Public Works (1897) Department.

Print verbatim

G.O., No. 141 9

DATED 12 February 1897

12/2/97

[Despatch Abstract.]

Suit: Authorizing the defence, at the public expense, of the – the instituted by the ryots of Mopulrajapuram, Kistna Western Dt., for compensation for ~~###~~ land occupied by the P.W.D. for river conservancy purposes.

110/C

T.d 12/2/97

P.W. 53
1,400—30-11-96

Indexed. 12/2

BACK PAPERS.

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

FURTHER PAPERS.

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

IRRIGATION.
ESTABLISHMENT.

Government (1897) of Madras.

PUBLIC WORKS.

Recd. } 1897.
Regd.

Enclosures
Spare copies

G.O., No. 141 I, 12th February 1897.

FEBRUARY.

Suit

Authorizing the defence, at the public expense, of the — to be instituted by the ryots of Mogalrajapuram, Kistna Western Division, for compensation for land occupied by the Public Works Department for river conservancy purposes.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.
Establishment.

Read—the following papers:—

From W. C. LEWIS, Esq., Executive Engineer, Kistna Western Division, to the Superintending Engineer, II Circle, dated 12th December 1896, No. 396 S.

I have the honour to forward herewith copy of Telugu notice of action by ryots of Mogalrajapuram with English translation in regard to land occupied for river conservancy purposes, and to request that you will be so good as to obtain sanction of Government to defend the suit.

2. Mr. Malet's No. 1756 M., dated 26th February 1896, to the Head Assistant Collector, Kistna, on this subject, copy of which is enclosed, will show the lines on which he intended to defend the suit, and having inspected the ground, I quite agree with him.

3. When copy of the tracing referred to has been received, it will be forwarded with a further report.

Enclosures.

To the Executive Engineer, Kistna Western Division.

Notice given by the undersigned ryots of Mogalrajapuram, Bezwada taluk, under section 424 of the Civil Procedure Code.

Without our knowledge the Public Works Department officers have planted nanel by occupying 3·25 acres of land belonging to us in Serilanka of Kistna, in Mogalrajapuram; that, on our previous representations through petitions in regard to the occupation of the land and in regard to the loss of crop thereon, the overseer measured the land and reported that 3·25 acres of land has been occupied; that we have put in petitions to give us land in exchange double in extent of Public Works Department poramboke, being accretions newly formed which adjoin the said lanka, or to give us equitable compensation.

No land in exchange nor compensation has been granted, therefore we give this as a notice that we intend to file a suit in Civil Court for value of land and compensation for loss of produce, if from date of this notice the records connected with this lanka are not perused and final orders given within the time prescribed in section 424 of the Civil Procedure Code.

(Signed) Gadlamudi Venkata Narasiah.

Copy of this office No. 1711 M., dated 20th February 1896, to the Head Assistant Collector, Kistna.

In reply to petition forwarded with your No. 270-camp, dated 6th November 1895, herewith returned, I have the honour to enclose a tracing in which the land in question is coloured lake. The land adjoins Divisions Nos. 116, 115, 114 and 111 and aggregates about 3·29 acres (excluding Division No. 115). It forms the slope of the river bank, and as far as I can gather this sloping portion on which I have planted nanel grass has not been cultivated by petitioners. Divisions Nos. 116, 114 and 111 are patta land. Division No. 115 is Government waste.

I have entered on this land and planted nanel under section 17 of Act VI of 1884, and my action has not caused any loss to petitioners.

Their claims will be respected, and if the land belongs and continues to belong to them, it will be handed back to them as soon as the River Conservator considers it to be in a fit state for permanent occupation.

No compensation is due to petitioners.

No. 270-camp of 1895.

Returned.

From the report I understand that the ground planted with grass, whether or no it is slope, and whether or no it is cultivated, has been entered on by the Public Works Department and is patta land. Under these circumstances it seems to me that it must be acquired; the value of the land may be made, that however, is a matter for subsequent settlement.

21st February 1896.

(Signed) F. D. OLDFIELD,
Ag. Head Assistant Collector.

From W. C. LEWIS, Esq., Executive Engineer, Kistna Western Division, to the Head Assistant Collector of Kistna, dated 26th February 1896, No. 1576 M.

I consider (as River Conservator) that I am at liberty to enter on patta land under section 17 of Act VI of 1884, without being obliged to acquire the land.

This case is part of my general action for conserving the river, with regard to which I have already reported to the Collector as required by section 17 of the Act.

In this case I consider no compensation is claimable by petitioners on account of my action, and so I have not offered any.

It remains with petitioners to prefer a claim for compensation should they consider themselves entitled to any.

I have so many similar cases in the river that I shall be glad of a test case, and if petitioners bring a suit against me, I will apply to Government for permission to defend it. They must, of course, proceed in accordance with Act VI of 1884.

No. 2752 K.W.

Forwarded to the Chief Engineer for Irrigation for favour of obtaining the sanction of Government to defend the suit at the public expense.

4th January 1897.

(Signed) L. L. WICKHAM,
for Suptg. Engr., II Circle.

To the Government Solicitor, Madras, dated 14th January 1897, No. 19 M.
From the Government Solicitor, Madras, dated 20th January 1897, No. 31.
From the Superintending Engineer, II Circle, dated 31st January 1897, No. 3075 K.W.

Order—No. 141 I., dated 12th February 1897.

The defence of the suit is authorized at the public expense and the result will be duly reported.

(True Extract.)

(Signed) W. HUGHES,
Joint Secy. to Government,
Irrigation Branch.

To the Superintending Engineer, II Circle.
„ Chief Engineer for Irrigation.
„ Examiner, Public Works Accounts.
„ Revenue Department.

Exd. Shaik Karim.

His Excellency the Governor.

Defence of a Civil Suit.

No 141 I of 12.2.97

Print Urgently

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Irrigation [illegible]

UNDER date the

READ the following

From the Superg. Engineer, Second Circle, (H.E. No. 2752-K.W., dated 4.1.97)
To the Govt. Solicitor, Madras. (H.E. No. 19-M. dated 14.1.97).
From the — do. — do — (H.E. No. 31 dated 20.1.97)
From the Superg. Engr., Second Circle, (H.E. No. 3075-K.W. dated 31.1.97)

Quote
Quote
Quote

5 S.P.
6 S.P.
7 S.P.
8 P.

15/2/97

A.G.H.
6.2.97

The defence of the suit is authorized at the public expense and the result will be duly reported.

23/1/97

W.H.
29.1.97

Issue

W.H.
8.2.97

6.2.97

To The Superg. Engineer, Second Circle
" Chief Engineer for Irrigation
" Examiner, P.W. Accounts.
" Revenue Department.

14/2/97

22/1/97

6

E I. Form No. 1—1,000—27-11-95.

3/2. R 6/2

Public Works (1897) Department.

CURRENT No. ~~3 H S~~ 1396

Order

From The Suptg Engr 2 Circle

No. 2752 K W

Dated 4 January 1897
Received ~~6 1 97~~ 8.2.97
Enclosures 3
Spare copies

SUBJECT.

Civil Suit by the Mogalrajapuram Ryots for land taken up under R. C Act Requests to obtain sanction of Govt to defend the expected —

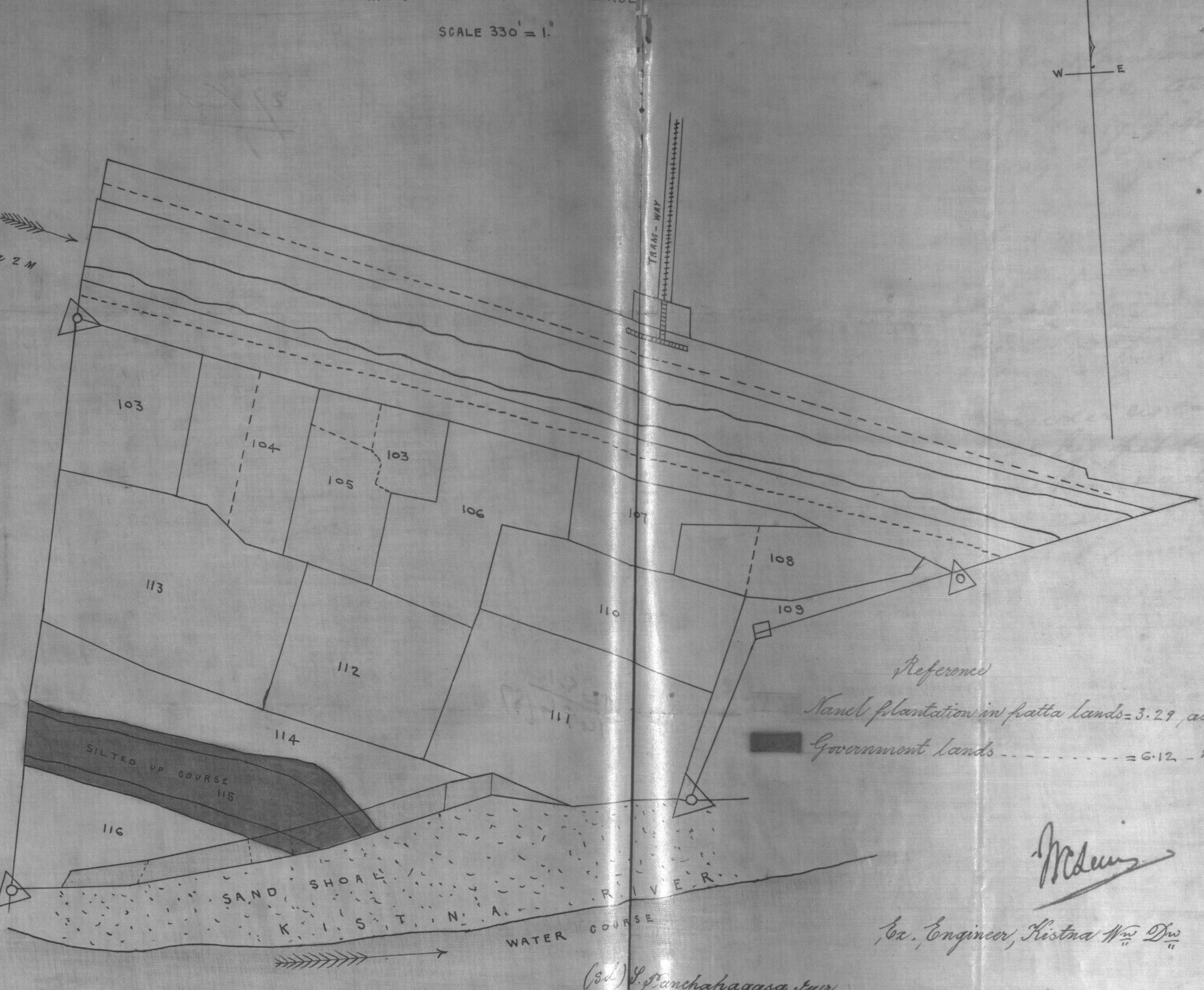
BACK PAPERS. FURTHER PAPERS

No.

4 S.P

MOGALRAJAPURAM VILLAGE

SCALE 330' = 1."



Reference

Nanel plantation in patta lands = 3.29, acres

▨ Government lands - - - - - - - - - = 6.12 - do -

,Ex., Engineer, Kistna Wn Dn

(Sd) S. Panchapagasa Iyer
Sub Divl Officer.
7-2-96

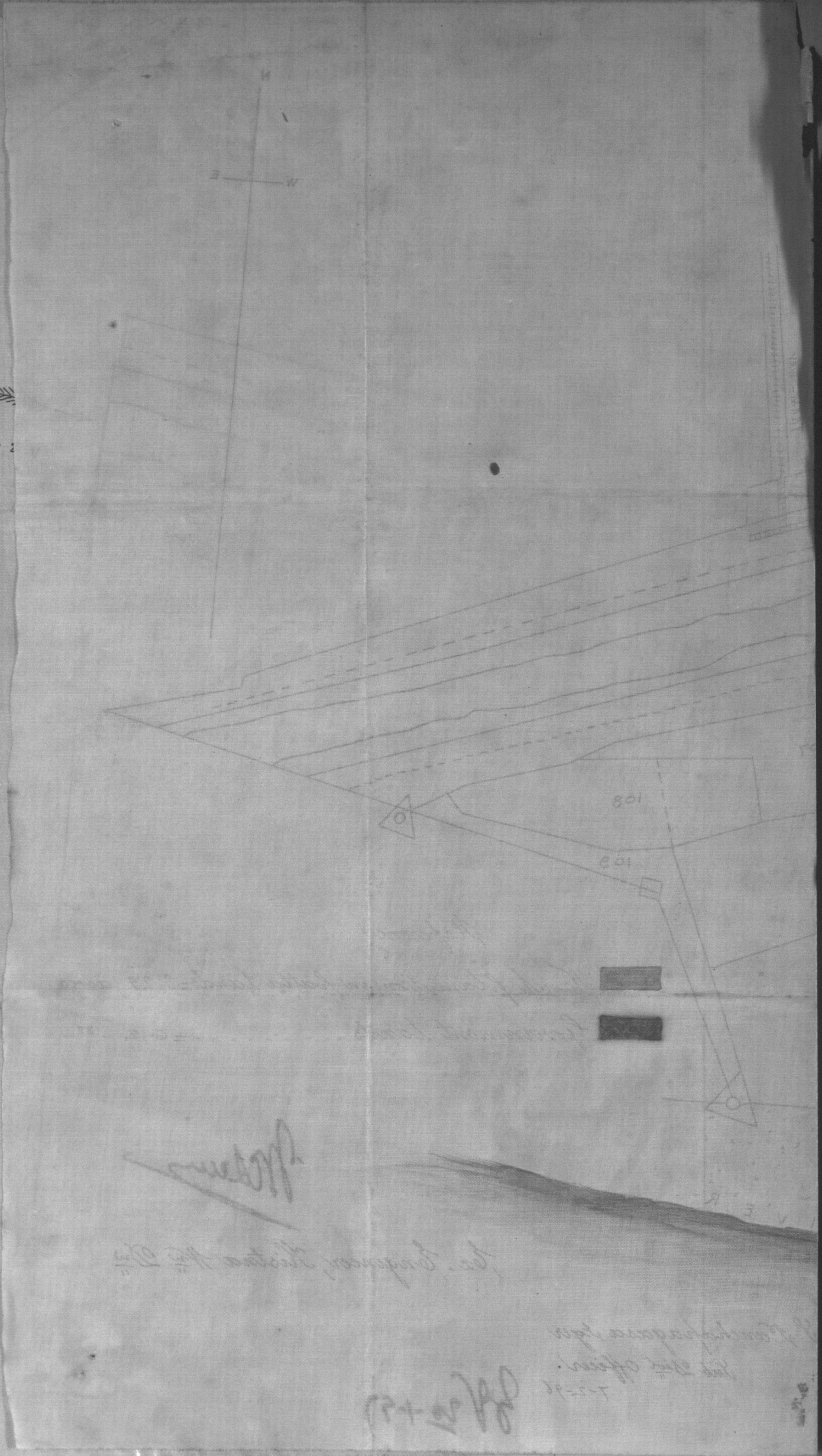
20-1-97

Executive Engr
Kistna Wn Dn

42 3b. R6/2

BACK PAPERS. FURTHER PAPERS.

From Bezwada



4 S.P.

Copy of this Office No. 157 M / 26-2-96 to the ~~R~~ Assistant Collector Kistna

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I consider (as River Conservator) that I am at liberty to enter on patta land under Sec 17 of Act VI of 1884 without being obliged to acquire the land

This case is part of my general action for conserving the river with regard to which I have already reported to the Collector as required by Sec 17 of the Act.

In this case I consider no compensation is claimable by petitioners on account of my action and so I have not offered any.

It remains for the petitioners to prefer a claim for compensation should they consider themselves entitled to any.

I have so many similar cases in the river that I shall be glad of a test case and if petitioners bring a suit against me I will apply to Government for permission to defend it. They must of course proceed in accordance with Act VI of 1884.

W. Lewis

Executive Engineer
Kistna Western Divn.

2/19

CHIEF ENGINEER FOR IRRIGATION. 6 JAN 97 No. 23 Ks

SUPDG. ENGINEER'S OFFICE No. 24 DEC. 96 P.W.D. SECOND CIRCLE

1/2263C

CHIEF ENGINEER FOR IRRIGATION. 21 JAN 97 No.

P.W. E.2
1396/97

Copy of this office No 1711 In / 20-2-96

to the Head Assistant Collector Kistna -

R43 In / 2 / 97

In reply to petition forwarded with your No $\frac{270}{\text{Comp}}$ d/ 6-11-95, herewith returned, I have the honor to enclose a tracing in which the land in question is colored lake. The land adjoins Dn. nos 116, 115, 114 & 111 and aggregates about 3-29 acres (excluding Dn No 115). It forms the slope of the river bank and as far as I can gather this sloping portion on which I have planted kanel grass has not been cultivated by petitioners.

Dn No 116, 114 & 111 are patta land

Dn No 115 is Govt-waste.

I have entered on this land & planted kanel under Sec 17 of Act VI of 1884, and my action has not caused any loss to petitioners.

Their claims will be respected, and if the land belongs & continues to belong to them it will be handed back to them as soon as the River

Conservator considers it to be in a fit state for permanent occupation.

No compensation is due to petitioners

No $\frac{270}{\text{Comp}}$ of 95 d/ 21-2-96

Returned

From the report I understand that the ground planted with grass whether or no it is slope and whether or no it is cultivated has been entered on by the D.P.W. and is patta land. Under these circumstances it seems to me that it must be acquired; the value of the land may be made, that however, is a matter for subsequent settlement

Sd / F D Oldfield
Ag Head Asst Collr

Pw. E.E. 1396/97

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2 S.P R 43/3 /97

To
The Executive Engineer
Kistna Western Division.

Notice given by the undersigned ryots of Mogalrajapuram Bezwada Taluq under Section 424 of the Civil Procedure code.

Without our knowledge the D.P.W. officers have planted nanel by occupying 3 ac. 25 c of land belonging to us in Seri lanka of Kistna in Mogalrazapuram that on our previous representations through petitions in regard to the occupation of the land & in regard to the loss of crop thereon the Overseer measured the land and reported that 3 ac. 25 cents of land has been occupied that we have put in petitions to give us land in exchange double in extent of D.P.W. Poramboke being accretions newly formed which adjoin the said lanka or to give us equitable compensation.

No land in exchange nor compensation has been granted, therefore we give this as a notice that we intend to file a suit in Civil court for value of land & compensation for loss of produce if from date of this notice the records connected with this lanka are not perused and final orders given within the time prescribed in Section 424 of the Civil Procedure Code.

(Signed) Gadlamudi Venkata Narasiah
× × × ×

[illegible]

[illegible]

[illegible]

[illegible]

CHIEF ENGINEER
FOR IRRIGATION
30 JAN 97
No. 3 Ks

CHIEF ENGINEER
FOR IRRIGATION.
21 JAN 97
No.

CHIEF ENGINEER
FOR IRRIGATION.
JAN 97
No. 3 K
3

[illegible]
[illegible]
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[illegible]
[illegible]
[illegible]

10.11.96.

/True copy/

W. C. Lewis
Executive Engr
K. W. Dn

3/12

3/12

SUPG. E
No.
14 DEC 96
P.W.D.
SECOND CIRCLE.

P.W. E.3 / 1346/97

CHIEF ENGINEER
FOR IRRIGATION
21 JAN 97
No. 43 M

1

Letter from W. C. Lewis Esquire Executive Engineer, Kistna Western Dn. to the Supg: Engineer, 2nd Circle, d/ 12.12.96 No. 396 S.

I have the honour to forward herewith copy of Telugu notice of action by ryots of Mogalrajapuram with English translation in regard to land occupied for River Conservancy purposes and to request that you will be so good as to obtain Sanction of Govt: to defend the suit.

2. Mr. Malet's No 1756 M d/ 26.2.1896 to the Head Assistant Collector, Kistna, on this subject, copy of which is enclosed will show the lines on which he intended to defend the suit and having inspected the ground, I quite agree with him.

3. When copy of the tracing referred to has been received it will be forwarded with a further report.

Enc. 2.

No. 2752 KW
4.1.97

Forwarded to the Chief Engineer for Irrigation for favour of obtaining the Sanction of Government to defend the suit at the public expense

L. L. Cuikham
Exe. Engineer
for Supg. Engr. II Circle

5

AK 22/12

CHIEF ENGINEER
FOR IRRIGATION.
JAN 97
No. 3 K1

CHIEF ENGINEER
FOR IRRIGATION.
21 JAN 97
No.

Public Works (1897) Department.

CURRENT No.

Order

From the Chief Engineer for Irrign.

To the Govt Solicitor Madras

No. 19 M

Dated 14 January 1897

Received

Enclosures

Spare copies

SUBJECT.

Civil Suit threatened, to be filed by the ryots of Mogalagapuram regarding land occupied for river Conservancy purposes. Forwards correspondence in reference to a — with a request to be favoured with his opinion whether the Head Asst Collrs view is correct.

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

No 19 of

× to be returned with Encls.

To

The Government Solicitor,

Madras,

Sir,

I have the honour to forward endorsement× of the Supdg. Engineer, Second Circle, No. 2752-K.W., dated 1st January 1897 with the correspondence therewith received in reference to a civil suit threatened to be filed by the ryots of Mogalrajapuram regarding land occupied for river conservancy purposes and request to be favoured with your opinion whether the Head Assistant Collector's view is correct.

14/1/97

[illegible] 14/1/97 BR

R3 K8/97

The Government Solicitor,
Madras,

Sir,

I have the honour to forward herewith [illegible] the Supt Engineer's [illegible] 2752 - K.W. dated [illegible] January 1897 with the correspondence [illegible] received in reference to the suit and [illegible] to be filed by the ryots of Nagarajapuram regarding land occupied for river conservancy purposes and request the favour of your opinion whether the Head Assistant Collector's view is correct.

Public Works (1897) Department.

CURRENT No. ~~43. att.~~ 1397

Order

From The Govt Solicitor
Madras

No. 31

Dated 20th Jany 97
Received ~~20-1-97~~ 8.2.97
Enclosures ~~3.~~ Nil
Spare copies

SUBJECT.

Action of the ryots of Nagarajapuram in regard to land occupied for River Conservancy purposes — Expresses opinion that the view taken by the Hd Asst Collector in the case of — was incorrect —

BR
20.1.97 5.30 PM

T.C.B
21

21-1-97

BACK PAPERS.

No.	Date.
R 3-K.S	4.1-97.
I	19 M. d/14.1.97

FURTHER PAPERS.

No.	Date.
R No 27-K.S	31-1-97

No 31.

Madras 20th January 1897

From,
Ernest Barclay
Government Solicitor
Madras

To,
The Chief Engineer for Irrigation
Madras

Sir,

1. I beg to acknowledge receipt yesterday of your letter of the 14th instant No 19 M with its enclosures.

2. Section 17 of Madras Act VI of 1884 provides that the Conservator of Rivers may do any acts in connection with any river to which the Act has been applied, which may appear to him to be necessary to prevent erosion or breach of embankments, encroachments by the stream or danger to life or property, and, for such purpose, he may alter the course of any such stream, provided that compensation shall be made to any person who shall sustain damage by reason of any act authorized by the section.

3. From the copy letter No 1711 M. of 20th February 1896 to the Head Assistant Collector, Kistna, it appears that the land in question forms the slope of the river bank and that the land has been planted with nanel grass by the Conservator under Section 17 of the Act, the land not having been cultivated.

4. The Acting Head Assistant Collector in his endorsement says that, whether or no the land is a slope (i.e, as I understand, a slope to the river) and whether or not it is cultivated, it has been entered upon by the D.P.W. and is patta land and that therefore it must be acquired. Unfortunately the Head Assistant Collector has not stated the authority on which he bases his opinion and he apparently ignores the provisions of Section 17 of the Act.

5. Taking it that the action of the Conservator in entering upon the land and planting it with nanel grass was in order to prevent erosion or breach of embankments, encroachments by the stream or -

DANGER TO LIFE OR PROPERTY, I AM OF OPINION THAT THE VIEW OF THE HEAD ASSISTANT COLLECTOR IS INCORRECT.

6. I RETURN THE ENCLOSURES TO YOUR LETTER AND

I HAVE THE HONOR TO BE
SIR
YOUR OBEDIENT SERVANT
Ernest Barclay
GOVERNMENT SOLICITOR

CHIEF ENGINEER
FOR IRRIGATION.
20 JAN 97
No. 43. In

CHIEF ENGINEER
FOR IRRIGATION.
21 JAN 97
No.

Public Works (1897) Department.

1419

CURRENT No. ~~27. K.S.~~ 1494

Order

From

Major W. L. C. Baddeley R.E.
Supdg Engr: II Circle

No. 3075 KW

Dated 31 January 1897
Received ~~2-2-97~~ 11.2.97
Enclosures 1
Spare copies

SUBJECT.

Lanka land occupied by P.W.D. at Mogalrajapuram

Forwards letter from E.E. K.W. Dn. submitting a copy of tracing of — papers

WRS

Please say if this later comm. from the S.E. may be included in the draft P.W.G. on Rev. 1396(97) which is about to issue now, by quoting it at top of the draft order approved by H.E. on 6/2/97 —

W.R. 9/2/97

Papers circulated to H.E. on 3/2/97

MG 4/2/97

Yes. but send up the draft order to D.I. for initials to the pencil addition

BDR 9.2.97

D.E.I.

To lie over until the papers come back from circulation

BDR 4.2.97

JJS 6/2

10/2

D.I.

Pencil addition to draft order approved by H.E. on 6/2/97 submitted to D.I. for approval —

JJS

BDR 2-2-97

W.R. 9/2/97

JJS 3/2

10/2/97

BACK PAPERS.

Issue ~~G.O.~~ Receipt	No.	~~Department.~~	Date.
R	3Ks	6-1-97.	
Issue	19	do	14.1.97.
Receipt	43.	do	20.1.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Letter from W. C. Lewis Esquire, Executive Engineer, Kistna Western Dn. to the Supg Engineer, 2nd Circle, d/ 27.1.97, No. 481 S.

In continuation of my No. 3968 d/ 12.12.96, I have the honour to forward a copy of tracing referred to.

2. It will be seen that the land occupied is merely a strip along the edge of the lanka and there is no doubt it was sloping and uncultivable when the planting was commenced and owing to our planting has been reclaimed.

Enc. 1

No. 3075 KW

31.1.97

Forwarded to the Chief Engineer for Irrigation in continuation of this Office No. 2752 K.W. d/ 4.1.97.

W. Barkley

Major R.E.

Supg Engineer, II Circle

M.

CHIEF ENGINEER
FOR IRRIGATION.
2[illegible]97
No. 27 Nl

9

7