M.R.O. 14-5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2783 Press ~~Mis.~~

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Dated 12 — 10 — 18 66.

Not to be folded or roughly handled

No. 343. Read the following Proceedings of the Board of Revenue, dated 8th October 1866, No. 7,199.

Read the following letter from the Collector of Tinnevelly, to the Secretary to the Board of Revenue, dated 28th September 1866, No. 403:—

1. I have the honor to submit, for the Board's approval, the draft of an answer to a plaint* preferred by Ramalingam Pillai and eight others holding certain lands under Periya Pudukolam tank, in the village of Perungudi, in the Nanguneri Talook, before the Principal Sudder Ameen, regarding the water supply of the said tank said to have been partly cut off by the construction of another tank higher up the stream, in which case the Collector is made a Defendant by order of the Court.

* Translation herewith sent.

2. The complainants' tank was the only one originally supplied entirely by the Suravali spring channel, but subsequently two other tanks were constructed higher up the stream, and the cultivation return show that the area cultivated under complainants' tank has increased considerably of late years; another tank, still higher up the stream, was subsequently constructed by a private individual, and a channel opened to it, by order of the Collector, in 1865. The Supervisor, who then inspected the spot, reported that, in ordinary seasons, there was an ample supply for all, and suggested, for its better distribution, that a regulating sluice should be constructed, at a trifling cost, near the head of the upper channel; this suggestion has not been carried out, though the upper channel has been opened. None however object, except nine Ryots of Periya Pudukolam, who state that about eleven koties of land under their tank are thrown out of cultivation. On enquiry, it appears that this area was left waste last year, when there was no cultivation by channel water under the upper tank, and that this year, when the upper tank did get a water supply, the complainants' tank was actually breached by excess of water. The date of hearing of this case is fixed for 20th proximo.

Enclosure No. 1.

Translation of a plaint presented to the Principal Sudder Amin of Tinnevelly, by Krishnasami Aiyar, Vakil on behalf of Ramalingam Pillai and eight others, Plaintiffs in Suit No. 16 of 1866, on the file of the said Court, against Husan Bibi, wife of Miranjimiah Saib, of Panagudi, and six others, Defendants in the above suit.

1. This is a suit for the cancellation of the Collector's order, directing the excavation of a new channel, to the detriment of the cultivation of the lands belonging to Plaintiffs, and for the filling up of the said channel. Out of the 32 shares forming Periya Pudukolam tank, in Perungudi village, in the Nanguneri Talook, 27½ shares belong to Plaintiffs, and the remainder, or 4½ shares, to Defendants 3 to 7.

2. The Punjah lands belonging to the first and second Defendants, and situated to the north of the head of the Suravaliuttu Odai stream supplying Periya Pudukolam tank, were usually cultivated with dry crops. In the year 1859 they constructed a tank (Miya Pudukolam) under the orders of the Revenue authorities, and cultivated the lands with Nunjah, with the aid of the rain water which stood in the tank till the year 1864, and paid dry assessment on the same.

3. In 1863, the first and second Defendants petitioned the Revenue authorities for permission to cut a channel from the above stream, for the purpose of diverting water to the said Miya Pudukolam, but the Plaintiffs objected to the same, on the ground that it was contrary to mamul, and that it would interfere with the supply of water to their tank; nevertheless, the late Collector issued an order on the 27th January 1865, or two days previous to his departure to England, authorizing the first and second Defendants to cut the channel in question; they did so.

4. As the Plaintiffs' tank is fed from the time of ayakut by Suravaliuttu Odai stream, the lands cultivated under it are charged with the same tirwah as that fixed on agapat lands, and the Plaintiffs continue to pay the same.

5. The ordinary supply of water in the stream being insufficient to irrigate all the Plaintiffs' lands, C. 11, M. 17, M. 5¼ out of the ayakut extent are lying waste, and the crops raised under the tank in Fusly 1274 had withered; the tanks higher up are well supplied; and the crops under them have yielded full produce.

6. Out of Sc. 18, M. 7, M. 3½, capable of yielding an annual revenue of Rupees 1,274-10-0, and paying an annual assessment of Rupees 20[illegible]-6-5 to Government, C. 2, M. 8 M. ¼, capable of yielding an annual income of Rupees 165-9-0, belong to Defendants 3 to 7, and the remainder, or C. 15, M. 20, M. 2¼, capable of yielding an annual income of Rupees 1,109-1-0, belongs to Plaintiffs. I therefore pray that the Collector's order, directing the excavation of the new channel, to the detriment of the cultivation of the Plaintiffs' lands, may be cancelled, and that the channel be ordered to be filled up, by the first and second Defendants, at a cost of 100 Rupees. The Defendants 3 to 7 have been included as Defendants, as they are not willing to act in concert with the Plaintiffs in this suit.

Particulars of the amount given in the Plaint—

	ac.	ML.	ME.
Ayakut of the tank	30	4	¼
Actual cultivation	18	7	3¼
Deduct land belonging to Defendants 3 to 7	2	8	¼
Remainder belonging to Plaintiffs...	15	20	2¼
Yield per Seed Cottah after deducting cultivation expenses, Grain Cottahs	8	11	4
Total produce of C. 15, M. 20, M. 2¼, at the above rate, Grain Cottahs	136	10	1
Value thereof, at Rupees 8-2-0 per Grain Cottah, ...	1,109	1	0

25th *January* 1866.

(Signed) A. KRISHNASAMI AIYAR.
Pleader

We declare, that what is stated herein is true to the best of our information and belief.

(Signed) RAMALINGAM PILLAI and others.

Filed on the 26th January 1866.

(Signed) A. P. STRINIVASSA,
Principal Sudder Amin.

(True Translation.)

(Signed) R. K. PUCKLE,
Collector.

Enclosure No. 2.

Answer to Plaint No. 16 of 1866, on the file of the Principal Sudder Ameen of Tinnevelly.

Plaint.

1. That complainants' lands were injured by the excavation of a new channel by the Collector's order.

2. That the Defendants formerly cultivated dry crops, and that from 1859 to 1864, they raised wet crops by means of a tank constructed at their own expense, and supplied entirely by local drainage.

3. That complainants petitioned the Collector not to allow a channel to be dug connecting this tank with the Suravaliuttu Odai stream, as the proposed channel was likely to deprive the complainants of a part of their water supply.

4. That the complainants' tank is fed from the Suravaliuttu Odai stream, and that the lands under this tank are charged with the same assessment as that fixed on Agapat lands.

5. That 11 Cottahs, 17 Mercals, 5¼ Paddies of the ayacut extent are lying waste.

6. That the Defendants 3 to 7 have been included as Defendants, as they were not willing to act with complainants in this suit.

TINNEVELLY,
28th *September* 1866.

Answer.

1. Part of complainants' lands were left waste last year, from circumstances in no way traceable to the new channel, which was excavated in Fusly 1274, and which took ten days' supply of water to the new tank in Fusly 1275; while this year, though the new channel took forty-five days' supply to Defendants' tank, the complainants' tank was breached by excess of water.

2. Admitted.

3. It was shewn by the Supervisor's Report (copy appended) that there was a plentiful supply of water for all in ordinary seasons, (as is proved by the breaching of complainants' tank since the new channel was dug,) and consequently complainants' petition was dismissed by the Collector.

4. Admitted, as far as the fact of the tank being fed by the stream is concerned, but denied in the matter of the assessment, which is not that fixed on Agapat lands, but the same as that fixed in the surrounding villages, viz., an average struck on the outturn for seven years prior to Fusly 1218.

5. Out of an ayacut of 30 Cottahs of land, only 15 Cottahs, 2 Mercals, and 1¼ Paddy are entered in the Ayacut accounts as fit for cultivation. The loss by withered crops occurred in Fusly 1274, or before any water was diverted by the new channel, while the season reports shew, that the area laid waste in Fusly 1275 was not exceptional, as the cultivation under complainants' tank has always varied with the season, as shewn below :—

Fusly.	*Extent.* C.	Ml.	Me.
1232	12	1	7¼
1233 to 1256, the tank was in a ruined state.			
1257	0	6	7
1258	6	20	0
1259	8	10	0
1260	8	13	½
1261	20	1	2½
1262	8	7	4½
1263	17	13	4½
1264	18	17	6½
1265	12	20	6½
1266	7	4	6½
1267	7	7	2½
1268	10	4	7
1269	13	6	3½
1270	5	9	7½
1271	8	9	1½
1272	16	19	4½
1273	17	14	½
1274	18	7	3½
1275	3	13	4½

6. Admitted.

(Signed) R. K. PUCKLE,
Collector.

Enclo[sure No. 3.]

From the Supervisor, in charge of No. 5 Range, Tinnevelly District, to the Collector of Tinnevelly,
dated ——, No. 211.

1. With reference to your Official Memorandum, No. 173, dated 7th May 1864, I respectfully beg to submit herewith a sketch, showing the course of Suravaliuttu Odai, and the position of the tanks fed by it as it proceeds. This Odai takes its source from the foot of the western hills, runs a distance of about five miles, feeding on its way four tanks, as per margin, and falls into Anumanadi river, close to Perungudi.

1. Sivacamipuram tank.
2. Kalipudukolam do.
3. Vinayaga Pudukolam do.
4. Periya Pudukolam do.

The first tank on the left of the stream in the sketch is the one called Miya Pudukolam, lately constructed by Miranjimiah Saib through your orders at his own expense, and to which he wishes for a supply of water by opening a channel at A., and to increase the extent of its cultivation ; but a few of the Ryots of the tanks below are starting objections to this intended project, of which the first is Sivacamipuram tank, which has a branch at B. in the stream. This branch is not of much use at present to its tank, the bed of the stream having been lowered by the current, and thus making the said branch on three feet higher level ; in consequence of which a temporary earthen embankment is occasionally required to be thrown across the stream, in order to turn the water into the tank ; but, on the other hand, this tank at present entirely depends upon another stream, as shewn in the sketch, called Sattancovil Odai, which discharges into the tank such an immense supply of water, that the tank frequently breaches close to its calingulah, being incapable of holding the superabundance of water thrown into it during the north-east monsoon.

I inspected this tank on the 25th July last, and found it full and surplusing to the principal Odai at C., which was only by the south-west monsoon a good stream of water, measuring 300 cubic yards per hour, was falling into the tank on that day. I am, therefore, of opinion that this tank will not effect any injury by the proposed project.

2. I further beg to state that the second and third tanks, called Kali Pudukolam and Vinayaga Pudukolam, and situated on the left and right of the stream, were newly constructed at the expense of the Ryots in 1817, and supplying channels were cut open in the points marked D. and E. in the plan, notwithstanding the similar objections then raised by the proprietor of the last tank, called Periya Pudukolam, which has a channel branching from the point F. ; and after a due consideration on the matter, it was decided by proper authorities that they should have regulated portions of the water of the stream under report, which practice is still kept up in force. By this arrangement you will observe, through the accompanying statement of cultivation, that the above Periya Pudukolam has not in any way suffered, but on the contrary increased its cultivation, and also the above new tanks have received their share of water to carry on the wet produce under them to the extent shewn in the Statement above referred to, sufficiently proving that the stream Suravaliuttu Odai, with the assistance of several sources of streams uniting with the same, as will be seen in the map, becomes a large stream during north-east monsoon, so as to provide for all the tanks depending upon it. The observations I have lately taken across the stream in question, show that 4,320 cubic yards of water would pass in an hour during such season, and that these three tanks would receive their ample supply in the course of two days, nine hours, and twenty-four minutes, and the water of the remaining days of the stream falls into the Anumanadi river. The quantity of such water has been ascertained to be about 4,500 cubic yards an hour, which can be beneficially turned into the aforesaid new tank called Miya Pudukolam, but there is one particular point which requires attention, that is, during bad season there may be demand of water to all the tanks depending upon this stream. It would, therefore, be advisable to prevent dispute by regulating the water in those days as follows :—

		Days.	Hours.	Minutes.
1st.	Sivacamipuram Tank	2	0	0
2nd.	Periya Pudukolam Tank	1	16	48
3rd.	Kali Pudukolam Tank	0	14	24
4th.	Vinayagala Pudukolam Tank	0	19	12
5th.	Miya Pudukolam	1	12	0
	Total ...	6	14	24

at their own expense, — — plied enti[rely]
cal drainage.

To do this fairly, even in ordinary fr[ee]s to all these tanks, an head sluice is essentially required at the face of the proposed channel, as it being the first in the stream, would draw off all the water, provided the above suggestion be not carried out, and an estimate of Rupees 100 for the same is, therefore, submitted herewith. Under the terms I have explained above, I am of opinion that the new channel may be opened, and the sluice constructed at the expense of the party concerned, as the proposed project is feasible [and] will not then interfere in any way with the interests of the Government or private pary. The enclosures, Nos. 38, that accompanied your Memorandum under reply, are herewith returned.

(True Copy.)

(Signed) R. K. PUCKLE,
Collector.

1. The Board consider that a good defence to the suit can be made on the merits of the case as stated by the Collector; but as an important principle is involved, viz., the power of Government to deal with sources of irrigation already partially appropriated for existing wet cultivation, the Board resolve to submit the papers for the orders of Government. The Collector will be instructed by telegraph to apply for an extension of time for putting in his answer.

2. It seems desirable in any case that the regulating sluice proposed by the Range Officer, should be constructed at the expense of the parties who have excavated the private tank and channel.

No. 344. ORDER THEREON, 12th October 1866, No. 2,783.

Land Revenue.

The Board will consult the Government Pleader as to the advisability of resisting the action by also pleading the right of the State to deal with its own works as it deems expedient, granting equitable compensation for injuries caused thereby.

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

To do this fairly even in ordinary freshes to all these tanks, an head sluice is essentially required at the face of the proposed channel, as it being the first in the stream, would draw off all the water, provided the above suggestion be not carried out, and an estimate of Rupees 100 for the same is, therefore, submitted herewith. Under the terms I have explained above, I am of opinion that the new channel may be opened, and the sluice constructed at the expense of the party concerned, as the proposed project is feasible and will not then interfere in any way with the interests of the Government or private party. The enclosures, Nos. 88, that accompanied, your memorandum under reply are herewith returned.

(True Copy.)

(Signed) R. K. PUCKLE,
Collector.

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1. The Board consider that a good defence to the suit can be made on the merits of the case as stated by the Collector; but as an important principle is involved, viz., the power of Government to deal with sources of irrigation already partially appropriated for existing wet cultivation, the Board resolve to submit the papers for the orders of Government. The Collector will be instructed by telegraph to apply for an extension of time for putting in his answer.

2. It seems desirable in any case that the regulating sluice proposed by the Range Officer, should be constructed at the expense of the parties who have excavated the private tank and channel.

(True Copies and Extract.)

Secretary.

5-9-66

2783

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12/10/66

Rev.e 1866. Depart.
Pro. of Govt for October

No. 3565A

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 8th October 1866.
Dep. 10-0
Rec. 11th
Pro. of the Board of Rev.e
Sept. 26th Con. 210

No. 2199.

Submitting for orders letter from Collector of Tinnevelly reporting that a Suit has been filed in Principal Sudder Amin's Court at Tinnevelly for cancelling Collector's order directing excavation of a new channel, and forwarding proposed answer.

No. 2783 - 12th Oct.r
Write order

A/343/344