

Public Works (1893) Department.

RAILWAY BRANCH.

G.O., No. 368. R

DATED 18th February

[Despatch Abstract.]

Nilgiri Railway — The action taken by the collector of Nilgiris for the assessment and payment of damages in acquiring lands for the —, approved, and the appointment of a temporary Railway Revenue Inspector on a salary of Rs 60 per mensem, sanctioned.

BACK PAPERS.

[illegible]

FURTHER PAPERS.

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

18TH FEBRUARY 1893, No. 368 R., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read the following papers :—

From the Collector of Nilgiris, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated Ootacamund, 19th January 1893,
No. 6 G.T.

I have the honour to report that all the private lands required for the Nsłgiri Railway between the Coonor bridge and the district boundary on the Mettupálaiyam side have been acquired and made over to the Company with the exception of that situated in the Barliyár estate for which, however, an offer has been made and accepted and which will be handed over on 20th instant. Portions of 14 properties have been acquired in all, and the annexed statement will show the names of such estates, the areas acquired, the claims made, the sums awarded, and the total rate per acre paid including allowances for severance, roads and crop statutory percentage and ordinary interest. The dates of payment of the awards are also entered.

2. For the first acquisition in the list, namely, Messrs. Stanes and Co.'s office premises, the first application as sent to the Collector included a narrow strip of land alongside the new Ghât road and this was acquired for the trifling sum of Rs. 54 and odd. Subsequently, however, the Railway Company desired that the remainder of the premises, including buildings valued at Rs. 8,000, might be acquired. But after receipt of my letter, No. 13 G.T., dated 26th January 1892, asking if the buildings were required, the Government disapproved of this costly acquisition as unnecessary for the immediate purpose of the railway — *vide* G.O., No. 503 R., dated 23rd February 1892, Public Works Department. The second acquisition, Cleveland, as a coffee estate is almost of a nominal value. It has not been really worked for years. The first acquisition in this estate was made by my predecessor, who also made an offer for the second acquisition therein which was completed by myself. The cost per acre was Rs. 311 and Rs. 307 respectively for either acquisition.

3. Next below Cleveland estate starting from Coonoor and marching towards Mettupálaiyam come the large estates of Glenmore and Runnymede, offers for which were made by my predecessor. After a long and exhaustive inquiry subsequently made by the District Court, in the course of which a great many gentlemen engaged in planting were examined as witnesses, it was found that the market value of these estates was Rs. 600 per acre including crop. The amount, however, of the Collector's offer had necessarily to be paid in regard to the first portion acquired in Glenmore, which cost to Government Rs. 880, and in Runnymede which cost the Government Rs. 1,058 per acre.

Subsequently to the award of the District Court, two more acquisitions were made in Glenmore estate by myself at Rs. 677 and Rs. 697 per acre. The evidence given before the District Court showed that these estates were by no means among the best in the district. Their value was largely overestimated and that their market

value was not nearly that offered by the Collector is obvious from the fact that such offer included the allowances in some cases of as much as Rs. 300 an acre for the crop on the trees, whereas the District Court found twice that sum to be the market value of the land *plus* crop to buy outright. The fact that so generous an offer was made in regard to these estates made settlement with the owners of three or four of the best estates on the hills situated lower down the ghât somewhat difficult. The owners naturally preferred to refer to the terms of the offers made for Runnymede and Glenmore rather than to the decision arrived at by the District Court as to what was in fact the market value of coffee estates.

4. In Lower Tiger Rock estate three acquisitions were made. The first was completed by my predecessor, and in regard to the second and third I paid the amounts offered by him and accepted by the owner. The cost per acre was Rs. 875, Rs. 1,020 and Rs. 475, respectively, for the first, second and third acquisitions in Lower Tiger Rock estate, the considerable differences being due to varying allowances for crop on the parts of the estate situated in Coonoor and Barliyar villages and to the lower market value awarded for the land and trees on the Barliyar side owing to the inferiority of the soil and neglected condition of the trees.

5. Up to this time the notifications received from Government had been accepted without criticism, but during my inspections of Glenmore and Runnymede estates which were made for the purpose of defending the Government interests in the references to the District Court made in regard to these estates and after inspection of the remainder of the line down to and beyond the Barliyar river, it appeared to me that considerable areas of temporary land had been taken up in valuable coffee estates, and on consulting the Engineer-in-Chief it appeared to be by no means certain that all this land would necessarily be wanted. It also appeared that it was impossible, owing to the physical configuration of the ground, for Engineers to predicate with any certainty what land would be required for spoil banks. Concerning this question, in which considerable pecuniary interests were involved, I addressed the late Consulting Engineer demi-officially and, after a conference between him and the Engineer-in-Chief and myself, proposals were submitted to Government, which resulted in the decision that in regard to spoil banks and damage done by flying boulders the Government would pay for actual damage done. Had lands been acquired according to the original notifications, 64.28 acres which were cut out of such notifications would have been acquired at a cost of Rs. 24,289, calculated upon the offers made and accepted for such areas of the like character as have actually been acquired. Of course actual damages remain to be paid, but I feel sure that a very large saving will be exhibited, and it is by no means certain that the damages originally notified been taken up. The temporary land for spoil banks ran horizontally alongside the narrow permanent way, and spoil would certainly have been projected far beyond such banks in vertical lines down through the estates. Mr. Weightman allowed that the lands notified would by no means have sufficed and might very probably, after having been acquired at very considerable cost, notably in Benhope and Barliyar, have proved useless. This fact and other circumstances were fully laid before the late Consulting Engineer in demi-official correspondence which has not been brought before Government.

6. To proceed down the ghât next to Lower Tiger Rock is the Meejee estate in which 8.67 acres were acquired for Rs. 575 per acre. A small portion of Mullanur (acres 1.43) which is in a high state of cultivation cost as much as Rs. 813 per acre, and from this point onwards to the end of the line the question of severance became one for anxious consideration. The Land Acquisition Act provides for compensation being paid for "the damage, if any, sustained by the person interested at the time of awarding compensation by reason of severing such land from his other land," section 24, clause 2, and for "the damage, if any, sustained by the person interested . . . by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner or his earnings," section 24, clause 3. Up to this point the railway had run along the extremities of the estates near the river and land was in such cases as a rule taken

up right down to the river, so that the question either did not arise at all or when it did was of small moment; but from Mullanur down to the end of the Barliyar estate, a distance of about $4\frac{1}{2}$ miles, the line passes for the most part through the middle of several of the most valuable and most highly cultivated estates on the hills, not only making necessary deep cuttings across which access satisfactory to owners can hardly be provided by the Company for the passage of coolies, transport of manure, &c., but also dividing each estate into two nearly equal portions and severing that portion above the line from the offices, the pulping houses, and the base from which labour proceeds upwards and manure is carried. Thus it will be seen that not only were the estates to be dealt with below Meejee far more valuable than those above it, but they are also far more injuriously affected owing to this section of the railway running on a steep slope in continual cuttings which entails damage from spoil and boulders to the portion lying below as well as damage by severance to that lying above the line. The 8th estate to be dealt with was that of a Badaga not very highly cultivated, for which Rs. 288 per acre were paid. The 9th also belongs to Badagas and ran to Rs. 335 per acre only because certain buildings upon it are situated on the line and had to be acquired. Upwards of 10 acres in Hill Grove were acquired at Rs. 316 per acre owing to the circumstance that the line fortunately passes nearly alongside the lower boundary of this valuable estate. In the 11th acquisition 3 acres of uncultivated land belonging to Irulers were acquired for a nominal sum, and the 13th acquisition, Kurambadi, cost no more than Rs. 305 an acre. It is a poorly cultivated estate, but considerable damage will unavoidably be done in the course of construction, for the land is as precipitous as it can well be and spoil will fail at least as far as the Ghât road.

7. There remain the 12th and 14th acquisitions, Benhope and Barliyar. These are extremely valuable estates and it was chiefly on account of the large area (acres 4.88 and 42.62) of temporary land within their boundary which had been provided in the original notifications that I urged upon the Consulting Engineer the necessity for making reductions. The evidence given before me at the inquiry went to show that these are among the very best estates on the hills and unfortunately they are so situated upon steep slopes, with the railway passing in each case through the middle of the estate, that, as explained above, I fear that not inconsiderable further damage will be done to them. In Benhope a sum of Rs. 530 for severance and of Rs. 1,423 for damage done to the zigzags of the elaborate revetted cart road raises the rate per acre for the acquisition of 2.3 acres to Rs. 1,866. The market value awarded by me per acre was Rs. 880 for land including crop. All my offers were made without any special allowance for crop. Crop is or should be an incident of a coffee estate and without crop its market value would be very small and it is by taking into consideration what the average crop is that a market value is struck. The District Court made no allowance for crop, but calculated the market value by estimating the value of the crop annually produced and of the land as improved by capital expenditure. The Barliyar estate is divided in to two portions. That on the Coonoor side of the river approximates in value to Benhope, while that on the Mettupalaiyam side is far inferior. The acquisition in this estate, which even now comes to 14.23 acres as against 65.42 acres originally notified, amounts in all, chiefly owing to the comparatively large sums paid for severance, to Rs. 895 per acre. The railway divides the greater portion of this estate from its base, from its offices and from its labour and manure supply and affects its working very considerably. Owing to the error made at the office of the Engineer-in-Chief of the Railway in plotting the revenue fields, it became necessary to make a reference to Government, but the owners of the lands to be acquired having agreed not to take any exception to the error of description in the second notification, a fresh notification was pronounced unnecessary on reference to Government. All errors having been finally rectified and correct plans having been received from the Survey Department, the payment of compensation has been fixed for the 20th instant, the amounts being calculated and the figures placed in the hands of the Acting Collector.

8. The settlement of these 14 acquisitions has been an anxious and troublesome task. The total cost to Government, including the statutory compensation of 15 per cent. and interest, amounts to Rs. 37,054 as against Rs. 2,38,454 claimed.

If the cost of acquiring the land for Coonoor station prove to be within my estimate, the total cost will be Rs. 4,404 as against Rs. 13,323 claimed, sums which must be added to the totals just given.

9. It was necessary for me to make a very careful study of coffee planting on the Nilgiris generally as well as repeated inspections of the lands to be acquired. A laborious search was also made of the records of the Registration Department to see at what prices coffee estates had actually changed hands upon the hills, by which statistics I have been to a great extent guided in making offers. In these inquiries and in the conduct of the reference cases in the District Court, which, as the Board has observed terminated satisfactorily, I have been greatly helped by the Sheristadar M.R.Ry. S. Ramasawmi Iyer Avergal, who possesses long experience of the district and has spared no pains in making inquiries and searches. Messrs Hodgson and Windle, gentlemen who assisted me by leave of Government, also gave valuable and independent evidence which has been of very material help and underwent very considerable fatigue in making inspections with me upon precipitous and rocky slopes. Complaints have naturally been made concerning my offers. Their fairness is best proved by the fact that they have been accepted in every case by experienced and intelligent owners represented and unrepresented by counsel, and since I have been repeatedly attacked in the Press for driving the hardest possible bargains, it is very satisfactory to find that the Planters' Association has recorded "an expression of its confidence in the present administration of the district" and has thanked me for the assistance I have been able to give it. I need hardly point out that the settlements effected will doubtless form the basis for the payment of damages outside the lands acquired in each particular estate and probably of the settlement of compensation for future railway extensions in the district. The subject is therefore one of very considerable importance, and I hope Government will be of opinion that it has been satisfactorily treated without any special assistance. As I have had no officer at head-quarters during my frequent visits to Coonoor, journeys down the ghât, and as it is impossible under existing circumstances to be absent for more than 2 or 3 days at a time from Ootacamund, the disposal of this business, in addition to the ordinary work of the district, has not been effected without an effort.

I have throughout received every possible assistance from the Agent and Secretary of the Nilgiri Railway Mr. P. Woolley, while Mr. Weightman, the Engineer-in-Chief, exhibits in himself, and has infused into his subordinates, an admissible spirit of tactful conciliation. In an unofficial memorandum already laid before Government, I recommended the appointment of a Special Revenue Inspector on Rs. 60 to inspect the damages done outside acquisitions. I append to this letter copies of my orders, dated 30th August 1892 and 14th October 1892, from which it will be seen that a register of such damages is being maintained and that I have made several inspections of such damages. I think, however, that the appointment of the Revenue Inspector as soon as work is commenced in Barliyar estate, that is to say immediately, would result in a saving in the end to Government which should have some evidence recorded, if possible, from day to day to meet the records of owners whose claims may be very large. Already many difficulties have arisen connected with damages to trees, roads and water-courses which we have been able fortunately to settle amicably and without references to Government or to the courts, but the work is being carried on under unusual difficulties, and on the whole I would recommend the temporary appointment of the Railway Revenue Inspector whose salary, I think, will be saved over and over again. I feel also that the officer who acts for me cannot immediately acquire a knowledge of the locality and of the conditions, which I have only got by repeated inspections extending over 13 months.

ENCLOSURE.

STATEMENT showing the acquisition of lands for the Nilgiri Railway from the commencement to 16th January 1893.

Estates.	Area.	Claim total	Market value.	Severance.	Roads.	Blue gum trees.	Coffee crop.	Buildings.	15 per cent. addition on market value.	Interest at 6 per cent.	Total.	Rate per acre.	Remarks.
1. Stanes & Co.'s office.	ACS CTS.	Rs.	Rs. A. P.	Rs. A. P.	Rs.	Rs.	Rs. A. P.	Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Paid on 6th Oct. 1892.
2. Cleveland—	0 6	230	45 0 0	..	..	..	..	..	6 12 0	2 9 8	54 5 8	905 14 5	" 25th March "
1st acquisition ..	5 43	15,600	1,357 8 0	..	..	100	..	..	203 10 0	30 11 9	1,691 13 9	311 9 3	" 10th June "
2nd do. ..	4 90	2,859	1,325 0 0	..	..	100	..	..	183 12 0	..	1,508 12 0	307 14 6	" 31st Oct. "
3. Glenmore—	16 70	45,330	10,020 0 0	277 0 0	..	..	2,171 0 0	..	1,503 0 0	726 9 0	14,697 9 0	880 1 4	The total includes Rs. 406-1-7; costs paid 13th and 31st October 1892.
1st acquisition ..	2 73	1,851	1,363 0 0	..	..	..	283 6 5	..	204 7 2	..	1,850 13 7	677 15 6	Paid on 10th June 1892.
2nd do. ..	0 73	599	438 0 0	..	..	..	..	..	65 11 2	..	508 14 5	697 2 0	" 31st Oct. "
3rd do. ..	11 29	43,898	7,628 8 0	..	..	..	2,698 11 2	..	1,144 4 5	563 1 6	11,954 9 1	1,058 13 10	The total includes Rs. 454-2-3; costs paid 6th and 31st October 1892.
4. Runnymede	14 22	39,841	7,541 0 0	..	..	..	3,551 9 7	..	1,191 2 5	226 2 2	12,449 14 2	875 8 4	Paid on 25th March 1892.
1st acquisition ..	8 55	8,729	5,360 0 0	..	..	..	2,564 14 5	..	804 0 0	..	8,728 14 5	1,020 14 9	" 25th "
2nd do. ..	5 24	2,459	1,572 0 0	..	..	..	381 3 2	..	235 12 10	..	2,489 0 0	475 0 0	" 28th "
5. Meejee estate—	8 16	12,002	4,080 0 0	..	..	..	..	..	612 0 0	9 3 8	4,701 3 8	576 2 1	Paid on 27th Aug. 1892.
1st acquisition ..	0 51	263	255 0 0	..	..	..	..	..	38 4 0	..	293 4 0	575 0 0	" 24th "
2nd do. ..	1 43	1,856	1,001 0 0	..	..	..	..	..	150 2 5	12 10 4	1,163 12 9	813 13 6	" 31st Oct. "
7. Mullapur	2 21	2,110	552 8 0	..	..	..	..	..	82 14 0	8 0 4	638 6 4	288 13 10	" 27th Aug. "
8. Naraja Jogi	6 32	7,791	1,422 0 0	..	..	..	..	..	213 4 10	..	2,435 4 10	335 5 3	Under reference to District Court under section 14.
9. Kodamalai Bada-	10 12	8,694	2,530 0 0	250 0 0	..	..	..	..	379 8 0	40 14 8	3,200 6 8	316 3 11	Paid on 14th Dec. 1892.
gas.	3 23	57	48 7 2	..	..	..	..	..	0 14 3	0 14 6	66 9 11	17 8 5	" 1st Nov. "
10. Hill Grove	2 36	8,408	2,076 12 10	630 8 9	1,428	..	..	..	311 8 4	67 13 10	4,404 11 9	1,866 6 7	" 12th Jan. 1893.
11. Irula land	4 84	6,714	1,016 6 5	300 0 0	..	..	..	..	152 7 4	8 6 10	1,477 4 7	305 3 7	" 2nd Dec. 1892.
12. Benhope	14 23	35,703	5,601 0 1	6,108 2 0	200	..	..	..	840 2 4	..	12,749 4 5	895 15 1	To be paid on the 20th Jan. 1893.
13. Kurumbady	123 26	2,38,454	55,133 2 6	7,465 10 10	1,628	200	11,850 12 9	800	8,269 15 6	1,707 5 6	87,054 15 0	706 4 3	
14. Barliyar													
Total ..													

• Area subject to revision on receipt of final plans from the Survey Department.

Memo. No. 2279 G.

In enclosing an extract from a letter, dated 25th instant, from Belli of Kodamulai village complaining that a lot of coffee trees in full bearing have been damaged by the rolling down of stones, the Deputy Tahsildar of Coonoor is directed to have the locality inspected by the Revenue Inspector in company of the petitioner and the nature and extent of damage fully reported on at a very early date. If the Revenue Inspector cannot be deputed, the Deputy Tahsildar should himself attend to this work.

2. A kyfiet should be taken from petitioner as to the nature of the damage and how much money compensation he claims therefor.

3. The report of the Deputy Tahsildar or Revenue Inspector should be made in a tabular form with the following headings:—

- (1) Name of claimant and his title.
- (2) Date of claim
- (3) Settlement number and name of estate on which damage is alleged.
- (4) Description of each damage.
- (5) Amount claimed.
- (6) Full and concise report explaining how and what damage was caused and its money value.

4. It should be particularly noted whether the damage, if any, was caused by the blasted rocks flying about or by the intentional rolling down of stones by the railway work people.

OOTACAMUND,
30th August 1892.

(Signed) J. D. REES,
Collector.

Memo. No. 2801 G.

The Collector has inspected lands covered by earth of spoil banks in Glenmore and Hill Grove estates. It will be necessary for a record to be maintained of the condition of all lands covered by spoil. In Hill Grove the lands so covered at present may be safely taken to be of the same character and quality and to be covered with the same character and quality of crop as that taken up for the railway. The same remarks apply to the land covered in Glenmore. The owners in each case have been advised to keep a record of the condition of the land covered and of the damage done as it proceeds. The Collector will from time to time inspect and note, but it will be necessary for the Revenue Inspectors and the Deputy Tahsildar also to take notes from time to time to supplement the Collector's inspections which can necessarily only be occasional.

2. The most convenient plan would be for the Revenue Inspectors to give a day or two to the work in every month and the result of their inspections must be noted in the register to be maintained in the Deputy Tahsildar's office, which register will be produced as importance evidence at the inquiry to be finally made when work at each point has been finished and the Collector proceeds to assess the actual damage done.

3. The results of the Collector's inspections above noted to be entered in the Deputy Tahsildar's register. Further information as regards Hill Grove will be found noted on the map of the railway acquisition.

OOTACAMUND,
14th October 1892.

(Signed) J. D. REES,
Collector.

Telegram to the Collector of Nilgiris, dated 2nd February 1893, No. B. 43.

ORDER—dated 18th February 1893, No. 368 R., Public Works.

The Government approves of the action taken by the Collector of Nilgiris for the assessment and payment of damages in acquiring lands for the Nilgiri Railway and sanctions the appointment of a temporary Railway Revenue Inspector on a salary of Rs. 60 per mensem.

(True Extract.)

Major, R.E.,
Offg. Under-Secy. to Govt., P.W.D.,
Railway Branch.

To the Consulting Engineer for Railways.
„ Revenue Department.
„ Collector of Nilgiris.
„ Examiner, Guaranteed Railway Accounts.
„ Examiner, Public Works Accounts.

Exd. C. A. Munisawmy.

Spare Copies

RAILWAY.

Govt. of {1893} Madras.
PUBLIC WORKS.

Dated February, 18th.

Recd.

Encl.

G.O., 18th Feb. 1893, No.368 R.

FEBRUARY.

Nilgiri Railway

The action taken by the Collector of Nilgiris for the assessment and payment of damages in acquiring lands for the —, approved, and the appointment of a temporary Railway Revenue Inspector on a salary of Rs. 60 per mensem, sanctioned.

S.R.

I have brought down three papers so that you may see they are all clear. I think they are.

1. The S.O. is pressed & m/s copies of the orders (only) shd. be sent not more & S.O. & L. so that they may proceed on the new plan & schedules. K. will submit cancelling notice at same time as revised one. There are some S.O. papers at ~~the~~ about this.

2. U. James letter to the train-^{insp} - firmed & K. for ^{ref} ~~U. James~~ with ref. to the S.O. now issued.

3. U. James & Co. letter to the train-^{insp} firmed & K. & when his instructions on the points dealt with therein have recently been issued -

4. G. D. O. & Co sent to
K. in sense of H. M. S
into on his memorandum.

hl

13/8

15-8-92

Dear Mr. Rees,

Col Coaker handed me
over the Nilgiri land papers.
today & according to instructions
I send you d-o. a copy of Sir
H. E. Stokes notes on your memo
and on Col Coakers "For orders"
memo on your proposals. The
d-o is being sent in manuscript
at first. I have asked the
Nilgiri Company to show survey
fields as they have done before
but as you know (if you look
at the standing orders of the
Board) it really is the Collectors
and not the Engineer's work.
But I hope they will do what
you want

Yours sincerely

Sgt. H. V. Constable
Major R. B.
Bylonghurst

I expect to be in Coth
on Friday pending the
appointment of some one
to take permanent charge
during Col Coakers absence.
So kindly address correspondence
to Coth as before

To J. B. Rees Esq. Sgt. H. V. C.
K. Nilgiris
Cothacannu

from the Commitment to 16th January 1893

Building	15 percent addition on market value	Interest at 6 per cent	Total	Rate per cent	Remarks
u u u 6 12 0 2 9 8 57 5 8	905	14 5	Paid on 6 th October 1892		
u u u 203 10 0 30 11 9 1691 13 9	311	9 3	Paid on 26 th March 1892		
u u u 183 12 0 u u u 1508 12 0	307	14 6	Do - 10 th June 1892		
u u u 1503 u u 726 9 0 14697 9 0	880	1 4	The total includes Rs 400-17 Cents paid 13 th 11 th October 1892		
u u u 284 7 2 u u u 1850 13 7	677	15 6	Paid on 10 th June 1892		
u u u 65 11 2 5 3 3 508 14 5	697	2 0	Paid on 31 st October 1892		
u u u 1144 4 5 583 1 6 11954 9 1	1058	13 18	The total includes Rs 454-23 Cents paid 6 th 13 th 11 th October 1892		
u u u 113 12 5 226 2 2 12449 14 2	875	8 4	Paid on 25 th March 1892		
u u u 4804 u u u 8728 14 5	1020	14 9	Do - Do -		
u u u 235 12 10 u u u 2489 u u	475	u u	Do - on 28 th March 1892		
u u u 6 12 u u 9 3 8 4701 3 8	576	2 1	Paid on 27 th August 1892		
u u u 38 4 0 u u u 293 4 0	575	u u	Do - 24 th Do -		
u u u 150 2 5 12 10 4 1163 12 9	813	13 6	Do - 31 st October 1892		
u u u 82 14 0 3 0 4 638 6 4	288	13 10	Do - 27 th August 1892		
800 u u 213 4 10 u u u 2435 4 10	385	5 3	Under reference to the Committee's order. 14		
u u u 379 8 0 40 14 8 3200 6 8	316	3 11	Paid on 14 th December 1892		
u u u 7 4 3 0 14 6 56 9 11	17	8 5	Do - 13 th November 1892		
u u u 311 8 4 57 13 10 4404 11 9	1866	6 7	Do - 12 th January 1893		
u u u 152 7 4 8 6 10 1477 4 7	305	3 7	Do - 2 nd December 1892		
u u u 840 2 4 u u u 12749 4 5	895	15 1	Do - paid on the 20 th January 1893		
800 u u 8269 15 6 1707 5 6	87054	15 0	706 4 3		

Final plans from

James
Cotton

Statement Showing the Acquisition of lands for the Nilgiri Rail

[illegible]

Milgrin collector's office (a) Area Subject to revision on receipt of
Columbus January 1893 the Survey department.

368/2

On 2.3/56/53

No 22796. Cochin 30. August 1892.

Memo. In inclosing an extract from a letter dated 25th instant from Pelli of Kodamulai Village complaining that a lot of Coffee trees in full bearing - have been damaged by the rolling down of stones, the Deputy Tahsildar officiating is directed to have the locality inspected by the Revenue Inspector in company of the Petitioner and the nature & extent of damage fully reported on, at a very ^{early} date, if the Revenue Inspector cannot be deputed the Deputy Tahsildar should himself attend to this work.

2. A Kyfiat should be taken from Petitioner as to the nature of the damage & how much money compensation he claims therefor.

3. The report of the Deputy Tahsildar or Revenue Inspector should be made in a ^{tabular} form with the following headings:

- (1) Name of Claimant & his title
- (2) Date of claim.
- (3) Settlement No & name of estate on which damage is alleged.

(4) Description of each damage.

(5) Amount claimed.

(6) Full and Concise report explaining how & what damage was caused & its money value.

4. It should be particularly noted whether the damage if any was caused by the blasted rocks flying about or by the intentional pulling down of stones by the Railway work people.

(Ed) J. D. Rees
Collector

(True Copy)

Exd.
WKK

J. D. Rees
Collector

on 5/12/53

No 2804.

Cashamund

14th October 1892

Memorandum

The Collector has inspected lands covered by earth of spoil banks in Glenmore and Hill Grove Estates. It will be necessary for a record to be maintained of the condition of all lands covered by spoil. In Hill Grove, the lands so covered at present may be safely taken to be of the same character and quality and to be covered with the same character and quality of crop as that taken up for the Railway. The same remarks apply to the land covered in Glenmore. The owners in each case have been advised to keep a record of the condition of the land covered and of the damage done as it proceeds. The collector will from time to time inspect and note, but it will be necessary for the Revenue Inspectors and the Deputy Tahsildar also to take notes from time to time to supplement the

Collector's inspections which can necessarily only be occasional.

2. The most convenient plan would be for the Revenue Inspectors to give a day or two to the work in every month and the result of their inspections must be noted in the Register to be maintained in the Deputy Tahsildar's Office which Register will be produced as importance evidence at the enquiry to be finally made when work at each point has been finished and the collector proceeds to assess the actual damage done.

3. The results of the Collector's inspections above noted to be entered in the Deputy Tahsildar's register. Further information as regards Mill Grove will be found noted on the map of the Railway Acquisition.

SW/S. 26/93 (True Copy) (Sd) J. Dees
Collector

J. Dees
Collector

C.S. 2

Melgiri Collector's Office
Coimbatore 18 January 1893

From J. D. Dees Esquire, C. I. C.
Collector of Melgiri
To The Joint Secretary
to Government P.W.D.
Railway Branch
Madras

Sir,
I have the honor to report that all the private lands required for the Melgiri Railway between the Gonon Bridge & the District Boundary on the Metapollum side have been acquired and made over to the Company with the exception of that situated in the Barlijan Estate for which however an offer has been made and accepted ^{which will be handed over on 20th inst}. Portions of 14 properties have been acquired in all and the annexed statement will show the names of such Estates, the areas acquired, the claims made, the sums awarded and the total rate per acre paid including allowances for severance, roads and Crop Statutory percentage & ordinary interest. The dates of payment of the awards

are also entered.

2. For the first acquisition on the list namely, Messrs Stanes & Co's Office & premises, the first application as sent to the Collector included a narrow strip of land alongside of the new Lohat Road & this was acquired for the trifling sum of Rs 54 & odd. Subsequently however the Railway Company desired that the remainder of the premises including buildings valued at Rs 8000 might be acquired. But after receipt of my letter No 1366 dated 26th January 1892 asking if the buildings were required the Government disapproved of this compulsory acquisition as unnecessary for the immediate purpose of the Railway vide Government Order No 5032 dated 28th February 1892 P. W. D.
3. The second acquisition Cleveland as a coffee Estate is almost of a

A

a nominal value. It has not been really worked for years. The first acquisition in this Estate was made by my predecessor who also made an offer for the second acquisition therein which was completed by myself. The cost per acre was Rs 3114 & 307 respectively for either acquisition.

3. Next below Cleveland Estate - starting from Koonorams marching towards Metabolliam. Come the large Estates of Glenmore & Rumynede offers for which were made by my predecessor. After a long & exhaustive enquiry subsequently made by the District Court in the course of which a great many gentlemen engaged in planting were examined as witnesses it was found that the market value of these Estates was Rs 600 per acre including crop. The amount however, of the Collector's offer had necessarily to be paid in regard to the first portion

acquired in Glenmore, which
cost to Government \$880, and in
Cumynede which cost the Government
\$1058 per acre.

Subsequently to the award of the
District Court two more acquisitions
were made in Glenmore Estate by
myself at \$677 + \$697 per acre
the evidence given before the District
Court showed that these Estates
were by no means among the best
in the District. Their value was
largely overestimated, and that
their market value was not
nearly that offered by the
Collector is obvious from the fact
that such offer included the
allowances in some cases of
as much as \$200 an acre
for the crop on the trees, whereas
the District Court found twice
that sum to be the market value
of the land plus crop to buy

3 Rec
outright. The fact that so generous
an offer was made in regard to these
Estates made settlement with the owners
of 3 or 4 of the best Estates on the Hills
situated lower down the le haut
somewhat difficult. The owners
naturally preferred to refer to the
terms of the offers made for Cumynede
and Glenmore rather than to the
decision arrived at by the District
Court as to what was in fact the
market value of Coffee Estates.
4. In Lower Tiger Rock Estate
three acquisitions were made - the
first was completed by my predecessor
and in regard to the second + third
I paid the amounts offered by him
& accepted by the owner. The cost per
acre was \$875, \$1020 + \$475
respectively for the first second
& third acquisitions in Lower
Tiger Rock Estate. the Considerable

differences being due to varying allowances for crop on the parts of the Estate situated in boonoo and Barliyar villages and to the ^{lower} market value awarded for the land & trees on the Barliyar side owing to the inferiority of the soil & neglected condition of the trees.

5. Up to this time the Notifications received from Government had been accepted without criticism but during my inspections of Blommore and Rummymede Estates which were made for the purpose of defending the Government interests in the References to the District Court made in regard to these Estates and after inspection of the remainder of the line down to & beyond the Barliyar river it appeared to me that considerable areas of temporary ^{perhaps unnecessary} land had been taken up in valuable Coffee Estates

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D

and on Consulting the Engineer in Chief it appeared to be by no means certain that all this land would necessarily be wanted. It also appeared that it was impossible owing to the physical configuration of the ground for Engineers to predicate with any certainty what land would be required for spoil banks. Concerning this question in which considerable pecuniary interests were involved I addressed the late Consulting Engineer demi-officially and after a Conference between him and the Engineer-in-Chief and myself proposals were submitted to Government which resulted in the decision that in regard to spoil banks and damage done by flying boulders the Government would pay for actual damage done. Had lands been required according to the original

Notifications 64.28 acres which were
- cut out of such notifications -
would have been acquired at a
cost of Rs 24289. Calculated upon
the offers made and accepted for
such areas of the like character
as have actually been acquired.
- Of course actual damages remain
to be paid but I feel sure that
a very large saving will be
exhibited and it is by no means
certain that the damages to have
been paid would not have been
- equally great, had all the temporary
land originally notified been taken
up. The temporary land for spoil
banks ran horizontally alongside
the narrow permanent way -
+ Spoil would certainly have been
projected far beyond such banks
in vertical lines down through the
Estates. Mr Weightman allowed
that the lands notified would

5

+
Meejar

by no means ^{have sufficed} ~~have sufficient~~ 50
might very probably after ^{having been} ~~being~~
acquired at very considerable cost
notably in Benhop + Barliyar have proved
useless. This ^{fact} and other circumstances
were fully laid before the late Consulting
Engineer in semi official correspondence
which has not been brought before
Government.

6. To proceed down the lahaat
next to Lower Tiger Rock is the
+ Meejar estate in which 8.69 acres were
acquired for Rs 575 per acre. A small
portion of Mullanur [4.2] which
is in a high state of cultivation
cost as much as Rs 813 per acre -
and from this point onwards to
the end of the line, the question of
severance became one for anxious
consideration. The Land acquisition
Act provides for compensation being

paid for the damage if any sustained by the person interested at the time of awarding compensation by reason of severing such land from his other land" Section 24 Clause 2 and for the damage if any sustained by the persons interested by reason of the acquisition injuriously affecting his other property whether moveable or immovable in any other manner or his earnings" Section 24 Clause 3.

Up to this point the Railway had run along the extremities of the Estates near the river and land was in such cases as a rule taken up right down to the river, so that the question either did not arise at all, or when it did, was of small moment but from Meulanur down to the end of the Barlijar Estate a distance of about $4\frac{1}{2}$ miles the line passed for the most part through the

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middle of several of the most valuable & most highly cultivated Estates on the Hills not only making necessary deep cuttings across which access satisfactory to owners can hardly be provided by the Company for the passage of bullocks transport of manure &c, but also dividing each Estate into two nearly equal portions and severing that portion above the line from the Offices, ^{the} pulping houses, and the base from which labour proceeds upwards and manure is carried. Thus it will be seen that not only were the Estates to be dealt with below ^{major} ~~less~~ far more valuable than those ^{above} ~~about~~ it but they are also far more injuriously effected owing to this section of the Railway running on a steep slope in continual

cuttings which entails damage from Spoil and boulders to the portion lying below as well as damage by severance to that lying above the line. The 8th Estate to be dealt with was that of a Badaga not very highly cultivated for which Rs 288 per acre were paid. The 9th also belongs to Badagas and ran to Rs 385 per acre only because certain buildings upon it are situated on the line and had to be acquired. Upwards of 10 acres in Hill Grove were acquired at Rs 316 per acre owing to the circumstance that the line fortunately passes nearly alongside the lower boundary of this valuable Estate. In the 11th Acquisition 3 acres of uncultivated land belonging to Suleis were acquired for

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a nominal sum and the 13th Acquisition Kurambadi Cost no more than Rs 305 an acre - It is a poorly cultivated Estate but considerable damage will unavoidably be done in the course of construction for the land is as precipitous as it can well be & Spoil will fall at least as far as the Wharf Road.

7. There remain the 12th & 14th Acquisitions Benhope and Barliyar. These are extremely valuable Estates and it was chiefly on account of the large area (acres 488 + 4262) of temporary land within their boundary which had been provided in the original notifications that I urged upon the Consulting Engineer the necessity for making reductions. The evidence

given before me at the enquiry
went to show that these are among
the very best Estates on the Hills -
and unfortunately they are so -
situated upon ~~the~~ steep slopes with
the Railway passing in each case
through the middle of the Estate,
that as explained above. I fear
that not inconsiderable further
damage will be done to them.
In Benhope a sum of Rs 530 for
severance and of Rs 1428 for
damage done to the ~~highways~~ of
the elaborate metalled cart road.
raises the rate per acre for the
acquisition of 2.3 acres to Rs 1866.
The market value awarded by
me per acre was Rs 880 for land
including crop - all my offers were
made without any special allowance
for crop. Crop is ^{reckoned as} an incident

of Coffee Estate. & without ^{crop} it, its
market value would be very small &
it is by taking into consideration what
the average crop is, that a market value
is struck. The District Court made no
allowance for crop, but calculated the
market value by estimating the value
of the crop annually produced and of the
land as improved by capital expenditure.
The Barlugar Estate is divided into ^{Two} ~~2~~
portions. That on the Coonoor side of the
river approximates in value to Benhope
while that on the Metapollion side is
far inferior. The acquisition in this Estate,
which even now comes to 14.23 acres as
against 65.42 acres originally notified,
amounts in all, chiefly owing to the
Comparatively large sums paid for
severance to 895 Rs per acre. The Railway
divides the greater portion of this
Estate from its base, from its Offices &
from its labour & manure supply, &
affects its working very considerably.
Owing to the error made at the Office

of the Engineer-in-Chief of the Railway
in plotting the Revenue fields it became necessary
to make a reference to Government
but the owners of the lands to be
acquired having agreed not to
take any exception to the error
of description in the second notification
the fresh notification was pronounced

unnecessary or reference to Government
All errors having been finally rectified & correct plans
The completion of these acquisitions &
having been received from the Survey Department &
besides the rectification of errors
the payment of compensation has been fixed for
in survey of the receipt of correct
to twentieth instant, the amounts being calculated
plans from the Survey Department
and the figures placed in the hands of me
& I hope that ere long they will be
satisfactorily closed. Acting Collector.

8. The settlement of these 14 acquisitions
has been an anxious and troublesome
task. The total cost to Government
including the statutory compensation
of 15 per cent and interest amounts
to Rs 87054 as against Rs 238454
claimed. If the cost of acquiring
the land for Coonoor Station prove
to be within my estimate the total
cost will be Rs 11041. as against

Rs 13323.

claimed, sums which must be added
to the totals just given.

9. It was necessary for me to make
a very careful study of coffee planting
on the Nilgiris generally, as well as
repeated inspections of the lands to be
acquired. A laborious search was also
made of the records of the Registration
Department to see at what prices coffee
estates had actually changed hands
upon the hills, by which statistics I have
been to a great extent guided in making
offers. In these enquiries and in the conduct
of the Reference Cases in the District Court,
which as the Board has observed
terminated satisfactorily, I have been
greatly helped by the Sheristadar M. R.
By S. Ramaswami Seyer avergal who
possesses long experience of the District
and has spared no pains in making
enquiries and searches. Messrs Hodgson
& Windle gentlemen who assisted me, by
leave of Government, also gave valuable
& independent evidence which has been
of very material help & underwent

very considerable fatigue in making
inspections with me upon precipitous
& rocky slopes. Complaints have
naturally been made concerning my
offers. Their fairness is best proved
by the fact that they have been accepted
in every case by experienced & intelligent
owners, represented & unrepresented by
Counsel and since I have been repeatedly
attacked in the Press for ^{driving} ~~driving~~ the
hardest possible bargains, it is very
satisfactory to find that the Planters
Association has ^{recorded an expression of} ~~received~~ its Confidence
in the present administration of the
District & has thanked me for the
assistance I have been able to give it.
I need hardly point out that the
Settlements effected will doubtless form
the basis for the payment of damages
outside the lands acquired in each
particular Estate & probably of the
Settlement of Compensation for future
Railway extensions in the District. The
Subject is therefore one of very considerable

importance and I hope Government
will be of opinion that it has been
satisfactorily treated without any
Special assistance. As I have
had no office at Head Quarters
during my frequent visits to Ponor
& journeying down the lake and as it is
impossible under existing circumstances
to be absent for more than 2 or 3
days at a time from Cotacamund
the disposal of this business in
addition to the ordinary work of
the District has not been effected
without an effort.

I have throughout received every
possible assistance from the Agent
& Secretary ^{of the Station at} Mr. P. Woolley while
Mr. Weightman the Engineer in Chief
cohibits in himself and has infused into
his subordinates an admirable
Spirit of tactful conciliation.

In an unofficial memo already
laid before Government I recommended
the appointment of a special
Revenue Inspector on Ribs to inspect
the damages done outside acquisitions.
I append to this letter copies of my
orders 30th August 1892 & 14th
October 1892 from which it will
be seen that a register of ^{such} damages
is being maintained and that
I have made several inspections
of such damages. I think however
that the appointment of the Revenue
Inspector as soon as work is
commenced on Burliyar ~~or Burliyar~~ ^{or}
^{that is to say immediately} ~~estate~~ would result in a saving
in the end to Government which
should have some evidence
recorded if possible from day
to day to meet the records of
owners whose claims may be

very large. Already many difficulties
have arisen connected with damages
to trees roads & water courses which
we have been able ^{fortunately} to settle
amicably and without reference
to Government or to the Courts but
the work is being carried on under
unusual difficulties & on the whole
I would recommend the temporary
appointment of the Railway Revenue
Inspector whose salary I think will
^{be saved over & over again} ~~be served in the end~~ I feel also
that ^{the officers who act in case} ~~my successor~~ cannot immediately
acquire a knowledge of the locality
and of the conditions, which I have
only got by repeated inspections
extending over thirteen months.

I have the honor to be
Sir

Exd.
V.K.K.

Your most obedient servant
J. V. R.
Collector

From
The Collector of
Nilgiri

To The Secretary to
Government
P. W. & Railway Branch
Madras

D.A.R.

Many more papers require putting up
Please read Mr. Lister's letter. A.C. Shiner
checked statement and a statement showing
dated 19th Feb 1893
as follows
Recd 21/2

No 6 Lt

Encls. Three

Railway
Land acquisitions

Reporting on all the
private lands required
for the Nilgiri Railway

No. 2003 R 4/15-8-92
A

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

Read the following:-

Collector of Nilgiri's No 6 Lt
of the 19th Jan '93

FOR ORDERS

1. A statement showing areas of
Estates applied for, as notified -
- Acquired is attached. The R.
(to will be asked to revise the
land plans & schedules received
for the Nilgiri District to agree
with the areas acquired of
estates, Forest & waste land etc.

Laurens
Wes
31/Jan
Wes

2. Orders are required re the
appointments of a Rev. Inspector.
as asked for in the concluding
para of Collector's letter -

I am sorry to say that the papers
referred to by the Collector on
this subject cannot be found,
but it will be within the
recollection of the Hon. Member
that he would not sanction
the Inspector being appointed
at the time, but would consider
the question when the Collector
submitted the matter officially
(This is my recollection only)

30/1 R 2

When are also requested as to
the disposal of the letter
from the Collector.

Mr. G. T. 27/1

FOR ORDERS.

URGENT
TELEGRAM ORDINARY
DEFERRED

FROM

TO

R.

Collector
Nilgiris
Coimbatore

B48x Your letter 6 G. T.
nineteenth January last.
Government approves
temporary appointment
of Railway Revenue Inspe-
ctor on Salary Rs. 600
per mensem. G. O. will
follow.

Mr. G. T. 27/1

D.R.

D.H.R.
I suppose the copy was asked for
somewhere. I will see it. 27/1
Please see page 100.
See 100 27/1

Telegram despatched 2-2-93

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

Read the following :—

FOR ORDERS

Will the Honorable
Member kindly say whether
the accompanying draft
G.O. regarding land for
the Nilgiri Railway should
be treated confidentially &
whether it should be com-
municated to the Secretary
& Agent Nilgiri Railway Com-
pany.

M. Montagu

cc via Mr.

W. Henderson, to Secy. P.W. & R. 14/11

I don't see any necessity
to communicate it to the
Nilgiri R. Co. but
apart from this it need not
be confidential

Yes
15 Feb 1912

The G.O. passed to the Secy. but
it should not be communicated to
the R. Co. W. 16/2

3350

FOR ORDERS.

368 R 2 18 Feb 1903.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

Letter from the Collector of Nilgiris } H.E. No. 656 dated 19 July 1893
Telegram to do } 1348 - 2 Feb 1903
The Government approves of the action taken by the Collector of Nilgiris for the assessment and payment of damages in acquiring lands for the Nilgiri Railway, and sanctions the appointment of a temporary Railway Revenue Inspector on a salary of Rs 60 per mensem.

M.L.
J.R.

11/3/03

- To The Comptroller for Rs 21
- Secy. Agric. & Com. Dept.
- Revenue Secy.
- Collector of Nilgiris 3
- Ex. & Com. Secy.
- Ex. & P. Secy.

The Comptroller for Rs 21
The Secy. Agric. & Com. Dept.
The Secy. Revenue
The Secy. Ex. & Com.
The Secy. Ex. & P.

7

A

• No 368 Rg 18 Fly 193.