have brought an action against the overseer for assault. The overseer's letter is enclosed for information

I request that you will direct the Govt. Pleader to assist the overseer in the case. The overseer appears to have been obstructed in this duty in spite of the presence of the police.

I have &c
(Sd) H. E. Clerk
Ex: Engineer

(True Copy)

Examined

Executive Engr

9/11

Re 3-2
9/20/96

D. P. W.

FOR COPIES ONLY

TWO ANNAS

INDIA

THOS. DE LA RUE & CO. LONDON.

Deposition

Before the Second Class Magistrate of Walajah

Calendar Case No. 8/96

Camp Walajah d/ 25. 1. 96.

1st. P. wit. Name .. .. Eswara Sastry
Father's Name .. Subramania Sastry
Caste .. .. Brahmin
Religion .. "
Age 27
Profession .. Overseer
Residence .. .. Ranipet
Language .. .. English.

Solemnly affirmed.

I am the overseer of Ponnai anicut Section. I was an overseer in August 1895. From the sub divisional officer, Ranipet, I got an order that the pot sluice on the Supply Channel of the Paravathoor Tank was ordered to be removed and that notice should be served on the 1st. accused to remove it in a week and if not, to have it demolished by the department. (Order is this. Exhibit A). I issued an order to the Channel Superintendant to give a notice to the above effect to Perumal Reddy. The Channel Superintendant

Recd. Two annas

Sundraram Iyer
Vellore
14-4-96

Copying ...
Sub Collector
Vellore

SUPG. ENGINEER'S OFFICE P.W.D.
No.
11 NOV. 96
FOURTH CIRCLE.

STAMP DEPARTMENT
FEB 24
1896
NORTH ARCOT

FOR COPIES ONLY

TWO ANNAS

INDIA

reported to me (Exhibit 2) that Perumal Reddy objected. I went there on the 31-8-95. I asked the Village Munsiff to come to the sluice and represented to him what was to be done and took him there. I went at 7 A.M. with about 15 men. Perumal Reddy was on the supply channel tank. I saw him there the previous day and asked him why he did not remove the pot sluice according to the notice sent to him and told him, I would demolish it, the next morning should I find it. On the 31.8.95, I ordered my Coolies to demolish the sluice. One of the oddars took a crow-bar to break it down. The 2nd accused took the crow bar from his hands and threw it away. I ordered the Talaries to take it and break it again. Then, Kullan, took it and gave a blow when, the 1st accused seized the crow-bar and threw it off and thereafter, lay himself on his back across the pot sluice, saying unless he was cut off, the sluice should not be demolished. I then wrote to the station House officer

E

No. ~~173~~ 172 Two annas Sundaram Iyer
Walajanagar
14-2-96

Sub Postmaster
Walaja

SUPG. ENGINEER'S OFFICE, P.W.D. No. 11 NOV. 96 FOURTH CIRCLE.

STAMP DEPARTMENT FEB 24 1896 NORTH ARCOT

EXECUTIVE ENGINEER'S RECD. No. 2-[illegible]-96 P.W.D. NORTH ARCOT DIVISION.

FOR COPIES ONLY

INDIA TWO ANNAS

3

Sholinghur to assist me. The 3rd accused too was present there. He did not cause any obstruction. I went away to Sholinghur. I told the Channel superintendant to take the Police and demolish it. I went there as overseer to discharge the duties of my office. I told the 1st accused that I was the overseer. The Sluice has not been demolished till now, on account of the obstruction. I prosecute, under the authority of my Sub divisional officer. I shall produce it.

Cross examination reserved.

(Sd) Eswara Sastry
Overseer P. W. D.

Taken before me. Read over to the deponent in English which he understood & acknowledged by him to be Correct.

(Signed,) Y Subrahmaniamiah
2nd Class Magistrate

31. 1. 96. Solemn affirmation.

Chief-examination Continued— This is the order authorising me to lodge the present Complainant (Exhibit B). I sent an order

171/~~164~~ Two annas

Sundram Iyer
Walajanagar
14-6-96

Sub Postmaster
Walaja

STAMP DEPARTMENT
FEB 24 1896
NORTH ARCOT

ENGINEER'S
No.
11 NOV. 96

EXECUTIVE ENGINEER
REG'D No.
2 MAY 96
P.W.D.
NORTH ARCOT DIVISION

FOR COPIES ONLY

INDIA

TWO ANNAS

to the channel superintendant to have the sluice demolished. It is dated 22. 7. 95 — (Exhibit F). The Revenue department, when written to have the sluice demolished stated it had nothing to do. I file the Head assistant Collector's order (Exhibit G.)

Cross examination. I have been overseer for 3 years and in this Range for one year. I keep a diary. My diary will shew progress of work. I received orders from my Superior officer that the sluice should be demolished. I made no report myself about the Sluice to my superior officers. I know what my Channel Superintendant did on my orders. I did not give any written order myself to Perumal Reddy. I do not know the number of lands irrigated by the sluice. I did not ask the 1st accused on the 31. 8. 95, if he received a notice to remove the sluice. I told him he should remove it at once. He did not give me any reply. He did not ask me to give him something in writing to say that I will —

No. 170/~~[illegible]~~ Two annas. Sundaram Iyer
III
Walajahpet
14-2-96
Sub Postmaster
Walajah

STAMP DEPARTMENT FEB 24 1896 NORTH ARCOT

SUPG. ENGINEER'S No. 11 NOV. 96

EXECUTIVE ENGINEER, NORTH ARCOT DIVISION REG'D No. 2- MAY. 96 P.W.D.

INDIA TWO ANNAS

demolish the sluice. I sent for the Monigar and some others of the village. I engaged two Coolies for demolition. The 1st accused did not shew any records to me about the sluice. He shewed me only Post-office receipts of certain registered letters. He did not tell me I should not demolish. He did not beg me not to demolish it. The 2nd son, also, snatched away the crow-bar. The 1st accused brought a charge of assault against me in this Court.

Re-examination — That case has been thrown out.

(Sd) Ramara Sastry
Overseer.

Taken by me. Read over to the deponent in English which he understood & acknowledged by him to be correct.

(Signed) Soubrahmaniamiah
2nd Class Magistrate

(True Copy)
By order
Sundaramyer
A/g Head Clerk.

STATIONARY SUB MAGISTRATE

No. 169 [illegible]

SUPDG. ENGINEER'S OFFICE
No. 687 Na
11 NOV 96
FOURTH CIRCLE

STAMP DEPARTMENT
FEB 24
1893
NORTH ARCOT

[illegible]
[illegible]
14-4-96
[illegible]
[illegible]
[illegible]

EXECUTIVE ENGINEER
REG'D. No. 4/2236
2- MAY. 95
P.W.D.
NORTH ARCOT DIVISION

Date [illegible] } 8/3
[illegible] called for }
[illegible] 14/4
Date [illegible] 15/4
Copy delivered ... 16/4
Copied by ... [illegible]
Compared by ...
No. of words ... 146
No. of corrections ...

PW 5.3
10370/28

D. P. W.

No. 392 E

NORTH ARCOT DIVISION OFFICE,
8th November 1896.

FROM
G. B. Lambert Esquire
EXECUTIVE ENGINEER, N. Arcot Dn

TO
THE Superintending Engineer
Fourth Circle

ENCLOSURE.
Copy of Memo No 1790/17-10-94
Copy of letter No 1065 In/25-10-95
1 Depositim in original

SIR,

With reference to memo from the Chief Engineer No 3531 C of 7th October 1896 Communicated with your endorsement No 451/Net. of 16th Idem, I have the honor to subjoin replies para by para.

Para 1. My predecessor, when he ordered removal of the pot sluice in the bund of the supply Channel to the Paravathur Tank, was sufficiently led to the ~~correction~~ Conviction that the existence of the sluice was an unauthorized one and a source of weakness to the bund, and that further the owner had no claim for prescriptive right to the water to the lands commanded by the said sluice. I enclose Copies of his letters in which the above statements were made

Para 2. The Overseer had, in his depositim of of the 25th January 96, before the 2nd Class Magistrate of Wallajah, stated that the owner of the sluice had no records to produce respecting his right to the sluice. I enclose the deposition, in original, for information and return.

Para 3. The sluice has not been demolished.

I have the honor to be
Sir
Your Most Obedt Servt

Executive Engineer

No $\frac{566}{W}$ d/12-11-96.

9/11

8/11

Submitted to the Chief Engineer, P.W.D., with reference to his Memorandum No 3531C dated 7th October 1896.

Supg. Engineer, 4th Circle.

D. P. W.

SUPG. ENGINEER'S OFFICE P.D.
11 NOV. 96

687 NA
1–3

From The Executive Engr,
N. Arcot Dn

To The Superintending
Engineer, 4th Circle

Dated 8th
Despatched
Received
November 1896

ENCLOSURE. 3

No. 392 E

SUBJECT.

Paravathur pot sluice
– furnishing replies to
queries of the Chief
Engr regarding the pro-
posed demolition of —

Withern

Government of Madras.
1896.

P. W. DEPARTMENT.

CURRENT No. 4910

From S. E. IV Circle

ENCLOS. 7

No. 248/W.C
Dated 25–5–96
Received 27– " – "

SUBJECT.

Submitting with remarks
letter from the Ex:
Engineer North Arcot
Dn. requesting orders
for payment of charges
incurred in connection
with a criminal case
of assault brought
against overseer
Eswara Sastri –

[P. W. 29. / 2000—1-5-96.]

DISPOSAL.

No. 2519G dated 12th June 1896

Returned to the
Supdg Engineer IV
Circle in view to the
Collector's approval to
the charges being obtained
prior to the order
of Govt being taken

(Sd) D. M. C.
EW.

DESPATCHED
12 JUN. 96

No. 2519 Cd/12th June
1896

28/6

W. CURRENT No. 3291

From

The Supg Engineer
Second Circle

To The Chief Engineer
P.W. Department

Recd: 4.5.94

Dated 1st May 1894.

No 193 K.S.

Case brought against
Bezwada Lock Supdt
and Lascars —
Requesting to obtain
sanction of Govt for
the additional charge
incurred on account
of —

No. 521 W d/26-2-94

No: 1184 W. d/12th May 1896

B

The additional
charge of Rs: 1-12-0
is sanctioned.

Cwas
7.5.94

S.E. II Circle
Exr. P.W.A.

INDEXED.

R 11/5

W 17/5

Ogs.43/

From the Executive Engineer
Eastern Dn, to the Supg Engineer,
d/ 20th April 1894. No 260.

In G. O. No 521 W. d/ 26th Feby 189 payment of Rs 30 on account of Vaki fees in the case brought agains the Bezwada Lock Superintenden and Lascars has been Sanctione but the following charges in con:nection with the case are treated by the Examiner as objectionable. I have, therefore, the honor to request that you will be good enough to obtain Sanction of Government so that the objection may be removed

(1)	Process fees paid to witnesses in July & Augt/93	Rs 1-4-0
(2)	Cost of Court fee stamp for a vakalut	0-8-0
		Rs 1-12-0

No $\frac{193 KS}{1.5.94}$

Forwarded to the Chief Engineer P.W. Department for favor of obtaining the Sanction of Government for the additional charge of Rs 1.12.0 already incurred.

Office of the Supg Engr
2nd Circle
Madras
27th April /94

A. Russell.
Engineer in charge
2nd Circle,