Revenue Departm

No 427

Dated 30-3-1859

Fort Saint George, Revenue Consultation of 1*st April* 1859.

No. 73. Read the following Extract from the Minutes of Consultation in the Financial Railway Department; dated 17th March 1859, No. 155.

Communicating correspondence relative to the claim of the Shrotriemdars of Iyanaveram in Chingleput for rent for certain Cawnies of land in their village included in the permanent line of the Railway.

(Vide Financial Railway Consultation 22d March 1859, Nos. 14 to 16.)

No. 74. ORDER THEREON, No. 427; dated 30th March 1859.

Referred to the Board of Revenue for early report, with reference to the order of Government of February 4th 1858, No. 153.

(Signed) W. C. SIM,
Acting Deputy Secretary to Government.

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Read the fol...

FINANCIAL RAILWAY DEPARTMENT.

No. 155.

Extract from the Minutes of Consultation under date the 17th March 1859.

Read the following letters from C. J. SHUBRICK, Esq., Collector of Chingleput; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Sydapet, 28th February 1859, Nos. 10 and 11.

SIR,

I have had the honor of receiving Extract from Minutes of Consultation, No. 98 of the 17th Instant, referring, for my report, the claim of the Shrotriemdars of Iyanaveram for rent for about 20 Cawnies of land in their Village included in the permanent line of the Railway.

2. I have informed Mr. Saunders that I never received the original of the letter in which he purports to have made the claim to me.

3. As regards the claim itself, I have the honor to report that Cawnies 18-0-2 of land were taken for the use of the Railway in the Village of Iyanaveram in August 1853, in conformity with the powers conveyed in para: 2 of Extract Minutes of Consultation, No. 22, dated 3rd May 1853. The compensation for the proprietary right in the land was privately arranged with the Merassidars, and paid to them accordingly. The present claim has nothing to do with that compensation, and is altogether distinct, being a claim preferred for the Landlords, or Government share of the produce of the land, and not for the actual land itself.

4. In Government Villages, compensation of this kind has not to be paid, as Government, being in the position of the Landlord, has only to forego its claim to rent. But in Shrotriem, Mootah or other proprietary Villages under whatever denomination, this claim to the Government share of the produce of the land taken for public purposes has to be separately disposed of. Up to the time of the present claim, it has been usual to remit the assessment or the Government share of the produce of the land taken up for public purposes from the total Peishcush payable by the Shrotriemdar, &c., and demand from him ever afterwards only the remainder. This has been done in the Palaveram and Mount Cantonments in former years whenever lands in them were required to be appropriated for Government use, and is moreover enjoined to be followed (in para: 6 of Extract from Minutes of Consultation, No. 2294 of the 6th July 1857.)

5. The present claims were calculated in accordance with the orders of Government just adverted to, and submitted for their final disposal; but referred back for further enquiry and verification by the Officers of the Railway Department (in Extract Minutes of Consultation, No. 600 of the 4th February 1858.)

6. This further enquiry and verification has now been accomplished, and a report on it submitted to the Board of Revenue which will doubtless, in due course, come before Government. The present claim for actual payment of rent, it will be seen, is opposed to former custom, and if it had been confined to a demand of the Government share of the produce alone, might have been allowed to pass, in as much as it was pretty nearly the same thing whether the Government paid the share in actual Cash or remitted the amount from its Peishcush. The claim advanced, however, far exceeds the Government share of the produce, this latter for the Cawnies 18-0-2 amounts to only Rupees 123-10-1 per annum, while at a monthly rent of Rupees 35 the sum claimed by Mr. Saunders for the Shrotriemdars would be Rupees 420 for the same period.

SIR,

In continuation of my letter, No. 10 of today's date, I have the honor to submit, for the information of Government, the enclosed copy* of a further communication addressed to me on the subject therein discussed, by Mr. Saunders, the Vakeel of the Shrotriemdars of Inaveram. The questions raised by Mr. Saunders in this communication, appear to be legal, and therefore to require a legal solution. His Statement that Rupees 100 per Cawny for similar land was refused, refers to land temporarily required for brickfields.

* *28th February* 1859.

From H. B. SAUNDERS, Attorney to the Shrotriemdars of Iyanaveram; to C. J. SHUBRICK, Esq., Collector of Chingleput, dated Victoria Hotel, 28th February 1859.

SIR,

I am favored with your letter of the 26th Instant and beg to explain that my communication referred to, was posted and returned to me, the stamps being insufficient. I wished to explain personally what appeared too brief and abrupt in the absence of any previous application for payment; but on calling you were absent in the Talooks.

These Shrotriemdars applied to me more than 12 months ago, and again about 6 months afterwards; and on both occasions I refused to forward their claims admitting their right to a liberal but not exorbitant compensation. On the last occasion they wished to have these claims on the fact that they and the Merassidars had refused 100 Rupees per Cawny per annum from the Railway Company for precisely similar land (of the truth of which you are aware) and supposing the Merassy and Shrotriem to be equally divided, as in the case of "Varum," the Shrotriemdars would be receiving 50 Rupees per Cawny per annum as their share. You will see, however, that the present claim is less than half this rate.

I beg to bring to your notice that the Act in force in 1853 for taking land for public purposes begins thus:—"*Whenever* it shall appear to the Governor of Fort Saint George in Council that *any* land is needed" &c. It would thus appear that the Act should have been resorted to; or at any rate a good title acquired by the Government, otherwise it would be in the power of these parties to harass the Railway (the party in possession) with a perpetual charge and where the Merassidar or owner is concerned he would be entitled to reject notwithstanding the contract existing to supply the Railway with land free of cost. It was in order to illustrate these facts that I addressed Mr. Ackworth; the subject, however, is one for the consideration of the Solicitors of the Government and the Railway. If these gentlemen think we have no remedy against the Railway we are prepared to try it; but the consequences of success would be very serious both in this and other cases as the parties would then never sell; and the putting the Act in force afterwards would be attended with difficulty.

† *Without prejudice.* I am prepared† to advise these men to adjust on liberal, but not exorbitant terms; or to try the case as it stands, if thought advisable, in the Court to which the Railway Manager as defendant is liable. It will be seen that the Shrotriem was rented until August last.

I beg to enclose the letter returned by post.

Order.—Ordered that copies of the foregoing reports be furnished to the Government Solicitor with reference to his letter of the 14th February last, No. 180.

2. Ordered also that the papers be communicated to the Revenue Department with reference to Extract Minutes of Consultation in that Department, dated 4th February 1858, No. 153.

(True Extract and Copies.)

Chief Secretary.

To the Government Solicitor.
" Revenue Department.

Exd. J. A. Wilson.

F.R, D. Cons: 25 Feby/59: No 17-18
R - D - 28 June/57 " 30 C2 -
" " 9 Feby/58 " 17-18-

No 384/4.

Revenue 1859 Dept.
Dy to Cons/1st April.

No 500

Extract from the Mins of Cont: in the Financial Railway Department.

Dated 17 } March 1859
Recd 24 }

Communicating corres: = pondence relative to the claim of the Shrotriem = dars of Iyanaveram in Chingleput for rent for certain Cawnies of land in their Village included in the permanent line of the Railway -

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No 427. 30th March 1859
With an Order

No 427

Referred to the Board of Revenue for early report with reference to the order of Govt of February 4/58 No 153 -

Fort St George
30 March/59

3 Copies to the Bd of Rev Dist 31st ult
with E.R.C.R: 155.