

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2172	Press Mis.
286-287	
Dated 14-9-1867.	

Not to be folded or roughly handled

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286

Read again Government Proceedings, dated 8th August 1867, No. 1,833, Revenue Department.

No. 266. Read also the following letter from the Consulting Engineer for Irrigation and Canal Company, to the Secretary to Government, Revenue Department, Fort St. George, dated Camp at Puggydial, 14th August 1867, No. 56:—

1. I have the honor, in acknowledging the receipt of Proceedings of the Madras Government, of the 8th instant, No. 1,833, to state that it appears to me quite clear that the Municipality of Kurnool have no claim whatever to the water-rate on lands within the Municipal limits irrigated by the Madras Irrigation and Canal Company.

2. The Municipality have arranged to pay the Company certain sums annually for a supply of water for the use of the town, which is a supply for a purpose other than that of irrigation, and, whatever may be the details of distribution, the water used for lands within the Municipal limits is no portion of the town supply.

3. The Commissioners can claim from the Company the full quantity of water to which the town may be entitled, and they can dispose of it for any purposes, other than those of irrigation, which may seem to be advantageous to the inhabitants. On the other hand, every acre of land which may be irrigated must necessarily be supplied with other water than that intended for town uses, and the irrigation water-rate has to be paid upon it, and forms part of the Irrigation revenue of the Company.

4. From inquiry I learn that most of the irrigated land within the Municipal limits is supplied by channels, which are distinct from that which conveys water to the town, but that there are some lands which receive water by means of the town channel. It appears to me that the Commissioners are fully entitled to require the delivery of the town supply at a convenient point, and thereafter to keep this supply entirely under their own management. If, therefore, they object to irrigation water being conveyed by the town channel, they are at liberty to prevent this being done for the future.

5. The limits of the Municipality were, I believe, not fixed until after the agreement with the Company for the town supply was entered into. These limits might have embraced a larger or a smaller extent of cultivated land, and it is quite possible that the value of the water cess, instead of being three-fourths of, might have been three or four times as great as, the sum to be paid for the town supply; but, according to the view expressed by the President of the Municipal Commission,

Proceedings Madras Government, Revenue Department, 1st June 1867, No. 1257.

the town would in that case have been liable to pay nothing for its supply, and would have derived a considerable

income from water, for the obtaining of which it had incurred no expense whatever. The agreement between the Town and the Company makes no reference to the irrigation of land, for the simple reason that neither party to that agreement had any power to regulate the allotment of irrigation water, the whole of which the Company are bound to dispose of in accordance with engagements entered into with the Secretary of State.

Proceedings of the Madras Government, Revenue Department,
14th September 1867.

No. 267.

ORDER THEREON, 14th September 1867, No. 2,172.

Irrigation, No. 10.

1. Ordered that the above papers be communicated to the President, Kurnool Municipality, with reference to his letter dated 16th April 1867. The Government are decidedly of opinion that the Municipality have no claim to the water-rate levied on cultivation within Municipal limits.

2. Under the contract with the Irrigation Company, the Government have the option of taking from the Company, at a mutually agreed rate, all water supplied for irrigation; and this option having been exercised, the Government are liable to the Company for payment for all water so used. The relinquishment to the Municipality of the Government revenue from irrigated land within Municipal limits would not relieve Government from this liability, while on the other hand the Municipality are not liable to the Company for payment for water used for irrigation.

3. It rests with the Municipality to require that their supply for purposes other than irrigation shall be so delivered as to relieve them from risk of an over-charge.

(True Extract.)

(Signed) W. HUDLESTON,

Secretary to Government.

To the President, Kurnool Municipality.

.. the Consulting Engineer for Irrigation and Canal Company.

.. the Board of Revenue.

.. the Public Department -

Ed. S. T. Augustin.

Revenue Department.

8-2172.

Proceedings of the Madras Government
Under date the 14th September 1867.

Read again Govt. Order
dated 8th Aug 1867 No. 1833 R.D.

Read also the following
letter from the Consulting Engineer
for Irrigation and Canal Company.

States that it appears to
him quite clear that the Munici-
pality of Kurnool have no claim
whatever to the water rate on
lands within the Municipal
limits irrigated by the Madras
Irrigation and Canal Company.

(Received 14th Aug 1867
No. 56)

Ordered that the
above papers be communi-
cated to the President, Kurnool
Municipality, with reference
to his letter dated 16th April
1867. The Govt are decided-
ly of opinion that the
Municipality have no
claim to the water rate
levied

JP

WVH

leased on cultivation
within municipal limits.

Under the contract
with the Irrigation
Company, the Govt. have
the option of taking
from the Company
at a mutually
agreed
rate, all water supplied
for Irrigation; and this
option having been
exercised, the Govt. are
liable to the Company
for payment for all
water so used. The re-
linquishment to the
Municipality of the Govt.
revenue from irrigated
land within municipal
limits would not relieve
Govt. from this liability,
while on the other hand
the

the Municipality are
not liable to the Company
for payment for water
used for irrigation.

It rests with the
Municipality to require
that their supply for
purposes other than
Irrigation shall be
so delivered as to re-
lieve them from risk
of an overcharge. —

L.B.

1 Copy to the President of the Municipal Council
7 Copies to the Board of Directors of the Company
14 — — — — —
5 — — — — —

Ed. Ball

December 1809
to the Court of Justice

152172

27th September 1857

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