

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	666	Press ~~Mis.~~
221-22 Dated	13-3-	1868.

Not to be folded or roughly handled

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Proceedings of the Madras Government, Revenue Department,
13th March 1868.

No. 221. Read the following Proceedings of the Madras Government in the
Public Works Department :—

Communicating to the Legislative Department
papers relating to the enforcement of the
repairs still required to the Kathandaputty
tank, in Salem District, to secure the Railway
embankments against the possibility of injury
by the breaching of that work. } (Here enter 9th March 1868, No. 782.)

No. 222. ORDER THEREON, 13th March 1868, No. 666.

Miscellaneous.

Communicated to the Revenue Board.

(True Extract.)

(Signed) F. BRANDT,
Under Secretary to Government.

To the Board of Revenue, with Proceedings Public Works Department, No. 782.

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*Proceedings of the Madras Government, Public Works Department,
9th March 1868.*

No. 189. Read the following Endorsement of the Acting Deputy Consulting Engineer for Railways in charge, dated Madras, 27th February 1868, No. 70 :—

Read the following letter from the Collector of Salem, to the Acting Consulting Engineer for Railways, dated Camp at Mullur, Salem, 19th February 1868, No. 2.

With reference to your letter of the
22nd* August last, No. 368,* I have the
honor to enclose the copy of a letter

received from my Head Assistant, under date the 11th ultimo, No. 13, from which you will see that a calingulah has been made to the Kathandaputty tank. This is not, however, sufficient, and further work to the tank is apparently necessary before it could be pronounced that the tank is in no way likely to endanger the work of the Railway Company. The Mootadars and the Agraharamdars, to whom the tank belongs, are not, however, willing either to carry out the work mentioned themselves, or to pay the cost of the same if undertaken by Government. I fail to see any legal means by which to enforce the execution of the work. The only remedy which appears to me, is to have recourse to a Civil suit. The repairs that have already been made by the late Head Assistant Mr. Bliss were carried out without any legal authority, and it is fortunate that the expenses incurred have been recovered from the Mootadar.

From the Head Assistant Collector of Salem, to the Collector of Salem, dated Tripatur, 11th January 1868, No. 13.

1. I have the honor to forward an Arzi*
from the Tripatur Tahsildar regarding certain

repairs to be done to a tank in the village of Kathandaputty in the Trialem Mootah.

2. On June 28th 1866, the Resident Engineer of the Railway wrote to the Collector, stating that this tank was out of repair, and that there was imminent danger to the Railway unless it were repaired; an estimate was made by the Range Officer for Rupees 1,056.

3. The Mootah is not entirely in the hands of the Mootadars, one-third is held by Trishvekamdars, the remaining two-thirds by the Mootadars; the Acting Head Assistant, Mr. Bliss, ascertained that the Trishvekamdars were willing to pay their share of one-third, but the Mootadars were unwilling to pay the remaining two-thirds, and reported this in his letter No. 253, dated 1st October 1866: at the same time he proposed to enforce the repairs under Act I of 1858.

4. On October 5th, Mr. Bliss ordered the Tahsildar to commence the work, apparently under Act I of 1858, and make a calingulah, after completing which he would consider about the completion of the work; the Tahsildar has completed the calingulah, and asks whether the remainder of the work is to be carried out according to the estimate; the money expended has been paid by the Mootadar and Trishvekamdars, Rupees 118-5-0, but they are not willing to pay the remainder.

5. The estimate for repairs has been made out by the Public Works Department, and if the work is to be done by Government, it should, I think, be carried out by that department.

6. It appears to me, however, doubtful whether this is a work which can be carried out by Government. Act I of 1858 is, in my opinion, quite inapplicable; and if money is spent on this tank, I am not aware of any process by which it can be recovered from the Mootadars; the Mootadars and others alone are interested in the work, and they are immediately responsible to the Railway Company.

7. As in the case of Shotriem villages which have been enfranchised, and Government have no longer any interest in them, it must be left to those who are interested to enforce any obligation which may be in existence to keep the works in repair (*vide* Board's Circular No. 157).

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Proceedings of the Madras Government, Public Works Department.
9th March 1868.

7. I have inspected the tank, and it is undoubtedly in want of repair; the persons principally interested are the Trishvekamdars; they are perfectly aware of this, and willing to make repairs, but they and the Mootadars cannot agree as to the proportion of the expense which each should bear, and I fear that if left to themselves nothing will be done.

8. If you are of opinion that the work should be done by Government, and the owners compelled to pay the expense, it will be easy to apportion the expense; the amount of Rupees 1,056 is far more than will be necessary to make such repairs as will render all danger impossible, and another estimate could be made and the work carried out accordingly: this is all that Government should do in any case. If however you are of the same opinion as myself that compulsion cannot be used, the only course is to warn the owners of their responsibility in case damage is done to the Railway, of course they would suffer immensely themselves by the breach of the tank, and have every interest in its preservation.

9. I would mention that the owners can, by diverting the channel water, prevent the tank filling to such a height as to endanger the bund, this precaution they consider sufficient; constant watching, however, would be necessary, and in the event of a sudden flood might be ineffectual, and if you consider it the duty of Government to repair it, this cannot be taken into consideration.

1. The accompanying letter from the Collector of Salem is in reply to the Consulting Engineer's letter No. 306, of 24th August 1867, in which he requested information regarding any irrigation works in Zemindary estates, the breaching of which would be liable to cause damage to Railway works.

2. As no danger is to be apprehended for some months to come, it may be as well not to take any action in the matter of the Kathandaputty tank, until the bill, a draft of which was forwarded with G. O., No. 191, of 14th August 1867, or a similar one, is passed: remedial measures can then be enforced under the powers given in the proposed bill.

(Signed) J. G. LINDSAY, Captain, R. E.,
Ag. Dy. Cons. Engineer for Railways in Charge.

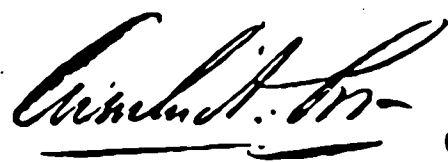
No. 190. ORDER THEREON, 9th March 1868, No. 782.

RAILWAY, No. 14.

As there are at present no means of enforcing the execution of the repairs and improvements still required to the

Kathandaputty tank to secure the Railway embankments against the possibility of injury by the breaching of that work, these papers will be communicated to the Legislative Department, with reference to the orders in that Department of the 14th August 1867, No. 191, and to previous correspondence.

(True Extract.)



Colonel, R. E.,

Secretary to Government.

To the Consulting Engineer for Railways.
.. Legislative Department.
.. Revenue do.

Ed. S. T. Augustin.

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Comd^g the
Revenue Board

Dear Mr. March,
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 to receive the Railway
 and on demand a great
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 Yours &c

My dear Mr. Doan,

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