Public Works (1897) Department.

G.O., No. 114 R.

DATED 20 February 1897

[Despatch Abstract.]

Law Expenses: Sanction accorded to the — & ~~the incurred~~ for defending the
other incidental charges settlement cases in connection
land compensation being met from
with the Bezwada Madras Railway
the grant for the Railway and i.e. the action of
the Engineer in Chief in retaining the services
of the Revenue Inspector till the adjudication
of the cases, approved.

T.C. 24/2/97.

[P.W. 20. 5,000—80-11-96.]

Indexed. 26/2/97

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	73R		15-1-98				

Public Works (1897) Department.

CURRENT No. 1475

Order

Sanction is accorded to the law expenses and other incidental charges to be incurred in defending the Land compensation settlement cases, refd. to the District Court under the Land Acquisition Act, being met from the grant for the B. M. S. Ry..

2. The action of the Engr.-in-Chief in sanctioning the retention of the services of the Revenue Inspector till the adjudication of the cases refd. to is approved. The Inspector's pay also should be met from the Ry: grant.

Offg. R.

To

The Engr.-in-Chief, B. M. S. Ry:
" Examr. of Accts., B. M. S. Ry..
" Collector of Nellore.

From

The Engineer-in-chief
Bezwada-Madras
Ry:

No. A/880/197 A

Dated 9th February 1897
Received 10-2-97
Enclosures 6
Spare copies

SUBJECT.

Land Compensation Cases

Forwarding copies of correspondence between the Collector of Nellore and his office re: Expenditure to be incurred in the settlement of some important —— & requesting that the Sanction of Govt. may be obtained thereto.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Abstract.

Village	Number of cases referred to Court with regard to dispute.	Number of cases referred to Court with regard to the amount.	Number of cases which have both the disputes.	Amount awarded	Amount demanded.
				Rs a p	Rs - A - P
Nellore	3	4	2	486 - 5 - 5	12980 - 9 - 8
Talamanchi	1	1	1	805 - 3 - 6	1764 - 8 - 10
Kadamuthala	"	1	"	14 - 7 - 10	1449 - 0 - 0
Kallurpalli	..	..	1	17 - 0 - 7	17 - 0 - 7
Vedayapalem	1	..	..	–	–
Padugupad	2	..	..	–	–
Ramapuram	"	..	1	197 - 12 - 10	1582 - 6 - 4
Thiparnur	1	1	..	249 - 9 - 10	521 - 8 - 4
Gudur	"	4	"	118 - 7 - 9	5565 - 12 - 11
Jodur	"	9	2	2508 - 11 - 5	15241 - 8 - 3
Peda Pariya	..	18	..	10376 - 6 - 4	49055 - 14 - 0
	8	38	7	14,854 - 1 - 6	88,178 - 4 - 11

(Signed) K. Narasimha Row
Special Dy: Collector

(True Copy)

(Signed) P. Sitaramayya
Dy: Collector
for Collector

Ackd
8/2/97

9/2/97

Copy of letter No. 1224/Spl dated 4th January 1897
from, the Special Deputy Collector Penner Dn. Nellore
to, the Collector of Nellore

I have the honor to enclose herein a list of 53 cases referred by me to the District Court for decision under the Land acquisition act showing the amounts claimed and awarded. In 8 of these cases no action needs be taken by Government for, they are disputes between third parties as to their title to receive compensation. I have authorized the local Government Pleader to appear on behalf of Government in the other cases.

2. Some important wells were taken up in the villages of Peda Pariya and Vodur of the Gudur Taluk. The owners of the wells declined to accept the amounts estimated for them by the Executive Engineer, Penner Division and demanded twice, thrice and even six times the estimated amounts. The Executive Engineer allowed very liberal rates in his Estimates, nevertheless the owners of the wells claimed ridiculously large amounts which could not be granted. Owing to some influential persons concerned in the cases, there was a great combination in Pedda Pariya. The villagers claimed an exorbitant rate of Rs 1500/- an acre for dry lands in the village called garden lands for which I could not give more than Rs 155/- to Rs 245/- an acre from the recommendations made by the Tahsildar and the market prices of the neighbouring villages. The villagers did not take compensation for even ordinary dry lands, wet lands or village site demanding extra ordinary high rates as shown in the enclosed statement.

3. The villagers of Vodur raised their demands at different stages of the cases and finally claimed Rs 600/- an acre for dry lands called garden lands where some others accepted Rs 90/- to 150 an acre for similar lands in the village.

4. Some inamdars of Nellore claimed Rs 1800/- an acre for an ordinary inam tope in Nellore on the ground that it is useful for building houses while the amount awarded by me (15 times the assessment + the difference between assessment and quit rent under Board's orders) with the value of the trees as fixed by the District Forest officer comes up to Rs 653/- an acre which is about
the

6
1475/97

the market price of similar topes. In another case of Government dry land of Nellore the land owner claimed compensation at Rs 450/- an acre while he purchased it for less than a rupee an acre two years ago.

5. Rs 1815 to 2420 were claimed for an acre of waste land near the Railway station in Gudur for which the late Acting Collector directed me to offer Rs 20/- an acre.

6. Rs 400/- an acre was claimed for a dry land in Ramapuram Shrotriem on the ground that Mr. Maclane had given it on a former occasion but the late acting Collector thought that the amount was heavy and I had to give Rs 50/- an acre.

7. The owner of a dry land in Kodamuthala of Kavali Taluk first claimed Rs 1815 an acre and subsequently raised his demand to Rs 3025 an acre as it is useful for quarrying purposes while its market value is about Rs 30/- which I awarded.

The other cases are not so very important.

8. Full reasons for the rates adopted by me are given in my letters of reference to the Court. The local Tahsildars will be able to get necessary evidence before the Court, when the cases are tried, to support the Government.

9. I beg to recommend that an eminent Barrister from Madras may be employed to assist the Local Government Pleader in defending the cases of Nellore, Gudur, Poduru, Peda Pariya, Ramapuram Shrotriem and Kadamuthala, as the amounts involved therein are very large. I have requested the Engineer-in-Chief to provide funds from the Railway grant for this purpose.

P.W. E.2/1475/97

Copy of letter No. 13/V.C. dated 14th January 1897 from H. F. Meyer Esqr. Ag. Collector of Nellore to The Engineer-in-Chief, B. M. S. Railway - Madras

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"In forwarding herewith a copy of the Pennar Division Special Deputy Collector's letter No. 1224 dated 4th January 1897, together with the abstract of cases referred by him to the Civil Court for adjudication, I have the honor to state that I have consulted the local Government Pleader on the subject. He thinks that the only cases that require the services of a Barrister are those of Peddaparya, where there is a difference of nearly Rs 40,000 between the amount awarded by the Deputy Collector and that claimed by the parties.

2. I concur in this opinion and ask your sanction to incur the necessary expenditure. It is difficult to estimate the fees to be paid as these will depend upon the No. of days the cases take, but the Local Government pleader puts Rs 3000 as an outside figure. The importance of the cases rests of course not merely on the sums actually at stake; but on the precedent they will afford in dealing with compensation claims elsewhere.

3. For the other cases included in the list the Government Pleader asks for the help of a second local Pleader. I think, however that the interests of Government will be better served by giving the Government Pleader the assistance of a local officer who knows the ground and who would be able to collect valuable evidence as to market values &c. For this purpose the Revenue Inspector who has already been on special duty under the Compensation Deputy Collector might advantageously be employed until the bulk of the cases are disposed of. This plan would be cheaper and more effectual than engaging an additional pleader and I request sanction accordingly."

Copy of letter No. B/425 dated 20th January 1897. from the Engineer-in-Chief, B. N. Railway - Madras, to the Collector of Nellore District.

In reply to your No. 13 dated 14th instant I have the honor to inform you that as the charges will be incurred by the Revenue Department you should, I think, obtain the sanction of the Local Government to your proposals. I agree with you in thinking that this outlay is essential and shall be obliged by your taking very early steps to obtain the necessary sanction. The cases will, I hope, be tried before any of our staff are likely to be transferred and steps should I think be taken at once to retain the services of the Revenue Inspector.

Proceedings of the Board of Revenue
(Land Revenue)

Read the following G. O. dated 6th May 1889
Mis. No. 2853, Revenue.

Read the following G. O. dated 12th April 1889.
No. 191 I, Public Works:—

Read the following letter from Lieutenant Colonel A. G. Begbie R.E. Officiating Deputy Secretary to the Government of India, Public Works Department (Account – General) to the Secretary to the Government of Madras, Public Works Department, dated Calcutta, 27th March 1889, No. 85 A. G.:—

I am directed to acknowledge the receipt of your endorsement, No. 742 I, of the 17th December last, forwarding a copy of the Proceedings of the Government of Madras, No. 741 I, of the same date on the subject of the adjustment of certain charges (noted in the margin) incidental to the acquisition of land, and enquiring whether the prevailing practice of debiting such charges to the works concerned should be adhered to.

1. Assessor's fees
2. Stamp duty
3. Law Costs including Pleader's fees & Court Costs
4. Process fees
5. Batta of Process servers
6. Registration fees

2. In reply, I am to invite attention to Public Works Department letter, No. 207 I, of the 29th November 1887 para 2, in which the principle governing the allocation of establishment charges is laid down. The incidental charges now referred to should be considered as contingencies of establishment and should, therefore, follow the rule which governs the allocation of establishment charges proper.

3. With reference to the concluding sentence of order No. 741 I, dated 17th December last, of the Government of Madras, I am to observe that the amount of expenditure involved is not apparently of such magnitude as to warrant any adjustment between Imperial and Provincial funds.

Order dated 12th April 1889, No. 191 I Public Works.
Communicated to the officers concerned for information and guidance.

(True Extract)

(Signed) G. T. Walch
Ag. Secretary to Govt
P. W. D.

Order - dated 6th May 1889 Mis No. 2853 Revenue
Communicated to the Commissioners of Land Revenue.
(True extract)

(Signed) H. A. Stuart
Under Secretary to Govt.

Resolution - dated 20th May 1889. No. 335
Communicated to all Collectors.
(A true Copy and extract)

(Signed) M. Hammick
Secretary

(True Copy)

(Signed) C. Clark
Registrar

(True Copy)

S. Sita Row
Dy Collector
for Collector.

E. 1
Rw. 1475/97

Copy of letter No. $\frac{13}{Ver}$ dated 27th January 1897, from
J. S. Meyer Esqr. Ag. Collector of Nellore, to.
the Engineer - in - Chief. B. M. S. Railway - Madras

With reference to your letter No. B/$\frac{425}{1974}$ dated 20th January 1897, I have the honor to invite your attention to G. O. No. 1917 dated 12th April 1889 (Copy enclosed) according to which law expenses and other incidental charges are debitable to the head of accounts to which the establishment charges are debited. It is true that the special establishment entertained for the acquisition of lands in connection with the B. M. S. Railway has been dispensed with, but the Claims which form the subject of the present litigation, were referred to the Court by the special Deputy Collector, and the fact that his office has been abolished should not, in my opinion, make any difference in procedure. It is to the interest of the Railway Department that the District Court should not award larger compensation in the important cases in question than has been awarded by the Special Deputy Collector, and any special expenditure involved in working towards this end is a legitimate railway Charge.

2. ~~It~~ I would further point out that my last letter contains an application for the continued employment of a Rev Inspector whose pay should undoubtedly be debited to Railway as heretofore.

This requires your sanction.

In your reply please quote the number and date of this letter.

No. A/880
197a

Ht 10/2/97

From

THE ENGINEER-IN-CHIEF,
BEZWADA-MADRAS RAILWAY,

To

THE Joint Secretary to the Government of Madras
P. W. D. Railway Branch
Madras.

Dated, Madras, the 9th February 1897.

Sir

In forwarding herewith copies of the marginally noted correspondence passed between the Collector of Nellore and this office on the subject of expenditure to be incurred in the settlement of some important land compensation cases, I have the honour to request that sanction of the Government of Madras may be obtained to the same as early as possible. I have, subject to approval, sanctioned the retention of services of the Revenue Inspector.

1. Copy of letter No.13 of 14-1-97 from the Collector of Nellore with enclosures.
2. Copy of this office letter No. B 425 of 20-1-97.
3. Copy of letter No.13 of 27-1-97 from the Collector of Nellore with enclosure.

I have the honour to be
Sir
Your most obedient servant

J.Doyle.
for Engineer-in-Chief.

8/2/97

Enclosures.

R.S. E.5/1475/97

Public Works (1897) Department.

CURRENT No. 1669

Order

Recorded.

Offg R.

2 draft orders for approval.

18/2/97

From

The Engineer-in-chief
Bezwada-Madras Ry.

No. A/941/197a

Dated 13th February 1897

Received 15.2.97

Enclosures

Spare copies

SUBJECT.

Compensation cases

Forwarding copy of Letter from the Collector of Nellore proposing certain arrangements in his staff in connection with — in his Dt.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. A/941/197a

In your reply please quote the number and date of this letter.

From

The ENGINEER-IN-CHIEF,
BEZWADA-MADRAS RAILWAY.

To

The Joint Secretary
to the Government of Madras.

Dated Madras, the 13th February 1897.

The following is forwarded for information in continuation of this office letter No. A 880/197 A dated 9th February 1897.

Hoyle.
Engineer-in-Chief,
Bezwada-Madras Railway.

13/2/97

Copy of a letter No. 13/ver, dated 10th February 1897

From
W. S. Meyer Esq.
Ag. Collector of Nellore.

To
The Engineer-in-Chief
B. M. S. Railway.

With reference to correspondence ending with my letter No. 13 ver dated 28th January 1897 and to our conversation here yesterday, I have the honour to say that Mr. Venkatarama Aiyer the former local Government pleader, who has been entrusted with the defence of the Peddapariya etc compensation cases in this District court no longer thinks it necessary that a barrister from Madras should be retained in these cases. I propose therefore to substitute for the barrister the present Government pleader Mr. N. Rangacharlu who will appear for Government along with Mr. Vengatarama Aiyer. The services of the Revenue Inspector will of course still be necessary.

As the settlement of issues comes on on the 12th instant I am making the arrangements above proposed in anticipation of your formal sanction.

Office of the Consulting Engineer for Railways,
Madras, 15 February 1897.

EXAMINER, RAILWAY ACCOUNTS, MADRAS
Regr. No. 96
15/2/97
Enclosures

No. 575

OFFICE NOTE.

Letter from the ~~Agent~~, Engineer in chief B. N. Railway, No. A/880/197 A dated 9 February 1897, forwarded to the Examiner of Railway Accounts, for favour of remarks.

F. D. Fowler

~~for~~ E. R.

13/2/97

EXAMINER'S REPLY.

If the Local Government considers it necessary, sanction may be accorded to the employment of a Revenue Inspector and to the retention of the services of a Barrister to defend the suits referred to.

E Wallen

Madras
16th Feby 97

C. R.

(R.) Form No. 3.

No 114R dated 20/2/97

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

18

PROCEEDINGS OF THE MADRAS GOVERNMENT.

1

READ the following :—

Letter from the Engineer-in-Chief, Bezwada-Madras Ry: } (H.E.) No A/880 / 197A d/ 9th Feby: 97.

—do— . (H.E.) No A/941 / 197A d/ 13th Feby: 97

Sanction is accorded to the law expenses & other incidental charges to be incurred in defending the Land Compensation Settlement cases, referred to the District Court of Nellore under the Land Acquisition Act, being met from the grant for the B. M. S. Ry.

1

2. The action of the Engr: in-Chief in sanctioning the retention of the services of the Revenue Inspector till the adjudication of the cases referred to

is

is approved. The Inspector's pay also should be met from the Ry: grant.

J.D.T. 18/2/97

Offg. R.

To

The Engr: in-Chief. B. N. & Ry:
" Examr. of Accts., ,,
" Collector of Nellore.

Dispd 20/2/97

18/2/97