

P. W.
~~Memorandum~~ (1898) - Department.

G.O., No. 899 ✓

DATED 18 Mar '98

2/11/98

[Despatch Abstract.]

Polavaram Island Subhan Kurnut ^{Forwarded}

Directing the Chief Engineer
for Immigration to arrange for a competent
officer of the P.W.D. inspecting & reporting exactly
what benefit the Kesinakurra estate in the
Southern half of the Polavaram Island derives
from the bank along the Northern half of it; and
advising that ^{in the mean time} no further steps need be taken for the
recovery of the contribution referred to in No 684 of 1897.

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Government (1898) of Madras.
PUBLIC WORKS.

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NOVEMBER.

Directing the Chief Engineer for Irrigation to arrange for a competent officer of the Public Works Department inspecting and reporting exactly what benefit the Kesanakurru estate in the southern half of the Polaveram island derives from the bank along the northern half of it, and ordering that, in the meanwhile, no further steps need be taken for the recovery of the contribution referred to in G.O., No. 684 I., dated 7th September 1898.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

READ—the following paper :—

Petition from SRI BALUSU RAMALAKSHMAMMA Garu, the Guardian of the Minor Proprietor of the Kesanakurru Estate, Gódvári District, to the Joint Secretary to the Government of Madras, Public Works Department, Irrigation Branch, dated 14th October 1898.

Showeth—

1. That according to G.O., No. 684 I., dated 7th September 1898, communicated to the petitioner, it appears that the estate should, *as usual*, continue to contribute one-fifth of the estimated cost of all works in connection with the Polaveram island.

2. That the said order, when considered along with both the petition presented to the Collector by the petitioner and the report of the Superintending Engineer, I Circle, to the Chief Engineer for Irrigation, quoted in the abovesaid Government Order, is *ultra vires*.

3. That it does not appear that any weight was given and any discussion was made as regards the several points urged in her petition.

4. That, according to the plan herewith annexed, the portions belonging to the Government and those belonging to the Estate distinctly appear therein; again the portions belonging to the Government are situated in a low level and on the northern side of the embankment, while those belonging to the Estate are situated in a higher level and on the southern side. If any repairs become necessary, they should be, for the most part, only in connection with the northern side of the embankment; for only a rivulet passes along the southern side, while the big river is situated on the northern side, and being a tidal river, always cuts down the bund little by little both at the time of the freshes and at other times.

5. That it is quite unjust that the petitioner should be compelled to pay the cost of works executed for the benefit of the Government villages and not in the least useful to the Estate villages, and that denying her prayer is only denying her estate villages bordering on the embankment.

6. The petitioner further submits that she is quite willing to contribute the proportionate share of costs of works when executed in connection with her estate villages, in whatever manner that share might be fixed by the authorities.

7. Moreover, the G.O., No. 2840, dated 24th October 1876, does not at all indicate that the petitioner should ever afterwards continue to contribute the share whenever any works are executed from time to time; it does not at all refer to repairs and other things, and that only in connection with the construction of the embankment which appeared necessary for the preservation of both the Estate and the Government villages that the petitioner was ordered to pay one-fifth of the cost of works then executed; this Government Order does not go beyond the works then under operation.

8. That present order of Government is in contravention of the Government Order mentioned in paragraph 7 and is not in the least supported by it.

9. As regards the payments referred to in paragraph 6 of the report of the Superintending Engineer, I Circle, to the Chief Engineer for Irrigation quoted in G.O., No. 684 I. of 1898, the petitioner begs to submit that the item "Rs. 170" was only paid under protest, and that the other amount said to be previously paid was voluntarily given inasmuch as that amount formed the cost of repairs executed within the estate limits; and the words "as usual" mentioned in this Government Order are not supported by facts and cannot at all relate to these payments.

10. That the petitioner submits that, if the Government cannot dispose of this petition favourably to the petitioner on the facts alleged, the subordinate authorities may be ordered to appoint a competent Commissioner to inspect the locality in question and report on the matter and that, until final orders are passed on that report, the Collector may be instructed to stay away the execution of any process for the recovery of the amount in dispute.

11. Lastly, your humble petitioner begs to submit that, if on consideration of the abovesaid facts, the petitioner were not granted any relief, she would be put to the necessity of obtaining redress through civil courts.

ORDER—No. 899 I., dated 18th November 1898.

In modification of the order of Government published with Proceedings, No. 684 I., dated 7th September 1898, as the petitioner represents that the Kesanakurru estate should not be called on to contribute towards the cost of work done on the northern side of the island of Polaveram, His Excellency the Governor in Council directs that a competent officer of the Public Works Department should inspect and report exactly what benefit the estate in the southern half of the island derives from the bank along the northern half of it.

The Chief Engineer for Irrigation will arrange for this being done, and pending receipt of, and orders of Government on this report, no further steps need be taken for the recovery of the contribution referred to in the Order of Government, No. 684 I., dated 7th September 1898.

(True Extract.)

(Signed) W. HUGHES,
Joint Secy. to Government,
Irrigation Branch.

To the Chief Engineer for Irrigation.

- „ Superintending Engineer, I Circle.
- „ Examiner, Public Works Accounts.
- „ Guardian of the minor proprietor, Kesanakurru estate.
- „ Revenue Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

Read the following

*Petition from Sri Balasu Ramalakshmanma Jaru
Guardian of the minor properties of the Kesamakuru
State Godavari District*

No. 899 27/18. 11. 98.

*In modification of the
order of Government published
with Proceedings No 684 9
dated 7th Sept 1898, as
the petitioner represents
that the Kesamakuru estate
should not be called on
to contribute towards the
cost of work done on the
western side of the island
of Polavarum His Excellency
the Governor in Council
directs that a competent
officer of the P. W. D. should
inspect and report exactly
what benefit the estate
in the Southern half of the
island derives from the
bank along the Northern
half of it.*

*The Chief Engineer for Irrigation
will arrange for this being
done and sending receipt*

14. 11. 98. W.H.

of and orders of Government
in this report no further
steps need be taken for
the recovery of the contribution
referred to in the order
of Govt. No. 684 J dated
7th Sept. 1898—

W.H.
14/10/98

W.H.
14.10.98

To the Chief Engr. for Irrigation
" Supd. Engr. I Circle
" Examiner P.W. accounts
" Guardian of the minor properties Kesanakurru Estate.
" Revenue Department

Public Works (1898) Department.

CURRENT No. 8855

Order

From
Sri Balasa Ramalakshman
Garu, the Guardian of the minor
properties of the Kesanakurru
Estate, Godavari Dt.

No.

Dated 14th October 98

Received } 25th
Registered }

Enclosures 1 Map.

Spare copies

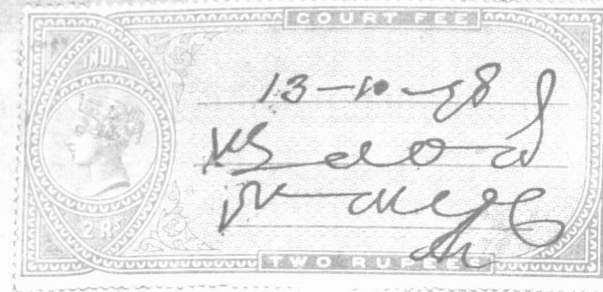
SUBJECT.

Stating that it is quite unfair
that he should be compelled
to pay the cost of works executed for
the benefit of the Govt. village
and not in the least useful
to the Estate village and
praying for relief.

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BACK PAPERS.

FURTHER PAPERS.



To

The Secretary to the Government

of Fort St. George,

Irrigation Branch, Madras.

The humble review petition presented by Sri Balusu Ramalakshamma Garu, the guardian of the minor proprietor of the Kesanakurru Estate Godavari District.

SHOWETH,

1. That according to G. O. 684 I dated 7th September 1894 communicated to the petitioner, it appears that the estate should *as usual* continue to contribute $\frac{1}{3}$ of the estimated cost of all works in connection with the Polavaram Island.
2. That the said order, when considered along with both the petition presented to the collect or by the petitioner and the report of the Superintending Engineer Ist Circle to the Chief Engineer for Irrigation quoted in the above said G. O. is *ultra vires*.
3. That it does not appear that any weight was given and any discussion was made as regards the several points urged in her petition.
4. That, according to the plan herewith annexed the portions belonging to the Government and those belonging to the Estate distinctly appear therein; again the portions belonging to the Government are situated in a low level and on the Northern side of the embankment, while those belonging to the Estate are situated in a higher level and on the Southern side. If any repairs become necessary, they should be, for the most part, only in connection with the Northern side of the embankment, for, only a rivulet passes along the Southern side, while the big river is situated on the Northern side and being a tidal river, always cuts down the bund little by little both at the time of the freshes and at other times.
5. That it is quite unjust that the petitioner should be compelled to pay the cost of works executed for the benefit of the Government Villages and not in the least useful to the Estate Villages and that denying her prayer is only denying her Estate Villages bordering on the embankment.
6. The petitioner further submits that she is quite willing to contribute the proportionate share of costs of works when executed in connection with her Estate Villages, in whatever manner that share might be fixed by the authorities.
7. Moreover, the G. O. 2840 dated 24th October 1876, does not at all indicate that the petitioner should ever afterwards continue to contribute the share whenever any works are executed from time to time; it does not at all refer to repairs and other things and that only in connection with the construction of the embankment which appeared necessary for the preservation of both the Estate and the Government Villages that the petitioner was ordered to pay $\frac{1}{3}$ of the cost of works then executed; this G. O. does not go beyond the works then under operation.

8. That present order of Government is in contravention of the G. O. mentioned in para 7 and is not in the least supported by it.

9. As regards the payments referred to in para 6 of the report of the Superintending Engineer 1st Circle to the Chief Engineer for Irrigation quoted in G. O. 684 I of 1898, the petitioner begs to submit that the item Rs '170' was only paid under protest and that the other amount said to be previously paid, was voluntarily given in as much as that amount formed the cost of repairs executed within the Estate limits and the words "as usual" mentioned in this G. O. are not supported by facts and cannot at all relate to these payments.

10. That the petitioner submits that if the Govt. cannot dispose of this petition favourably to the petitioner on the facts alleged, the subordinate authorities may be ordered to appoint a competent Commissioner to inspect the locality in question and report on the matter and that, until final orders are passed on that report, the Collector may be instructed to stay away the execution of any process for the recovery of the amount in dispute.

11. Lastly, your humble petitioner begs to submit that, if on consideration of the above said facts, the petitioner were not granted any relief, she would be put to the necessity of obtaining redress through Civil courts.

She begs to remain,
Most Honored Sir,
Your Honor's most obediently

Neelakanta Reddy

Guardian of the Minor proprietor of the Kesanakuru Estate.

14th October 1898.

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH,

Read the following:—

Palaveram Island Subbankment.
Req. payment of $\frac{1}{5}$ of the cost of
works required in connection
with the subbankment proposed
to be done there—

Petition from the guardian
of the minor properties of the
Kesanakurru Estate—
Godaveri District,

FOR ORDERS.

The petitioner appeals
against the decision com-
menced G.O. No. 684 of 1st
Sept 1898—

The particulars of the case
are given in the note for
orders accompanying the
Proceedings quoted above—
It was decided in the
proceedings that the estate
should continue to contribute
 $\frac{1}{5}$ of the cost of works required
in connection with the
Palaveram Island Subbankment.

The petition which is accompanied
by a plan argues that the
Kesanakurru Estate being
situated on the South side
of the island where the ground
is said to be high would
not be benefitted by work
done to the banks on the
North side of the island.

FOR ORDERS.

and apparently argues that a contribution could only be levied with justice for repairs required to the banks within the limits of the estate. The petitioner asks for the appointment of a competent Commissioner to inspect and report on the question and for an order to stay process of recovery pending the order being passed on the report. Lastly the petitioner threatens a civil suit failing redress being given —

It seems clear that the bank would be of no use to any party if the portion of bank on the North side of the island were not maintained. And that as far as the Kasaukama estate is interested at all in the upkeep of the flood bank as a whole it is interested in the upkeep of the northern portion of the bank. As regards the extent to which the estate is benefited by the bank it was reported in 1879, that had the work not been taken in hand the estate

FOR ORDERS.

P.M.S. N^o 544
dated 12 June 1879
Flag H —

Flag I.

would have become unremunerative to the Proprietor and been thrown on the hands of Government. The Sup^r & S^r has reported that the Collector is of opinion that the proprietors should pay the 4/6 contribution to the cost of the work now proposed to be done. and that

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Wt
3.11.98

We must be ready to submit in a Court of law what we now decide to do. I think therefore we should be as near as possible of the justice of our case, before going further. I would put some competent D.P.W. officer on to inspect and report exactly what benefit the estate in the northern half of the island derives from the Bank along the northern half of it.

A. H
8.11.98

FOR ORDERS.

LP