Public Works (1898) Department.

TANK R…
R. No……………
3-DEC.98
CENTRAL OFFIC…

G.O., No. 858 I

DATED 18th Novr 98

2/11/94

[Despatch Abstract.]

Uraganta Tank

Directing that the necessary repairs & improvements to the ———, affecting the S. I. Ry: in the Nellore dt, be carried out by Govt ———, the expenditure being subsequently recovered from the Shrotreindar concerned.

110/6

I2

Indexed. 2/11

[P. W. 26. / 1,000—12-2-98.]

BACK PAPERS.

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

FURTHER PAPERS.

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

IRRIGATION.

Government (1898) of Madras.

PUBLIC WORKS.

R. No.……………
3-DEC.98
CENTRAL OFFICE

Recd. } 1898. *Enclosures*

Regd. *Spare copies*

G.O., No. 858 I., 1st November 1898.

NOVEMBER.

Uragunta Tank

Directing that the necessary repairs and improvements to the —, affecting the South Indian Railway in the Nellore district, be carried out by Government, the expenditure being subsequently recovered from the shrotriemdar concerned.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

Read—the following papers :—

From E. SCOTT, Esq., Acting Collector of Nellore, to the Secretary to Government, Public Works Department, Irrigation Branch, dated Nellore, 27th August 1898, No. 3339-Ver.

I have the honour to submit the following case for the orders of Government under section 9 of the Railway Protection Act.

2. On the 12th October 1897, a plan and estimate for Rs. 160 for repairing and improving the Uragunta tank in the shrotriem village of Buja-Buja-Nellore, Nellore taluk, which affects the South Indian Railway line from Renigunta to Nellore, was received from the Chief Engineer.

3. A notice and a statement under sections 4 and 5 of the Railway Protection Act were therefore served on the shrotriemdar on the 4th December 1897, to execute the repairs estimated for the tank within the 31st March 1898.

4. On the 17th February 1898, the shrotriemdar applied for an extension of time in view of the unfavourable season, but I declined to sanction his request. The Head Quarter Deputy Collector now reports that no repairs have been executed to the tank up to date though more than four months have passed from the date fixed for the completion of the work.

5. I accordingly request that Government may be pleased to direct the immediate execution of the work by the Public Works Department. The notice, &c., served on the party are enclosed.

To the Collector of Nellore, dated 10th September 1898, No. 3964 C.
From „ „ „ 30th „ No. 596 G.B./Ver.
To the Government Solicitor „ 20th October „ No. 341 M.

From ERNEST BARCLAY, Government Solicitor, to the Chief Engineer for Irrigation, dated Madras, 26th October 1898, No. 482.

I beg to acknowledge receipt of your letter of the 20th instant, No. 341 M., with its enclosures.

2. Section 4 of Madras Act IV of 1886 provides that, whenever it shall appear necessary to the Collector that measures should be taken in respect of any irrigation work for the protection of any railway, he shall cause to be prepared the plans and estimates mentioned in the section, and shall also record a statement showing, with reasons, how far, in his opinion, the landholder in possession of &c, is liable to contribute towards the expenses to be incurred in carrying out the said measures and shall cause copies of a vernacular translation of such statement to be fixed in some conspicuous place in the village to which the said works belong.

3. Section 5 provides that the Collector shall, upon the completion of the plans, &c., send copies thereof to the landholder named in the statement, together with an order in writing requiring the landholder, within a reasonable time fixed in the notice, to carry out the measures specified in the plans and estimates, or to appear before the Collector and show cause why he should not carry out the same.

4. In the case referred to in the correspondence forwarded with your letter under reply, it appears that the notice and statement required by sections 4 and 5 were served on the landholder, the shrotriemdar, on the 4th December 1897, requiring him to execute the repairs estimated for by 31st March 1898. The shrotriemdar did not show cause against the Collector's order but, on the 17th February 1898, applied for an extension of time, which was refused.

5. Section 7 of the Act provides that, if the order is not cancelled by the Collector (as provided in section 6) he shall, by written notice, call upon the landholder to carry out, within a reasonable time, to be named in the notice, the measures specified in the order as originally issued or modified, as the case may be.

6. I am of opinion that the notice referred to in section 7 is necessary only in cases where the landholder has appeared before the Collector to show cause against the original order on one or more of the grounds mentioned in section 6, viz., that the landholder is not the landholder in possession of, or having control over, the works mentioned in the statement, or that other measures than those proposed may be adopted, or that he ought not to bear the whole or any part of the cost and that, where no such steps have been taken by the landholder, the notice provided for in section 7 is not required. The landholder has already been required under section 5 to, within a reasonable time, carry out the measures and the repetition in section 7 of the words "within a reasonable time" shows that the provisions of section 7 are not intended to apply to cases where no cause has been shown under section 6.

7. I return the enclosures to your letter.

No. 279 I.

Note by the Chief Engineer for Irrigation.

The Collector of Nellore brings to notice that as the Uragunta tank in the shrotriem village of Buja-Buja-Nellore, Nellore taluk, affects the South Indian Railway line from Renigunta to Nellore, a notice and statement under sections 4 and 5 of Madras Act No. IV of 1886 were served on the shrotriemdar concerned for the execution, within the 31st March 1898, of the repairs and improvements required to be carried out to the tank at an estimated cost of Rs. 160. It would appear that the shrotriemdar applied for an extension of time in view of the unfavourable season, which was not sanctioned. As the landholder did not appear to show cause why he should not carry out the work, the further notice provided for in section 7 of the Act is not required.* The work not having yet been carried out by the shrotriemdar, the Collector urges its immediate execution by the Public Works Department, sanction to which may be accorded.

28th October 1898. (Signed) W. HUGHES,
Chief Engineer for Irrigation.

Order—No. 858 I., dated 1st November 1898.

The shrotriemdar to whom the Uraganta tank in the village of Buja-Buja-Nellore, Nellore taluk, Nellore district, belongs having failed to carry out the repairs and improvements to the tank which affects the South Indian Railway, and to appear and show cause why he should not carry out the same although the Collector had given him due notice under section 5 of Act IV of 1886, His Excellency the Governor in Council is pleased to direct, under section 9 of the Act, that the work be carried out by Government, the expenditure incurred thereon being subsequently recovered from the shrotriemdar under the provisions of the Act.

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* *Vide* paragraph 6 of letter from the Government Solicitor, No. 482, dated 26th October 1898.

2. The Collector will take care that the procedure laid down in the Act is strictly followed before the execution of the work.

(True Extract.)

Under Secretary to Government,
Irrigation Branch.

To the Chief Engineer for Irrigation.
„ Superintending Engineer, II Circle.
„ Examiner, Public Works Accounts.
„ Revenue Department.

Exd. Shaik Karim.

Public Works (1898) Department.

CURRENT No. 8953
8232
7307

8589

Order

From
The Chief Engineer
for Irrigation

No. 279 I

Dated 28. 10. 98
Received
Registered } 28. 10. 98
Enclosures 1 file.
Spare copies

SUBJECT.

Shrotriem tank which affects the S. I. Ry. in the Nellore Dt. — Note recommending with remarks that sanction to the execution by the P. W. D. of repairs & improvements to — may be accorded

BACK PAPERS.

No.	Date.
3964C	10.9.98

FURTHER PAPERS.

No.	Date.

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

From Collector of Nellore	No. 3339 Ver	d/ 27. 8. 98
To do	" 3964C	d/ 10. 9. 98
From do	" 5769B Ver	d/ 30. 9. 98
To Govt Solicitor	" 3414	d/ 20. 10. 98
From do	" 482	d/ 26. 10. 98

Print

Quote

3 2

Print

No 2799 I d/ 28-10-98

Note by the Chief Engr for Irrigation.

The Collector of Nellore brings to notice that as the Uragunta tank in the shrotriem village of Buja Buja Nellore, Nellore taluq, affects the S. I. R. line from Renigunta to Nellore, a notice & statement under sections 4 & 5 of Madras Act No. IV of 1886 were served on the shrotriemdar

Issue SP

25.10.98 WH

2

concerned for the execution within the 31st March '98, of the repairs & improvements required to be carried out to the tank at an estimated cost of Rs 160. It would appear that the Shrotriemdar applied for an extension of time in view of the unfavourable season, which was not sanctioned. As the landholder did not appear to show cause why he should not carry out the work, the further notice provided for in section 7 of the Act is not required.+ The work not having yet been carried out by the Shrotriemdar, the Collector urges its immediate

+ vide para 6 of letter from the Govt Solicitor No. 482, d/ 26 Oct /98.

No: 858 I. of 1.11.98

[illegible]

6 P

execution by the P.W.D., sanction to which may be accorded.

Order thereon

The Shrotriemdar to whom the Uragunta tank in the village of Buja Buja Nellore, Nellore taluq, Nellore District, belongs, having failed to carry out the repairs & improvements to the tank which affects the S. I. R., & to appear & show cause why he should not carry out the same although the Collector had given him due notice under section 5 of Act IV of 1886, His Excellency the Governor in Council is pleased to direct, under section 9 of the Act, that the work be carried out by Govt, the expenditure incurred thereon being subsequently recovered from the shrotriemdar under the provisions of the Act.

2. The Collector will take care that the procedure laid down in the Act is strictly followed before the execution of the work.

28/10/98

W.H.
28-10-98

To
The Chief Engr for I.
Supdg Engr II
Ex. E. P.W.D.
Rev Dept.

14/11/98

E. I. Form No. 1 (a)—500—21-4-98.

lcc
28/10/98

Public Works (1898) Department.

CURRENT No. 458 M

From Govt Solicitor
Madras

Order

No. 482,

Dated 26 Oct 98
Received 27 -do-
Registered
Enclosures 5
Spare copies

SUBJECT.

Opinion under the Railway Protection Act — Gives his — as to the necessity of the 2nd notice required by Sec. 7 in the matter of the recovery of the cost of repairing the Shrotriem tank of Uragunta affecting the South Indian Railway from the Shrotriemdar

Papers
27/10

lcc
27/10/98

27/10

BACK PAPERS.

No.	Date.
D341m	20.10-98

FURTHER PAPERS.

No.	Date.

No. 482

Madras 26th October 1898.

CHIEF ENGINEER
FOR IRRIGATION
27 OCT. 1898
No. 458 M

From,

Ernest Barclay
Government Solicitor
MADRAS.

To,

The Chief Engineer for Irrigation
Madras.

Sir,

I. I beg to acknowledge receipt of your letter of the 20th instant No.34IM with its enclosures.

2. Section 4 of Madras Act IV of 1886 provides that, whenever it shall appear necessary to the Collector that measures should be taken in respect of any irrigation work for the protection of any Railway, he shall cause to be prepared the plans and estimates mentioned in the Section and shall also record a statement showing, with reasons, how far, in his opinion, the landholder in possession of &c is liable to contribute towards the expenses to be incurred in carrying out the said measures and shall cause copies of a vernacular translation of such statement to be fixed in some conspicuous place in the village to which the said works belong.

3. Section 5 provides that the Collector shall, upon the completion of the plans &c, send copies thereof to the landholder named in the statement, together with an order in writing requiring the landholder, within a reasonable time fixed in the notice, to carry out the measures specified in the plans and estimates or to appear before the Collector and show cause why he should not carry out the same.

4. In the case referred to in the correspondence forwarded with your letter under reply, it appears that the notice and statement required by Sections 4 and 5 were served on the landholder, the Shotriemdar, on the 4th December 1897, requiring him to execute the repairs estimated for by 31st March 1898. The Shotriemdar did not show cause against the Collector's order but, on the 17th February 1898, applied for an extension of time, which was refused.

5.

5. Section 7 of the Act provides that, if the order is not cancelled by the Collector (as provided in Section 6) he shall, by written notice, call upon the landholder to carry out, within a reasonable time, to be named in the notice, the measures specified in the order as originally issued or modified, as the case may be.

6. I am of opinion that the notice referred to in Section 7 is necessary only in cases where the landholder has appeared before the Collector to show cause against the original order on one or more of the grounds mentioned in Section 6, viz. that the landholder is not the landholder in possession of or having control over the works mentioned in the statement or that other measures than those proposed may be adopted or that he ought not to bear the whole or any part of the cost and that, where no such steps have been taken by the landholder, the notice provided for in Section 7 is not required. The landholder has already been required under Section 5, to, within a reasonable time, carry out the measures and the repetition in Section 7 of the words "within a reasonable time" shows that the provisions of Section 7 are not intended to apply to cases where no cause has been shown under Section 6.

7. I return the enclosures to your letter and

I have the honor to be

Sir

Your Obedient Servant

Ernest Barclay

Government Solicitor.

Public Works (1898) Department.

IRRIGATION BRANCH.

ISSUE No. 341 M.

To

The Govt Solicitor. Madras

(Reply to letter No. , dated)

Dated 20.10.98

Despatched 25.10.98

Enclosures * 4.

* Particulars of Enclosures.

SUBJECT.

Shorbrein Tank affecting S.I
Railway in Nellore District
Forwards Correspondence
relative to the repair of certain
— and requests to be informed
whether a second notice sh
not be served on the Shrotriemdar
in accordance with Section
7. of Madras Act No V of 1886

E. I. Form No 13—2,000—4-6-98.

BACK PAPERS.

No.	Date.
P.W.C 8232/98	

Sent to Government with No. I., dated 189 .

Printed with G.O., No. I., dated 189 .

REMINDERS ISSUED.

No. 1, dated 189 .

„ 2 „

„ 3 „

„ 4 „

„ 5 „

KEEP-WITHS.

FURTHER PAPERS.

No.	Date.
R 458 M	26-10-98

Enc: 4.

1. Letter from Collr of Nellore No. 3339/Ver of 1898, dt 27th Augt/98
2. Endorst thereon No. 3964 C dt 10th Septr/98
3. Letter from Collr. of Nellore, No. 596 G.B./Ver, dt 30th Septr 1898.
4. Madras Act IV of 1886

No. 341 M

To

The Govt Solicitor

Sir,

In forwarding the correspondence noted in the margin, I have the honour to request that you will be so good as to inform me with reference to para 2 of the Collector's letter, No. 596/Ver G.B., dt 30th Septr/98 ~~herewith sent~~ whether a second Notice should not be served on the Shrotriemdar in accordance with Section 7 of ~~the Railway~~ Madras Act No. IV of 1886 ~~Protection Act~~.

19/10/98

W.H. 20.10.98

LCB

18/10/98

Desp'd 25/10/98

Public Works (1898) Department.

CURRENT No. 8232

From

The Ag: Collector of Nellore

Order

Ref No. $\frac{596\ G.B}{Uer}$

Dated 30: September 1898

Received } 4. 10. 98
Registered }

Enclosures

Spare copies

SUBJECT.

Requesting to obtain copies of plans and estimates of Veeragunta tank, Nellore Taluk, from the Chief Engineer's office and enquiring if a second notice has to be issued.

Rk
To Secy Please put up also a Copy of the Raily Protection Act then current.
for disposal

MLS 5/10/98

[illegible] to [illegible] and 11/10/98

W.D.[illegible]

[illegible] to register with [illegible] 12/10/98

W office return papers

[illegible] 3/10/98

3764 C / 10/5

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.
I 341 M	20-10-98
R 458 M	26-10-98

NELLORE COLLECTOR'S OFFICE,
DATED 30th September 1898

Ref No. 596 G.B/ler

From E. Scott Esqr
Ag. Collector of Nellore.

To the Secretary to Government of Madras, P. W. D, Irrigation Branch.

Sir,

With reference to your endorsement no: 3964 C dated 10th Instant, I have the honour to state that the original estimate and plan were sent to the Shrotriemdar. No copies are available either in this office or in, that of the officer in charge of the Tank Restoration Party, and I therefore request that copies & maps be obtained from the Chief Engineer's office.

2. No second notice was issued under Sec: 7 of the Railway Protection Act as the land-holder did not appear to show cause why he should not carry out the work. I request that I may be informed if a 2nd notice is necessary in similar cases. Sec: 7 seems to apply only when an enquiry has been held under section 6.

I have the honour &c.,
Sir,
Your most obedient Servant

for Ag: Collector

1/30-9-98

Cue/30-9-98

30-9-98

CHIEF ENGINEER
FOR IRRIGATION.
27 OCT. 1898
No. 1/458 M

P.W. (1898) Department.

CURRENT No 7307

No: 3964C. d/10-9-98

From The Collector of Nellore.

No. 3339/Ver of 98

Dated 27-8-98

Received } 2-9-98
Registered }

Enclosures 2

Spare copies

SUBJECT.

Requesting to direct the immediate execution by the D.P.W. of the repairs to a Shrotriem tank which affects the South Indian Ry., as the Shrotriemdar has failed to do the same.

Endorsement.

The Collector of Nellore is requested to submit the plan & estimate for the work referred to & to report whether the second notice required under section 7 of the Act has been served on the Shrotriemdar. If no such notice has been served, he is requested to have it served now & to report the result in due course.

(Sd) J. C. L.
I

D 18/9/98

CHIEF ENGINEER
FOR IRRIGATION
27 OCT. 1898
No. 2/458 M

21/9/98

[P. W. 29 / 1,000—23-4-98.]

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

Statement prepared under Section 4 of the Railway Protection Act IV of 1886 Madras.

Description of the work affecting the Railway	Name of the Landholder	The proportion, if any, of the estimated expenditure which is to be borne by the Landholder	Remarks.
Vurimgunta Tank. Bhujabhuja Nellore Shrotriem. Nellore Taluk.	Shrotriemdars	The tank affects the South Indian Railway line from Nellore to Renigunta. Though the repairs to be executed are for the safety of the Railway, the Shrotriemdars to whom the tank belongs will be benifited by the repairs and they should therefore bear the whole cost.	

A. Y. G. Campbell
20/10/97

~~Deputy Collector~~ for Collector.

19.10.97.

19/10/97.

CHIEF ENGINEER FOR IRRIGATION.
27 OCT. 1898
No. 3/458 M

4-12-97

pd/ Uliya Thunnisa Begam

pd/ Mod Abdul Alam

Dws. 2
730/58

Notice

To

The Shrotriemdars of
Bhujabhuja Nellore.

Whereas it has been made to appear that Virunguntta tank in the shrotriem affects the South Indian Railway line running from Nellore & Renigunta you are hereby required under sec: 5 of the Railway protection Act to carry out repairs to the said tank according to the plans and estimates sent to you, within 31st March 1898, the repairs being necessary for the safety of the South Indian Railway or to appear before the Collector and show cause why you should not carry out the same.

A. W. Campbell
20/10/97
for Ag Collector.

Nellore Collector's Office,
Dated 15th October 1897.

19-10-97

Cопр
19-10-97

CHIEF ENG
FOR IRRIGATIO
27 OCT. 1898
No. 4/458M

[illegible] Enclosures received)

4-12-97

عطیۃ النسا بیگم Sd/ Atiyattunnisa Begam

Sd/ Md Abdul Allam

Ows: 1/7307(B)

No. 3339/Rev of 1898

Nellore Collector's office,
Dated 27th August 1898
Despd 31st August 1898

From
E. Scott Esquire,
Ag: Collector of Nellore,

To
The Secretary to Government,
Public Works Department,
Irrigation Branch, Madras,

Sir,

I have the honour to submit the following case for the orders of Government under Sec: 9 of the Railway protection act.

2. On the 12th October 1897, a plan and estimate for Rs 160 for repairing and improving the Uraguntа tank in the Shrotriem village of Buja Buja Nellore, Nellore Taluk, which affects the South Indian Railway line from Renigunta to Nellore was received from the Chief Engineer.

3. A notice and a statement under Sections 4 and 5 of the Railway Protection Act were therefore served on the shrotriemdar on the 4th December 1897 — to execute the repairs estimated for — the tank within the 31st March 1898

4. On the 17th February 1898, the shrotriemdar applied

applied for an extension of time in view of the unfavourable season but I declined to sanction his request. The Head Quarter Deputy Collector now reports that no repairs have been executed to the tank up to date though more than 4 months have passed from the date fixed for the Completion of the work.

5. I accordingly request that Government may be pleased to direct the immediate execution of the work by the D.P.W. The notice &c served on the party are enclosed.

I have the honour to be,
Sir,
Your most obedient Servant
Kuarsunkarom
For Ag: Collector

Cone
31-8-98

31-8-98

CHIEF E E
FOR IRR
27 OCT 1898
No. 5/14 58M