

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1373

Press

~~Mis.~~

30. 31

Dated

2 — 8 — 1864.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
2nd August 1864.*

No. 30. Read the following Proceedings of the Madras Government in the Financial
Railway Department :—

Passing orders on the application of the Madras Railway } (Here enter 22nd July 1864, No. 456.)
Company for a piece of land for a Brick-field.

No. 31. ORDER THEREON, 2nd August 1864, No. 1,373.

Miscellaneous.

Communicated to the Board of Revenue, who are requested
to state what rules, if any, are in force to compensate Government
for the deterioration of assessable lands by brick making, &c.

(True Extract.)

(Signed) C. G. MASTER,

Deputy Secretary to Government.

To the Board of Revenue,

Exd. S. T. Augustin.

*Proceedings of the Madras Government, Financial Railway
Department, 22nd July 1864.*

No. 83. Read the following Proceedings of the Board of Revenue, dated 12th July 1864,
No. 4315.

Read letter from the Collector of Madras, dated Sydapet, 2nd July 1864, No. 295:—

With reference to the correspondence that passed between this office and that of the Railway Consulting Engineer, I have the honor to request the Board will favor me with their opinion, as to whether certain land applied for by the Madras Railway Company can be taken possession of by the Government for the Railway. This land is wanted for a brick-field; it is within two miles of the Railway, but is not waste.

2. The Consulting Engineer of the Company, in his letter dated the 17th March 1864, applied to the late Acting Collector for this land, situated partly in the village of Konnur and partly in the village of Iyanayaram. Negotiations were entered into with the owners of the land, in view to purchasing it outright in accordance with the Orders of Government, dated the 29th January 1861, No. 61, but the villagers declined to sell on any terms. They, however, agreed to rent the land at an annual rent of Rupees 140 a Kani with an additional sum of Rupees 40, as compensation for deterioration.

3. Having paid on former occasions in the village of Iyanayaram Rupees 200 a Kani, and in consideration of the increasing value of land in the vicinity of the Railway, I thought that the terms were not particularly exorbitant, and therefore informed the Consulting Engineer that the Railway authorities were at liberty to enter upon the land, if they were prepared to pay a rental of Rupees 140* a Kani per year, with an additional sum of Rupees 40 for deterioration.

4. In reply, the Consulting Engineer suggested that the Government should take possession, and rent it themselves out to the Company; but begged at the same time that if any doubts existed, the question might be referred to the Government. The owners of this land have, in my opinion, the whole right on their side.

5. The land in the first place is, with the exception of a very small portion, cultivated, and therefore does not come under the provisions of Section 4, Act II of 1861.

6. The land is within the prescribed two miles; but being cultivated cannot be taken under the Act, but can only be obtained by us for the Railway at a rental.

7. The Consulting Engineer requests the case to be referred to the Government, but it appears to me that even the Government cannot insist upon the owners parting with the land, except upon their own terms.

Ordered to be submitted for the decision of Government. The Board do not suppose that under any except very exceptional circumstances could land be taken up for brick-making as for a public purpose, but in the present instance, the land being cultivated does not come within the provisions of Section 4, Act II of 1861.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

No. 84. ORDER THEREON, 22nd July 1864, No. 456.

The Governor in Council concurs with the Board of Revenue that the land, applied for by the Madras Railway Company for a brick-field, being cultivated does not come within the provisions of Section 4, Act II of 1861. It cannot therefore be taken possession of by the Government and rented out to the Company. Should the Railway authorities require the land, they could only take it on the terms proposed by the villagers, viz., on the payment of an annual rental of Rupees 140 a Kani, with an additional sum of Rupees 40 as compensation for deterioration.

(True Extract.)

Secretary to Government.

to the Revenue Department.

„ Revenue Board.

„ Consulting Engineer for Railways.

Exd. J. Tulloch

No. 2 Feb 14/81 22-23.

Rev. 1864. O. 14/81.
D. of 1864. 14/81.

Proceedings of the
Produce & Growth in
the Grains & Rais
very O. 14/81.

O. 14/81 22-23 only
Received 26-7-1864
H. 14-58

Further O. 14/81 2036/14.

Leaving order on
to application of the O. 14/81.
Boundary to: for a piece of
land for a fruit-pole.

C. 1030 531.

C. 1030 531.

With an order

1870
H. 1373

Commented to the
Board of Revenue who are re-
quired to state what rules
if any are in force to compen-
sate the owner for the extra
creation of new water land
by such means.

O. 14/81 22-23 only
Received 26-7-1864
H. 14-58

to O. 14/81 22-23 only