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DEPARTMENT.

Press
Miscellaneous
Routine

No. *908*, dated *25/10/1899* 192

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	Department.	C. No.	Year.			
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Public Works (1899) Department.

G.O., No. *908* *9*DATED *25 Oct* 1899.

[Despatch Abstract.]

Land. Pres. Rev. Sept. agreeing with the views of the Bd of Rev in the matter of the acquisition of — residues for minor irrigation channels under the Sanjam Ancient System, Mellore D., commd to the officers concerned.

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31 Rev. in the matter of the acqui-
sition of land required for
minor irrigation channels
under the Sangam Anicut
system in the Kellore District.

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The Chief Eng for Immigration
 Coll. Sups Eng. II Circle
 11/10/1919 2 P.M.

2. 11. 1919

has given you notice that he would institute a civil suit against the Secretary of State, in as much as the land was in his enjoyment and he could do what he liked with it. If this ^{should} go to Court I am afraid it will be decided against Government and it will be widely known that a ryot is not bound to give water to his ~~own~~ neighbour through his land. Taking a strictly legal view of the case, a man cannot be compelled to allow a field channel through his land for his neighbour.

3. Before the question assumes a very serious aspect, I would recommend the following suggestions to you and if you agree with me, I request that you will forward it on to the Board of Revenue. Whenever a field channel is wanted for irrigation of a man's land, he should be asked to pay the compensation required for the land which should be acquired by Government for him and converted into poramboke. The ryot may then excavate the field channel through that land. Almost all the ryots in the Deltas are willing to pay ~~for~~ for the land thus acquired. This will, no doubt, involve a little extra work which is quite out of proportion to the advantages to be gained. I am afraid that, if the matter is not taken up at once and definitely settled, there will come a time when there will be a serious fall in the irrigation revenue.

4. In the case of existing irrigation, there may not be much difficulty, but it will be felt all the more in the case of new lands which have to be brought under cultivation. In the Sangar Delta we have still to bring under cultivation 10,000 acres and the question of field channels will be a serious obstacle in our way.

5. I therefore, request that you will have the question settled once for all at as early a date as possible.

I have &c.

(Sd.) A. A. Srinivasa Aiyangar,
Executive Engineer, Nellore Dvn.

(True Copy)

(Sd.) K. Narasimha Rao,
for Collector.

(True Copy)

(Sd.) C. Benson.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

the following
Read Proceedings of the Board of Revenue, Rev. Sett. No. 4173 His. dated 24th August 1899 on the following letter from the Collector of Nellore, No. 1387-R/Ver., dated 25th June 1899:-

In forwarding herewith a copy of the Executive Engineer's letter No. 550-M, dated 7th April 1899, I have the honour to request the Board's orders on the subject of providing field channels.

2. According to the custom of the country, it has always been usual for the ryots to arrange among themselves for their field channels without any interference on the part of Government. Of late, however, the matter has formed the subject of disputes and unless Government steps in, I fear there will be considerable loss of revenue, to say nothing of the inconvenience and loss likely to arise to the ryots themselves.

At the new Settlement certain percentage deductions have been made in the value of assessment to cover vicissitudes of season and unprofitable areas that may have been included in each individual field (vide para. 177 of the Settlement Report of this District) In the Settlement Diplot Register of each village the following remarks are entered:-

'It must be distinctly borne in mind that the deductions of 16 1/2 per cent for ^{dry} and 10 per cent for the 2nd class irrigation have been made from the gross produce on account of ^{un} favourable seasons and on account of any roads, channels, banks, paths &c., that may have been measured in with the cultivated area. The fact of the inclusion, therefore, of any Government poramboke in any survey field does not confer on the cultivator of that field the right of entering on such poramboke, or of in any way interfering with it, and any unauthorised en-

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encroachment on such porsamboke will be severely dealt with &c.

Field channels are of course included in the category of porsambokes above referred to and so far as the channels are indicated in the survey plans, as having been in existence at the time of survey, and for which the ryots have obtained a right of easement, there seems to be no difficulty. But there are cases not covered by the above provision. The Board is aware that after the completion of the Sangam Project large blocks of unoccupied areas have been brought under irrigation besides extensive plots of Tank-bed lands. In these cases it was not possible to locate the field channels beforehand, with the result that when they actually came to be made, objections were raised by the owners of fields through which they had to pass.

4. On this subject I made a reference to the Collector of Kistna to ascertain the practice existing in that district. A copy of the Kistna Collector's reply is enclosed from which it will be seen that the matter is left to the villagers to arrange among themselves. This course has been tried in this district but without success, as will be seen from the letter of the Executive Engineer. The Head Quarter Deputy Collector has also brought to notice the serious difficulties arising in this respect and has suggested that in all disputed cases, the area required for the field channel should be acquired at the cost of the ryots for whose benefit the channel is made and the Executive Engineer agrees with him.

5. The construction and regulation of field channels is one of the numerous matters affecting irrigation which call for early legislation, as already reported in my letter No. 1372/V dated 21st June 1899, but in the meanwhile, orders are requested as to how to deal with the cases referred to by the Executive Engineer.

Resolution.

The Collector's letter will be submitted for the consideration of the Government.

2. At the instance of the Executive Engineer, the Collector of Kistna brings to notice that great difficulties are felt in pro-

providing field channels under the Sangam Project owing to objections raised by the owners of patta land to allow the channels to pass through their land. He points out that where fields existed at the time of the Survey and Settlement and are marked on the village maps, there is no difficulty, as, in view of the deductions allowed at the Settlement, the pattadars cannot interfere with such channels but that the difficulties he refers to arise in other cases. He states that, of late, the matter has formed the subject of disputes and that unless Government steps in, there will be considerable loss of revenue. He has suggested legislation on the subject in connection with a report called for by the Board (Land Revenue) with reference to G.O. No. 443, dated 12th August 1899, but meanwhile, asks for orders as to what should be done in the cases referred to.

3. The Executive Engineer mentions a case in which a field channel was filled up by the pattadar, who, when asked to remove the obstruction, threatened to sue Government; and he considers that some definite principle should have been laid down before the question assumes a serious aspect. The Executive Engineer adds that about 10,000 acres of land have yet to be brought under irrigation under the project and that the question of field channels will be a serious obstacle. He accordingly proposes that land required for field channel should in all cases be acquired by Government (under the Land Acquisition Act) at the cost of the ryots whom the channel is to benefit, and that the land should then be made over to the ryots for digging the channel. He reports that almost all the ryots in the Delta are willing to pay for the land thus acquired. The Head Quarter Deputy Collector also makes a similar suggestion, but would apparently restrict the acquisition to disputed cases.

4. It will be seen from G.O. NO. 324, dated 21st January 99, that in respect of the Periyar Project in Madras Government has decided that where ryots cannot come to an agreement among them-

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themselves, land required for the smaller distributaries should be acquired on behalf of Government. The Board considers that the same course may be followed under the Sangan Project also. If the ryots however, are as is reported willing to pay for the land so acquired these payments may be accepted; but the Board considers that the ryots should be distinctly informed that they will not thereby acquire any proprietary right in the channels. The channels should be laid out by the Public Works Department, but should be excavated by the persons interested.

5. With reference to the Collector's remarks regarding field channels for which allowance has been made at Settlement, the Board doubts whether all such channels were shown on the village maps. The mere fact therefore, that a field channel is marked on village maps should not be taken as proof that none existed at the time of the Settlement. An independent enquiry should be made in each case if necessary. The Board also observes that even in the case of channels constructed subsequently through patta land of a person to irrigate the land, another the latter will have acquired against the former a right of easement to the continued existence of the channel if it has been existence for 20 years or more.

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Order thereon M.A. No. 3514, dated 2nd October 1899.

The Government agrees with the Board of Revenue that where distribution of water cannot be otherwise arranged the land required for minor channels must be acquired under Act I of 1894.

2. With reference to the remarks of the Board in para. 4 regarding payment of the cost by the ryots concerned, the Board's attention is drawn to the proviso in section 6(1) of the Act. In cases in which the Collector considers that the ryots to be benefited should contribute the cost of acquisition there is no objection to his demanding such contribution before he takes action to acquire the land. A part of

the cost must be borne by the public revenues in each case.
(True Extract)

J. Wilson
for Ag. Secretary to Government.

To

B-3
The Board Of Revenue (S.A.)

Public Works Department (I).

W.R.
6.10.99

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