Public Works (1898) Department.

G.O., No. 2098 W

DATED 16 August 98

[Despatch Abstract.]

Suit. Sanctioning with remark, the payment of costs in the suit brought against the Ex. Engineer, Tanjore dn., for leasing out certain ~~[illegible]~~ puttah lands in the Shiyali tq.

Dr

Indexed. 24/8

P. W. 83.
06-23-6-98.

BACK PAPERS.

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

FURTHER PAPERS.

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

[$\frac{40}{500}$]

Public works DEPARTMENT.

Papers to be read in proceedings :—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. 10324 of 1897, dated 31st Octr. '97, from the Suptg. Engr. V Cir,
" " 2106 " 1898, " 5th March 1898, " -do-
" " 3572 " 1898, " 22nd April 1898; " -do-
" 4269 - 1898 - 17 May 1898 - do

ORDER. No 2098 W. 16.8.98.

The payment of the costs, amounting to Rs. ~~27-1-0~~ 27-9-0, incurred in connection with the suit referred to in the foregoing correspondence, is sanctioned.

10.8.98

2. Orders will issue in the Revenue Department that, when lands usually leased out by the Public Works Department are concerned, any alteration in revenue classification of the lands shall be intimated to the Executive Engineer.

10.8.98

A.S.H. 5.8.98.

5.8.98

[illegible] separate note flagged F,

To The Revenue Dept. for counter-initials

withdrawn R.S. 10 Aug 98

(The ~~meaning~~ would be clearer if the word "settlement" were inserted before classification. Otherwise approved.

A.S.H. 23.7.98)

To

The Suptg. Engr., V Circle.
,, Examiner, P.W. Accts.
,, Revenue Department.

D 17/8/98

The Revenue Dept. – U.O.

For favour of information. The insertion proposed by H. E. would make the matter clearer.

15.8.98

S 15/8/98

Note

In May 1894 certain cane jungle growing on poramboke, or Government, land on both banks of the Manikkamanikkiar and on the Perunthottam tank in Shiyali Taluk, Tanjore District, was leased out by the P.W.D. for Rs. 520 to one Narayanaswami Chetti

In January 97 the Executive Engineer, Tanjore Division, received a notice from a pleader on behalf of the Trustee of the Thiruvengadu Temple requesting that Rs. 520, being the value of rattans cut under the lease alluded to above, be made good to the Trustee before the expiry of two months from the date of receipt of the notice (11-1-97), and intimating that in the event of failure action would be laid in the Civil Court to recover the same with costs.

On 4-3-97 the pleader was informed that the cane jungle in Government land was leased out to one Narayanaswami Chetty and that the lessee should be sued if cane from the Temple lands had been cut.

A suit was then filed against the Executive Engineer, Tanjore Division and the lessee in the District Munsiff's court at Shiyali, the hearing being fixed for the 30-8-97. The cane jungle was sold by this Department in auction on the understanding that

it

3

it was on puramboke land, but in the plaint it was stated that the Sub-Collector had since altered the land to pattah, and as this was unknown to the officials of the P.W.D., the Executive Engineer referred the matter to the Collector on 16-7-97 for inquiry and advice.

The Collector on 18-8-97 replied that on a representation ~~of~~ from the Agent of the plaintiff in 1896, six acres and 72 cents were transferred from puramboke and entered in the pattah of Sri Swetarannia Swami, and he requested to be furnished with a tracing showing the portions to be leased out by the P.W.D. and the portion of the land so leased belonging to the temple. In the meantime the ~~xx~~ case was adjourned to 1-10-97 on payment of the costs to the plaintiff.

On 17-9-97 the information required by the Collector was sent to him. The cane grown on the temple land was valued at Rs. 182. The Collector on 27-9-97 informed the Executive Engineer that he had directed the Tahsildar of Shiyali to try and effect a compromise with the plaintiff at something between Rs. 182 and Rs. 195. The case was on application made further adjourned to 22-10-97. A compromise was then effected by paying the plaintiff Rs. 195 as compensation. An application was then submitted by the Suptg. Engineer, V Circle, for the sanction of Government to the payment of the costs incurred in the suit.

On this the Superintending Engineer was asked* by the undersigned to explain how it happened that puramboke land which had been annually leased out by this Department was changed by the Revenue Department from puramboke to pattah without reference to this department, the proper person to pay the costs of the suit being in the opinion of the undersigned the Revenue official responsible for the transfer. The Superintending Engineer was also asked to state why this Department, and not the lessee, had been made the defendant in the suit and adjudged in costs, and to report the amount of the costs.

*Memo. No. 4687 C, d/11-11-97.

The Superintending Engineer in reply reports as follows:-The previous sale of cane was in 1890, and it is not clear from the records whether the cane standing on temple land was also included in that sale. The land was demarcated as puramboke in 1887, but in March 1896 the Settlement Department transferred the temple lands included in the lease to putta and Inam. The Collector explains that it has not been the practice to give notice of transfer of lands from puramboke to

patta,

patta, or *vice versa*, to the Department concerned, and that in his opinion it would be unreasonable to saddle any revenue official with the costs of the suit, as it might have been avoided if inquiry had been made on receipt of notice of the suit.

The suit was brought against the Executive Engineer as well as the lessee, but as the lease was given out by this department and the lessee acted on it, this department has been adjudged in costs.

The costs amount to Rs. 27-1-0 for which the sanction of Government is required. The compensation paid to the plaintiff, Rs. 195, is evidently the amount received from the lessee for the cane growing on the temple lands.

It will be seen that the cause of the suit arose through the failure of the Revenue Department to give notice to the P. W. D. of the transfer of the land from puramboke to patta. The Collector excuses his department on the ground that it is not usual to give such notices. The reason given is not, it is submitted, satisfactory. Such a notice is obviously necessary as a safegaurd against an occurrence such as this. however, the amount involved in the present case is small, and a draft G.O. sanctioning its pay ment by this department is accordingly submitted for approval.

Gram.

A.S.H.

APR
5.5.98.

5.5.98

W.

To Secretary.

In para 2 of the draft order below, the P.W.D proposes that orders should issue in the Rev. Dept, that when lands, usually leased out by the P.W.D. are concerned, any alteration in classification (from poramboke to patta land) should be intimated to the Executive Engineer. The lands referred to are those adjoining Public Works - such as tanks &c which appear to be under the control of both the D.P.W and the Rev. Depts. To avoid the leasing of a land by the D.P.W under the impression that it is poramboke while it is really a patta land, it is necessary that the Rev Dept should intimate to the D.P.W the fact of its transfer from poramboke to patta. The draft order may, it is submitted, be counter-initialled in this Dept.

2. It appears also that poramboke land containing valuable cane jungle was assigned on pattah apparently without the value of the cane jungle

No. items found at settlement to be temple & inam
10.5.58

being collected from the assignee. The point will be noticed when the ~~R.D.~~ matter is dealt with in the R.D.

RS
13-5-98

Secy

A more proper solution of the difficulty would be, I submit to direct that ~~so defer~~ the P.W.D should not make such leases* without reference to the rev officials. It is clear that ~~if~~ the fact that the land is channel or tank bank does not necessarily make it Govt land or place it under P.W.D control. If the rev. authorities had the authority (as they in case certainly appear to have had) to ~~alter the~~ decide that the land was not poramboke it ~~was~~ was clearly not land under the control of the ~~Revenue~~ P.W.D. Besides in theory the rev. officers are the proper judges of the advisability of such leases.

19.5.98

* Indeed, it would seem that all such rents should be collected by the D.O.s & credited to L.R. & not to P.W.D.?

19.5.98

? Govt. land wh. is not patta land is poramboke whether immediately under the D.P.W. or the Land Rev. Dept.

Are there no orders authoriz the D.P.W. to lease out lands under their control?

20/5/98

To Chief Asst. P.W.D.

Please see Revenue Secretary's note dt 20-5-98 and kindly let me know if there are any such orders.

Sd. RS
21-5-98

H.C. (P.W.D)

Please have the point looked into. The Board's Standing orders may contain the information.

Sd. R.P.
23-5-98

To Chief Asst. (W).

I looked into the Board's Standing orders, but could trace no rules on the subject. Appendix I to the old Madras P.W. Code prescribes rules for the occupation of canal berms by the Local Fund Department for the storage of materials, and these rules do not cover the present case.

After repeated reminders, I got the accompanying file of papers from the Irrigation Branch at Madras. Only two of the G.Os received viz 536 Rev d/ 28-5-73 (flag X) and 1462 Rev d/ 19-12-73 (flag Y) have any bearing on the subject. It will be seen from para 6 of Col. Mullins's note printed on page 2 of the G.O. flagged Y that the arrangements proposed by him in this note were similar to those already prevailing in the Tanjore Dt.

The case in question is about the leasing of cane growing lands in the Tanjore District. There could not be separate rules for the leasing of such lands and the rules prescribed for the leasing of lands for grazing purposes should

?

should apply to the former.

(Sd) M. A. J.
3-7-98

To the 2nd asst. R.D.

Herewith file on the subject.

(Sd) R.P.
4-7-98

Submitted to the under Secretary

RS
6-7-98

Secy

It is for consideration ~~whether~~ as submitted above whether the practice should not be changed.

Mly
7-7-98

I remember there being lands in Tinnevelly dist. leased out by the D.P.W. for thatching grass &c. So long as the land is "poromboke" on the margin of rivers or irrigation works, which it is desirable to retain under D.P.W. control, there seems no objection to ~~the~~ such land so controlled being leased out by that dept. But if the land becomes putta land the control sh. revert to the Rev. Dept.

Has D.P.W any remarks to make on this point.

S.V.R 15/7/98

D.P.W.

only that when land under my control is changed from 'poramboke' to 'putta', he should be informed of the fact.

18.7.98

On this understanding there is no objection to the draft in this dept. The point however will come up definitely when we get the D.P.W order

S.V.R. 20.7.98

D.P.W. ...

To Under Secretary

The P.W. Draft order below in which it is proposed that the R.D. should give intimation to the Ex: Engineer of any "alteration in classification" of lands usually leased out by P.W.D, came once before to R.D. for counterinitials; and it was passed by this Dept on the understanding that the intimation would be given only when land under the control of the P.W.D. is changed from 'poramboke' to 'patta'.

To make the meaning clearer, H.E. would say "alteration in Settlement classification", instead of "alteration in classification" in the draft order. But the 'Classification of land' at settlement would appear to be ~~[illegible]~~ a specific ~~Phrase~~ term applying to the classification of Soils into 'alluvial' 'regar' &c. The classification contemplated in the draft order is that into Poramboke, available for occupation, &c

RB
29-7-98

Secy,

If specific orders are to issue in Rev para 2 of the D.P.W. G.O. seems superfluous. What is wanted seems to be a direction that in case of poramboke ~~lands~~ usually leased out by the P.W.D any ~~[illegible]~~ transfer of the lands from Govt control should be notified to the P.W.D. This order had much better I submit issue in Revenue.

If however there ~~[illegible]~~ should be two G.Os on the subject the words "revenue classification" would, I submit, convey H.E.s meaning more clearly than "settlement classification", the latter being a term with a technical meaning [illegible]

Yes. It is perhaps safer to say "in the revenue classification of the lands". [illegible] 2/8/98

To D.P.W. no.

Ch. 3572

C.R.W.

I am not sure that the wording proposed by H.E. would make it clearer - better ask R.D.

[illegible]
30.7.98

NOTE FOR THE the A-P-W-D

Please see R.S.'s note dt 20-5-98 & kindly let me know if there are any such orders.

RS
21-5-98

C No. 3572
Slip (3)

H.C.

Please have the point looked into - The Board's Standing Orders may contain of the information.

R.S.
23 May 98

C. A. W.

I looked into the Board's Standing Orders, but could trace no rules on the subject. Appendix I to the old Madras P. W. Code prescribes rules for the occupation of canal berms by the Local Fund Department for the storage of materials, and these rules ~~cannot cover~~ do not cover the present case.

After repeated reminders, I got the accompanying file of papers from the Irrigation Branch at Madras. Only two of the G. Os received viz 536 Rev. of 28th May 1873 (Flag X) and 1462 Rev of 19th Decr 1873 (Flag Y) have any bearing on the subject. It will be seen from pa 6 of Col. Mullin's note printed on page 2 of the G. O. flagged Y that the arrangements proposed by him in this note were similar to those already prevailing in the Tanjore Dt.

The case in question is about the leasing of cane growing lands in the Tanjore Dt. There ~~cannot~~ could not be separate rules for the leasing of such lands and the rules prescribed for the leasing of lands for grazing purposes should apply to the former.

Maj

3/7/98

To The Secretary to the Rev: Dept.

Herewith file on the subject.

C.S.

4 July 98

W

Ch. 3572

The Revenue Secretary's proposal will, perhaps, solve the difficulty, if the Revenue authorities are held responsible for communicating to the P.W. Dept., the change of classification from "poramboke" to "puttah".

N.S.

18 July 98

Us - will endorse

18-7-98

rule
of la
appl

I

the

B

P. W. DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. 10824 of 1897, dated 31st Octr. , from the Suptg. Engr., V Circle
" " 2106 " 1898, " 5th March , " —— do ——
" " 3572 " 1898, " 22nd April , " —— do ——

ORDER.

Rev. Secy for instns

To
The Suptg. Engr., V Circle
" Examiner, P.W. Accounts.

The payment of the costs, amounting to Rs 27-1-0, incurred in connection with the suit referred to in the foregoing correspondence, is sanctioned.

2. Orders will issue in the Rev Dept that, where lands usually leased out by the P.W. Dept are concerned, any alteration in classification of the lands shall be intimated to the Exec. Engr.

Rr.

AcK
4.5.98.

Note. In May 94 certain cane jungle growing on peramboke, or Govt, land on both banks of the Manikkaranik=kiar and on the Perunthottam Tank in Shiyali taluk, Tanjore district, was leased out by the P.W.D. for Rs 20 to one Narayanaswami Chetty.

In Jany 97 the Ex. Engr., Tan=jore Division, received ~~from~~ a notice from a pleader on behalf of the Truste of the Thiruvengadoo Temple requesting that Rs 520, being the value of rattans cut under the lease alluded to above, be made good to the Trustee before the expiry of 2 months from the date of receipt of the notice (11.1.97), and intimating that in the event of failure action would be laid in the Civil Court to recover the same with costs.

On 4.3.97 the pleader was informed that the cane jungle in Govt: land was leased out to one Narayanaswami Chetty and that the lessee should be sued if cane from the Temple lands had been cut.

A suit was then filed against the Executive Engineer, Tanjore Division, and the lessee in the District Munsiff's Court at Shiyali, the hearing being fixed for the 30.8.97. The cane jungle was sold by this dept in auction on the understanding that it was on peramboke land but in the plaint it was stated that the Sub Collector had since altered the land to puttah, and as this was unknown to the officials of the P.W.D., the Ex: Engr: referred the matter to the Collector on 16.7.97 for inquiry and advice.

The Collector on 18.8.97 replied that on a representation from the agent of the plaintiff in 1896, six acres & 72 cents were transferred from peramboke & entered in the puttah of Sri Swedaranya swamy and he requested to be furnished with a tracing showing the portions to be leased out by the P.W.D. and the portion of the land so leased belonging to the temple. In the meantime the case was adjourned to 1.10.97 on payment of the costs to the plaintiff.

On 17.9.97 the information required by the Collector was sent to him. The cane ~~growing~~ grown on the temple land was valued at Rs 182. The

When was the suit filed? There is nothing in the papers to shew. The Collector states (further on) that the costs of the suit might have been avoided if enquiry had been made on receipt of notice of the suit. Possibly so, but not necessarily as there is usually considerable delay in investigating such matters. There is nothing to shew that the Ex-Eng! delayed making a reference to the Collector as soon as he understood such reference was necessary. The gist of the whole matter is, that no trouble at all would have occurred had not the P.W. authorities been kept in the dark as to the transfer of the land from peramboke to puttah.

ACK
4.5.98.

The Collector on 27.9.97 informed the Ex: Engr: that he had directed the Tahsildar of Shiyali to try & effect a compromise with the plaintiff at something between Rs182 & Rs195. The case was on application made further adjourned to 22.10.97. A compromise was then effected by paying the plaintiff Rs195 as compensation. An application was then submitted by the Suptg. Engr., T Circle, for the sanction of Govt: to the payment of the costs incurred in the suit.

On this the Suptg. Engr. was asked* by the undersigned to explain how it happened that peramboke land which had been annually leased out by this dept. was changed by the Rev. Dept. from peramboke to puttah without reference to this dept., the proper person to pay the costs of the suit being in the opinion of the undersigned the Revenue official responsible for the transfer. The Suptg. Engr. was also asked to state why this Dept., and not the lessee, had been made the defendant in the suit and adjudged in costs, and to report the amount of the costs.

* Memo No. 4687C d/ 11.11.97

The Suptg. Engr. in reply reports as follows. The previous sale of cane was in 1890, and it is not clear from the records whether the cane standing on temple land was also included in that sale. The land was demarcated as peramboke in 1889, but in March 96 the Settlement Dept. retransferred the temple lands included in the lease to putta and Inam. The Collector explains that it has not been the practice to give notice of transfer of lands from peramboke to putta, or *vice versa*, to the Dept. concerned, & that in his opinion it would be unreasonable to saddle any revenue official with the costs of the suit as it might have been avoided if inquiry had been made on receipt of notice of the suit.

The suit was brought against the Ex: Engr: as well as the lessee, but as the ~~lease~~ lease was given out by this Dept. and the lessee acted on it, this dept. has been adjudged in costs.

The costs amount to Rs 27-1-0 for which the sanction of Govt: is required. The compensation paid to the plaintiff, Rs 195, is evidently the amount ~~apparently~~ received from the ~~plaintiff~~ lessee for the cane growing on the temple lands.

It will be seen that the cause of the suit arose through the failure of the Revenue Dept. to give notice to the P.W.D. of the transfer of the land from poramboke to putta. The Collector excuses his dept. on the ground that it is not usual to give such notices. The reason given is not, it is submitted, satisfactory. Such a notice is obviously necessary as a safeguard against an occurrence such as this. Howeve the amount involved in the present case is small, and a draft G.O. sanctioning its payment by this dept. is accordingly submitted for approval.

~~The costs of the suit, viz Rs 27-1, are only a small portion of the total ~~cost~~ cost of Rs 222-1 involved by the neglect of the R. D to inform the P. W. D of the alteration in the classification of the land, Rs 195 being paid by the P. W. D to the plaintiff as compensation for cutting his rattan.~~

It is ~~obvious~~ obvious that the R. D shd have informed the P. W. D of the alteration in the classification of the land, & that similar mistakes are likely to occur in future unless this ~~cost~~ course is adopted.

2. Apparently Rs 195 is, as stated in the margin, the actual amount received from the lessee for the cane on the temple lands, so that this sum does not represent an actual loss. The Ex-Eng's letter (current 3572) does not make it very clear, but such is presumably the case.

AcK
4.5.98.

Rd.

Classification of lands

P.W. Dept.

C Nos 10824/97, 2106 + 3572/98

Note for His Excellency the Governor.

+ Flag B

+ Flag C

With reference to His Excellency's note of 23.7.98 on the accompanying draft order it is suggested in the Revenue Dept. that, as the word "settlement" has a technical meaning, the word "revenue" be inserted instead before "classification" in para 2 of the draft order. Subject to His Excellency's approval this will be done before the order issues.

3.8.98

Appd.
A.G.H.
8.8.98

Order to issue as amended in para 2.

10.8.98

H.E. 3.8.98

April 1898.

S.W.

The accompanying C. No: 4269 in which sanction of Govt. is applied for to a further payment of Rs 0-8-0, being the stamp duty for the Vakalat presented in this case has been lying over, pending return of the bottom file from circulation. It is therefore proposed to read this current ~~at~~ at the top of the ~~[illegible]~~ draft order (Flag B.) in the bottom file and to alter the figure in para 1 of the draft order from Rs 27-1-0 to Rs 27-9-

Your approval is requested to this alteration

Mig
10/8/98.

Approved
10.8.98

Cur. 4269

AC

If Cur. 3572 has not been disposed of when this current reaches you, the latter may be included in the disposal.

Cy
20/5/98

AC

Cur. referred to by SAW have been sent to Rto for C.I. on 5-V-98

[illegible]

await retn 23-V-98

Mr. Rut Syer [illegible] 21/5/98

Please send [illegible] Cur. 3572 when [illegible]

[illegible]

Public Works (1898) Department.

CURRENT No. 4269

Order

From The Supdg Engineer
5th Circle

No. 3418

Dated 15th May 1898.

Received 17.5.98

Enclosures

Spare copies

SUBJECT.

Manikkaranikkheär rattan jungle suit.

Requesting to obtain sanction of Govt to the payment of annas ~~four~~ Eight for Stamp for Vakalath in the —

CN 3572
Sent to DW on 2/5/98
not yet returned
[illegible] / 8/9/[illegible]

o.S. 3.127 R12/8

BACK PAPERS.		FURTHER PAPERS.	
No.	Date.	No.	Date.
4687C	d/11.11.97		
1796C	d/23.3.98		

From H. H. O'Connell Esquire, Executive Engineer, Tanjore Division, to the Superintending Engineer, V Circle dated 7th May 1898, No. 1997.

In continuation of this office letter No: 1563 d/ 14th April 1898, I have the honour to report that sanction of Government is also required for annas eight paid for stamp for Vakalat in this case in August 1897.

CN° 3572

No. 341 W

Copy submitted to the Chief Engineer P.W.D., in continuation of this Office No: 277 W d/22-4-98, for fav of obtaining the necessary sanction of Government to the payment of the stamp duty for the Vakalat in the case referred to.

Colonel R.E.
Offg: Supdg: Engineer,
V Circle

15th May 1898.

Public Works (1898) Department.

CURRENT No. 3572

Order

From The Supg. Engineer 5th Circle

No. 2774

Dated 22d April 1898

Received 23.4.98

Enclosures

Spare copies

SUBJECT.

Manikkaranikkhan Rattan Jungle Case

Submits Copy of the Exe: Engineer's letter requesting to obtain sanction of Govt to the payment of Rs 27-1-0 in connection with —

Of 76

BACK PAPERS.

No.	Date.	No.	Date.
1796C	23.3.98		
4687C	11.11.97		

From H. H. O'Connell Esquire, Executive Engineer, Tanjore Division, to the Superintending Engineer, V Circle, dated 14th April 1898, No. 1563 -

Adverting to your No: 132 T. J. dated 30th March 1898, on Chief Engineer's Memorandum No. 1796 C d/23d idem, I have the honour to state that sanction of Government is required to the payment of the costs amounting to Rs 27-1-0 only. The amount of Rs 195 was paid as compensatio to the plaintiff in October 1897, as the lat amount represents the value of rattan leased out from the puttah land belonging to the temple authorities and collecte by this Department.

No. 277 W

Copy submitted to the Chief Engineer, P. W. D., with reference to his Memo: No: 1796 c d/23-3-98.

22/4/98 Colonel R.E.

Supdg: Engineer V Circle

April 1898.

P.W.D.

No. 1796 C d/ 23-3-98

Memo.

With reference to endt. from the S.E. V circle No 157 W of 5th March 1898, regarding the costs in the manikkaranikkuvin [illegible] jungle suit, the undersigned has the honour to inquire if Govt. sanction is required to the payment of Rs 195 as compensation to the plaintiff — nothing is said on this point in the papers, and it is desirable to make the matter clear before asking Govt to sanction the payment of the costs amounting to Rs 27-1-0.

S.E. V circle. d/ 24/3/98

CHECKED. 23/3/98

[illegible] 23/3/98

Public Works (1898) Department.

CURRENT No. 2106

Order

From
The Supg Engineer
5th Circle

No. 157 W.

Dated 5th March 1898.
Received 7. 3. 98
Enclosures 2
Spare copies

SUBJECT.

Manikkarasanikkiar Rattan Jungle Suit.

Forwarding Copy of the Collector's letter stating that it is not reasonable to saddle the Revenue officials with the costs of the – & requests to order the early payment of the Vakil's fees & per enclosed bill –

BACK PAPERS.	
No.	Date.
4687C	11-11-97

FURTHER PAPERS.	
No.	Date.

A bill showing the costs incurred and the fees claim
O.S. No 100 of 1897 on the file of Shiyali Munsif's Court

Data	Particulars	Am	
30.8.97	Petition for adjournment	,	
Do.	Postage	,	
29.9.97	Do	,	
1-10-97	Do	,	
22.10.97	Petition for adjournment	,	8
24.10.97	Postage	,	4
13.11.97	compromise petition	,	8
14.2.98	Postage	,	2
	Fees	25	.
	Total ——	27	1

(Signed) T. Chokalinga Mudaliar
Pleader

(True Copy)

5/3/98 Colonel R.E.
Supg Engineer, 5 Circle

Copy of a letter from the Collector of Tanjore to the Executive Engineer Tanjore Division dat 7th February 1898 No. $\frac{410}{\text{Rev.}}$ of 1898:-

With reference to your letter, dated 19th November 1897, No. 4781, I have the honour to state th the lands in question were leased out by your Department on the 25 May 1894. Previous to t the lands had been leased out during 1887 an 1890, but it is not quite clear whether the leases included the temple lands. In March 1896, t Settlement Department retransferred the Temp lands included in the lease to Patta and Ina but as it has not been the practice to give notice of transfer of lands from poramboke to patta or vice versa, to the departments concerned, notice of the retransfer was not given to your Department. I have directed all Tahsildars to intimate such transfers in future, to the departments concerned.

Whether it be the practice or not it is obviously necessary as a safe guard against an occurrence such as this. The reason given is, I submit, unsatisfactory.

CWB
15.3.98.

2. I should think that the suit might have been avoided if on receipt from the Plaintiff by you of the notice of suit, an enquiry had been made into the subject matter thereof, as such an enquiry would have disclosed the mistake that had been made.

3. I do not think therefore that it would be reasonable to saddle any revenue official with the costs of the suit.

4. As regards the vakil's fee, he is entitled

to

OW 2-1
2606/98

a fee at the rate of 1¼ per cent on the amount
the claim under rule 33(1) of the rules under
he Legal practitioners act and the amount
f the same and the costs of the suit to be
orne by Government may be ascertained by
reference to the Vakil.

(True copy)

5/3/98 Colonel R.E.
Supg Engineer 5 Circle

Copy of a letter from C.H.T. Norfor esquire, Executi
Engineer Tanjore Division, to the Superintending En
neer, 5 Circle, No 650 dated 16th February 1898.—

In reply to your No 167 Tj dated 13th Nove
ber last, I have the honour to report that th
previous sale of cane was on 17th April 1890. Fr
the records, it is not clear whether the cane s
ing in temple land was also included in th
sale. From enquiry, it is found that the land
was demarcated as peramboke in 1887, by the
Revenue Survey department, but in the settleme
of 1894, the temple land was transferred by th
Collector as Peramboke. In his letter No 410/Rev da
7th instant (copy enclosed) the Collector explain
that it has not been the practice to give notice
of transfers of lands from Peramboke to Patta o
vice versa, to the Departments concerned, and th
in his opinion it would be unreasonable to sadd
any revenue official with the costs of the suit.

2. The suit was brought against me as well a
against the lessee, Narayanasawmy Chetty, but a
the lease was given out by the Department an
the lessee acted on it, the department has be
adjudged in costs.

3. I enclose a copy of the bill from the pleader
at Shiyali showing the costs incurred & th
fees due to him in connection with the suit,
and beg to request early orders to pay it

No. 157W

To the Chief Engineer, P.W. Department
th reference to his No. 4687 c. dated 11th Novem-
1897, with the request that sanction may
given to pay the costs according to the bill
py of which is submitted.

Inclosures: 2
1 copy of Collector's letter No. 410/Rev of 17.2.98
1 copy of bill

C. L. [illegible]
5/3/98
Colonel R.E.
Superintending Engineer 5th Circle

Memo. No 468[illegible]
11-11-97

With reference to his
Endorsement No 126W/C of 31.10.97
the S.E. is requested
to request [illegible] to
explain how it
happened that ~~the~~
Pranthe land which
had been annually
cleared until this
Dept was changed
the Rev Dept from
Pranthe to Puttah
without reference to
this Dept. - It seems
to the [illegible] that the
[illegible] to pay the
costs of the suit is
the Rev. Official who
[illegible] the
above transfer
this is also not clear
by [illegible] this Dept, &
the release of the
[illegible] has been made

the defendant in the suits, & otherwise in costs -

7. The amount of the costs should also be reported -

7/11/87

To
The Supdg. Engr, 7 Circle

W/8W

Fair & send
to S.A.W. Cir
7/11/87

Cir 10824

on

for orders.

The mistake appears to have arisen through the land having been allotted from Poonamallee to Puttah, without the knowledge of the Dept.

The S.S. does not state what the cost amount.

No reason necessary to know this before submitting the application for sanction.

Cir

Was Thasland apparently the P.W.D. or the

case could not have been

by one of our officer

has not been

made clear what right
the Revenue Department
had to interfere with the
classification existing.
Presuming, however, they
had a right to do so
it is obvious that they
should have informed the
P.W.D of the change from
Poramboke to Patta to
guard against such a
mistake as has occurred.
Therefore it seems that
the costs should not be
paid by Government but by
the Revenue officials whose
neglect to inform the P.W.D
of the change resulted
in a lawsuit. The
Superintending Engineer might,
perhaps, be asked to
report the amount of the
costs and state his reasons
for recommending that the
costs sh'd be paid by the [illegible]
instead of [illegible] and
responsible

6/11/97

Cs 2106

DW

For orders whether
Govt. may now be asked
to sanction payment of
the costs, Rs 27-1-.. —

The payment of Rs. 195
to compromise the suit, was
made by the S.D.O., under
the orders of the Ex. Engr. —
It is not clear whether
this amount falls on the
lessee or on the Dept. —
any way, sanction to
this payment has not
been asked for —

The fact remains
that the cause of suit
arose through Revenue
officials failing to give
notice to the P.W.D. of
the transfer of the land
from poramboke to patta.
The Collector excuses his
dept. on the ground that
was not usual to give
such notice —

Yes

Cs
12.3.98

[illegible] no doubt

the Revenue Official responsible
for the transfer is, as
surmised in (our memo
No. 4687 dated 11-11-97, the
proper person to pay the
costs.

C.W.M.S.
15. 3. 98.

The most [illegible] for
sanction to pay
with a full acct
of the transaction
but he must find
out if it be
[illegible] the
[illegible]
[illegible] suits
[illegible]
time

16 3 98

No. 4687C

Government of Madras.

PUBLIC WORKS **DEPARTMENT.**

MEMORANDUM.

Reminder issued 9.3.98

Dated Madras, 11th November 1897

With reference to his endorsement No. 126 W/C dated 31st October 1897, the Superintending Engineer is requested to be good enough to explain how it happened that Peramboke land which had been annually leased out by this Department was changed by the Revenue Department from Peramboke to Pattah without reference to this Department. It seems to the undersigned that the proper person to pay the costs of the suit is the Revenue official responsible for the above transfer.

2. It is also not clear why this Department, and not the lessee of the land, has been made the defendant in the suits, and adjudged in costs.

3. The amount of the costs should also be reported.

10.11.97

E.W.

Suptg. Engineer V Circle.

11/11/97

C.W.M.S.
10.11.97.

Public Works (1897) Department.

2

CURRENT No. 10824

Order

From The Supdg Engineer
5th Circle

No. 126 W/C

Dated 31st October 1897

Received 1-11-97

Enclosures

Spare copies

SUBJECT.

Reporting that a suit was filed against Govt. in the Shiyali Dt. Munsiff's Court by Abaga Pillai Trustee of Tiruvengadu Temple – & requests to obtain sanction of Govt. to pay the Costs of the Suit

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

P. W. 87.
5,000—23-6-08.

Copy of a letter from C. H. T. Norfor Esquire Ex
tive Engineer, [illegible]jore Division, to the Superintendin
Engineer, 5th Circle, No. 4435 dated 22nd October 1897

I have the honour to report that in May 1894 Temporary Upper Subordinate T. Muthukumaraswami Mudaliar, then in charge of the Shiyali Taluq, leased out cane jungle growin on Poramboke land, on both banks of Manik karanikkiar and on the Perunthottam Tank to one Narayanaswami Chetty, for Rs 520.

2. In January 1897 I received a notice from Lutchumana Aiyar Pleader, on behalf of Alaga Pillay, Trustee of Thiruvengadoo Temple, requestin that Rs 520, being the value of rattans cut under an alleged lease from the Department be made good to the said Trustee before the expiry of 2 months from the date of receipt of the notice viz 11th January 1897 and informing me that in the event of failure action would be laid in the Civil Court to recover the same with costs.

3. On enquiry the present Sub Divisional Officer Mayaveram reported that no permissio was ever given to interfere with any private

land

and but that it seemed to him letter of a the Sar had removed canes from th purrah and which forms a portion of Padugai of Manikparnikkiar, and that, in his opinion, the cause of action, if any, existed against the lessee and not against the Department.

4. On this, the Pleader was informed, on the 4th March 1897, that the cane jungle in Government land was leased out to the lessee Narayanaswami Chetty and that he should sue the lessee, if canes from the Temple lands had been cut.

5. A suit was then filed against myself and the lessee in the District Munsiff's Court at Shiyali and the hearing of it fixed for the 30th August 1897.

6. The cane jungle was sold by this Department in auction on the understanding that it was on Poromboke land but in the plaint it was stated that the Sub Collector had since altered the lands to Puttah and, as this was unknown to us, I referred the matter to the Collector on the 16th July last for enquiry and advice.

7. The Collector, on the 18 August 1897, informed me that on a representation from the Agent of

of the Plaintiff in 1894, 6 acres and 72 cen were transferred from Poromboke and entered in the Puttah of Sri Swetarannia Swami and requested to be furnished with a tracing from the village map showing the portions to be leased out by the P. W. D and the portions of the land so leased out which belong to the Temple. In th meantime, he advised me to apply, through a Vakil at Shiyali, for an adjournment of at least 2 months. The case was adjourned, a the request of the Vakil, to the 1st of October on payment of costs to the Plaintiff.

8. The Sub Divisional Officer Mayaveram who was directed by me to supply the infor tion required by the Collector, did so, on the 15th September 1897 and forwarded the required tracing shewing the cane growing area both in the Government Poromboke and Temple land According to the statements furnished by him the value of canes grown on the Temple land was valued at Rs 182. These were sent to the Collector on the 17th idem.

9. The Collector on the 27th September informed me that he had directed the Tahsilda of Shiyali to try and effect a compromise wi the Plaintiff at something between Rs 182 + Rs

and

requested me to get the case adjourned
r a further period of one month and to ar-
range for one of the officers of the P.W.D. to help
he Tahsildar. On the motion of the Pleader
he case was adjourned again to the 22nd
nstant, and, the Tahsildar and the Sub
Divisional Officer, having effected the compro-
mise, I have directed the latter to pay the
Plaintiff Rs 195 as agreed to by him, pending
your approval.

10. I request that you will be so good as
o obtain the sanction of Government to my
aying the costs connected with the suit.

No 1268
8

Submitted to the Chief Engineer
P. W. Department with the request that under the
circumstances reported, the sanction of
Government may be obtained to the payment
of the costs connected with the suit.

21/10/97 Colonel RE
Supdg Engineer 5th Circle

Camp Tripassur
31st October 97

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tment.

Bue

ordering, with
tives be informed
retal
l working

Indexed. 24/8

[P. W. 97. / 1,000—24-6-03.]