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Revenue Department

Minutes of Consultations.

23rd Dec 1857.

Back no^s 1 & 2.

Order no 1308 D/16th Dec 1857.

84-10-9

பாதுகாப்பு பிரிவு-1

(செப்பனி நபவர் பெயர் இவ்-ர-வ-ம்)

(செப்பனி வெதற்காக எடுத்துக் 17-1-07)

கொள்ளப்பட்ட நூள்

சரிபார்க்கும் சரிபார்க்கும்
முதல் மு.நி.பா.எ. 2-ம் மு.நி.பா.எ.
கையொப்பம் கையொப்பம்

சரிபார்க்கும்
உதவிபாளர்
கையொப்பம்

Fort Saint George, Revenue Consultation of 23d December 1857.

No. 1. Read the following Extract from the Proceedings of the Board of Revenue ; dated 3d December 1857, No. 4299.

Read letter from the Acting Collector of Guntoor dated 19th October 1857.

(Here enter No. 143.)

In the above letter, the Acting Collector reports that a ryot has sought permission to construct an annicut across a jungle stream and thereby irrigate about 5 acres of dry land which he prays may be exempted from extra assessment.

2. The land is now assessed at Rupees 4-12-9; but the Acting Collector does not state whether it is waste or cultivated. The annicut will cost about 20 Rupees and will not interfere with other irrigation works belonging either to Government or to private individuals.

3. The Board think it right to submit the case for the orders of Government as similar application may be expected to become frequent hereafter.

4. The case differs from that of wells or tanks dug within a ryot's holding. The water of rivers and running streams belongs to the State and may be required for irrigation works which may hereafter be executed. A ryot cannot therefore claim to monopolise water from such sources in all time to come in the same manner as if he had constructed a tank or sunk a well in his own land. On the other hand, it seems inexpedient to allow such water to remain unused simply because it may be required for works not yet in existence. It is open to Government either fully to reserve its right to the future appropriation of water, if required, and leave the intermediate use of it free or at once to turn it to account by enhancing the assessment of the land irrigated by it, the increased tax being adjusted with careful regard to the amount of private capital invested and to the possibility of the water being withdrawn at some future time if Government consider the latter reservation necessary under all circumstances.

5. The former plan would, in the opinion of the Board, be preferable. In cases of this kind, it is not easy to say whether a neighbour may not hereafter be deprived of advantages obtained by an earlier applicant, or whether the Government may not require the water for irrigation on a larger scale. If the Teerwa of the land is enhanced it is tantamount to giving the applicant a right and title to the stream which may afterwards be of great inconvenience. By letting him make use of it without charge, as long as no one else wants it, he would be benefited, and there would be no difficulty in resumption if necessary.

(A true Extract.)

(Signed) J. D. SIM, Acting Secretary.

No. 2. ORDER THEREON, No. 1308; dated 16th December 1857.

Para. 1. With these proceedings, the Board of Revenue submit a letter from the Acting Collector of Guntoor, on the subject of an offer made by a ryot of that District, to construct an annicut across a jungle stream for the irrigation of a small patch of dry land, on the condition of being exempted from the payment of any extra assessment.

2. The land is assessed at Rupees 4-12-9, and the cost of the annicut is estimated at about 20 Rupees. The case is so far different from that of wells or tanks dug within a ryot's holding, that it monopolizes the use of water from a stream the property of the State. The Board leave it to the Government to adopt one of two courses, either to reserve the right of Government to the future appropriation of the water when required, leaving the intermediate use of it free; or, at once to turn it to account by enhancing the assessment of the land irrigated by it. The Board consider the former to be the preferable plan.

3. It appears to the Right Honorable the Governor in Council that the principle involved in the Board's proposal is open to objection. To allow the water in a jungle stream to be appropriated by ryots at their own cost, free from all extra demand, on the understanding that the right of Government might be exerted at any time that the water might be required for a remunerative purpose, is calculated to lead to embarrassment. The free use of the water for ten or fifteen years would certainly be looked upon as constituting a prescriptive right, and much outcry would be raised when the Government exerted its right of appropriating the water to remunerative purposes. He therefore deems it advisable that the annicut referred to in the Collector's letter should be raised at the public expense, if the District Engineer approves of it, and the ryot, whose land is dependant on the irrigation, consents to pay for the water.

(Signed) H. FORBES,

Acting Secretary to Government.

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Revenue Department.

14299

Extract from the Proceedings of the Board of Revenue,
dated 3rd December 1857.

Recd letter from the Ag Collector of
Guntur dated 19th October 1857.
[See entry No 143]

In the above letter the Ag Collector reports
that a Ryot has sought permission to construct
an Annicut across a jungle stream and thereby
irrigate about 5 acres of Dry land which he
prays may be exempted from extra assessment.

2. The land is now assessed at Rspees 14-
12-9 but the Ag Collector does not state whether it
is waste or cultivated. The Annicut will cost
about 20 Rspees and will not interfere with other
irrigation works belonging either to Government
or to private individuals.

3. The Board think it right to submit the
case for the orders of Government as similar ap-
plication may be expected to become frequent
hereafter.

4. The case differs from that of Wells or
Tanks dug within a Ryot's holding. The water
of rivers and running streams belongs to the
state and may be required for irrigation works
which may hereafter be executed. A Ryot can
not therefore claim to monopolise water from
such sources in all time to come in the same
manner as if he had constructed a tank or
sunk a well in his own land. On the other hand
it seems inexpedient to allow such water to re-
main unused simply because it may be re-
quired for works not yet in existence. It is
open to Government either fully to reserve its
right to the future appropriation of the water if
required.

required, and leave the intermediate use of it free or at once to turn it to account by enhancing the improvement of the land irrigated by it, the increased tax being adjusted with careful regard to the amount of private capital invested and to the probability of the water being withdrawn at some future time if Government consider the latter reservation necessary under all circumstances.

5. The former plan would, in the opinion of the Board be preferable. In cases of this kind, it is not easy to say whether a neighbour may not hereafter be deprived of advantages obtained by an earlier applicant or whether the Government may not require the water for irrigation on a larger scale. If the terms of the land is enhanced it is tantamount to giving the applicant a right and title to the stream which may afterwards be of great inconvenience. By letting him make use of it without charge, as long as no one else wants it, he would be benefited, and there would be no difficulty in resumption if necessary.

Per the Extract

J. H. M.
Secretary.

To Mr. Forbes Esq.
Secretary to Government.
Revenue Department.

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A

Revenue 1897, Sept.
No. 6. C. No. 23, December

N^o 1511

Extract from the Proceedings of the Board of Min.

Dated 31st December 1897.

1. Encl. Returned

No. 1308-16^a Decr.

Submitting for the order of Government a letter from the City Collector of Guent relative to the request of a grant for the completion of the canal improvement of the land to be irrigated by an Arment he intends constructing across a single stream, and stating the views of the Board on the question.

N^o 1.

5 Dec 1897

1308
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Revenue Department

A-1308

Extract from the Minutes of Consultation
Under date the 16th December 1867.

Read the following
Extract from the Proceedings
of the Board of Revenue.

(Enclosed 3rd December 1867. A-1308)

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By

Me

Wile

At. With these proceed-

ings, the Board of Revenue

submit a letter from the Act-

ing Collector of Gundoor, on

the subject of an offer made

by a ryot of that District to

construct an arched

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the irrigation of a small

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from the payment of any

extra

extra assessment.

2 The land is assessed
at Rs 12-9, and the ^{cost of the} annicut
is estimated at about 20
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required, leaving the im-
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by

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by enhancing the assessment
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3 It appears to the Right
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 ment exerted its right
 of appropriating the
 water to remunerative
 purposes. He therefore
 deemed it advisable that
 the Amount referred to
 in the Collector's letter
 should be raised at
 the public expense, if
 the District Engineer
 approves of it, and the
 Ryot, whose land is
 dependant

I should rather ask
 the Engineer - if he
 would permit even
 the most ^{remote} probability
 of the stream in question

being made available ¹³⁰⁸/₁
 In other cases - those dependant on the irrigation,
 but how as he - if consents to pay for the
 the water; and that in the
 the Engineer - should
 Grant permission
 to the Ryot to do as
 he pleased
 matter should remain
 as they are
 BZ

He had a chance when
 not so induced in
 15-12-57
 BZ

3 Copies to the Bd of Rev. Dist-17
 with an Encl.

22-8-06

5-1-12

7-6-12

21-8-19

Revenue 1857 Dept^{ts}
to Com: 23rd Dec^r

No 1308

Extract Mins: of Cons.
Dated 16th Dec^r 1857.

From the Sub. Secretary to the D^{ty}
D^{ty} 21st July 59 C. No 1308
Case:

Deeming it advisable
that the amount proposed
to be constructed across a
single stream in the Quintero
District should be raised at
the public expense of the report
where land is defendant on
the irrigation, consent to pay
for the water.

No 142

1308
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