

G.O., No. 2930 ^W Marine

29315

DATED 4th Nov 1899.

[Despatch Abstract.]

Memorial. Ordered that the —
addressed to the Viceroy by Kommi
Chimpiri Nayadu of India in the
Mellor S^t. of this ~~Memorial~~, be forwarded
to the Govt of India —

Letter to the G.O. ~~Forwarded~~ forwarding memorial

85-2710
85-2711 [P. W. 4.
1,000-18-7-99.

4.68 acres of land at Gudur,
and these were acquired in *Vive Chandra's letter*
April 1893 under the Land *with R.O. 3027 W 28. 6. 97*

Acquisition Act 1870 for the
construction of a Head Assistant
Collector's office at that
station. The Petitioner claimed

compensation at Rs. 1210
an acre, while the award
of the Officer ^{deputed} appointed to take
over for the acquisition of the
land - arrived at on the

basis of seven times the
assessment - amounted to
Rs. 70-9-0 for the whole

piece. The matter was
referred to the District Court,
which, after a little less
than 3 years from date of
reference, decreed the pay-

ment of compensation
at Rs. 1000 an acre, or Rs.
5382-0-0 for the whole piece
of land.

3. His Excellency the Governor
in Council was advised that
his award was *not* bitant,
and an appeal was preferred.

Chandra's letter 28. 4. 98

R.O. 3257 W 13. 11. 96 - May I

** Vive Chandra Phadnis
letter, 28. 4. 98.
3027 W 28. 6. 97.*

*R.O. 1058 W 27. 4. 98.
28. 4. 98*

6/11/97

to the Madras High
Court against the award
with the result that it
was reduced to Rs. 250
plus the usual 15 percent
on that amount, allowed
under the Act.

4. Against the decision of
the High Court, this Govern-
ment was appealed to;
the petitioner was told
that the Government could
not interfere in the matter.

5. The present petition
is an appeal to the
Viceroys against this Govern-
ment's decision, and it
is forwarded. I am to
say that this Government
sees no reason to make
any recommendation in
petitioner's behalf.

I have, Sir,

*Hll 26/10/97
D W*

37W87-188.

12305

W

In the Court. Pleas
Heller pleases A. He
notes that the com-
mutation has been
been reduced from
Rs 5382 to Rs 250.

The Rs 287-8-
mentioned in the
Decree is Rs 250
plus the usual 15
percent over the
market value allowed
further Act -

The judgment
mentions Rs 250, plus
15 percent -

Proposed to
add at end of
the note as under
the draft order -
"plus the usual
15 percent allowed
further Act" -

Cu

15-12-47

Due

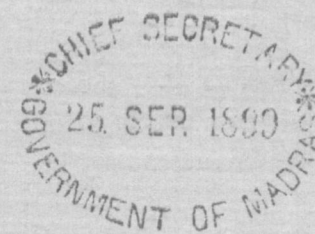
15-12-47

Through
The Governor-in-Council
Port St. George.

To

The Right Honorable

**GEORGE NATHANIEL,
BARON CURZON OF KEDLESTON,
VICEROY AND GOVERNOR-GENERAL
OF INDIA.**



*The humble memorial of Kommi Chimpiri Nayudu
Kamma and Cultivator, residing in the village of
Gudur, in the Gudur Taluk, in the District of
Nellore.*

SHOWETH,

Your humble memorialist was the owner of dryland to the extent of 4.68 acres, in Survey No. $\frac{1777}{C}$ of Gudur which was taken up from him by the Madras Government for the construction of the Head Assistant Collector's Office buildings, under the Land Acquisition Act of 1870.

2. The point your memorialist begs most submissively to bring to Your Excellency's benign consideration is the serious and merciless injustice which he has suffered at the hands of the High Court of Judicature at Madras.

3. At the time the land referred to was given up by the memorialist there was the prospect of S. I. Railway running close to it, and consequently the land rose in value as a specially-fit building-site; moreover the East Coast Railway was also to run near it and there was then every hope of Gudur being made a great Railway Junction which has since been verily realised.

4. The memorialist without any avarice demanded an equitable sum of Rs. 1250 per acre for his land whose area was 4.68 acres; but the referring officer was inclined to award a compensation of an extremely inadequate sum of Rs. 45-9-0 per acre plus Rs. 25 as the value of improvements, which was declined by the memorialist as unjust.

5. Then the Head Quarter Deputy Collector of Nellore, being unable to agree with the memorialist as to the matter of compensation referred the

same to the determination of the District Judge of Nellore, under Sec. 15 of the Land Acquisition Act.

6. The matter accordingly came on for hearing before the District Judge who after a protracted hearing gave Judgment in favour of your memorialist awarding as compensation Rs. 1000 per acre which amounted in all to Rs. 5382-0-0 for the whole land, inclusive of commission.

7. Dissatisfied with this Judgment the Referring Officer appealed to the High Court against the award of the District Judge.

8. The High Court without deeply considering the merits of the case reversed the Judgment of the Nellore District Judge and awarded as compensation only Rs. 287-8-0 without even allowing the memorialist the payment of the costs he has sustained in the suit which amounts to about Rs. 300.

9. If the Judgments of the District Court of Nellore and the High Court be taken up for comparison there is a total want of proportion.

10. Of the High Court the memorialist feels certain that they never took into their mind the serious blow given to justice and equity in making the memorialist eventually a positive loser both of his valuable lands and money in parting with his lands to Government.

11. One of the noblest of English Poets said "Laws grind the poor and rich men rule the law" and the latter part of the maxim has been verified in my case.

12. The memorialist should have without any hitch been entitled to a compensation of Rs. 5382-0-0 at least as per award of the District Judge of Nellore.

13. Whereas by the decision of the High Court, the memorialist was virtually deprived of the land without compensation as the so called compensation awarded by the Court merely covers the costs which he has suffered in maintaining against the appeal.

14. Your memorialist is advised that his case is really very strong for an appeal to the Privy Council but for the technical objection of the value of the suit being less than Rs. 10,000.

15. On no account should justice suffer on the plea of technical objection.

16. When your humble memorialist submitted a memorial to His Excellency the Governor of Madras requesting the Madras Government to pay heed to his claim, he simply received an endorsement to his effect that the Madras Government could not interfere in the matter (A copy of that memorial is herewith enclosed).

17. Under such circumstances your humble memorialist most submissively prays that this his Memorial may be read; and that Your Excellency will be pleased after a careful perusal of the foregoing facts to redress

the glaring injustice your Memorialist has sustained, and to extend to him equitable justice by awarding him at least Rs. 5,000.

And your Memorialist will ever pray.

Mark of Kommi Chimpiri Nayudu

I, Kommi Chimpiri Nayudu, the Memorialist named in the above Memorial declare the same to be true to my knowledge except as to the matter stated therein on information and belief; and as to those matters, I believe them to be true.

[Papers pertaining to the Subject of the memorial are herewith appended.]

Mark of Kommi Chimpiri Nayudu

I certify that the petitioner Kommi Chimpiri Nayudu attests his mark in my presence.

S. B. Anandam

21st September 1899 At Village muniyil

Q. S. R.

Through
The Governor-in-Council
Fort St. George.

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The Governor-in-Council
Fort St. George.

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