

Public Works (1898) Department.

G.O., No. 2869

DATED ²⁰ April 1898.

[Despatch Abstract.]

Chargo incurred in uprooting the haoul of certain
bankas in Godavari D^o. Pro: Revenue Dept. Agree
with the S^d of Rev: in considering that the — should be
borne by Government Comd^t and be debited
to "Provincial & minor Works & Navigation, Agricultural
Original works," Comd^t to the Officers concerned.

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G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.

BACK PAPER

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Revenue Department.

Copy of a letter from the Collector of Godavari, dated 20th August 1897, Ref. on C.No. 302/ver of 1897.

I have the honour to state that the term of the lease of Govt.lankas in the Godavari district having expired on 30-6-95, the lankas were that year sold again by the Revenue Dept, under a five years' lease, that last year the Department of Public Works officers uprooted and removed the nanal in several lankas on a very large scale at the cost of Govt for the proper conservancy of the river, the lankas renters having refused to remove the nanal themselves and having strongly objected to its removal by the D.P.W. and that that Department has now requested me to recover the cost of uprooting the same from the renters concerned. I have tried my best to recover the same but whilst a few of the renters have paid the money under protest threatening litigation the rest have flatly refused to pay anything and urge both that they are not liable to pay such charges and that they must be compensated for the damage resulting to their lankas from the removal of the protecting nanal. From the conditions of the patta (sample from enclosed) it will be observed that the only summary remedy provided by it against the illegal plantation of nanal is cancellation of the lease and resale of the lanka at the renters' risk. The renters however also repudiate all liability to this penalty alleging that they have committed no breach of the conditions of their pattas, as the D.P.W. officers have uprooted nanal existing previous to their leases and situated not only on the margins of the lankas but also in the interior of them. Some of them represented by pleaders have even given me a notice of suit to recover damages sustained by them owing to the interference of the D.P.W. officers with the nanal on the lankas.

2. On principle it would appear that no such costs can be recovered ^{when} in the nanal in question was not planted by the

the present renters but was in existence when they became the lessees and that they are only liable for the cost of removing nanal newly planted by themselves without permission. As it is very difficult to say for certain what was old nanal and what was new now that the nanal has been removed the renters' assertion that none was newly planted by them cannot be totally set aside and the removal of nanal being on an unprecedentedly large scale this year (Fasli 1306) they should not I think, be called upon to pay the costs of uprooting the same which cannot all be proved to have been planted by them (renters). The renters have besides no doubt sustained loss by the removal of the nanal and such of them as have complained bitterly of the loss have been permitted to relinquish their leases. (Vide my letter Ref. on C.No. 320/ver of '97 d/ 10-8-97 to Board.)

3 Under the above circumstances I think it fair to exempt the renters from payment of the cost of removing the nanal and to debit it to Govt. The Chief Engineer for Irrigation seems to think that the cost should be met by the Revenue Department to which the revenue derived from the lankas in question is credited and I agree with him, but it is a pity that the D.P.W. after for years allowing nanal to be planted without objection have thought fit to inaugurate a new policy during the currency of a lease. I do not say they are wrong far from it as ~~last~~ last year's inundations prove what need there is for control but had they expressed an intention of putting not only a stop to the practice of growing nanal but of uprooting a lot of the nanal already in existence when the lankas were leased out in 1895 the fact could have been provided for and notified in the notice of sale of lankas. Now their intervention tends to cause the lessees loss and no doubt does cause them loss so that their complaints are naturally loud and vehement. As there is no money at my disposal to meet this charge I request that an allotment of Rs. 2000 may be sanctioned to meet the same as no provision was made for this item in the general budget for 1897-98 as no such expenditure was then foreseen.

4. The favour of early orders is solicited, as bills have already been received by me from the D.P.W. officers for approval and countersignature.

(True Copy.)

W. M. S. S. S. S. S.

Ag. Under Secy. to Government.

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Date

Fort St. George,
Accountant-General's Office,
2nd February 1898.

No. 389.

From

F. C. Harrison, Esquire,

Accountant-General to the Government of Madras.

To

The Secretary to the Government of Madras,
Revenue Department.

Sir

With reference to Board's Proceedings No. 3536 ^(2A) His, dated the 7th of September 1897, submitting for the orders of Government the question whether the expenditure incurred by the Public Works Department in uprooting the nanal in the several tanks of the Godavari District should be borne by that Department or by the Revenue Department. I have the honour to respectfully ~~to~~ report that bills amounting to Rs. 1315-3-1 have been received in this office from the Public Works Department for adjustment in ~~the~~ my books, but the debits have been rejected since November last pending the orders of Government on the subject, and to request the refore that I may be informed at an early date when orders may be expected on the ~~subject~~ subject. The Board which were addressed on the subject, have informed me in their Proceedings, No. 314, dated 27th January 1898 that they have received no orders.

I have the honour to be &c,

(Signed) F. C. Harrison,

Accountant General.

(True copy)

L. M. A. J. M. A. J. M.

Ag. Under Secy. to Govt.

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Re

PROCEEDINGS OF THE MADRAS GOVERNMENT.

F 2,000-18-10-07.
16*Read* the following Proceedings of

the Board of Revenue (Land Revenue) No. 3336 Mis. dated 7th September 1897 on letter from the Collector of Godavari, Ref. on Cur. No. 3302-Ver, dated 20th August 1897 :-

Copy attached.

Resolution.

Submitted for the early orders of Government.

2. In the circumstances explained in paras. 1 and 2 of the letter read above, the cost of removing the nana, which is stated to be a necessary preliminary to the proper conservancy of the Godavari river under the Madras Rivers Conservancy Act (VI of 1884), will have to be borne by Government. Both the Collector and the Chief Engineer are of opinion that the cost should be met from the Land Revenue Budget, as the revenue derived from the lankas is at present credited to Land Revenue. The Board considers, however, that the charge should be debited to the same head as that from which the cost of the survey and other preliminary measures undertaken for the conservancy of the river has been met.

3. If it is decided that the expenditure should be debited to Land Revenue, the Board requests that Government will be pleased to make a special allotment for the purpose, as the amount cannot be met from the Current year's budget.

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Copy attached.

Read also the following letter from the Accountant-General, No. 389, dated 2nd February 1898.

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Order thereon, No. 1251 Mis, d/11th March 1898.

The Government agrees with the Board in considering that

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that the charges incurred in uprooting the nanal should be borne by Government, and be debited to "Provincial 43"- Minor Works and Navigation -Agricultural-Original Works".

2. The Board of Revenue is requested to see that in future leases, the lessees are made directly responsible for such charges.

(True Extract)

W. M. J. L. L.

For Ag. Secretary to Government.

To the Board of Revenue (Land Revenue)

To the Public Works Deptt. (I) with papers returned.

To the Accountant-General.