M.R.O. 14—12,000—27. 6. 24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1331 Press Mis.

429. 430

Dated 27. 7. 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 27th July 1864.

No. 429. Read the following Proceedings of the Board of Revenue, dated 6th July 1864, No. 4,187.

Read the following letter from the Officiating Collector of the Godavery District, dated Cocanada, 3rd June 1864, No. 135:—

1. With reference to the Board's endorsement on the petition* (herewith returned) presented to the Government by the Zemindar of Pittapur, I have the honor to report that 906 acres and 60 cents of Zirayiti land, paying an annual revenue of Rupees 3,895-0-0, have been taken up by channels and embankments in his estate from Fuslies 1255 to 1269. Of this quantity, 43 acres and 80 cents, paying an annual assessment of Rupees 128-4-6, were, by orders of the late Collector Mr. Purvis, when in charge of the estate during the minority of the Petitioner, made over to the several Inámdars in exchange for their lands in the Zemindary villages occupied by public works. The amount of compensation due to the Zemindar for the 906 acres of land up to Fusly 1272, being Rupees 33,704-14-6, has been paid to him with reference to paragraph 9 of the Government Order, dated 23rd February 1864, No. 325.

* Government No. 2,938.
Board ,, 515.

2. I beg to remark, however, that this so-called compensation is only the rent due for the lands since they have been taken for Government works; the rent which the Zemindar would otherwise have collected from occupants of them. Either the Zemindar, or the actual cultivators should still receive the actual value of the lands taken; and this seems to have been quite lost sight of. I understand that, in this District, the Zemindars, whatever they may be *de jure* are *de facto* proprietors of the soil, and are so looked on by the cultivators themselves.

3. The accounts of compensation for the above for Fusly 1273, as well as for the lands taken up by channels, &c., constructed subsequent to Fusly 1270 are being prepared, and will be submitted to the Board as soon as possible; and the money will be distributed to him after the sanction of Government is obtained.

4. The Zemindar urges that the deduction from his Peishkush of Rupees 3,895, which was the assessment fixed on these lands in Fusly 1269, is not fair, because Rupees 1,080 should be added to it because of the present increased value of similar lands, and requests that Zirayiti lands equivalent to those taken may be assigned to him.

5. To this I decidedly object. His only reason for preferring an assignment in a Zirayiti village to a reduction of Peishkush, must be that he hopes eventually to have a hand in the distribution of the lands of the village, and so to make money.

6. The annual value of Rupees 3,895 was settled by the late Collector, Mr. Purvis, according to the Shists imposed on those lands in the years in which they were taken up. I think that the Zemindar may, if he chooses, have waste Government lands instead of a reduction of Peishkush.

ENCLOSURE No. 1.—Petition.

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1. Ordered to be submitted to Government with reference to their endorsement on the Zemindar's Petition.

2. It appears from the Collector's letter that the aggregate compensation for past years on account of the assessed land taken up by Government for public purposes in the Pittapur Estate up to the year Fusly 1269, has been paid to the Zemindar to the amount of Rupees 33,704-14-6, being at the rate of Rupees 3,895-9-0 per annum up to Fusly 1272, for 906 acres of land.

3. A remission of Peishkush to this amount, viz., Rupees 3,895-9-0 (which represents the full legal value of the land of the Zemindar), will now be made from Fusly 1273 inclusive, in full discharge of the Zemindar's claims to compensation on account of this land. The Board do not recognise any legal right in the Zemindar to raise the assessment beyond the registered rate at which the value of the land was calculated when the permanent Peishkush was fixed, and therefore would not admit his claim to a higher rate of remission on the ground of the increased value of the land, unless the Zemindar can prove that by expenditure of his private capital he has given such additional value to the land as would have warranted him in increasing his demands on the Ryots, in accordance with the decrees of the Sudder Court. This however is

not asserted, and the mere maintenance of the previously existing works, would not warrant an increase in the assessment.

4. The necessary accounts are being prepared for the adjustment of compensation due to the Zemindar for land taken up for public purposes in and since Fusly 1270, and this matter will be speedily arranged.

5. The Board question the expediency of giving to Zemindars land in Government villages as compensation for land occupied in their Estates for public purposes, in lieu of a remission of Peishkush. The arrangement tends to complicate the accounts, and may create clashing interests in the Government village.

No. 430. ORDER THEREON, 27th July 1864, No. 1,331.

Miscellaneous.

1. With these Proceedings the Board forward a report from the Collector of the Godavery District upon Petition 2,938 of 1863, from the Zamindar of Pittapur, who claims (1) to be put in possession of an extent of cultivated land equivalent to the 900 and odd Acres which have been taken up in his Estate by Government for public purposes; (2) to be paid in ready money Rupees 33,700 on account of the past produce of the land already taken up, and (3), to be similarly reimbursed in land and money for the loss incurred by the appropriation of a further extent of land for similar purposes in Fuslies 1270—1272, inclusive.

2. In regard to the first point, the Zamindar, having learnt that the Collector had recommended either the deduction of Rupees 3,882 from his Peshcush, or the grant of waste lands in lieu, objects to the first proposal, because the sum in question does not represent the actual value of the lands which would have been assessed with an additional 1,080 Rupees had they continued in his possession; and is also unwilling to accept waste lands, considering that Inámdars under similar circumstances have been granted cultivated land.

3. The Collector states that the sum of Rupees 3,895 has been assumed as the annual value of the land, being the Shist imposed at the time of its being taken up. He considers that waste lands might be given instead of reducing the Peshcush, but he objects to an assignment of Jerayati land. He further notes that, in calculating the compensation, one point has been lost sight of; and that *besides* the rent due on the lands, either the Zamindar or the actual cultivator should receive the *actual value* of the land taken.

4. The Board propose to settle the claim by reducing the Peshcush in the sum of Rupees 3,895-9-0, which they consider to represent the *full legal value* of the land to the Zamindar; they decline to recognize the Zamindar's right to demand a higher rate of assessment unless he can show that he had improved the land by expenditure of private capital, and they object to giving land in Government villages in lieu of remission of Peshcush, as such an arrangement tends to complicate the accounts and to create clashing interests.

5. The second request of the Zamindar for compensation on account of past years has already been satisfied by the payment of Rupees 33,700 odd.

6. The third matter which had reference to compensation for land in the Estate taken up in Fuslies 1270—1272 is in process of settlement. Of course the same principle will be followed in this as in the former case.

7. The Government consider that the arrangements made by the Board meet the merits of the case, and are in conformity with the directions contained in G. O. 23rd February last, No. 325. The Collector will inform the Zamindar of the course resolved upon in the several matters alluded to in his Petition.

(True Extract.)

(Signed) C. G. MASTER,
Deputy Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

259 encroached 905 acres of land belonging
to Zemindar
2. 863 acres of the Seropaty and 42 acres of Ryoti
lands of big Zemindar.

3. The Collector which big estate was in the
Management of the Board of Revenue, had granted
the Seropaty lands of big Estate by Nuleeahee of the
Ryoti land which had been encroached upon.

4. He had applied to the Collector
for the restoration of the above 905 acres of the Seropaty
lands and for the recovery there of Rs 33700 Rupees
due from fasly 1255 to 1272. The Collector based
his decision on the Opinion he had received
to the Board of Revenue & the for the deduction
of 3882 Rupees from big Rishouk which Amount
has passed in the above Lands up to fasly 1269
& for the grant of cultivable lands in lieu and
for the payment of Rents by Ryots in lieu of the resumption
thereof for the last years.

5. He the permanent lease is vested in
the Zemindari Estate for arrears of 10 years' Cists is
proved to which 3 is disputed on the defence
of the Defendants and 2/3 are taken by big Rishouk.
As big Estate had been under the Management
of the Court of Wards & the then immediate Officers
both the Robbers of the papers made Red of the Con-
-tents of the resumption and has not therefore
passed due Credit thereon. The big Attorney
Emaye to

Sarcasty had pending the then pending case
Ryots to meet Barrett the arrears claimed for fasly 1272
against the Ryots Rishouk and that a Petition
had of the Ryots and the Collection Rent accordingly
made.

6. He is therefore entitled to the Rent of the
Collector recovered only for the Amount of
3882 Rupees from big Rishouk which being
the Cist Current for fasly 1269 which is more than
of 1080 Rupees in Cists due reckoned at the Rate
of the encreased Cist paid as pointed out in
para 5. His recommendation for the restoration
Land is also unjust.

7. Barring any encroachment the Ryoti Lands
which were encroached upon were settled upon
the restoration of 42 acres of Land out of big Seropaty
land that ground was with the absolute privileges.
On this Land it will be clearly understood how
just it will be to pay for any part that area
= tion may be deducted from big Rishouk's
Petitioners of cultivable Lands if any be made
in lieu of Land as are enjoyed by big Ancestors
with absolute privileges.

8. Cultivable Lands had been granted by
Lawful Sanads who stand on the same footing as
myself &c.

9. He therefore his above will be
Cost

taken with the favourable concurrence of the Council and order may be issued for the restoration of equivalent land being made over in lieu of those Lanyate lands which had been resumed upon and also recover arrears money & levy seventeen thousand Rs 93700 Rupees which make up the purchase of land for the settlement.

10. They also that order will be issued for Engineer having made a survey certain lands which had been encroached upon in fasli 1270/71/72 land for the restoration being made now in their lieu until the fasl = ales except for the fasl second.

Guy Fleming
Lt
Asst Engr Alexandria

Three Rajas Nor Venarta
Veerabhadra Gangadaran Ramarao
Bahadur Sardar Seeraar Rajamundry
Esqr Secretaries of Collectors

Select

Pros 4/6/64

No. 2938 of 1863.

Forwarded through the Board of Revenue to the Collector of the Godavery District for report with reference to Government order 23rd February 1864. No. 325.

By Order

Fort St. George
31st March 1864

C Gleig
Dy. Secy. to Govt.

3

№ 2938 of 1863.

Referred to the Board of Revenue for report.

Fort St George 8th Decr 1863

By order

C Gunsett

Dy Secy to Govt

Rec'd 28 April 1864
Ackd 3 June

J. Deasy
Offg Secretary

Returned to the Government with the reference to the Board's Proceedings dated 4th December 1863 № 7630.

By Order,

W Dalgle

Rev. Bd Office, 2nd January 1864.

Sent to Board 5th January 1864

Forwarded to the Collector for report with reference to Board's Proceedings of Government No dated

By order

W Dalgle
Secretary

(Rg 2 Offn
Ackd
29 April 64)

Prays for the restoration of [illegible] Lands in lieu of those encroached upon & for the payment of Rs 33,700 in ready money on account of the produce of those Lands for the past years. —

Requests that an enquiry may be made in regard to the Lands encroached upon in the Fasli's 1270/71/72 & in lieu thereof, Lands be given them together with the proceeds of them. —

180
No 2938 of 1863

From Raja Ganga Dhara Bama Row Bahadur Zemindar of Pittapur Taluq Godavery Distt

Dated 30 Oct 1863
Rec'd 7 Nov 1863

States that nearly 915 acres of Land had been taken by the Forest officers for Govt from his Zemindary, & that the Collr applied to for redress has given them no answer.

12 1816/64

Says that the recommendation made by the Collr to the Board on the matter is not at all just.

Revenue Dept

Memorandum for Orders.

I would refer Proceedings of the Board forwarding report from the Collector of the Godavery District upon Petition 2938 of 1863 from the Zemindar of Pittapur praying the Government to order the proceeds of certain Lands encroached upon by the Forest Officers to be paid to him & stating that no answer has been received to his application for redress.

2 The Collector reports that the Petitioner's claim to be paid the proceeds of certain Lands which he alleges to have been encroached upon by the Forest Officers is not admissible according to the Rules of Procedure

purchase of the land at
nearly Eastern rent and is
to be enclosed by secure
-ly fenced in land and pro-
-vision for the loss incurred
by the appropriation of
a further extent of land
for similar purposes
on Feb 12th 1870 – 1873 inc.
-clusive.

In regard to the
first point, the Examiner
does, having learnt that
the Collector had recom-
-mended either the de-
-duction of Rs 3582 from
the fee received, as the grant
of waste land had been
objected to the first pro-
-posal because the accom
-plication does not, as
previously, the action &
notice of the Land
Court

which would have been
necessitated with an estab-
-lishment of 1080 Rs per annum
they considered, was
unnecessary, and as the
Land Court, having
the authority to accept
Lands considered that
Surrender under similar
circumstances have
been granted without
land.

3 The Collector states
that the sum of Rs 3896
on the assessment value
of the land, being the
actual rent paid at the
time of the survey
the assessment that would
have to be secured
under proposal of reducing the
fee received – but the objects

6

to an arrangement of Je-
-rayd's Canal. We first then
notice that in calculating
the compensation one
Canal has been lost
weight of mud that besides
the canal alone on the
Canals, either the Lumin-
-daries on the natural Canals
Canals should receive
the actual value of the
land taken.

4 The Board pro-
-pose to use the the returns
by reducing the tenth
-ants on the sums of
£3,393-9-0 which they
contended to represent the
fair the actual value of
the land to the Lumin-
-daries they elected to re-
-arrange the Lumin-daries'
right

right to demand a fresh
scale of compensation con-
-sider we can prove that
the land improved the
Canal by expenditure of
private capitalists and
they object to giving Com-
-pensation to Corporations
in lieu of Immersion of
pasturage on such an
arrangement tends to
complicate the accounts
and to create obstructions
interests.

5 The second pro-
-posal of the Lumindar
for compensation on
account of Canal Lands
has already been reject-
-ed by the payment
of £3,300 odd.

6 The third and the

which

which had reference to
certain named lands in and
in the Counties of Antrim &
and Down 1690–1698, in
the process of settlement.
Of course this name principle
applied would be followed
in them as in the former
cases.

7 These proceedings
seem to be in accordance
with the directions
contained in G.O. 283
February Court 1825,
and the Commissioners
have adhered as closely
as circumstances would
admit of.

— In cases that the Se-
- lection has not been
completed the names
become blank the lands
selected have been
entered Free.—

Ellen

No. 1331.

Revenue Department

Proceedings of the Madras Government

Under date the 27th July 1864

Read the following Proceedings of the Board of Revenue.

Submitting with remarks letter from the Officiating Collector of the Godavery District, reporting on Petition No 515 regarding certain land taken for Government works, belonging to the Pettapur Zemindar.

(Here enter 6th July 1864 No 4187)

1 With these Proceedings the Board forward a report from the Collector of the Godavery District upon Petition 2938 of 1863 from the Zemindar of Pettapur who claims (1) to be put in possession of an extent of cultivated land equivalent to the 900 and odd acres which have been taken up on his Estate by Government for public purposes

(2)

18 July 1864 1331

2) to be paid in ready money Rupees 33,700 on account of the past produce of the land already taken up, and (3) to be similarly reimbursed in land and money for the loss incurred by the appropriation of a further extent of land for similar purposes in Faslis 1270-1272 inclusive.

2 In regard to the first point the Commissioner having learnt that the Collector had recommended either the deduction of Rs. 3882 from his peshcush, or the grant of waste lands in lieu, objects to the first proposal because the sum in question does not represent the actual value of the lands which would have been assigned with an additional 1,080 Rupees had they

consented in his discretion; and is also unwilling to accept waste lands considering that Inamdars under similar circumstances have been granted cultivated land.

3 The Collector states that the sum of Rupees 3895 has been assumed as the annual value of the land, being the whole imposed at the time of its being taken up. He considers that waste lands might be given instead of reducing the Peshcush but he objects to an assignment of Jerayati land. He further notes that in calculating the compensation one point has been lost sight of and that besides the rent due on the lands, either the similar or the actual

cultivator

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compensation on account of past years has already been satisfied by the payment of Rs. 33,700 odd.

6. The third matter which had reference to compensation for land in the Estate taken up in Faslis 1270-1272 is in process of settlement. Of course the same principle will be followed in this as in the former case.

7 The Government consider that the arrangements made by the Board meet the merits of the case and are in conformity with the directions contained in G. O. 23d February last No 225. The Collector will inform the Zamindar of the course resolved upon in the several matters alluded to in his Petition.

14 Copies Sent to Board Dated 28 Feb

Revenue 1864 - Refuse
Pro: of Govt. for Sale
of 1331.

Pro: of the Walladas Govt.
of 27th July 1864

Pro: of the Boards of Rev: 14 July/65
of 1990.

Disposal of the
claims of the Zemindar
of Pittapur to certain
cultivated lands.

1042 & 1430.