

Public Works (1898) Department.

G.O., No. 633 J

DATED 19 August

Contribution Work [Despatch Abstract.]
 sanctioning the proposal
 of P.E. Venu to ^{(refund the money deposited for the} ~~deposited~~ the execution of the
 of "Constructing" under tunnels for Kalukka
 - Nemittan & Orudiana than channels across
 Kumarappen & Dabeer channels respectively
 in the Kumbakonam & Tanjore."

22

Indexed. 23/8

C.P. 73.

629-30 J

DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

195

Press
Miscellaneous
No.

, dated

18.8.1898

Date taken out.	FOR WHAT PURPOSE.	C. No.	Year.	Initials of clerk taking in paper or of attender.	Date returned.	Initials of attender.
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16-1/4

156

55-9

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25/8

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OTHER PAPERS.						
No.	Department.	Date.	G.O.	No.	Department.	Date.

SUBJECT.

Contribution work of Constructing
Under-tunnels for Kulukhani
-mattam and Bodianatham
Chls across Kumaroffan and
Dabeer Chls respectively —
To be recommended we find
the contribution to stop the —
until the dispute is settled
in Civil Court

FURTHER PAPERS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

From the Superintending Engineer S^d Circle,
No 289 E. I. dated 29th July 1898.

No 214 24 12 8 98

No 214 Say 12. 1871.
Note by the Chief Engineer for
Irrigation—

In G. O. No. 847 I, dated 20th September 1897, sanction was accorded for ^{the} execution by the Public Works Department of the work of ^{contributing} "Constructing under-tunnels for Kalukkanimattam and Prudicavatham channels across Kumarappan, and Dabber channels, respectively in ^{the} Kumbakonam Taluk, Tanjore Division. The Executive Engineer now reports that the construction of the under-tunnels for

~~for Brudianatham channel~~ is
objected to by some of the
villagers under the Dabeer
channel who dispute the right
of using the water of the former
exclusively to the Brudianatham
lands, and state that the cross
channel is intended to suppl-
-ment supply in the Dabeer
channel, and that the proposed
under-tunnel would deprive
the Dabeer channel of the

It would appear
that the right of
using the water
of the field channel
which supplements
the supply in the
latter channel is
now under dispute.

~~Supplemental supply.~~ (The Supg:
Engineer 5th circle recommends
sanction to ^{therefor} the refund
that the construction of the
of the contribution & stoppage
proposed work may be stopped
of the work
until the dispute between the
villagers is settled in a civil court.

The Supg: Engineer's proposal
may be approved.

Order thereon No 6332 d/19.8.98
The Superintending Engineer

proposal is ^{sanctioned} ~~approved and~~
Sanction recorded in G. O. No 847 I
dated 20th September 1897 for
execution by the Public Works
Department of the work referred
to is withdrawn.

JH
10/10/98
58

Isre

JCL
12/8

To, The Chief Engineer for
Irrigation
" " Supg: Engineer 5th circle
" " Examiner P.W. Accounts
D. 9.8.98.

D 19/8/98

Public Works (1898) Department.

CURRENT No. 9289

Order

From

The Supy Engineer
of India

No. 28983

Dated 22 July 1898.

Received 3-8-98

Enclosures /

Spare copies

SUBJECT.

Constructing an under-
-tunnel for Aoradia duct
-mattam channel across
Dabar Channel.

Reports that the work
of cannot be carried out
owing to the objection of
Aoradia mattam syks. to
F. E. J.

Papers.

Handwritten signature and date 4/8/98

Handwritten date 14/5/98

BACK PAPERS.

No.	Date.
R4963	29-5-59 ✓

FURTHER PAPERS.

P.S.P. Rice Esq^{re},
Copy of letter from ~~the~~ Sub. Collector of Tanjore
to the Executive Engineer, Tanjore Division,
No. 946 of 98 dated 4 July 1898.
Rev.

Referring to your letter of 7th June 1898.
No: 2524, I have the honour to inform you that
petitioner appeared to-day.

2. It seems that one of the ryots of the Eastern villages asked for an injunction against Tiruvengadam Pillai. The District Munsif refused it remarking.

- (1) That the flow of water was not materially affected.
- (2) That an injunction to restrain defendant would be futile, since he was merely contracting for Government.
- (3) That petitioner had not proved his right.

3. - Of these grounds No. (1) is a mis-
- statement of fact. I do not understand how
the flow of water can be more seriously impeded
than by the construction of a siphon or aqueduct.
In fact the water which except when dammed
used to go to the East would have to go to South.
No. (2) is a very valid ground. The District
Municipal, you will see, has held that the suit
would lie only against Government. I think
- nate

make petitioner Tirumengadam Pillai and we see that Govt. gains nothing and may lose by the proposed arrangement. Ground No. (3) was more or less incidental, and in our case the burden of proof has shifted. In the case before the Munsif it was for plaintiff to show cause for the issue of injunction. It is now for Tirumengadam Pillai to show cause why the existing state of affairs should be disturbed.

4. He was not prepared with his evidence, and from what he says it seems to me that he has nothing very definite to show. He wants to make me usurp his functions of a civil court.

5. The existing state of affairs is that though Tirumengadam Pillai has a right to the water of the cross channel yet that water, in fact, also flows to the East. In Indian Law report Madras 333 (a suit from this Division) a disturbance of existing arrangements, by which some ryots got less water, was held to be ultra vires.

6. In my opinion therefore Govt. will gain nothing and may lose. I do not think it wise to run the risk of
a

a suit, unless we are sure of our ground. If Tirumengadam Pillai can get a decree declaring that he has the sole right to the water of the cross channel let him do so. Till he does so and as long as there is a dispute I would advise no interference. I may say that in fact work is now impossible.

(True Copy)

Amant Colonel R.E.

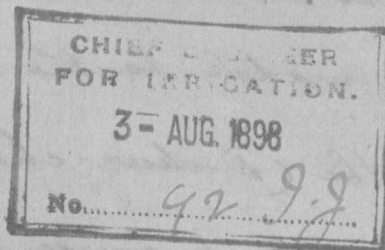
Offs: Supts: Engineer.
V. Kircle.

From N. H. C. Connell Esquire, Executive
Engineer, Tanjore Division, to the Supt.
Engineer, Circle, Madras, dated 22nd July 97
No. 3291 -

Reference - Supt. Engrs. No. 356 J. J. of 2-10-97

I have the honour to inform
you that owing to certain objections raised
by the ryots of Cothamathana village the
work of constructing under tunnel for Coru-
-dianatham channel across Pakur channel
cannot be executed, and hence a portion of
estimate No. 747 - Register No. 170 of 97-98 - cannot
be expended.

2. The Cordianatham lands
are irrigated by the Pakur channel, the
supply of which is supplemented by ^a ~~one~~
(a field channel)
Kandiamadai. The right of using its water
is now disputed. The under tunnel proposed
to be built is intended to carry Kandia-
-madai to the lands lying to the south of
the Pakur channel, and this construction
will of course deprive the Pakur channel of
the supplemental supply. The contributor, one
Tiruvengadam Pillai of Kumbakonam, claims the
Kandiamadai as his channel, solely intended
for



CWS.
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for his use, and which he has hitherto been using when the supply in the Dabeer channel failed. This disputed by the villages to the East irrigated by the Dabeer channel, all of them claiming a share in the Kandiamadai.

3. The matter was referred to the sub-Collector, who informs me that the contributor has nothing very definite to shew that he has a sole right to the water of the Kandiamadai or the cross channel, that the Govt. will gain nothing and may lose, and that he does not think it wise to run the risk of a suit, and advises me not to interfere in the matter as long as there is a dispute.

4. I enclose copy of sub-Collector's letter for your information.

5. Under these circumstances, I have the honour to request that orders may be issued to stop the work, and to return the amount contributed to the ryot concerned, who is also the contractor for the work.

No 289 Ed.

Copy submitted to the Chief Engineer for Irrigation with reference to G. O. No: 847 I of 20-9-97.

2. In the circumstances reported, it is requested that sanction may be accorded for refunding the contribution and stopping the work until the dispute is finally settled in a civil Court.

and I am
Colonel R.E.

Offs: Supt: Engineer.

V. Keirle.

29/7/98

CHIEF ENGINEER
FOR IRRIGATION.
3- AUG. 1898
No. 92-2-2

6853/88
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