Public Works (1896) Department.

G.O., No. 1434 W

DATED 6th May 1896

[Despatch Abstract.]

Well: Messrs: Balaji Ram and Bros informed that they have not produced any satisfactory evidence to show their title to compensation for certain — in the Old burial ground, South Beach Madras.

[P. W.—16.
1,000—5-6-96.]

BACK PAPERS.

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

FURTHER PAPERS.

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

B
Irr cultrs

Ro. 1432 W dy 6th May 1896

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ ~~the following~~ again

G. O. No. 777 W, dated 4th March 1896.
Read also

Petition from T. Balayee Ram and others (H E No. — dy 17 March 1896)

Letter from the Government Solicitor, Madras (" " 187 dy 14 April 1896)

The Government is advised that the petitioners have not produced any satisfactory evidence to show that they are entitled to compensation for the well which they allege was dug by Rajah Venkata Prasad Suvant Bahadur, and that even if the facts they allege were satisfactorily proved, it seems very doubtful if the claimants could recover compensation for a well dug in land which did not belong to the person who dug it.

2/5/96

DESPATCHED
7 MAY 96

To M Roy
T. Balayee Ram
with 3 Enclosures.

(40—4,000—14-3-95.)

Comp
2.5.96.1

No 1434 W dy 6th May 1896.

P. W. Department.

Read the following :—

Petition from T. Balajee Ram and others, dated 17th March 1896.

Letter from the Government Solicitor, Madras, No. 187, dated 14th April 1896.

FOR ORDERS.

No original documentary evidence has been sent up in support of the claim advanced by the petitioners to the well in question, which is situated in an abandoned Burial ground on the south beach, Madras.

2. In 1886, the land in question came into the possession of the P.W. Department under G.O. 1015 W.d/ 19th April 1886. Prior to this, it belonged to the Municipality, to whose possession it passed, in common with all other burial grounds within city limits, on the introduction of the Madras Municipal Act.

3. It would appear that the well was dug before the burial ground passed to the Municipality, and what purports to be an extract from some old accounts is sent up to --

show

INDEXED

2612/5

show that a sum of Rs.475-10-0 was paid by one Rajah Vencata Prasath Srivant Bahadur on the 11th October 1854 for the digging of the well.

4. The well has been dug in what was a public ground, and it may thus, I think, be assumed that it belongs to the public. If the prtitioners can prove otherwise, they will be entitled to compensation as of --- right; but a court of law and not the Secretariat seems the proper place in which to examine the evidence. Such evidence as that now - would not submitted to Government, I think, be accepted in a court of law.

Well in the Old Burial ground. South Beach. Madras

30/4/96

W.

Cord! 30.4.96.

No. 187

Madras 14th April 1896.

From,

Ernest Barclay
Government Solicitor
M a d r a s.

To,

The Joint Secretary to Government
Public Works Department
O o t a c a m u n d.

Sir,

1. W i t h reference to your Memorandum dated 2nd instant No.1806 C I beg to advise that, in my opinion, the Petitioners Balajee Ram and - Sunder Lal have not produced any satisfactory evidence to show that they are entitled to compensation for the well they allege was dug by Rajah Vencata Prasad Srivant Bahadur. Even if the facts they allege were satis -factorily proved, it seems very doubtful if the claimants could recover compensation for a well dug in land which did not belong to the person who dug it.

2. I return the papers sent me and.

I have the honor to be
Sir
Your Obedient Servant

Ernest Barclay

Government Solicitor.

P.W. OUT ...o. 3763

No. 777 W of 4-3-96
1015 W of 19-4-86
1806 Cof 2-4-96
334 Cof 20-1-96
118 Cof 9-1-96

Encls 4 & 29.a. (P.W.D)
Rec: 21.4.96

Jo

CN- 3763-05.26

I have upon the
best evidence
to me. With the exception
of two letters from the
City Engineer to
you in connection to
the use made of the
premises - Dated.
With this the last letter
is dated 1886
& the use in any other
1886 the letters
have nothing to claim.

L
22/4/96

W
There is no documentary
evidence on the subject, but
it may, I think, be assumed
that the well was in existence
before 1886, and that no
compensation was ever paid
for it.
The land was a burying
ground before 1886, and, as such,
came into the possession of
the Municipality on the
Roads Amendment Act
being brought into force.
It was from this, apparently,
when the burying belonged to

LS 1
m 15/4

O.L.S. 26.
R.W.S

No. 777 W dy/4-3-96
1015 W dy/19-4-96
1806 Cdy/2-4-96
334 Cdy/20-1-96
118 Cdy/9-1-96

the Master of the Commissioner that the well was dug. It may, I think, be assumed that the well belongs to the public, no matter by whom dug. If the petitioners can prove otherwise in a Court of law they will receive compensation as of right. But a Court of law, and not the Secretariat, is the proper place to settle the matter.

The evidence sent up to the Secretariat by the petitioners would be summarily rejected in a Court of law.

R.S.
29. Apr 96.

Submitted to H.E.

29/6/96

Draft note
Submitted.
R.S.
30 Apr 96.

LS 1
in 1894

INDIA COURT FEE 1/16 R ONE ANNA
Received 18 3 96
Agreement sayulu

To

The Secretary to Govt
Public Works Department
Madras

Most Honored Sir,

With reference to the order No 777 W of 4th March 1896, from your honor's office, we beg to bring the following to your honor's notice for favorable consideration. —

With due respect to your honor's order, we beg to state, that in a place like the burial ground, any proof to take in the shape of documents would be difficult. yet we have appended two papers, one a copy of the extract from our father's accounts and the other containing signatures of respectable gentlemen who can bear witness to the fact of the well being dug up by my father. If your honor, taking into consideration, the nature of the circumstances under which the well was dug up, does not award compensation even after satisfactory local enquiries, regarding our titles to it, we shall be obliged to file a regular suit.

We beg to remain
Most Honored Sir
Your honor's most obedt servt

Balajee Ram

From.
T. Balajee Ram.
No 17 Eswara Doss Lala St
Triplicane

17-3-96

P. W. CURRENT