Public Works (1897) Department.

G.O., No. 243 R

DATED 8 April 1897

[Despatch Abstract.]

Acquisition of the Conical Hill Pottigatta, Kistna Dt. ordered that a Notifn be published in the Fort St. Geo. Gazette cancelling the Notifn published in the Gazette d/ 9.10.94 regarding the — for the East Coast Ry: Quarry.

[P.W. 25. 5,000—20-11-96.]

Indexed. 23/4/97

BACK PAPERS.

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

FURTHER PAPERS.

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

Copy of letter No. $\frac{1379}{Ver}$ of 1895, dated 17th May 1895 from the Collector, Kistna District, to the Executive Engineer East Coast Railway, Ellore Division.

In forwarding herewith copy of the Civil notice Served on me by the Zamindar of Uyyur, I have the honor to invite your Serious attention to the claim for Rs 25,020 advanced by the Zamindar as compensation for the materials taken from the Palighattu and Pattighattu Hills and to inform you that if you, if necessary, in consultation with the Examiner of Accounts, Waltair, do not furnish me figures Showing the quantity of every Sort of Stone dug from the hills during the time they were under temporary occupation, I Shall be constrained to accept the figures of the Zamindar as correct and order payment accordingly.

2. A copy of my reply to the Civil notice under reference is enclosed from which you will find what I have asked of the Zamindar and what you Should do. It will be in your remembrance

that

the hills from which the materials were taken comprise three plots. One is Palighattu. This was temporarily occupied under notification published at page 59, Part I of Fort Saint George Gazette dated 27-1-91 and I believe it has been under the possession of the East Coast Railway from January 1891 to 31st March 1893. What is the quantity of stone rubble or ballast that was taken from this plot during 1891-92 and 1892-93? The Zamindar states that 29,710 cub ft of ballast and 85,788 cub ft of rubble were quarried during the year 1891-92 and 6,944 cub ft of ballast and 18,038 cub ft of rubble during the year 1892-93. Is this correct and may I award compensation for this quantity according to the rates decided by the Judge? Or have you any proof to show that the material taken was much less? If as you have said to my Head Assistant Collector there are

no

Rubble. 85788
" 18038
103,826

Ballast 29710
6944
36,654

records regarding the materials taken, what has become of the bills of payment made to the contractors when the line was progressing? Please note in your reply the exact period during which the hill was under your occupation

3. Pottighattu (Conical Hill) – (6.57 acres). My Inayat-nama to the Zemindar enclosed for your information shows you that this plot should be regarded as having been temporarily occupied till the revised notification for the permanent acquisition of the whole hill was published from which date it should be regarded as having been permanently taken up along with the other plot (13.52 acres). What I now want is particulars of the materials taken from it from the commencement (1891 January) down to this period. The figures should be separate for each year and should not be mixed up with those pertaining to the other plot of Pottighattu (13.52 acres

4. Regarding the other plot of Pottighattu (13.52 acres), a reference it is true, was made to the Judge in Head Assistant Collector's No. $\frac{741}{14-7-93}$ and as he returned it on account of some discrepancies

acquisition

acquisition may be completed now and the Judge asked to settle compensation for the permanent occupation of the whole Hill (20.09) under the revised notification ordered to be published in G.O. No. $\frac{524 R}{6-10-94}$. Particulars of the materials taken are not necessary regarding this plot but I shall be glad if you give them from the commencement of occupation up to now. A earlier and comprehensive reply is requested. I need not point out that the matter is one of great importance and that any inadvertence on your part will result in a serious loss to Government. Please therefore see that the information furnished is exhaustive and is supported by facts and figures.

Proc. 1
7251/95

(Signed) J. N. Atkinson
Collector

(True copy)

Secretary

Le Cm

Proceedings of the Board of Revenue

(Land Revenue).

Dated 21st Septr. 1895.

No. 4760 Mis:

Read the following letter from J. N. Atkinson Esq. Collector of Kistna to the Secretary to the Commrs. of Land Revenue dated 7th Septr. 1895. F. Ref No. 1379. Rev.

I have the honour to report to the Board that the Zemindar of Uyyur filed a suit against Government for Rs 25994-1-6 p being compensation due to him for the stone taken from the Palighattu and Pettighattu Hills in the Subordinate Court, Ellore and the case stands posted to 22nd proximo.

2. The circumstances that foreshadowed this event were set forth in my letter No. 978-Rev of 6th January 94 read in B. P. 242 of 18.1.94 and 887 of 21.2.94 wherein the Board communicated to me the opinion of the Government Pleader on the inadvisability of preferring an appeal to the High Court against the award of the District Judge here.

3. True translation of the plaint filed by the Zemindar is enclosed and I proceed to indicate how I propose to meet it. It is an undeniable fact that some compensation is due to the

Zemindar

Zemindar for the Stone taken from his hills. In order to
ascertain what this is I have asked him and the Execu.
.tive Engineer, Ellore Division of the East coast Rail
.way, for information in my Inayatnama No 1379 Ver
dated 17th May 1895 and my letter of the Same No and
date, copies of which are Enclosed.

Neither of them has yet given me any satisfactory
reply. I reminded the Engineer of the importance and
the urgency of the information asked for and will
write to him again. The Zemindar has not perhaps
thought it necessary to reply.

4. The material taken is from two hills or from
three plots of two hills Paligattu and Pattigattu or
conical Hill. 1st Paligattu. This was required
for temporary occupation notified also for the Same.
The Zemindar Says that it was under the occupation
of the Railway Department from January 1891 to
Decr 1894. This is a point for decision and I have
not yet been enabled to ascertain the Exact dura.
-tion of occupation.

As to the material taken, the Zemindar in
his arzi of 23rd Aug: 1893 said that 29710 cub: ft:
of ballast and 85,788 cub: ft: of rubble were
quarried from the hill during the official year 1891-92,
and 6944 cub: ft: of ballast and 18038 cub: ft: of
rubble during 1892-93. There are no records
in this office to show whether these figures are
correct. But on the report of the Executive Engineer
of the East coast Railway that the Zemindar's figures
for the year 1891-92 were correct, my Head asst.
Collector in obedience to the decision of the Dis.
-trict Judge in compensation case no: 20 of
1891

1891. copy enclosed. Offered Rs 529-8 as-10 p for
85,788 cub: ft: of rubble at 2 as-8 p a cubic
yard as decided by the District Court and cost of
29,710 cub: ft: of ballast at 0-0-6 p: per 20
cub: ft: the rate paid in Government quarries and
in the Estates under Court of Wards. The Zemin
-dar did not accept the award. He would have
compensation only at the rate of 2 as-8 p per
cubic yard awarded by the District Judge for rubble
although the award does not mention a rate for
ballast. The figures given for 1892-93 could not
be checked as the Examiner of the East coast
Railway accounts pleaded inability to give his
figures. From my inayatnama and letter
quoted above, it will be found that I warned
the Executive Engineer of the Division that if
he would not take Steps to furnish the details
I should be constrained to take the Zemindar's
figures as correct.

5. Pottighattu (6.57 acres). This was notified
for temporary occupation although it was required
permanently and there is no choice left to us
Except payment for the material taken from the
date of occupation down to the date of the pub-
-lication of the revised notification for the per-
-manent occupation of the whole hill (20.09 acres)
vide notification published at pages 1211 and 1212
of the Fort Saint George Gazette dated 9.10.94
according to the rates awarded by the Judge
in

in the compensation case already quoted.

6. Pottighattu (13.52 acres). Regarding this plot a reference was made to the District Judge for settlement of compensation for permanent occupation but as the notification published was for temporary occupation, the reference was considered incorrect; it was returned and on the strength of the new notification published at pages 1211 and 1212 of the Fort Saint George Gazette of Octr. 9 of 1894, the Head assistant Collr. has to acquire it. He has been directed to hasten the acquisition with instructions to refer the case to the District Judge if the Zemindar does not come to terms.

7. To submit a full report with draft written statement, I await the reply of the Executive Engineer of the Ellore Division. I may also inform the Board in this connection that the Zemindar sent an arzi dated 20th July 1895 to my Head asstt: Collr: offering to withdraw the suit on a payment of a lump sum of Rs 20,000 but I am not prepared to recommend compromise without obtaining actual figures from the Engineer. A full report will be submitted when these figures are furnished.

Resolution. Recorded pending receipt of the further report promised by the Collector.

2. A copy of the Collector's letter will be forwarded to Government with reference to Board's Proceedings No. 887 Mis: dated 21st February 94 and No. 5392 Mis dated 26th Septr. '94 with the request that the Executive Engineer of the Ellore Division of the East Coast Railway may be directed to expedite his reply to the Collector's references. The case stands posted to 22nd October.

(True copy and Extract)

Secretary

To

The Collector of Kistna.
" Joint Secretary to Govt: P.W.D. Railway Branch with copy of Collr's letter ~~and~~ to the Executive Engineer

L C(m

P.D. 25/12

P.W. Con. 725

1895.

Board of Revenue

(Land Revenue),

MADRAS.

Encl 1

Recd: 24.5.95

To

The Joint Secretary to
Government. P.W.D.
Railway Branch

Proceedings, dated 21st Septr 1895,
4760 No. , Mis. ~~Routine~~. Enclosures.

Subject.

Recording with remarks letter from the Coll: of Kistna reg: a suit filed against Govt: for compensation for the temporary use of certain quarry hills by the East Coast Railway

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P.W.D. Cons No. 725

No: 163/0 d/28 Septr/95

* Copy of letter no: 1379/Rev 795 d 17.5.95 from the Cr of Kistna Dt to the E.E. E.C.Ry. Ellore Dn

. in Original ~~Copy~~ forwarded to the Manager East Coast Ry for favor of ~~early action~~ reply & return of the enclosure ~~& reply~~ when done with

CMM 25/9

FWL 27/9

Desp: 28/9/95

ER

F.D.P. 25/9

no: 163/0 d/ 28' Sept 1895

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

No.

Form No. Mgr. 19.

FROM

THE MANAGER,

East Coast Railway.

TO

THE Collector

Kistna District,

Masulipatam.

Dated Waltair, the October *189*5.

SIR,

Your letter No.1379 Ver., dated 17th May 1895 to the address of Executive Engineer Ellore Division East Coast Railway.

With reference to the above, I have the honor to forward herewith a statement drawn up by Mr.Clift Executive Engineer who was in charge of the Division at the time.

This statement gives the quantities of both stone ballast and gravel excavated from the Conical hill (Potighatta) and the Pulighatta Hill as compiled from the contractors measurements. He has distinguished as far as possible the quantities taken from half the Conical hill contiguous to the Railway from the more distant half acquired later.

As regards the half contiguous to the Railway it was handed over permanently to the Railway by the Special Deputy Collector in his statement dated 21st June 1891; that portion of the hill had already been daghbelled and pointed out to the Deputy Collector by the Sub Divisional Officer in special charge.

Enclosures.

This

This is further substantiated by the fact that the total amount of land handed over to the Railway in the Mustabad Village was =184.50 acres and this amount includes the half of the Conical hill as has since been verified by measurement of land plans.

I cannot therefore entertain any proposition for payment of compensation for material quarried out of this half.

It would be as reasonable to ask me to pay compensation for material taken out of the whole quantity of land acquired by the Railway in the Mustabad village amounting to acres. 184.5, as was attempted unsuccessfully in the case of the Ross Hill cutting at Vizagapatam. From the correspondence it would appear that the Judge at Masulipatam had some idea of valuing the hill from its cubical contents - why did he not pursue his idea to its fullest extent and have the quantity measured from the centre of the earth.

The second half of the conical hill was at first asked for temporarily 15th February and 7th March 1893 but afterwards in a letter from the Executive Engineer dated 25th May 1893 he asked that it sould be acquired permanently.

If during the temporary occupation of land royalty is payable even if the land is subsequently acquired permanently I admit the payment for material quarried from this second half at the rate paid on other parts of this line which amount to Rs. ~~316.~~ 278/- only. The rates I have usually paid on other parts of the East Coast Railway have been 0-2-0 = % c.ft for all quarry material, but I am willing to pay for ballast at 0-2-6 as laid down for forest lands, for stone at 0-[illegible]-0 % c.ft as given in the award of Land Acquisition Case No.5 of 1891 of the Special Deputy Collector Godaveri in the Jalampet quarry, and for ~~murram~~ moorum at 0-1-0 % since it is chiefly quarry rubbish and produced

produced

produced in quarring.

Further I maintain that the compensation paid eventually for the permanent acquisition (which I mmm may point out has not yet been done although applied for in 1882) should be reduced by the amount of royalty paid as the land cannot have increased in value.

Pulighatta Hill.

This was only asked for temporarily the area in the Gazette was wrongly entered causing confusion owing to the similarity of this area with that at Pottighatta. I attach quantities of material excavated. They are compiled from quantities paid to contractors and agree with the Zemindar's figures. But here again the rates claimed are excessive.

In conclusion, I beg to submit the following statement showing the amount I am prepared to accept as compensation for royalty on the quantity of stone and ballast removed from land temporarily occupied by the Railway.

Pulighatta Hill (Vedurepowlur).

Building stone (including
pitching stone) 1,03,846 c.ft at 0-4-0 %...Rs. 259.56
Ballast (including stone used
for concrete) 36,654 c.ft at 0-2-6 %...Rs. 57.30

Total Rs. 316.86

Pottighatta Hill. (2nd half only).

Ballast. 1,14,287 c.ft at 0-2-6 %... 178.5
Morrum. 1,60,108 " at 0-1-0 %... 100.06

But this latter amount should be deducted from the final compensation, paid for the land.

I have the honor to be,
Sir,
Your most obedient servant,

(Sd) A. Brereton

Manager E.C.Railway.

Memorandum on stone ballast and moorum - really inferior gravel - only a little superior to sandy clay removed from the

CONICAL HILL [POTTIGHATTA]

Total quantity - Stone ballast removed from the half contiguous to the Railway.

NOTE.- This arrived at by assuming half of the quantity after June 1892 being removed from the distant half.

Total quantity removed	10,73,847
Removed from distant half	1,14,287
Balance from half contiguous to Railway	9,59,560
Removed from distant half	1,14,287
Total	10,73,847

MOORUM.

This is arrived at by the quantities given in train loads, and a similar assumption made. Besides the train loads there was a quantity carted out and stacked .

Removed from half contiguous to the Railway.	c. ft.
Carted along line	1,42,037
Half of that railed off	1,60,108
Total removed from contiguous half	3,02,145
Removed from half distant from the Railway	1,60,108
Total moorum etc. removed.	4,62,253

The quantities of moorum railed away are undoubtedly too high. I find that stacks on which the contractors were paid amount to 3,07,336 and the quantity in wagons amount to 3,20,216.

As regards the broken stone, the quantity reported as ~~xxx~~ having been collected from the Conical Hill amounted to 9,14,222 up to September 30th 1892. The measurements made in the Ellore Division while I was in charge and I understand no work was done afterwards after that date amount to 93,943 which is only 10,08,165. I have however gone through the cash books myself, and believe ~~all~~ that all measurements have been traced, which will account for the larger quantity I now give .

PULIGHATTA [VEDURAPOWLUR]

This is a quarry from which both stone for building and ~~stone~~ some ballast was collected. Only acquired temporarily.

The quantity given by the Ssb Divisional Officer as removed up to September 30th 1892 was:-

	c. ft.
Building stone [including stone for pitching]	1,03,826
Ballast [including stone used for concrete]	36,654

All the bridges were built at that date.

The above quantities agree practially with the quantities in the bridges, and are the same as what the Zemindar claims. [see Collector's letter dated May 17th 1895].

The check again on the quantities in the Conical Hill as the Collector wishes to distinguish between the contiguous and the distant halves of the hill will be the pit measurements.

14/10

[Sd] H.W.Clift,

Exe: Engineer.

E.C.Ry.

Cont
744

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

No. 8253

Form No. Mgr. 19.

no: 3313 B/19-10-95

Copy to Board Revenue
To be marked urgent.
CTM 18/10

FROM
THE MANAGER,
East Coast Railway.

To
THE Consulting Engineer,
for Railways.
MADRAS.

Dated Waltair, the 13th October *189*5.

SIR,

Proceedings of the Board of Revenue No. 4760 dated 21st September 1895 with enclosure, (copy of Collector, Kistna District letter No. 1379 Ver. dated 17th May 1895 to the address of the Executive Engineer, Ellore Division, E.C.Ry.)

In reply to your No. 163/0 dated 28th September 1895, I have the honor to forward a copy of my reply to the Collector, Kistna. In it you will notice I maintain that one half of the hill known as Potighatta was originally handed over permanently and consequently no claim for royalty is tenable. On the second half, which was handed over temporarily, although we asked for its permanent acquisition, I am ready to admit royalty at reasonable rates and not at such preposterous rates as given by the Judge of Masulipatam in another case which come to 0-9-0 per 100 cubic feet for ballast and 1-0-0 per 100 cubic feet for stone, but I consider that this sum should be deducted from the compensation which will be eventually given on the permanent acquisition of this 2nd half.

2 The land at Pullighatta was only asked for temporarily and I admit compensation at the rates I quote. - The Enclosures are herewith returned -

I have the honor to be,
Sir,
Your most obedient Servant,

A Brereton
Manager ECRy

Enclosures.

12/10

C. No. 4482
Recd. 13.10.95

Public works
~~Revenue~~ (1897) Department.

CURRENT No. ~~[illegible]~~ 3490

Dp # 1/4/97

GOVERNMENT OF MADRAS
26 MAR 97

From The Board of Revenue,
(Land Revenue).

Order R No. 707.

transferred to the Public Works Department.

Fort Saint George,
1st April 1897.

G. Stokes.
ag. secy to Govt.

List
CR
31/May/97

No. 1119 Mis.

Dated 25th March 1897.

Received ~~26th~~ 6.4.97

Registered —

Enclosures ~~one~~ 1.

Spare copies -

SUBJECT.

Submitting to Government with the Board's recommendation lett from the Collector of Kistna propos that the Notification already publis -ed for the permanent acquisition of Conical Hill "Pottighattu" may be cancelled.

BACK PAPERS.

G.O.	No.	Department.	Date.
Confidl	617		3-2-97
—	274	—	16-7-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public Works Department
Railway Branch.

Proceedings of the Madras Government.

Read the following:—

Proceedings of the Board of Revenue, (Land Revenue) dated 25th March 1897, No. 1119 Mis:

Read letter from J. N. Atkinson Esqr., Collector of Kistna, R.C. No. 6256/Ver of 1896, dated 6th March 1897, to the Secretary to the Commissioners of Land Revenue, Madras.

Resolution:— Submitted to Government with reference to its Order No. 617 Mis:, dated 3rd February 1897 and with the Board's recommendation that the Notification published at pages 1211 and 1212, Part I of the Fort Saint George Gazette dated 9th October 1894, for the permanent acquisition of the Conical Hill Pottigattu, may be cancelled.

/True Extract/
/Sd/ R. C. C. Carr
Secretary.

Letter from Collector of Kistna, R.C. No. 6256/Ver of 6th March 1897.

With reference to Board's Proceedings No. 457 Mis: confidential No. 31, dated 5th February 1897, I have the honour to request that you will be good enough to move the Government for the cancelment of the notification issued in the Fort Saint George Gazette No. 38 dated 9th October 1894, page 1212, Part I, for the acquisition of the Conical Hill, now that a compromise has been effected with the Zemindar. I will again address the Board on hearing from the Government Pleader, District Court, who has been requested to send the Court's decree.

Endorsement from the Revenue Department, R. No. 707, dated 1st April 1897.

Transferred to the Public Works Department.

/Signed/ G. Stokes
Ag: Secretary to Government

Order thereon No. 243. R dated 8th April 1897.

Ordered that the following notification be published in the Fort Saint George Gazette.—

"Notification."

"Notification."

"The notification, dated 9th October 1894, published at "pages 1211 and 1212 of Part I of the Fort Saint George "Gazette dated 9th October 1894, regarding the acquisition "of the Conical Hill Pottigattu for the East Coast "Railway quarry, is hereby cancelled."

(True Extract)

(Signed) Francis J. E. Spring
Offg: Joint Secretary.

To.
The Manager, East Coast Ry.
" Collector of Kistna
" Revenue Departt with the accompaniments to its Endt (herewith returned)
Notification to Press.

(R.) Form No. 3.

No. 243 R dated 8/4/97

Public Works Department,
Railway Branch.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following: —

Endt: from the Revenue Department. . . . } H. E. R. No. 707 dd 1st April 1897.

Ordered that the following notification be published in the Fort St. George Gazette: —

"Notification."

"The notification, dated 9th "Octr: '94, published at pages 1211 & "1212 of Part I of the Fort St. "Geo: Gaz: dated 9th Octr: '94, "regarding the acquisition of "the Conical Hill Pottigattu for "the E. C. Ry: quarry, is hereby "cancelled".

F. J. E. S.
7/4/97

To
The Manager, E. C. Ry: Despd 9/4
" Collector of Kistna: Despd 9/4
" Rev: Deptt: with the accompts to its Endt: (herewith returned). Despd 12/4/97
Notification to Press. Despd 9/4/97

7/4/97

R.

M/-

No. 243. R. dated 8/4/97