M.R.C. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3037 Press / Mis.

291-292

Dated 25th November 1869.

Not to be folded or roughly handled

Ons

No. 291. Read the following Proceedings of the Board of Revenue, dated 11th October 1869, No. 7,537 :—

Read again Board's Proceedings, dated 3rd August 1869, No. 5,673.

Read also the following letter from the Commissioner of the Neilgherry Hills, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 26th August 1869, No. 121.

I FORWARDED Proceedings of the Board of 3rd August 1869, No. 5,673, to Mr. Steevens, and called his attention to paragraph 3. Mr. Steevens has replied with enclosed letter A., quoting from letters of his, dated June and July 1868, in which he said he thought he ought not to receive less than Rupees 1,000 in compensation for the ·28 of an acre taken up by the road.

2. From his reply I gather that he still deems Rupees 1,000 a reasonable equivalent for the land. In my letter to Mr. Steevens of 12th November 1868 I said as follows :—

"The question of compensation will be a matter of very easy settlement if "you can depute any one to point out the boundaries of your property, in order "that we may get at the exact amount of your land taken up by the road. When "this has been done I would suggest our each appointing an arbitrator, who will "appoint a third, and they thereafter seeing the road and the property will award "the amount of compensation to be paid to you. The quit-rent will, of course, "be diminished in proportion to the extent of land taken."

To this Mr. Steevens replied on the 22nd January 1869 as follows :—

* * * * * *

"As I am not acquainted with any person on the Hills I could ask to under-"take this work for me, I hope, Sir, you will be able to adjudicate in the case at "once without further delay. I shall be quite satisfied with your decision and "with the compensation you may recommend to Government to be given me for "having made a road through my ground, thereby taking part of my land from "me without my knowledge or consent, and rendering the remainder of the land "valueless for building purposes." I adjudicated accordingly.

ENCLOSURE No. 1.

From Mr. S. STEEVENS, to the Commissioner of the Neilgherry Hills, Ootacamund, dated Coonoor, 19th August 1869, A.

I BEG to acknowledge the receipt of the Proceedings of the Revenue Board, No. 5,673, of the 3rd instant, forwarded to me with your docket of the 9th idem, and, with reference to the second and third paragraphs of the Proceedings of the Board, I respectfully beg to say that I fully anticipated, when forwarding my letter to you of the 22nd January last, that you would have taken the whole case into consideration in deciding upon it and before forwarding it to Government, particularly that which I said about compensation in my letters of June and July 1868. In that of June having reference to the reduction of quit-rent, I said, "The ground alluded to I purchased from "Government in the year 1856, and since that time I have paid quit-rent for it. About two years "ago a considerable portion of this ground was taken from me for a public road from Coonoor to "Wellington, and I respectfully submit that it cannot be intended to make me pay quit-rent for "the ground which has been taken from me for public purposes. I beg to mention that the ground "was taken from me without my knowledge or consent, or without any compensation whatever

" being offered to me. I, therefore, have to request you will be good enough to make a represen-
" tation of the case to Government in order that the quit-rent may be reduced and that compensa-
" tion may be allowed for the ground taken from me." In my letter of July 1868, after having seen what had been done to my ground by the Engineer's Department, I wrote as follows, " The
" other day, when going over my ground at Coonoor, I noticed a wide carriage-road made through the
" middle of it, and which has completely divided the ground and greatly diminished its value in
" having rendered it useless for building purpose ; and, as my property has been thus divided and a
" part of it taken from me without my knowledge or consent, I hope the Government will not with-
" hold from me suitable compensation, which I think ought not to be less than 1,000 rupees."

2. When I wrote to you in January last I fully expected that my claim for the above compensation for the trespass committed and the spoliation of my property by the Public Works Department would have been taken into consideration in deciding on the case, instead of which you inform me in your letter, No. 80, of the 22nd February 1869, that you could not conscientiously have recommended me a proper compensation had not the Public Works Department run a road through my property without my consent to do so ; but as they did this you are willing to recommend to Government that I should receive 60 rupees with a proportionate reduction in the amount of quit-rent. I must confess that I was not prepared for such a decision, and I most respectfully beg to submit, Sir, that 60 rupees compensation and 4 annas per annum reduction in quit-rent, the amount you have recently decided on, is not a fair equitable compensation for the wrong that has been done me, by taking a portion of my property from me without my knowledge or consent, and making a wide carriage-road through the middle of it, twenty-four feet wide including catch-drains, which has taken away all privacy from the ground, the road having become a favourite public thoroughfare from Coonoor to the public Cricket-ground and Wellington and back.

3. This case has now been under consideration for more than twelve months : I, therefore, venture to hope that the Right Honourable the Governor in Council will kindly take it into consideration, and I hope, Sir, you will submit this letter to the Revenue Board, in order that it may be submitted to Government.

4. The Revenue Board, in the third paragraph of their Proceedings, wish to know why I did not warn the officers of the Engineer Department of my property when they were committing the alleged trespass. In reply, I beg to state that I was at Madras when the road was made : had I known what was doing on my ground I should have remonstrated and brought the trespass and spoliation to notice without delay.

THE Board resolve to submit these papers for the decision of Government.

2. It will be observed that a line of road was carried by the officers of the Department Public Works through the centre of Mr. Steevens' property without permission asked or granted, and that Mr. Steevens offered to submit to the decision of the Commissioner, who has adjudicated a compensation of 60 rupees.

3. Mr. Steevens demurs to the fairness of the award and calls on Government to amend it.

4. The Board are constrained to admit that the circumstances disclose a grave wrong inflicted on Mr. Steevens by the officers of Government, and they cannot but regard the sum of 60 rupees as inadequate compensation.

5. They consider that a sum of 300 rupees is not more than what is required to meet the justice of the case.

6. With reference to the opinion expressed by Colonel Walker and Major Hessey that the land has been improved as a building site by the construction of the road, the Board remark that this argument scarcely applies to land within a

cantonment, where privacy is essential to the value of a building site. Moreover, this does not excuse the trespass committed.

7. Subsequently to this transaction the most stringent orders have been laid down against assuming land without the consent of owners, and in future the Board will deem it their duty to recommend that officers disregarding their orders be compelled themselves to bear the consequences.

No. 292. ORDER THEREON, 25th November 1869, No. 3,037.

Miscellaneous.

THE Government fully concurring in the views expressed by the Board resolve to award Mr. Steevens a sum of Rupees 300 as compensation.

2. The unauthorized course of action pursued in this case by a Public Works officer will receive departmental consideration.

(True Extract.)

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

To the Board of Revenue.
,, the Accountant-General.
,, the Public Works Department.

Exd. A. S. Rodgers.

Govt. of Madras 1869 Nov. 28 Number

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated November, 25th.

Recd.

G. O., 25th November 1869, No. 3,032.

Read

NOVELLER.

Nos. 291-292.

Land taken up for Coonoor and Wellington road.—Grant of Rupees 300 as compensation to Mr. Steevens for this land, sanctioned.

No. 5,673.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd August 1869.

Read the following letter from J. W. BREEKS, Esq., Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 8th June 1869, No. 80:—

IN reply to Proceedings of the Board of 25th May 1869, No. 3,647, directing me to submit any communication which Mr. Steevens may wish to be laid before the Board on the subject of his claim, I have the honor to enclose his last letter and copy of mine of the 25th and 22nd February respectively. After several letters had passed between us on the subject, Mr. Steevens agreed to abide by the decision of Government as to the sufficiency of my award of Rupees 60.

2. I enclose also a plan of the land, showing where the road runs.

ENCLOSURE No. 1.

From J. W. BREEKS, Esq., Commissioner of the Neilgherries, to Mr. G. STEEVENS, Madras, dated Ootacamund, 22nd February 1869, No. 80.

IN your letter of the 22nd ultimo, you state that you will be satisfied with my decision regarding the compensation for public road carried through your land at Coonoor.

2. The area of your land is 6·60 acres, the road takes up 0·28 acres. The land, as you yourself confess, was bought as a building site, and in this light, I cannot really look upon the road as anything but a great benefit to you. It is in fact a turn-pike road leading through your building site to Wellington on one side and Coonoor on the other. Were it not that the Department Public Works have run the road through your property without asking your leave, I could not conscientiously recommend you a Rupee compensation.

3. As it is, however, I am willing to recommend to Government that you should receive 60 Rupees, with a proportionate reduction in the amount of quit-rent.

4. I may add here that the purchase of private land in the neighbourhood of Wellington has not cost Government more than from 35 to 50 per cawny.

5. Should you accept my offer, I have the honor to request you will have the goodness to announce your consent as quickly as you can, to enable me to place the matter before Government for their orders.

6. The original map of your land will be returned to you when the question of compensation is finally disposed of.

(True Copy.)

(Signed) J. W. BREEKS,
Commissioner.

ENCLOSURE No. 2.

From Mr. G. STEEVENS, to the Commissioner of the Neilgherries, dated Madras, 25th February 1869.

I BEG to acknowledge the receipt of your letter, No. 80, of the 22nd instant, and to state that I feel thankful to you for having decided to submit the whole case to Government for final decision. Should the Right Honorable the Governor in Council decide that your award of 60 Rupees for the ground taken from me without my knowledge or consent, and for the trespass committed by the Public Works Department in making a road through the middle of it, is a fair and equitable compensation, I will most respectfully bow to their decision. But it does not appear to me that the award of the mere price of the ground taken, without reference to the trespass committed, and the rendering of the remainder of the ground unsaleable, and almost useless, meets the case.

ENCLOSURE No. 3.—Plan.

FROM the foregoing communication and the previous letter of the Commissioner on the same subject, it appears that the Commissioner has awarded compensation to Mr. Steevens, (a landholder at Coonoor,) amounting to Rupees 60 for 0·28 of an acre of land, such as sells from 30 to 50 Rupees per Cawny, taken from his property for a public road.

2. Mr. Steevens appears at first to have consented to abide by Mr. Brecks's decision regarding the compensation, but now disputes it in general terms, without stating at what he values his land.

3. The Board are not prepared to set aside the award; but before submitting the case to Government, resolve to request the Commissioner to ascertain from Mr. Steevens what he deems a reasonable equivalent for the land taken from him, and why he did not warn the Officers of the Engineer Department off his property when they were committing the alleged trespass.

4. It is much to be regretted that the Orders* of Government, that land is not to be taken by any Department until valued and arranged for by the Commissioner or the Collector at the case may be, have very improperly been overlooked in this case.

* Vide Board's Standing Order, No. 141, also Circulars No. XXXIV. of 1867 and No. XXXII. of 1868.

(True Copies and Extract.)

(Signed) J. GROSE,
Acting Secretary.

To the Commissioner of the Neilgherries, with original letters and plan returned.

Exd. G. A. Turton.

Revenue Department

Memo: for Orders on No. 3574.

1. The D. P. W., without obtaining the owner's consent, and apparently without giving him notice of their intention, recently cut a road through an estate, the property of Mr. G. Steevens, a landholder at Coonoor. The total amount of land occupied by the road was 0·28 of an acre.

2. Mr. Steevens considers the road in the light of an injury, the officers of the D. P. W. regard

Enclosure (Proc. of the Board of Revenue, etc. dated 25th Aug. 1869 No. 5673.)

Board of Revenue, MADRAS.

Rec'd. 3574/69

1869.

PROCEEDINGS, 3RD AUGUST 1869, No. 5673.

Encl.

Received

25 Aug 1869

AUGUST.

No. 5,673.

Land—belonging to Mr. Steevens at Coonoor on Neilgherries, taken up for new road from Coonoor to Wellington.—Commissioner requested to ascertain from that gentleman what he deems a reasonable equivalent for, and why he did not warn Engineer Officers off his property when they took up land.

Rec'd 25th Aug 1869

regard it as a great im-
-provement to his estate.

3. Some correspondence passed between the Commissioner and Mr. Stevens on the subject of compensation. The latter first agreed to abide by Mr. Brooks' decision, but when Mr. Brooks named Rs. 60 as the sum to be awarded, he requested that the case might be referred to the Govt., expressing his willingness to abide by their decision.

4. On being requested by the Board to state the amount of compensation to which he thought himself entitled, he named Rs. 1000. It then transpired that the Commissioner had some time previously addressed Mr. Stevens a letter suggesting that the question should be settled by arbi-
-tration. viz that each should appoint an arbitrator and that they should choose a third, but that Mr. Stevens had replied stat-
-ing "that he was not "acquainted with any "person on the Hills "whom he could ask "to undertake such a duty "for him", and "that he "should be quite satisfied "with the Commissioner's decision."

Mr.

5. Mr. Stevens still (vide his letter printed with Board's Proceedings dated 11th October 1869,) "hopes "that the Government "will not withhold from him suitable com- "pensation which he "thinks ought not to be "less than Rs. 1,000". The Commissioners (in the absence of arbitration) have not departed from his former estimate of Rs. 600.

6. The Board in their Proceedings dated 11th October 1869 which are now immediately under review

review " are constrained to "admit that the circumstances "disclose a grave wrong inflicted "on Mr. Stevens by the Officers "of Government", and they "consider that a sum of Rs. 300 "is not more than what is re- "quired to meet the justice of the case."

It is, however, impossible that the Board can be in a position to offer a more reliable estimate of the amount of compensation due than Mr. Brooks.

8. The conduct of Mr Stevens in declining to submit the case to arbitration appears unreason- -able-

It

9. It is therefore submitted that the fairest and the most satisfactory course would be for the Government to endorse the offer of Mr. Weeks and place the settlement of the case in the hands of arbitrators. It seems incredible that Mr. Stevens, in a place like Coonoor cannot find any one to act for him, but if he cannot, the Commissioner might be instructed to select an impartial arbitrator on behalf of both parties.

10. It is also submitted that with reference to the conduct of the D.P.W. Officers in making a road through an Estate without taking any steps

certainly wrong steps to come to terms with its owner, should be considered in the Public Works Department. This is not the first time that the officers of this Department have acted in a high-handed manner on the Neilgherries. Proceedings of Government dated 14th October 1869 disclose similar wrong in the case of Mr Marden. For a planter on returning from a visit to Madras to be met by the unexpected apparition of a broad white road cut through the middle of his Estate, and to receive the consolatory assurance of the Government Engineers that he ought to consider it in the light of a benefit, must be rather shocking to

to the feelings of a constitution-
-alist.

There is a very prop
case on the part of the officers of the P.W.D
who ought in justice to be held responsible
for all that Mr Stevens may ultimately get
in excess of the 600 R. compensation offered by
Mr Beecher. — None can be found as expe
for them as they could so easily have secured.
by the application of the abbreviation act for
what they wanted. Mr Stevens must be
conciliated, for if he went into Court the
Govt would have no fair defence. I owned
have sent him 300 R. expected & the P. Bd
or even make it 350 or 400. R.
If Mr Stevens remains unreasonable & thinks
his course supported in para 9 of his Memo
may not the proposal be adopted —
The Govt should be informed by whose
order the plans this person Mr Stevens
has prepared was commenced —

Tidebrg.

I would give R 300
and make no further
offer than this in
response to any further letter, viz
R 150.

I would offer R 300. if
agreed by memo to arbitration
the offers should lay before Mr

Revd Department

No 3037.

Proceedings of the Madras Government

Under date the 25th November 1869.

Read the following

Proceedings of the Board

of Revenue.

Subt for decision certain papers on the subject of compensation to Mrs Stevens for his land at Gooroor on Neilgherries taken up for new road from Coonoor to Wellington & recommending a compensation of Rs. 300=

(M.E. 11th October 1869
No 7537)

The Government fully concurring in the views expressed by the Board, resolve to award Mrs Stevens on sum of Rs 300 ux compensation.

The

2 The unauthorised course of action pursued in this case by a Public Works officer will receive departmental consideration.

W Lee

B

14 Fortes B K Rec Dep 1926
6 Asstt Secs "
21 " " Dept "