

Public Works
Marine (1898) Department.

G.O., No. 786 Marine

DATED 13th Oct 1898.

Grant of Land

[Despatch Abstract.]

To: Rev. Dept. passing order on
Certain petitions for K. Venkata Krishna Rao in
the matter of a ——— made to his father in 1863, in
Kumaralingam village, Adimalpet Sg, Coimbatore,
Minded.

[illegible][illegible]

No. 786 L 27/13.10.78

Grant of Land

Passing orders on certain petitions from K. Venkatakrishna Aiyar in the matter of a made to his father in 1863, in Kumaramalingam village, Udumalpet taluk, Coimbatore district.

14/10/92

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—again G.O., Mis. No. 2707, Revenue, dated 27th May 1897.

ABSTRACT.—Referring to the Board of Revenue, for report, petition dated the 20th March 1897 from Kaniyur Venkatakrishna Aiyar in the matter of a grant of land made to his father in 1863 in Kumaralingam village, Udamalpet taluk, Coimbatore district.

Read—also the following reference of the Board of Revenue (Land Revenue), No. 352, dated 25th March 1898:—

Read—G.O., Mis. No. 2707, Revenue, dated 27th May 1897.

Reference on the above, dated 7th June 1897.

Referred to the Collector of Coimbatore for report.

Read—also letter from the Collector of Coimbatore, Dis. No. 183-Rev., dated 16th January 1898.

Read—also supplemental petition from Kaniyur Venkatakrishna Aiyar of Kumaralingam village, Udamalpet taluk, Coimbatore district, dated 8th February 1898.

Reference—No. 352, dated 25th March 1898.

The two petitions from Kaniyur Venkatakrishna Aiyar, son of Kaniyur Krishna Aiyar, dated 20th March 1897 and 8th February 1898, together with the report on the first petition by the Collector of Coimbatore, dated 16th January 1898, will be submitted to Government with reference to its endorsement, Mis. No. 2707, dated 27th May 1897.

2. In G.O., No. 141, Revenue, dated 10th February 1893, Government decided that the area which Kaniyur Krishna Aiyar was entitled to cultivate, under the grant of 1863, at the favourable wet rate of Rs. 2-8 per acre, should be fixed at 1,450-70

acres. Subsequently, with reference to the correct area of the grant by survey, the limit was raised to 1,569-08 acres *. The

* G.O., No. 1096, dated 13th March 1894.

	ACS.
† Total area of paimash No. 482 by survey	2,058-87
Deduct area held by others ...	71-37
Deduct area of survey No. 1141.	23-77
Total to be deducted ...	95-14
Balance ...	1,963-73
$\frac{1}{2}$ of this or 375 ballahs, including excess by survey ...	1,550-31
$\frac{1}{2}$ or 100 ballahs, excluded as waste	413-42

3. Again, under Board's Proceedings, No. 2033, dated 16th April 1894, ‡ the petitioner was informed, with the approval of Government (G.O., No. 1788, dated 4th May 1894), that the irrigation in excess of the sanctioned extent, or new irrigation outside the limits of his grant, would be charged with prohibitory assessment at the rate of Rs. 50 per acre. The reasons for restricting the area of Krishna Aiyar's wet cultivation were stated in paragraph 9 of the Collector's letter, dated 13th November 1891, printed in G.O., No. 141, dated 10th February 1893. The Collector then pointed out that although there was on record "distinct and reiterated professional opinion that ample water was available," yet it was necessary to impose a restriction "in common fairness to many other ryots under the various Amravati channels who were anxious, if permitted, to extend their wet cultivation and pay full wet assessment thereon, instead of Rs. 2-8-0" which was Krishna Aiyar's rate.

4. In the two petitions now submitted to Government, the petitioner seeks a reconsideration of the orders recited in paragraphs 2 and 3 of these Proceedings. In the first petition, four requests are made, two of which relate to the area of 71-37 acres which, as stated in paragraph 15 of the same petition, were excluded by Government in fixing the area comprised by the grant of 1863. This area of 71-37 acres is composed of survey No. 1123, area 25-30 acres, plus survey Nos. 1126, 1146, 1147 and 1148, the area of all of which is 46-07 acres. The petitioner's contention that the four last survey numbers were comprised in the original grant is clearly invalid. Not only is the G.O., dated 10th February 1893, against him, as admitted in paragraph 15 of his petition, but his allegations are conclusively disproved in paragraphs 3 and 4 of Mr. Butterworth's present report, where amongst other statements the petitioner's previous admissions to the contrary are cited.

5. The petitioner's second request relates to the remainder of the 71-37 acres last referred to, i.e., to Survey No. 1123, area 25-30 acres or $8\frac{3}{4}$ bullahs, which were excluded by the express terms of the original grant. The petitioner has since acquired this extent and desires to extend irrigation thereto at the ordinary wet rate, whereas under Board's Proceedings, No. 2033, dated 16th April 1894, recited in paragraph 3 above, such extension would be liable to the penal rate of Rs. 50 per acre. In paragraph 22 of his first petition, dated 20th March 1897, the petitioner offered to forego the special rate of Rs. 2-8-0 per acre on 200 acres out of the original grant, which extent he declared to be unfit for wet cultivation, provided he was allowed to extend cultivation at the ordinary wet rate to these 25-30 acres. Mr. Butterworth recommends the acceptance of this offer, but the petitioner has since withdrawn it in his supplementary petition, dated 8th February 1898, and the Board is not prepared to recommend any modification of the existing prohibition.

6. The petitioner's third request refers to certain poramboke land which is outside his grant but within the boundaries thereof, being part of the 100 bullahs (= 413.42 acres *) which, at the request of the petitioner's father, were originally excluded from the grant as being uncultivable waste. The Collector's recommendation that a portion † of this poramboke may be assigned to the petitioner at the special dry rate of 9 annas 10 pies per acre, and that he may be allowed to enjoy the usufruct of trees on the road ‡ which his father dedicated to the public use, may be approved.

7. The petitioner also requests permission to cultivate a part of the tank-bed, Survey No. 1145A (area 134.89 acres), which is not within the boundaries of his grant, but the water of which, so far as it is covered by water, is used only by the petitioner. The Collector's proposal to subdivide this tank-bed and to assign to the petitioner on patta so much of it as is never reached by water may be accepted.

8. What petitioner calls the *fourth recommendation* in paragraph 11 of his petition, dated 8th February 1898, refers to three anicuts placed by him across the Nagalodai (Survey No. 1141, referred to in paragraph 2 *supra*). The Collector has incidentally * mentioned this subject, adding that he may have to order the removal of the anicuts. This matter need not be dealt with at present as it is not the subject of any order appealed against.

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with two petitions, Collector's report, and enclosures.

READ—also petitions from KANIYUR VENKATAKRISHNA AIYAR, Udumalpet taluk, Coimbatore district, dated 21st and 23rd April 1898, respectively.

READ—also endorsement of H. A. SIM, Esq., I.C.S., Private Secretary to His Excellency the Governor, dated 30th April 1898, on a petition, dated 21st April 1898, from K. Venkatakrishna Aiyar of Kumaralingam village, Udumalpet taluk, Coimbatore district.

ORDER—No. 534, Revenue, dated 19th September 1898.

Miscellaneous.

The above papers relate to a petition from Kaniyur Venkatakrishna Aiyar in the matter of a grant of land made to his father in 1863, in Kumaralingam village, Udumalpet taluk, Coimbatore district. The petitioner's requests will be considered *seriatim*.

2. I. That the marginally-noted survey numbers comprising an area of 46.07 acres be declared to be within the irrigable area of the original grant.

	Extent.
	ACS.
1126	7.95
1146	31.59
1147	4.48
1148	2.05
Total ...	46.07

The Government concurs with the local officers and the Board of Revenue in considering that this request is clearly inadmissible.

3. II. That G.O., No. 1788, dated 4th May 1894, directing the imposition of a prohibitory assessment of Rs. 50 on any extension of irrigation beyond 1,569.08 acres or outside the original grant, be cancelled, and that ordinary wet assessment be imposed in the case of survey No. 1123 and the survey numbers mentioned in the preceding paragraph.

It is desirable to repeat that the supply of water in the channel which irrigates petitioner's lands is subject always to the following conditions:—

- that the sill of the channel head is maintained 2 feet 7 inches higher than that of the Kallapuram channel;
- that the Kallapuram ryots and the ryots lower down the Amaravati shall have the preference in case of short supply; and
- that the Government does not guarantee the supply of water to the maximum area, viz., 1,569.08 acres.

The Government considers that, subject to these conditions to which the petitioner's attention should again be drawn, he may be allowed to irrigate the survey numbers * marginally-noted on payment of the ordinary wet assessment.

	Extent.
	ACS.
* 1123	25.30
1126	7.95
1146	31.59
1147	4.48
1148	2.05
Total ...	71.37

4. III. That the marginally-noted survey numbers † covering an area of 186.01 acres, classified at the settlement as poramboke be assigned to him on patta.

The Government concurs with the local officers and the Board of Revenue in considering that survey Nos. 1136 and 1142 which are covered by a road and survey No. 1141 which is a stream called Nagalodai should be retained as "poramboke." The remaining survey numbers (total area 136.12 acres) may be assessed at the ordinary rates and assigned to the petitioner.

5. The Collector states that the petitioner has constructed three anicuts across the Nagalodai and that it may be necessary to call on him to remove them. In its Proceedings, No. 3384, dated 9th November 1883, the Board stated that the

Nagalodai being a jungle stream in the petitioner's land, there is no objection to his damming back the stream to irrigate his lands. The Government considers that with the permission he has thus received he may do so, provided and so long as he is the sole ryot interested in the stream. But in the event of the dismemberment of the holding or of other contingency requiring such a course, it may be necessary to remove the anicuts in the interests of individual ryots, and the petitioner should, therefore, be distinctly warned that the anicuts are allowed only as a concession and must be removed at any time if the Government should so require.

6. IV. That survey No. 1143A (134.89 acres) classed as tank-bed poramboke may be included in the petitioner's patta on payment of the dry rate of assessment.

The Government considers that it is undesirable to interfere with this poramboke or grant any portion of the tank-bed on patta.

7. The petitioner will be referred to the Board of Revenue for orders on his petition.

(True Extract.)

J. H. M.
for Secretary to Government.

To the Board of Revenue (Land Revenue),
with records returned.
„ the Petitioner (paragraph 7 only).

Copy to the Public Works Department (Irrigation Branch).

Exd. P. Seetharam.
50 Copies.