Public Works (1898) Department.

G.O., No. 684

Dated 7th Sept '98

[Despatch Abstract.]

To Laveram Island Embankment

Deciding that the Kesahakuruva Estate should as usual, Continue to Contribute 1/5 of the Cost of all works required in Connection with the _____ in the Godavari Central Dn:

[P. W. 56. 1,000—12-2-98.]

Indexed.

BACK PAPERS.

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

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IRRIGATION.

Government {1898} of Madras.

PUBLIC WORKS.

Recd. }1898. *Enclosures*

Regd. *Spare copies*

G.O., No. 684 I., 7th September 1898.

SEPTEMBER.

Polavaram Island Embankment

Deciding that the Kesanakurru estate should, as usual, continue to contribute one-fifth of the cost of all works required in connection with the — in the Gódávari Central division.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

Read—the following paper :—

From W. C. DeMORGAN, *Esq.*, M.I.C.E., *Superintending Engineer, I Circle, to the Chief Engineer for Irrigation, dated Waltair, 6th Aug. 1898, No. 994 G.D.*

I have the honour to bring to your notice that my predecessor sanctioned in October last two estimates * connected with Polavaram island embankment in the Gódávari Central division, and the Collector, Gódávari district, was requested to recover from the proprietrix of Kesanakurru estate her share † of contribution, viz., one-fifth of the estimated cost (*vide* G.O., No. 2840 of 24th October 1876).

	Rs.
* Diversion of Polavaram island north embankment at Yedurlanka—estimate	3,580
Diversion of Polavaram island north embankment at Pata Injeram—estimate	3,140
Total ...	6,720

† Rs. 1,344.

2. The Collector replied that the proprietrix had expressed her unwillingness to pay the contribution and forwarded her petition, dated 3rd January 1898, No. 5, an english translation of which is enclosed. In this petition she states that it appears from the estate records that, while the estate was under the management of the Court of Wards, Rs. 12,000 was paid as a contribution towards the construction of the embankment and that, though the embankment was repaired four or five times during that period, no contribution was paid by the estate, the Collector having refused to pay it to Public Works Department on the grounds that there was no necessity for the estate to bear the expense, and that the works now estimated for have no connection with her estate villages and that G.O., No. 2840, dated 24th October 1876, referred to does not authorize the levy of contribution towards the cost of repairs, &c., to the embankment, &c., &c., &c.

3. According to the Collector's statement the estate was under the control of the Court of Wards for seventeen years from September 1869 to September 1886.

4. During these seventeen years, many estimates were sanctioned in this department for repairing, &c., the embankment, but it does not appear either from this or divisional records that any contribution was paid by the estate. At this distance of time, it is impossible to say, in the absence of records, why no contribution was recovered.

5. I asked the Collector to let me know, after making a reference to the old records, whether the proprietrix's statement that the Collector refused to pay contribution while the estate was under the control of the Court of Wards is correct; but he referred the point to the proprietrix, which tends to prove that there are no records on this point in his office.

6. In August 1897, an estimate of Rs. 850 for repairing the north embankment was sanctioned, and the proprietrix paid her one-fifth share of contribution, viz., Rs. 170 (*vide* G.O., No. 111 I., dated 8th February 1898), and she also paid the contribution on a previous estimate.

7. The Collector is of opinion that she must pay the one-fifth contribution and that it should be recovered by instituting a suit in a Civil court. I agree in his opinion that she should pay the contribution, but the recovery of the same by a civil suit is attended with many difficulties, and this department, owing to want of knowledge of Court rules, is generally unable to bring the suit to a successful issue.

8. Orders are now solicited as to whether the proprietrix should pay any contribution towards the cost of—

(i) repairing or improving the embankment, including revetments, &c., &c.,
(ii) repairing the channel head sluices in the embankment,
(iii) forming or repairing cattle ramps,

and if so, how much. The Government order referred to above is silent on this point.

9. If you are of opinion that contribution should be paid for the above works which form a portion of the embankment situated within her estate village limits, the contribution to be paid by her should not, in my opinion, be less than three-fourths of the estimated cost, if not the whole.

Enclosure.

From the Guardian of the Minor Proprietor of Kesanakurru Estate, to the Collector, Gódávari District, dated 3rd January 1898, No. 5.

Adverting to your letter, No. 3472, dated 15th December 1897, I have the honour to state that, from G.O., No. 2840, dated 24th October 1876, this estate had to pay one-fifth of the amount estimated for embanking Polavaram island (situated in Gódávari Central division).

2. From the records of this estate while under the Court of Wards, it appears that Rupees 12,000, one-fifth of the estimate originally made for the construction of the embankment, were paid from the estate funds.

3. This was done when the estate was under the Court of Wards during my minority. The embankment was repaired four or five times while the estate continued under Court of Wards; for which, it appears that the Public Works Department had asked the Collector to recover contribution from the estate, and the Collector replied that there was no necessity for the estate to undergo the expense. It does not appear even from the records of "The Court of Wards" or from those handed over to us at the end of the minority, that this estate had contributed for any subsequent repairs to the embankment.

4. Recently, after the estate was handed over to us, a sum of Rs. 170 was contributed by this estate for repairs executed to the embankment in the Government limits, on receipt of your letter giving cover to Superintending Engineer's letter requesting payment of one-fifth of Rs. 850, the estimated amount for repairs, being unaware of Government orders on the subject and also being afraid of incurring the anger of Government.

5. Now the question of contribution for diverting the northern embankment in two places is again put forth and urged on for payment of Rs. 1,344, being the one-fifth part of the estimate.

6. The three villages—Muramalla, Kesanakurru and Tillakuppa—bordering on the southern embankment, yield nothing, the lands being barren and destitute of canal-water supply. This state of things tells hard upon the estate in paying the peishcush and local cess due to Government and renders the condition of the ryots as well deplorable. If the contribution is to be paid, the estate will suffer much and the minor proprietor would be a great loser.

7. By the present diversion of the embankment the estate is in no way benefited, nor would it be a loser if the same be not done.

8. So, I venture to represent to your honour that there appears to be no ruling, in the Government order quoted above, to the effect that the estate should, for ever, be paying one-fifth of the estimated cost of all subsequent repairs, &c., to the embankment; and further request that you may be good enough to address the Superintending Engineer to arrange with the Government to execute the necessary repairs, &c., to the embankment without a further recovery of contribution from our estate. If the Government should be so pleased to rule that we cannot but pay contribution for repairs, &c., to the embankment in our limits, of course we are prepared to pay.

No. 684 I., 7TH SEPTEMBER 1898.

ORDER—No. 684 I., dated 7th September 1898.

On full consideration of petitioner's petition, No. 5, dated 3rd January 1898, to the Collector of Gódávari, and all the circumstances of the case, His Excellency the Governor in Council is of opinion that the Kesanakurru estate should, as usual, continue to contribute one-fifth the cost of all works required in connection with the Polavaram island embankment.

(True Extract.)

Under Secretary to Government,
Irrigation Branch.

To the Chief Engineer for Irrigation.
" Superintending Engineer, I Circle.
" Examiner of Public Works Accounts.
" Guardian of the Minor Proprietor, Kesanakurru Estate, Gódávari Central division.
" Revenue Department.

Exd. T. K. Narayana Aiyangar.

PUBLIC WORKS DEPARTMENT.

E. I. Form No. 22.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

READ the following :—

No 684 dd 7.9.98.

Letter from the Supt Engineer 1st Circle. (No. 994. G. D. of 6.8.98.)

Note pad.
H.E. has approved the order.
Please see letter.

Issue SP
7/9

On full consideration of petitioner's petition No 5 dated 3rd January 1898 to the Collector of Godavary and all the circumstances of the case, His Excellency the Governor in Council is of opinion that the Kesanakurru Estate should as usual continue to contribute 1/5th the cost of all works required in connection with the Polaveram Island Embankment.

To The Chief Engineer for Irrig.
" Supt. Engineer 1st Circle
" Exam. P. W. Accts.
" Guardian of the Minor Proprietor Kesanakurru Estate Godavary Central Dist.
" Rev. Dept.

D 16/9/98

JCJ
3/9/98

A

IM No. 4—100—16 9-96.

H E

PUBLIC WORKS DEPARTMENT,

IRRIGATION BRANCH.

1847

READ the following:—

From the S. Eng. I circle
No 994 dt. 6th Aug. 1898.

Re-payment of Contribution by the Proprietrise of the Kesavakurra Estate towards the cost of repairing the Polaveram Island Embankments in Godavary Central Delta.

Flag I.

FOR ORDERS.

The S.E. I circle submits for the orders of Govt a question as to whether the proprietrix of the Kesavakurra estate should pay a contribution towards the cost of repairing the Polaveram Island embank! in the Godavary Central Division—

The Polaveram (or Polaram) Island in which the estate is situated is one of the deltaic islands at the mouth of the Gowtami Godavary (see sketch map) It has an area of about 33 sq. miles and contains eleven villages most of which are built on mounds of sort raised above flood level— The population was estimated to be 13000 in 1896—

Flag P

the bank of which one fifth share was paid by the Kesavalurru estate —

The Asst. Engr. I. now reports that estimates amounting to Rs 6720 for diverting the bank in two places were sanctioned by his predecessor in October last and that on the Collector being asked to recover one fifth of the cost from the proprietrix the latter had expressed her unwillingness to pay the contribution for the reasons set forth in a petition a translation of which is forwarded —

It is reported that the Collector is of opinion that the estate should pay the 1/5th contribution and that it should be recovered by instituting a civil suit —

The S.E. while agreeing that the contribution should be ~~paid~~ contributed says that the recovery by civil suit would be attended by many difficulties — He observed that if the petition is correctly translated the proprietrix guardian promises to pay the contribution if Govt.

Flag I

para 7. Flag I.

— do —

Flag X

Flag J

The general principle remains unaltered, as it is still both the intent that the bank should be maintained in good order.

Para 8 of Flag I.

The following draft order is submitted for approval: —

15/8/88

Should be pleased to rule that it should be paid — this submitted that the effect of a Govt. order on the question now under first be tried —

The question raised by the petitioner is whether the G.O. No. 2840 d. 24 Oct 1876 which fixes the share of one fifth shall apply to all subsequent repairs and such works as those for which a contribution is now asked —

The S.E. asks for orders whether the estate should pay any contribution towards (1) repairing or improving the entrance including revetments &c (2) Repairing the Channel head sluices in the anicut (3) Forming cattle ramps —

All these items appear to fall within ordinary maintenance and repairs of the bank to

2/9/88

order thereon

PTO.

Cattle ramps

On full consideration of Petitioners petition № 5 of 3.1.98 to the Collector of Godavery, and all the circumstances of the case, H.E. the Governor in Council is of opinion, that the Kesanakurru Estate should, as usual, continue to contribute $\frac{1}{5}$ the cost of all works required in connection with the Polaram Island Embankment.

8.9.98

2.9.98

Dg. I
30/8/98

Public Works (1898) Department.

CURRENT No. ~~15692~~ 7413

From W. De Morgan Esquire
Officiating Supty Engineer I

Order

No. 994 GD

Dated 6th August 1898
Received 13 Do
Registered 6-9-98
Enclosures 1
Spare copies

SUBJECT.

Division of the North Embankment Line of Polavaram Island in Godavari District Delta — Reporting that the proprietrix of Kesanakurru Estate expressed to the Collector Godavari District, her unwillingness to pay her share of Contribution for the — sued requesting orders as to whether she should pay any Contribution towards the cost of repairs to the Embankment, Cle Head sluices in the Embankment Cattle Ramps, Revetment to the Embankment, Forming new Cattle ramps, Etc, Etc, —

13/8.

8.9.98

BACK PAPERS.

No.	Date.
R 1079	25 1/98

FURTHER PAI

No.	Date.

Enclosure 1 to No 4940 D of 16 12 98

Letter No 5 of 3.1.1898 from the Guardian of the minor proprietor of Kesanakurru Estate, to the Collector Godavari District.

Adverting to your letter No 3472/15.12.1897, I have the honour to state, that from G.O No 2840/24.10.76, this estate has to pay 1/5 of the amount estimated for Embanking Polavaram Island (situated in Godavari Central Division)

2 From the records of this estate while under the Court of Wards, it appears, that Rs 12,000, 1/5 of the estimate originally made for the construction of the embankment, were paid from the estate funds.

3. This was done when the estate was under the Court of Wards during my minority. It was repaired 4 or 5 times while the estate continued under Court of Wards; for which, it appears, that the D. W. D have asked the Collector to recover Contribution from the estate and the Collector replied that there was no necessity for the estate to undergo the expense. It does not appear even from the records of the Court of Wards' or from those handed over to us at the end of the minority that this estate had contributed for any subsequ

repairs to the embankment

4. Recently, after the estate was handed over to us, a sum of Rs 170/ was contributed by this estate for repairs executed to the embankment in the Government limits, on receipt of your letter giving Cover to Superintending Engineer's letter requesting payment of $\frac{1}{5}$ of Rs 850 the estimated amount for repairs, being unaware of Govt orders on the subject and also being afraid of incurring the anger of Govt.

(5) Now the question of contribution for diverting the northern embankment in two places is again put forth and urged on for payment of Rs 1344 being the $\frac{1}{5}$ part of the estimate.

(6) The three villages Iruramella, Hesanakurre and Tillakeppa bordering on the bottom embankment, yield nothing, the lands being barren & destitute of Canal water supply. This state of things tells hard upon the estate in paying the Paish cash and Local cess due to Govt & renders the condition of the ryots, aswell deplorable. If the contribution is now paid the estate will suffer much and the minor proprietor would be a great loser.

The Scientific Committee is unwilling to assume the existing liability

By the present diversion of the embankment the estate is in noway benefitted nor would it be a loser if the same be not done.

8. So, I venture to represent to your Honour that there appears to be no ruling, in the G.O quoted above, to the effect that the estate should, for ever, be paying $\frac{1}{5}$ of the estimated Cost of all subsequent repairs &c to the embankment; and further request that you may be good enough to address the Superintending Engineer to arrange with the Government to execute the necessary repairs &c to the embankment without a further recurring of contribution from our estate. If the Govt should be to pleased to rule that we cannot but pay contribution for repairs &c to the embankment in our limits, of Course, we are prepared to pay.

(Sd) Baluswe Ramalakshmamma
Guardian of the Minor Proprietor
Hesanakurre Estate.

(Sd) V Ramanna
Gumasta

True translation
2/10/55

13 AUG 1898
15992
1

Office of the Superintdg Engineer I Circle

No: 994 GD. Wattair Dated 6th August,

From

H.C. De Morgan Esquire M.I.C.E.
Superintending Engineer
First Circle

Encls 1

To,

The Chief Engineer for Irrigation
Madras.

Sir,

I have the honour to bring to your Notice that my predecessor Sanctioned in October last two Estimates connected with Polavaram Islands Embankment on the Godavari Central Division, and the Collector Godavari District was requested to recover from the proprietrix of Kesana Kurru Estate her share of Contribution, viz, 1/5 of the Estimates Cost vide G.O no: 2840 of 24 October 1876.

× Diversion of Polavaram Islands North Embankment at Yedurlanka Estimate Rs 3580
Do. do- at Pata Dijeram Rs 3140
Total Rs 6720

Rs 1344.

2. The Collector replied that the proprietrix had expressed her unwillingness to pay the Contribution and forwarded her petition dated 3.1.98, no: 5, an English translation of which is enclosed. In this petition She States that it appears from the Estate records that, while the Estate was under the management of the Court of Wards, Rs 12000 was paid as a Contribution

towards

towards the Construction of the Embank-
-ment and that, though the embankment
was repaired 4 or 5 times during that period,
no Contribution was paid by the Estate,
the Collector having refused to pay it to
Pr. Department on the grounds that there
was no necessity for the Estate to bear
the expense, and that the works now esti-
-mated for have no connection with her
Estate villages and that G.O. no: 2540/24.10.76 referred
to does not authorize the levy of Contribution
towards the Cost of repairs &c to the Embank
-ment &c &c &c.

3. According to the Collector's Statement
the Estate was under the Control of the Court
of Wards for 17 years from September 1869 to
September 1886.

4. During these Seventeen years,
many Estimates were Sanctioned in this
Department for repairing &c the embank-
-ment, but it does not appear either from this
or Divisional records that any Contribution
was paid by the Estate. At this distance of
time, it is impossible to say, in the absence
of records why no Contribution was
recovered.

5. I asked the Collector to let me
know, after making a reference to the old records,
whether the proprietrix's Statement that the
Collector refused to pay Contribution, while
the Estate was under the Control of the Court
of Wards to Correct. but he referred the point
to the Proprietrix which tends to prove that
there are no records on this point in his office.

6. In August 1897, an Estimate of
Rs 850 for repairing the North embankment
was sanctioned and the proprietrix paid
her 1/5 share of Contribution, viz, Rs 170, vide
G.O no: 111 dated 8. February 1898 and she
also paid the Contribution on a previous
Estimate.

7. The Collector is of opinion that she
must pay the 1/5 Contribution and that
it should be recovered by instituting a
Suit in a Civil Court. I agree in his opinion
that She should pay the Contribution, but
the recovery of the Same by a Civil Suit is
attended with many difficulties and
this Department owing to want of knowledge
of Court rules is generally unable to bring
the Suit to a Successful issue.

8. Orders are now policited as to
whether the proprietrix should pay any
Contribution towards the Cost

of

of

(i) Repairing or improving the Embankment including revetments &c &c

(ii) Repairing the Channel Head Sluices in the Embankment

(iii) Forming or repairing cattle ramps.

and if so, how much. The G.O. referred to above is silent on this point.

9. If you are of opinion that Contribution should be paid for the above works which form a portion of the embankment situated within her Estate Village limits, the Contribution to be paid by her should not in my opinion be less than 3/4 of the Estimated Cost, if not the whole.

CHIEF ENGINEER
PUNJAB
13 AUG 1898
1549 GD

I have the honour to be,
Sir,
Your most obedient Servt.

W Morgan
7.8.98

Superintending Engineer
First Circle

GS
61.8198

Ca