M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1873 — Press / ~~Mis.~~

257. 25-2

Dated 27. 9. 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 27th September 1861.

No. 251. Read the following Proceedings of the Board of Revenue, dated 23rd September 1861, No. 5,139:—

Read letter dated 14th September 1861, No. 171, from the Officiating Collector of Trichinopoly, forwarding copy of the Principal Sudder Amín's Decree in Original Suit No. 3 of 1857.

(In Cons. 18th September 1861, No. 5,955.)

1. Ordered that the foregoing letter be submitted for the consideration of the Honorable the Governor in Council.

2. The circumstances which gave rise to the above suit are briefly as follows:—A small river called the Caravattaur, passes along the boundary between the Salem and Trichinopoly Districts, and two villages, Audipooram in the former Collectorate, and Moorangay Collattoor in the latter, derive their irrigation from it. Both villages have anicuts to turn the water into their channels, that of Audipooram being a few hundred yards higher up the stream than the other.

3. In consequence of improvements lately made by Government to the Audipooram Anicut, the supply to the Collattoor village became so limited that it was deemed necessary to excavate a new channel to fill its tank. The Audipooram Ryots objected to this channel on the ground that it led from the river *above* their Anicut and, therefore, interfered with the irrigation of their village, and hence brought the suit with the view of closing the new work.

4. The decision of the Principal Sudder Amín is in favor of the Plaintiffs. He has relieved the Collectors of Salem and Trichinopoly and the District Engineer of the former District, who were the 1st, 3rd and 2nd Defendants in the suit, from all responsibility, but has given judgment against the 4th Defendant the District Engineer of Trichinopoly, with an award of costs.

5. The Board do not concur in the justice of this decision. The Principal Sudder Amín seems to have taken no evidence to ascertain whether the cultivation of the Audipooram Ryots has suffered since the cutting of the new channel, but has assumed without proof that it must have necessarily diminished; whereas from the fact of the Audipooram anicut having after its repair, arrested the supply of the Moorangay Collattoor channel, and from the evidence given by Captain Gahagan, the District Engineer of Salem, it is evident that by proper regulation, both the villages may be supplied with their due share of water without injury to the interests of either. By the above decision of the Court not only will the lands of the Moorangay Collattoor village, yielding a revenue of Rupees 2,922, be thrown out of cultivation, but the right of Government to excavate a new channel from a part of a river below which an Anicut may be situated, will be called in question, and thus all future improvement or extension of river irrigation will be stopped.

6. Under these circumstances, the Board are of opinion that the decree should be appealed against; and they accordingly recommend that sanction be granted for this purpose, and for the conduct of the suit at the public cost.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 252. ORDER THEREON, 27th September 1861, No. 1,873.

The Board are authorized to appeal from the Judgment of the Principal Sudder Amín. They should consult the Government Pleader as to the best course for adoption in the appeal.

(Signed) J. D. SIM,

Secretary to Government.

6. Under these circumstances, the Board are of opinion that the decree should be appealed against; and they accordingly recommend that sanction be granted for this purpose, and for the conduct of the suit at the public cost.

/ True Extract /

L. Sutherland
Secretary

J. D. Sim Esqr.
Secretary to Government
Revenue Department.

6-10-6

Rev 1861 Department
Pro: of Govt for September
No 2269

Proceedings of the Board
of Revenue.

Dated 23d
Desp.d 23d } September 1861.
Rec.d 26th

E. I. Co.s Letter
(Encl.d)

No: 5139

Submitting Letter from
Coll.r of Trichinopoly relative
to the O.S. No: 3 of 1857 on
the file of the Principal Sudder
Ameen's Court: and recommend
=ing that the Decree passed
therein be appealed against
and the appeal suit conducted
=ed at the public cost.

No: 1873. 27. Sept.r

Pet.r per order

No: 251 & 252.

No: 1873

The Board have authorized
to appeal from the Judgment of the
Principal Sudr Ameen - They
should consult the Govt Pleader
as to the best course for adoption
in the appeal -

J. W. S

Fort St. George
27th Sept.r 1861

R.t Lo the Board of Revenue with the Petr's
Disp.h 27
& Govt Pleader -
Orders Copies to be sent