M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 268	Press Mis.
24-25	
Dated 2-2-	1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
2nd February 1861.

No. 24. Read the following Proceedings of the Madras Government in the Financial Railway Department, dated 26th January 1861, No. 52 :—

Passing orders on the subject of the compensation claimed by the Cavetnugger Zamindár in North Arcot from the Railway Company. (Vide Financial Railway Proceedings, 26th January 1861, Nos. 99, 100.)

No. 25. ORDER THEREON, 2nd February 1861, No. 268.

Ordered to be recorded.

(Signed) J. D. BOURDILLON,
Secretary to Government.

FINANCIAL RAILWAY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again letter from the Acting Collector of North Arcot, dated 18th and recorded in Proceedings of the 27th August last, No. 493.

Read again letter from the Consulting Engineer for Railways, dated 29th August and recorded in Proceedings of the 12th September 1860, No. 538.

Read also the following Proceedings of the Board of Revenue, dated 10th January 1861, No. 170.

Read Proceedings of Government, dated 12th September 1860, Financial Railway Department, No. 538, forwarding for the Board's observations the whole correspondence on the subject of the compensation claimed by the Cavetnugger Zemindar from the Railway Company.

(In Consultation, 15th September 1860, No. 4,623.)

The Board have carefully considered the claim made by the Zemindar of Cavetnugger for compensation on account of loss sustained by the line of the North Western Railway being carried across the bund of the Vedoolacheroo Tank. The claim may be classed under three heads, viz.

1st. For the value of so much of the materials of which the bund is composed, as are rendered permanently useless by the Railway operations.

2nd. For the prospective loss of cultivation caused by lowering the bund in question fourteen feet and constructing a Calingula which will keep the water level 3 or 4 feet below the height to which the bund would be reduced.

3rd. For loss actually caused by letting off the water from the Tank while the Railway operations are being carried on.

2. The total sum claimed for the first item by the Zemindar was originally 90,000 Rupees, but this has been reduced by the Deputy Collector on the calculation given at paragraph 16 of his report to the Acting Collector of North Arcot, dated 24th July 1860, No. 42, to Rupees 53,418-12, which Mr. Robinson recommends should be paid.

3. This sum would include the estimated value of the whole of the Earthwork and revetment destroyed by lowering the bund 14 feet. The Consulting Engineer however considers, as may be seen by paragraph 4 of his letter of the 29th August 1860, No. 161, that compensation should only be paid to the Zemindar for that portion of the materials in question which can be made use of by the Railway, which calculated at 5 Annas per cubic yard for the Earth and 8 Annas for the stone work, he shows would come to Rupees 28,614-4.

4. To this the Acting Collector objects in paragraph 4 of his letter to Government dated 18th August 1860, No. 57, and at the same time strongly advocates the grant of compensation for the whole quantity of the materials. The Board concur in the opinion expressed by the Consulting Engineer that the Zemindar can only reasonably expect payments for so much of the materials in question as are actually made use of by the Railway Company for their works, but this expense however has to be borne of course by the Railway Company, and not by Government. It appears to the Board that if the Zemindar receives from Government compensation in the shape of an annual permanent remission of Peshcush to the full extent of the Interest hitherto derived by him from the Capital invested in that portion of the bund which is rendered useless by the Railway cutting and the new Calingula, he is placed in as good a position as he is at present and cannot equitably claim from Government a repayment also of the capital represented by the bund.

5. The Deputy Collector proposes that 4,000 Rupees should be thus permanently deducted from the Peshcush, but the Board observe that there is nothing to show the calculation or principle upon which this amount has been determined and they think that more explicit information should have been given by the Deputy Collector.

6. As the proposal stands, it appears that the whole compensation is to be made in favor of the Zemindar, but it is not established that the lowering of the bund and building the Calingula will cause him a permanent loss of Rupees 4,000 annually out of his rents. Should it however be the case that the sum in question is intended only to cover *his* loss, it seems to the Board that the enquiry should have been extended to ascertain the amount of the losses which the cultivating ryots will also sustain in view to compensation being given to them.

7. As regards the compensation to be granted under the third head, the Board think that the Railway Company should use their best endeavours to execute their works, so as to cause the loss of only the 2nd crops for which the Board think that compensation to the amount of 5,000 Rupees should be given to the ryots as including their own share of the crops and also that of the Zemindar who will realize his share as usual from them.

If, however, it is absolutely necessary to keep the tank drained for the whole year, the full value of the crops calculated on the average of the last 10 years' cultivation should, in the Board's opinion, be disbursed to the ryots so as to enable them to make their usual payments to the Zemindar. The amount set down by the Deputy Collector as compensation for both 1st and 2nd crops together is 23,674-8-4, to which the Board see no objection.

8. As it is of great importance that the question of compensation should be decided without further loss of time, the Board are of opinion that unless the Zemindar shows willingness to come to reasonable terms, the provisions of Act VI of 1857 should now be at once enforced.

(A true Extract.)

(Signed) W. HUDLESTON,
Acting Secretary.

To J. D. SIM, Esq., Acting Secretary to Govt., R. D.

ORDER THEREON, 26th January 1861, No. 52.

The Honorable the Governor in Council has attentively perused the foregoing papers containing the opinions of the Collector, Consulting Engineer, and Board of Revenue on the claim preferred by the Zemindar of Carvetnugger for compensation on account of loss sustained by the line of the North Western Railway being carried across the bund of the Vedoolacheroo Tank—and he concurs in the view taken by the Board in paragraph 4 of their Proceedings, and by the Consulting Engineer with respect to the claims under the first* head. He is of opinion that the Zemindar cannot claim more than the value of that portion of the materials which are actually made use of by the Railway Company for their works, viz., Rupees 28,614-4-0, which expense will of course have to be borne by the Company, and he considers on the grounds clearly set out by the Board in the concluding part of paragraph 4 of their Proceedings, that if the Zemindar receives this sum and due compensation by a permanent abatement of Peshcush for the loss caused by lowering the bund of the Tank, he will have been liberally dealt with. The remainder of the materials the Zemindar may keep and dispose of as he likes.

1st. For the value of so much of the materials of which the bund is composed, as are rendered permanently useless by the Railway operations.

2. In regard to the claim under the second head, the Government direct that, as suggested in paragraphs 5 and 6 of the Board's Proceedings, further inquiries be made, under the Board's orders, as to the loss really likely to be occasioned both to the Zemindar and to the Ryots by the lowering of the bund, in view to the compensation properly awardable to each party being correctly ascertained and reported to Government.

2nd. For the prospective loss of cultivation caused by lowering the bund in question 14 feet ...d constructing a Calingula which will keep the water level 3 or 4 feet below the height to which the bund would be reduced.

3. With respect to the claim under the 3rd head, the Government are of opinion that the course advised in paragraph 7 of the Board's Proceedings is the right one, and they resolve to call the attention of the Consulting Engineer to it. The Collector of North Arcot will inform the Zemindar of the views above recorded and the proposed amount of compensation—and request him to allow the Railway Officers to enter on possession and commence operations, on the understanding that those views will be acted on. The Zemindar should at the same time be informed that if he interposes more delay, the provisions of Act VI of 1857 will be at once enforced against him.

3rd. The loss actually caused by letting off the water from the Tank while the Railway operations are being carried on.

(True Extract.)

Chief Secretary.

To the Board of Revenue, for communication and issue
" of necessary orders to the Collector of North Arcot.
" Consulting Engineer for Railways.
" Revenue Department.
" Accountant General.

Exd. F. Cartledge.

12th Septr/60 Nos 40 - 41.

Revenue 1861 Dept.
Pro: of Govt for February.

No. 244

Proceedings of the
Madras Govt in the
Financial Railway Dept.

Dated 26th
Recd 29th } January 1861.
No. 52.

Passing orders on the
subject of the Compen-
sation claimed by the
Cuetnugger Zamindar
in North Arcot from
the Railway Company.

Nos 24 & 25.

No 268

Recorded.

2nd February/61.

Cl. Dbt