M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1912 Press ~~Mis.~~

252.255

Dated 22-10-~~19~~1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 22nd October 1863.

No. 254. Read the following Proceedings of the Board of Revenue, dated 7th October 1863 :—

Read again letter from the Officiating Director of Revenue Settlement, dated 26th June 1863, recorded in Board's Proceedings, dated 15th July 1863, No. 4,340.

Read also the following letter from R. E. MASTER, Esq., Officiating Director of Revenue Settlement, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 1st October 1863, No. 1,177/88.

SIR,

1. I have the honor to report that in accordance with the Board's Proceedings of the 15th July last, No. 4,340, the Donka therein alluded to has been for the present closed, and answers stating the fact have been prepared in readiness to be filed at the hearing of the two Suits Nos. 70 and 71 of 1863, Bapatla District Moonsiff's file.

2. Adverting to paragraph 2 of the above Proceedings, I forward a sketch Map showing the land required to be taken up for the roadway proposed to be opened in the village of Palaparru, together with a detailed statement giving the exact area to be deducted on this account from each Survey number, and a draft declaration to be made by Government under Sections II and XXXIII, Act VI of 1857. The Board will observe that the total area required for the road is under 2 Acres, including the portions to be deducted from the fields of other Ryots besides the Plantiffs in the two Suits, as it has been considered expedient to include in the declaration all the land required. As the Deputy Director is now absent from the District, it will be convenient that the Collector should be authorized under Section III to take order for the acquisition of the land.

3. With regard to the source from which funds should be provided for compensation to the proprietors of the above land, the Budget of this Department will easily meet the small charge should it be considered one properly debitable to it.

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1. Ordered that the above papers be submitted to Government, with reference to their Order dated 21st April 1863, No. 696, Revenue Department, and with the Board's recommendation that the Notification be published in the Gazette, and that the Acting Collector of the District be nominated to carry out the measure of assessing the land as Mr. Morris is fully employed in Kurnool.

2. The necessity of opening out these "Donkas" or village roads in the interest of the community is unquestionable.

No. 255. ORDER THEREON, 22nd October 1863, No. 1,912.

1. Under the provisions of Section II of Act VI of 1857, the Governor in Council resolves that the following declaration be made and recorded :—

"Whereas certain land measuring altogether 1·94 Acres, forming portions of Survey numbers 317, 313, 315, 311, 310, 308, 307, 297, 296, 442, 441 and 440 in the village of Palaparru, in the Bapatla Talook of the Kistna District, is required for the purpose of forming a roadway in the said village, the Governor in Council in exercise of the authority vested in him by the provisions of Act VI of 1857, does hereby declare the said land to be land required for a public purpose."

2. The Governor in Council also resolves under Section III of the said Act to direct Mr. E. B. Foord, Acting Collector of the Kistna District, to take the necessary measures for the acquisition of the said land, and to adjust the claims to compensation on account of it in the manner provided by the Act.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

" Acting Collector of the Kistna District.

Exd. S. T. Augustin.

No. 4,340.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 15th July 1863.

Read the following letter from R. E. MASTER, Esq., Officiating Director of Revenue Settlement, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 26th June 1863, No. 797-61 :—

1. Referring to the Order of Government dated 21st April last, No. 696, communicated with the Board's Proceedings of the 23rd idem, No. 2,364, and directing the offer of compensation to the Plaintiffs in Suits Nos. 70 and 71, Bapatla District Munsiff's file, for the land taken up by the Donka carried through their fields by the Demarcation Department, I have the honor to forward copy of a deposition taken jointly from the 2nd Plaintiff in Suit No. 70, and the Vakeel of the 1st and 3rd Plaintiffs, in that Suit, and of the Plaintiff in Suit No. 71, from which the Board will observe that the offer of compensation is declined, the only wish of the parties being the removal of the Donka.

2. In the Order above quoted, the Government direct that in the event of the offer of compensation being refused, the Board should decide whether the road should not be closed till measures can be adopted for legally acquiring the land. Although the ground occupied by the road in question has not been taken up in an exactly legal manner, there can be no doubt that the road is required for the general convenience of the community, and as success on the part of the Plaintiff, in stopping it upon the present occasion, will lead to the bringing of numerous similar suits, and may give rise to much trouble and annoyance, I think it very desirable that prompt steps should be taken to obtain possession of the ground, on the part of Government, under the provisions of Act VI of 1857.

3. The machinery of the Act is too complicated, and the required formalities too great to admit of its being brought into play in every case in which it may be considered desirable, in the course of demarcation, to make petty alterations in, or additions to, the village communications. I propose, therefore, for the future to modify paragraph 38 of the Demarcation Rules quoted in paragraph 2 of my letter of the 14th April last, No. 432, and to require written agreements to be in all cases taken from the parties interested before land held by any Ryot is occupied for a road. Where the consent of the land-owner is withheld in any case in which the acquisition of the ground is of great importance, it will still be in my power to recommend that it be formally taken up under the Act.

4. In the suits at present under notice, Mr. Morris has applied for a further extension of time for two months from the 25th ultimo, the date on which the Courts re-opened after the adjournment, for the purpose of putting in the answers.

ENCLOSURE No. 1.

DEPOSITION *taken from* MUDDANA SESHU *and* PALAPARTI PEDDA SESHAYYA, *the Vakeel of Muddana Venkatanarayana, Subbanna and Tella Chilakammah, inhabitants of Palapuru in the Bapatla Taluk of the Kistna District on the 9th June* 1863.

Question.—How do you wish to settle about the Donka of which you complained in a Suit in the Bapatla Munsiff's Court? The Government are willing to give you compensation for the loss you have sustained thereby. Would you like to take the compensation and withdraw the Suit?

Answer.—Our only wish is to have the Donka removed, and we do not care to take compensation.

Question.—Will you apply to the Court for a suspension of the trial till we report the circumstances to the higher authorities and obtain their answer?

Answer.—We will consult with our Pleader and should he advise us to motion the Court for a suspension of the trial, we will do so. We will let you know of our Pleader's advice on the subject.

Question.—Where is Zampani Venku, the Puttahdar of T. Chilaka's land. Are you able to answer for him?

Answer.—Zampani Venku is dead. He has a son who has, however, no claims whatever to the land, the Jeroyati Ryot T. Chilaka being the sole owner. There is, therefore, no necessity to ask him any thing about it.

Question.—Why did you not attend on my first summons which you attested as having seen?

Answer.—M. Seshu, Venkatanarayana and Subbana were ill then which prevented our immediate attendance on you.

Question.—You have heard the above deposition read; is it correct?

Answer.—Yes, it is all right.

Completed on the 9th June 1863.

(Signed) PALAPARTI SESHIAH,
Vakeel of Muddanur.

(Signed) SUBBANNAH VENKATANARAYANA,
and TELLA CHILAKAMMAH.

(Signed) MUDDANA SESHU.

Taken before me this 9th day of June 1863 at Masúlipatam.

(Signed) J. LAKSHMKANTA ROW,
Acting Uncovenanted Assistant in charge of the Revenue Settlement Party, Masulipatam.

(True Translation.)

(Signed) F. W. MORRIS,
Deputy Director of Revenue Settlement.

(True Copy.)

(Signed) R. E. MASTER,
Offg. Director of Revenue Settlement.

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1. The Board request Mr. Master to instruct his Deputy to close the Donka, and to answer the suit by stating the fact of its being closed.

2. He will forward a specification of the land, in order to allow of its being legally taken under the Act, and will state from what source funds can be provided for compensation.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To R. E. Master, Esq., Officiating Director of Revenue Settlement.

Exd. J. Wright.

Revenue Department
Jr. 1912.

Proceedings of the Madras Government
Under date the 22nd October 1863.

Read the following
Proceedings of the Board of Revenue

Submitting a letter from the Offg. Director of Revenue Settlement, and recommending the publication in the Gazette, of a notification declaring certain land to be taken up, under Act VI of 1857, for a road many to be opened in the Village of Palaparru in the Kistna District, and the nomination of the Acting Collector to carry out the assessment of the land.—

(Here enter 7th Oct. 1863 No.)

... under the provision of Section II of Act VI of 1857, the Governor in Council resolves that the following declaration be made and recorded.—

"Whereas certain land measuring altogether 1.94 acres, forming portions of Survey numbers 317, 313, 315, 311, 310, 308, 307, 297, 296, 442, 441 and 440 in the village of Palaparru in the Bapatla Talook of the Kistna district, is required for the purpose of forming a roadway in the said

village,

village, the Governor in
Council in exercise of
the authority vested in him
by the provisions of Act
II of 1857, does hereby declare
the said lands to be land
required for a public
purpose."

2. The Governor
in Council also resolves
under section III of the
said Act to direct Mr.
C. B. Ford Acting Col-
-lector of the Kistna
district to take the neces-
sary measures for the
acquisition of the said
land, and to adjust
the claims to compensa-
-tion on account of it
in the manner provided
by the Act.

JBV

"Board of Revenue with 3 Orgl. Proceedings Copy & 2 Maps
" Ag Coll. Kistna District."

a/c: Land 1863 Default

Pro: of Govt for Retr.

1863.

Pro: of the Collector Govt.

Dt 22d October 1863

Transd Board Revd 14 Nov 63

No 2830.

Pro. No. 188-189

21-4-63

Land required in the Village of Pulaparru in Krishna Distt for a roadway proposed to be opened in that Village ordered to be taken under exct

No 2574 dt 55-

VI of 1857-