

MADRAS RECORD OFFICE.

Government of Madras.

Reference DEPARTMENT.

G.O. No. *2622* Press
Mis.

Dated *12. 10. 1968*

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
12th October 1868.*

No. 212. Read the following Proceedings of the Board of Revenue, dated 24th September 1868, No. 6,815 :—

Read the following letter from the Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 8th June 1868, No. 166.

1. I have the honor to annex copy of a letter from my Special Assistant, with enclosures, as per margin, relative to a claim for compensation made by Colonel Woods, for land taken up by the new road to the Koondahs. I inspected the land with Mr. Roupell. The road passes through ordinary grass land of no great value for grazing, and the road is no disadvantage to such property.

2. It is perhaps to be regretted that the road was made before the question of compensation was settled, and that the matter was not put into a written form at an earlier period.

3. As regards the application for the piece of land having lake frontage, I do not think that it should be made over to a private individual as compensation. From its central situation it is, in my opinion, more valuable to the station, than a strip of waste land of equal extent taken for a country road, on a bare hill side, beyond the station.

4. As to the use which might be made of the land in question, if in public hands, it would doubtless be kept for ornamental purposes. In private hands there would be no guarantee against its being converted into a potatoe field. But as the appeal is made to Government, it is for them to decide on the point.

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From the Acting Special Assistant Collector, to the Collector of Coimbatore, dated Ootacamund, 3rd June 1868, No. 97.

1. I have the honor to transmit, herewith, true copy of a letter from Colonel W. G. Woods, dated 2nd May 1868, relative to land applied for by him as compensation for four Acres, more or less, taken up for such part of the Government road from Ootacamund to Melur as passes through his property on the side of Cairn Hill, and situate within this station.

2. You will observe from Enclosure No. II, that Colonel Wood's request embraces, in the first instance, certain waste land between the lower lake road and the lake, and situate below his properties "Woodstock" and "Ravenswood," and the western extremity of the lake. The second application on Cairn Hill, consisting of land already in private occupation, calls for no comment.

3. The former application, in the course of a personal interview with Colonel Woods, I refused to entertain. From Enclosure No. III, you will observe that, on the 17th February 1868, the Municipal Commissioners of Ootacamund, on reference made by my predecessor, recorded an opinion that this land should be reserved for reasons therein specified. Colonel Woods, however, not satisfied with the refusal of his request, desires that the matter may be referred for the decision of the Government.

4. This compensation question appears not to have been inquired into and definitely settled, when the land appropriated was first taken possession of, on behalf of Government, now some four years ago; so far as I can discover, no further arrangement was come to, than was contained, as

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Colonel Woods states, in a verbal statement by the late Collector of the district, to the effect that land would be granted to him of equal extent with, and in return for, the portion of which he had been deprived.

5. It appears to me that Colonel Woods in the concluding paragraph of his letter of 2nd instant, bases his request upon entirely false grounds. In determining the compensation to be awarded, the point to be kept in "view" is in my opinion, *not* the value to Government of the land appropriated, but the extent of the loss caused to Colonel Woods by the transfer. Taking into account the circumstance, that this private land was, previous to the construction of the new road, far from convenient of access, whereas it is now in point both of time and comfort within easy reach, I cannot think that the loss sustained by Colonel Woods is very extensive. He, however, states his opinion that liberal restitution should be made to him.

6. I have the honor to request you will solicit the early instructions of Government, as to whether the land between the lake road and the lake, as applied for by Colonel Woods, may or may not be granted. In the event of Government not seeing fit to comply with this request, but permitting the grant in restitution of other land, (a plot at the western end of the lake might without inconvenience be given,) I will endeavour, in conjunction with Mr. Ouchterlony, Colonel Woods's duly authorized agent, to effect some satisfactory arrangement, reporting the same for sanction in due course.

ENCLOSURES Nos. 2 and 3.

ABSTRACT.—Colonel Woods's letters claiming compensation for land belonging to him, taken up for new road.

ENCLOSURE No. 4.

ABSTRACT.—Extract from Minutes of Meeting of Municipal Commissioners at Ootacamund.

1. Submitted for the orders of Government.
2. It appears from the foregoing letters that the new road to the Koondahs passes through a portion of the property of Colonel Woods, who claims compensation for so much of his land as has been taken up in the formation of the road.
3. Colonel Woods requests that a portion of land between the public road and the lake, and adjoining his property entitled "Ravenswood," be given to him as compensation.
4. The land bordering the lake may probably be required for public purposes, and it would be inexpedient to part with it.
5. Colonel Woods is no doubt entitled to compensation, and if Government decide on reserving the land between the new road and lake above referred to, the Commissioner should communicate with Colonel Woods's agent, in view either to compensation being granted in money, on the award of arbitrators, which would be the most convenient arrangement, or to some other land being selected, to the grant of which there is no objection.
6. In all future cases it should be adhered to, as an invariable rule, that, before possession of any private land is taken by the Officers of Government in any Department, the compensation sought for it should first be settled by the Commissioner, and duly sanctioned by Government. Where the compensation is desired in the form of other land, the particular spot desired should be determined and marked out, and full particulars, with a sketch map, submitted.

*Proceedings of the Madras Government, Revenue Department,
12th October 1868.*

No. 213. ORDER THEREON, 12th October 1868, No. 2,622.

Miscellaneous.

1. The Government concur with the Board of Revenue in considering that the land between the public road and the lake should not be granted to Colonel Woods as compensation.

2. The Commissioner should proceed as directed in paragraph 5 of the Board's Proceedings, and the instructions contained in paragraph 6 should be carefully followed in future, except in cases where it becomes necessary to apply the provisions of Section 8, Act VI of 1857.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Commissioner of the Neilgherry Hills.

Exd. S. T. Augustin.

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No 3122

12th Octr/68

The Govt. concurred with the Board of Revenue in considering that the land between the public road and the lake should not be granted to Colonel Woods as compensation.

The Commissioner should proceed as directed in para 5 of the Bds Proceedings, and the instructions contained in para 6 should be carefully followed in future.

W.D.

W.D. 14 Copies to Mr. W.D. 3 Encls. 13
1 Copy — Comm of the Public Works
G.D.

The Bds' para 6 is perhaps too sweeping and sets aside the promise given to a poor by VIII Act-VI of 1867. The might add to their draft

"except in cases where it becomes necessary to apply the provisions of VIII Act-VI of 1867"

Govt. of 1868: 2111

To REVENUE.

THE BOARD OF REVENUE.

Do, do, do.

Dated October, 1911.

Recd.

Encl.

C O, 12th October 1868, No. 2, 022.

OCTOBER.

Nos. 212-213.

Land taken up by new road to Koodaka on the Neigahalli. — Board of Revenue informed that the land between the public road and the lake should not be granted to Colonel Woods as compensation.

Received 1888 of the
No of 4 out for October

Apr 26 22

Proof of the validity of the
of 12th October 1888.

From the No 4 of the
of the 12th October 1888.

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