M.R.O. 14—43,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 257 Press ~~Mis.~~

394.395

Dated 30 — 11 — ~~19~~ 1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 30th November 1863.

No. 394. Read the following Proceedings of the Board of Revenue, dated 24th November 1863:—

Read again letter from the Collector of Madras, dated 10th October 1863, No. 409, in Proceedings No. 6,663, dated 19th idem.

Read also the following letter from G. BANBURY, Esq., Acting Collector of Madras, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Saidapet, 14th November 1863, No. 492.

SIR,

1. In reply to the Board's Proceedings No. 6,663 of the 19th ultimo, I have the honor to inform you that Mr. Fraser, the Engineer in charge of the Madras Water Works project, states that most probably the Egmore Spur tank will be taken up in carrying out this scheme, but that before the plans are matured, he is unable to say how much or what part of it will be required for the purpose.

2. He is of opinion that it would be well not to dispose of any part of the land for the present.

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1. Ordered that the above papers be submitted to Government, with reference to their Order dated 20th January 1863, No. 127, Revenue Department, and with the Board's recommendation that in connection with the water supply project, the Collector be instructed to retain possession of all the land except what is included in the Certificates, the holders of which have not been awarded compensation and have paid the six years' arrears of quit-rent.

2. The Board understand that the extent of such land is Cawnies 29, Grounds 11, Square feet 2,348, which was resumed in 1857 as unclaimed waste.

3. The Board see no reason for making over the service manium land or the old water channel to the so-called Merassidars as proposed by Mr. Ellis in paragraphs 10 and 11 of his letter.

No. 395. ORDER THEREON, 30th November 1863, No. 2,157.

Sanctioned as proposed by the Board.

(True Extract.)

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

To the Board of Revenue.

Exd. S. T. Augustin.

No. 6,663.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th October 1863.

Read the following letter from the Honorable R. S. ELLIS, C. B., Collector of Madras, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Saidapet, 10th October 1863, No. 409:—

1. I have the honor to report to the Board that, upon receiving notice that certain land situated at Egmore, to which the correspondence marginally noted refers, was not required, as originally supposed, for a Military Parade ground, I advertised this land, amounting to 55 Cawnies, 14 Grounds, 2,343 $\frac{1}{16}$ Square feet for sale by public auction as directed in the Government Order, under date the 20th January 1863.

Board's Proceedings,	dated	6th	November	1862,	No.	7,343
Do.	do.	do.	28th	do.	do.	„ 7,843
Do.	do.	do.	23rd	December	do.	„ 8,387
Do.	do.	do.	23rd	January	do.	„ 455

2. On this Advertisement being published, certain parties appeared before me describing themselves as Mirasidars of Egmore, and praying that the auction sale should be deferred pending a full inquiry into a claim, which they stated they possessed to Cawnies 44, Grounds 13, Square-feet 1,935 of the land offered for sale.

3. Inquiry showed that the land in question had passed into the possession of Government under the following circumstances:—

On the occasion of the survey of the lands within the Town of Madras, which was carried on during 1856-57, certain lands forming a large portion of the Spur tank were found unoccupied, no quit-rent having been paid thereon for many years. The boundaries of these lands were not demarcated, nor was it possible, at the time when the Survey party reached these lands, to ascertain what certificates had been issued for them, or to whom these lands could be considered to belong.

4. Under these circumstances, the Acting Collector, Mr. Cochrane, issued a notice on the 9th April 1857, calling upon the owners of the lands in question to appear and produce their certificates within eight days from the date of notice. On default of any person appearing within the specified period, these lands were resumed in the name of the Government, and the fact of this resumption was subsequently reported by Mr. Cunliffe, the Collector, in his report on the Egmore Survey No. 292, dated 11th August 1862. The total extent of land thus resumed was Cawnies 81$\frac{3}{4}$.

5. When in 1859, a Parade ground was required, a portion* of this resumed land was allotted for this purpose, and also certain other adjacent land†, conveniently situated; but for some of this other land, compensation‡ was paid to the then occupants, and there still remains Rupees 3,853-6-10 to be paid, whenever the owners come forward to receive their due.

* Cawnies 44, Grounds 13, Square-feet 1,935.

† Cawnies 14, Grounds 14, Square-feet 1,037.

‡ Rupees 6,695-6-4.

6. When the Mirasidars of Egmore objected to the sale by auction of the land referred to above in paragraph 2, which objection they were prepared to support by an action in the High Court, it appeared to me to be worthy of consideration whether the resumption, which had taken place in 1856-57 at the time of the survey, had been carried out with the necessary formalities, whether the Notification had been sufficiently published, and whether the period therein assigned for appearance of claimants had been sufficient, and whether the non-appearance of claimants at the time could be held as a sufficient legal bar to all future claims.

7. Before, however, entertaining the claim preferred, or inquiry into it, I required the claimants to deposit with the Deputy Collector, the quit-rent due for the last six years on the land, to which they alleged they had a right. This the claimants did, and they then produced certificates granted by the Collector of Madras for various portions of the land in question, amounting to Cawnies 29, Grounds 11, Square-feet 2,318. The remaining land, Cawnies 11, Grounds 5, Square-feet 1,014, was represented as being Maniem lands, which had never been assessed, and Cawnies 3, Grounds 10, Square-feet 973 were occupied by an old water channel. Thus making up the total of Cawnies 44, Grounds 13, Square-feet 1,935 claimed by the Petitioners.

8. After some trouble, the particular lands, specified in each of the certificates produced, were identified and demarcated. The certificates, which are authentic, do not provide for re-entry in default of payment of quit-rent, and it would not, therefore, appear that the holders had forfeited their right to these lands by this default.

9. Under these circumstances, it does not seem to me that the resumption made of these lands in 1856-57 would be recognized by a Court of Law, and I would recommend that the land specified in the certificates should be made over to the certificate holders, and that the six years' quit-rent which they have deposited, as stated above in paragraph 7, should be carried to the credit of Government.

10. As regards the Maniem land, which is entered as such in the Tarapadi Accounts, no service has for many years been performed. No Maniemdars prefer any claim to it; and it seems reasonable to make it over to the clainants, who are unquestionably the Mirasidars of Egmore on the payment of the full amount of quit-rent chargeable on these lands.

11. In the same manner, I would recommend that the land, which was formerly a water channel, but which cannot be used at present for that purpose, should also be made over to them on the same terms.

12. The lands forming a portion of the Parade ground, for which compensation money has been paid, or remains in deposit, can be offered for sale, there being no question as to the title of the Government in these lands.

Before disposing of this reference, the Board wish to know whether any portion of the land will come within the water-spread of the Tank in the event of its being converted into a reservoir as part of the Water Supply Project.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To G. Banbury, Esq., Acting Collector of Madras.

Exd. J. Wright.

Requesting to know whether any portion of the land in question will come within the waterspread of the Spur tank in the event of its being converted into a reservoir as part of the Water Supply Project.

No. 6,663.

Dated 19th October 1863.

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

1863. Department.

Rec. 28th Oct. 63.

Certain the Parade Ground Bombay Rent Settling Spur & Tank Water Supply Project

No. 20 January 63 No 349-368

Rec.d 1863 Oct.r
Read for Nº 2868.

Proceedings of the Board
of Revenue.

Dated 24th
Desp.d 25 } October 1863
Rec.d 25th
C.I.

Submitting with remarks
letters from the Coll.r of Madras
regarding the water works
project in the District.

Nº 2157.

Sanctioned as
proposed by the
Board JP

30th Novem.r
1863. I D.S.

Nº 394 & 395.

Copied 1863 Oct 31