Madras Record office.

Government of Madras

Revenue Department.

G. O. No. 489

Dated 12. 4. 1859.

Not to be folded or roughly handled.

In Con. 28th March 1859, No. 1277.

From C. J. SHUBRICK, Esq., Collector of CHINGLEPUT,

dated Caukaloor 24th March 1859, No. 78.

I have the honor to forward herewith copies and translates of a Plaint filed against me in Suit No. 30 of 1858 in the Principal Sudr Ameen's Court at Chingleput by some of the Inhabitants of Colatoor in the Chingleput Talook, and Draft of an Answer proposed to be made on the subject, and request that the sanction of Government may be obtained for my defending the Suit at the Public cost. The circumstances under which I ordered the construction of the masonry work to which the Plaintiffs take exception are fully set forth in the Draft of the Answer proposed to be filed. The date fixed for filing the Answer expired on the 19th instant, and I have applied for an extension of time.

Enclosure. 1.

To T. Allagiah Pillay, Principal Sudr Ameen, Chingleput.

The Plaint filed by Teroovulloor Iyengar, Court's Vakeel, in behalf of the Plaintiffs, Streenevasa Charry, and others, 39 in number, inhabitants of Colatoor in the Chingleput Talook, versus Narasimma Ragava Charry, and other Defendants, 26 in number, residing in the same village, praying that the masonry work proposed to be executed by the Defendants 1 to 5, aided by the Defendants 8 to 26 through the 6 and 7 Defendants, on a piece of Poonjah Porumboke land called "Calingal mavoo" No. 1880, according to Pymash, valued at Rupees 30, may not be carried out, and that a sum of Rs. 5 may be recovered from Defendants 1 to 5, being the amount of estimated charges for restoring the channel cleared by the Plaintiffs which had been improperly filled up by the above Defendants; the total amount sued for being Rupees 35-0-0.

1st The Plaintiffs and all the Defendants, except the Defendants 6 and 7, are the Merassidars of Colatoor, while the Defendants 1 to 5 are also the Merassidars of Ottevakum an adjacent village, which possesses a separate Tank, and is solely irrigated by it. The Colatoor Tank has 5 sluices of which the one called "Pana marrickan madamadogoo," situated at the South West end of the Tank, usually irrigates the wet lands to the west of the village by a channel excavated through the Porumboke land No. 1880. As the channel was, according to custom, cleared by the Plaintiffs to ensure free irrigation, the 2nd Defendant preferred a complaint to the Head of Police praying that the Plaintiffs may be prevented from interfering with him and others in turning portion of the supply to their fields in Ottevakum; whereupon, that Officer ordered the channel in question to be filled up and the Defendants from 1 to 5 carried his orders into execution, cutting off thereby the usual supply of water derived by the Colatoor lands: the case is now under appeal before the Session's Court.

2nd The Defendants from 1 to 5, with intent to make a masonry work on the piece of land in question, and turn a portion of the supply to their own fields, prevailed upon the 7th Defendant, a Sub Overseer, to submit a report in their favour to the 6th Defendant, the Engineer, who, without making any enquiry, has issued an order to the 7th Defendant to execute the work in question—all necessary preparations for the execution of the work are being made by the 7th Defendant and if it is carried out, it will necessarily lead to a decrease of cultivation in the Colatoor village consequent on a deficiency of supply of water.

3rd Under these circumstances, the Plaintiffs pray that the sum of Rs. 5, being the estimated charge for restoring the channel passing through the piece of land in question, and irrigating the Colatoor village, may be recovered from the Defendants from 1 to 5, and the masonry work intended to be constructed by the Defendants 1 to 5, aided by the Defendants 8 to 26, through the 6 and 7 Defendants, on the piece of Porumboke land No. 1880—according to Pymash valued at Rs. 30, may not be carried out.

Enclosure 2.

To the Principal Sudr Ameen, Chingleput.

Supplemental Plaint filed by Vakeel Teroovullore Iyengar, in behalf of the Plaintiffs in Suit No. 30 of 1858.

Lieutenant Hankin, was made the 6th Defendant in the said Suit under an impression that he had ordered the work referred to, to be executed. But Lieutenant Moberly, the District Engineer, having moved the Court to make him a Supplemental Defendant, instead of Lieutenant Hankin, the work in question having been ordered by him, and he being consequently responsible for the same, his name was accordingly included in the List of Supplemental Defendants; but as he has filed an answer that the work was executed under the order of the Collector, and not on his own responsibility; an Urzee was presented to the Court on the 28th instant requesting that the Collector also may be included among the Defendants: this request being acceded to, a Supplemental Urzee is now presented making that Officer a Supplemental Defendant, the Plaintiffs therefore pray that the Court will serve him with a notice and allow the Suit being conducted against that Officer also.

No. 1207.

EXTRACT from the PROCEEDINGS of the BOARD of REVENUE, dated 5th April 1859.

Read letter from the Collector of Chingleput, dated 24th March 1859, No. 78.

(In Con. 28th March 1859, No. 1277.)

Read also letter from the same Officer dated 5th instant.

(Here enter No. 97.)

In the first of the above letters the Collector reports that a Suit has been instituted against him in the Principal Sudder Ameen's Court of Chingleput under the following circumstances.

2. The villages of Plaintiffs and Defendants receive supplies of water from two branches of a channel proceeding from the Collatoor Tank. The Plaintiffs for many years past have endeavoured to secure for themselves an undue share of the water by lowering their branch of the channel at the point of its divergence below its proper level. The Collector acting on his general authority and consistently with a decision passed in 1820, as well as with the result of subsequent enquiries interfered to prevent this and to obviate further disputes arranged with the Department of Public Works for the construction of a masonry flooring at the bifurcation of the channel. The present Suit is brought by Plaintiffs to prevent the construction of this work and to recover the expense (Rupees 5) of restoring their channel to the condition in which it was previously to the interposition of the Revenue authorities.

3. The Board see no reason to question the justice of the Collector's estimation of the relative rights of the contending parties and recommend that he may be permitted to defend the Suit at the public expense on the usual conditions.

4. His answer the Board think should be in the following terms.

I. The Collector denies that he has infringed Plaintiffs' rights in any way and is prepared to prove this by previous decisions, by the Survey accounts and other evidence.

II. The work objected to by Plaintiffs is necessary to prevent further disputes and secure the just rights of all the parties concerned.

III. Plaintiffs first plea is irrelevant and the matter therein referred to is now pending before another competent tribunal.

IV. The Collector prays that the Suit as against him may be dismissed with costs.

5. The time allowed for filing an answer has been extended to the 19th instant.

(A true Extract.)

Secretary.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.

Copy to Collector of Chingleput.

Revenue 1859 Departt
to Govt 12th April
No 590

Extract from the Pro-
-ceedings of the Board
of Revenue -

Dated 5th
Rec 6 } April 1859

1 Encls. No 1207

Est No 489 - 9th April 1859.
Submitting letters
from the Collector of
Chingleput reporting the
circumstances connected
with the institution of a
suit against him in the
Principal Sudder Ameen's
Court, recommending
that he be permitted to
defend the suit at the
public expence, and
stating the terms in
which the Board think
the Collector's answer
should be filed -

No 27.

cy 4 April