

Public Works (1899) Department.

G.O., No. 3219

DATED 4-4 1899.

[Despatch Abstract.]

Suits.

Confirming the action of the Board of Revenue in regard to the institution of appeals in the High Court against the decisions of the District Magistrate in each case about the alleged right of holders of ^{alluvial} ~~normal~~ wet lands in the ^{district} ~~district~~ to take water from a source other than that provided for the land; and stating that the results of the appeal should be reported in due course.

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BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1289	14-2-98					

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	5675	8-7-99					

Public Works

Revenue (1899) Department.

(Irrigation Branch)

CURRENT No. 2849

Very Urgent

Recd 27/4/89

From

The Board of Revenue
(Land Revenue)
Madras

No. 1137 Ins

Dated 12th April 1899.

Received 3-4-99

Registered 4-4-99

Enclosures 15 (18)

Spare copies

Appeal time expires 4 April 1899

N^o 32192 4. April 99.
Order

The action of the
Board of Rev^t is
confirmed.

2 The results of
the appeal suits should
be reported in due
course for the information
of Govt.

Issue

3 April 1899

W. H. Hughes

SUBJECT.

Requesting the Govt. Pleader to prefer
appeals to the High Court against the
decisions of the St. Judge of Godavari
in O.S. Nos 43, 44 & 45 of 1896 regarding the
alleged right of holders of certain mannil
wet lands in the Godavari delta to take
water from a source other than that
provided for the lands, approving with
certain modifications the draft
memorandum of appeal to be filed
in the cases and submitting a copy
of the Pleader Madras of the Progs to Govt. for confirmation
with the records of the case.

To the Chief Eng. for
Supt. Engr. of Circle
No. 1 of the Land Revenue
Govt. of Madras

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Land Revenue).

No. 1137 Misc., dated 1st April 1899.

Read letter from V.A. Brédie Esqr., Collector of Godavari, dated 17th February-1899, Ref: No. 254 / of 99, submitting papers relating to the suits filed by Dommeti Venkataraddi & Co and requesting the Board to instruct the Government Pleader to file an appeal. Also reference thereon dated 2nd March 1899, A.No. 32.

Also Memorandum from the Board of Revenue, Land Revenue, dated 21st March 1899.

Also letter from the ^{Collector of Godavari} ~~same officer~~, dated 16th March 1899, Ref: No. 254/Reve: of 1899, forwarding the original memorandum drawn up by the Pleader in Dommeti Venkata-reddi's suits,

Also reference thereon dated 24th March 1899, A.No. 72.

Also letter from the Government Pleader, Madras, dated 29th March 1899. No. 368, advising appeals against the Decrees and judgment in O.S. No. 43, 44, ^{and} 45 of 1898 on the file of the District Court of Godavari, enclosing draft appeal grounds.

Resolution.

The Government Pleader is requested to prefer appeals to the High Court against the decisions in O.S. Nos. 43, 44 and 45 of 1898 on the file of the District Judge of Godavari; and the draft ^{Memoranda} ~~memorandum~~ of appeal submitted by him are approved subject to the following slight modifications:-

(1) In para 5 of the memo of appeal relating to O.S. Nos 43 & 44, insert the words "as improved before the date of the decrees" between "Bodasakurru channel" and "is capable of irrigating".

(2)

(2) In para 9 of the same memo, for the words "attached to A" substitute
"attached to Exhibit A"

(3) In the ^{mem} of appeal relating to O.S. No. 45, for "grounds 1 to 9"
read "grounds 1 to 10"

(4) In para 11, for the words "5th issue" substitute "5th, 6th, 7th and
8th issues". It is presumed that the "6th and 7th issues" referred to
in para 12 of the District Court's judgment are a mistake for "7th and
8th issues".

2. The payment of Rs. 89-8-0 to the Government Pleader is sanctioned as
requested in para 16 of his letter read above.

3. With reference to the last sentence of para 36 of the District Court's
Judgment and para 12 of the memo of appeal relating to O.S. No. 45 and 46
of 1896, the attention of the Government Pleader is ^{drawn} to rules V &
VII of the Godavari and Kistna Delta water rate rules appended to para 2
of the Board's Standing Order No 4 and to the proviso to section 4 of Act
VII of 1885, from which it will be seen that marul wet lands are not exempt
from water rate in case the holders thereof irrigate the lands from a
source other than that provided for them.

4. A copy of these Proceedings and the records of the case will be submitted
to Government in the Public Works Department with reference to the corres-
pondence ending with its order No. 449 I dated 13th May 1897 with the request
that the action of the Board in authorizing the institution of appeals in
the High Court may be confirmed and that the records may be returned to
the Government Pleader direct.

(True Extract)

James Davidson

A:: Secretary.

the Secretary to Government P.W.D. with 5 letters and enclosures
in original to be returned and the records of the case.

"Government Pleader, Madras with the judgment and 3 decrees and copy of the local
Collector of Godavari
Accountant-General (para 2 only)
pleader's memo

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