M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3415 Press ~~Mis.~~

315. 316

Dated 18 — 12 — 1916

Not to be folded or roughly handled

C

Proceedings of the Madras Government, Revenue Department,
18th December 1866.

No. 315. Read the following Proceedings of the Madras Government in the Public Works Department:—

Authorizing the Collector of Malabar to adopt immediate measures for cancelling the leases of certain land in the district, belonging to the Madras Railway Company. } (Here enter 11th December 1866, No. 3,905.)

No. 316. ORDER THEREON, 18th December 1866, No. 3,415.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,
Under Secretary to Government.

Exd. S. T. Augustin,

Proceedings of the Madras Government, Public Works Department, 11th December 1866.

No. 170. Read the following Endorsement of the Consulting Engineer for Railways, dated Madras, 26th November 1866, No. 448:—

Read the following letter from the Acting Agent and Manager of the Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 24th November 1866, No. 562.

1. With reference to Order of Government, No. 3,708, directing application to be made to the Collector of Malabar for the land comprised in Tiroor and Tanoor compounds, I have the honor to refer you to the letters noted in the margin, by which you will observe that the land has both been applied for and made over to this Company in the ordinary way. If a second application be considered necessary, it shall be submitted without delay.

To Consg. Engineer, No. 455, 10th June 1858.
From do. " 511, 12th " "
To do. " 777, 17th Nov. "
To do. " 793, 25th " "

2. I am sure you will concur with me in thinking that the sooner the leases spoken of by the Collector of Malabar are cancelled the better, as it is clearly impossible to exclude trespassers while they continue in force.

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1. Submitted to Government with reference to Order, dated the 21st instant, No. 3,708.

2. The Order dated the 6th October 1862, No. 552, and to which Mr. Grant, the Collector of Malabar, has referred in his letter dated the 5th instant, No. 142, directed the leasing of certain lands "left beyond the boundary fences erected by "the Railway authorities to mark the "limits of the Railway property," but not the trees within the Station compounds at Tanoor and Tiroor.

See paragraph 1 of Consulting Engineer's letter, No. 169, dated 24th September 1862.

3. In paragraph 3 of Major Shaw Stewart's letter, dated the 7th September last, No. 369, it was brought to the notice of Government that "no communications "had been made by this department for the restoration of any portion of the lands "at either the Tiroor or the Tanoor Stations," and in paragraph 5 of my observations, dated the 1st instant, No. 425, I remarked that it seemed to me that "there "was no necessity for any application for the grounds, inasmuch as they were not "restored by the Railway Company, after they were transferred to them."

This was distinctly pointed out to Mr. Grant by Major Shaw Stewart in his letter dated the 24th July last, No. 335, copy of which was forwarded to Government with letter dated the 7th September, No. 369. Further, I would remark that it was not within the competence of the Resident Engineer to make any arrangements for leasing out land once transferred to the Railway Company without the cognizance of the superior Officer, and of the Consulting Engineer. The Orders of Government are clear on this point.

Compendium of Railway Orders.—Part I., Page 33, Clauses 10 and 11. Page 107, Clause 17.

4. Under these circumstances, I concur with Mr. Smart in thinking there is no necessity for a second application for the lands which have been trespassed upon at Tanoor and Tiroor, and that the Collector of Malabar should be requested to restore to the Railway Company the lands as per tracings recorded in his Office.

5. I also concur with Mr. Smart in thinking that the leases entered into 1865, so far as they relate to land or trees situated within the fences of the Rail Company's property, should be immediately cancelled.

(Signed) J. C. ANDERSON, Lieut.-Colonel, R. E.,
Consulting Engineer for Railw

No. 171. ORDER THEREON, 11th December 1866, No. 3,905.

RAILWAY, No. 7.

1. In his letter of the 7th Septem 1866, No. 369, the Acting Consult Engineer for Railways brought to notice of Government certain trespasses upon land, which, although duly transfer to the Madras Railway Company for Station purposes at Tiroor and Tanoor in District of Malabar, was yet leased out by the Collector's Department. The Collec having been called upon for an explanation upon the subject, reported, in his let of the 5th November 1866, No. 142, that the trees on the land referred to we leased out in the first instance with the consent of the then Resident Engineer, a that the leasing of trees on land taken up for Railway purposes was approved the Government in an Order dated the 6th October 1862, No. 553. Mr. Balla also stated that he had informed the Resident Engineer that he would take steps have the current lease cancelled and the land transferred to the Company on regular application to that effect being made. In communicating these explanatio to the Consulting Engineer, the Gover ment desired that the course suggeste by Mr. Ballard might be adopted.

21st November 1866, No. 3,708.

2. In now submitting a letter from the Acting Agent and Manager intimati that the land referred to by the Collector was duly applied for and made over the Company in the ordinary way in the year 1858, the Consulting Engine points out that the Order of October 1862, quoted by Mr. Ballard, had reference the leasing of lands beyond the boundary fences erected by the Railway authoriti to mark the limits of Railway property, whereas the trees which Mr. Ballard repor to have leased out are within the Station compounds, and that, as the land aft having once been made over to the Company was not restored by it to the Collecto for the purpose of being rented out, he considers its occupation to have be irregular, and therefore maintains that there is now no necessity for the form application which the Collector requires.

3. The Government regret that these differences of opinion should ha delayed action in a matter of importance to the interests of the Company, and th now authorize the Collector to adopt immediate measures for cancelling the leas referred to by him.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Consulting Engineer for Railways.
" Collector of Malabar.
" Board of Revenue.
" Revenue Department.

Ed. S. T. Augustin.

Fort St. George Public Consultations 25th September 1866 Nos. 566-568 and 1st December 1866 Nos. 9-10

Revenue 1866. Department
Proceedings for December
No. 1 to 54.
Proceedings in the
Revenue Department

Dated 11th & 13th December
Received 18th 1866.
No. 3908.

Authorizing the
Collr of Malabar to
adopt immediate mea-
sures for cancelling the
leases of certain land
in the district belonging
to the Madras Rail-
way Company.

No. 3154/316

RECORDED.

Received 1866