

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	376	Press ~~Mis.~~
<u>234 - 35</u>		
Dated	13 th February 1867.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
13th February 1869.*

No. 234. Read the following Proceedings of the Board of Revenue, dated 27th January 1869, No. 545:—

Read the following letter from the Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 14th December 1868, No. 259.

1. A small channel branching from Nanga Voikal, and irrigating Acres 1-85 of wet land, granted as Inam for the remuneration of the Corumbu or Conservancy Establishment of the Wyacondan, &c., channels, was blocked up by the construction of the Railway embankment of the Erode Extension Line, and the lands have ever since been necessarily laid waste.

2. The parties came forward requesting that a new water-way might be provided for them through the Railway embankment, and that the loss, sustained since the lands were left waste, may be made good to them. They submitted, at the same time, certain proposals for the better irrigation of their other Inam lands, situated in a different locality.

3. After a lengthy inquiry, and much correspondence between the Tahsildar and the Treasury Deputy Collector, entrusted with the settlement of compensation for the lands required for Railway purposes, it was ascertained, beyond doubt, that the channel in question was rendered useless by the Railway embankment, and that the annual loss of wet crops, sustained by the Inamdars since the destruction of the channel, amounted to Rupees 46-4-0.

4. I wrote to the Railway Agent, Mr. Betts, to remit to this Office, for payment to Inamdars, the aggregate amount* of loss sustained during the last three years, but that Officer declined to do so, stating, that before the line was constructed, the Railway Chief Engineer and the Superintending Engineer went over the ground, and the water-way then called for was provided, and that the Railway should not be called upon to pay the amount claimed.

5. I wrote again requesting Mr. Betts to reconsider the subject, and stating that this water-way must have escaped the notice of the Officers who had originally inspected the ground, and that it is clearly unjust that the Inamdars should suffer from an oversight on the part of the authorities; but Mr. Betts still denies the liability of the Railway to pay the amount claimed.

6. I beg to enclose the accompanying copy of the correspondence that took place on the subject, and request that the Board will favor me with such instructions as they may deem proper to pass in the matter. I ask this, as the sufferers are far too ignorant and too poor to assert their claims in a Civil Court, and because, although in the very lowest rank of the Government Service, they are most useful and hard-working men.

From the Collector of Trichinopoly, to the Agent to the Great Southern of India Railway, dated 28th October 1868, No. 34.

The Railway embankment, as per tracing No. 29, has blocked up a channel, irrigating Acres 1 85 of wet land, granted as Inam for the remuneration of the Conservancy Establishment of Pettee

						RS.	A.	P.
* Fusly	1275	...	...	...	...	46	4	0
"	1276	...	...	...	...	46	4	0
"	1277	...	...	...	...	46	4	0
						138	12	0

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Vollallay. The lands have necessarily been left waste for the last three years, and the loss sustained by the Inamdars was inquired into and ascertained to be Rupees 36-4-0 per annum: I have the honor to request that you will be good enough to cause the aggregate amount due for three years to be remitted to this office at your earliest convenience.

For Fusly	1275 or 1865-66	...	...	...	Rs.	A.	P.
"	1276 or 1866-67	...	...	...	46	4	0
"	1277 or 1867-68	...	...	...	46	4	0
					138	12	0

From the Agent to the Great Southern of India Railway, to the Collector of Trichinopoly, dated Negapatam, 23rd November 1868, No. 12,254-7,923.

Referring to your letter, No. 34, of the 28th ultimo, I have the honor to state, that before the line was constructed, this Company's Chief Engineer went over the ground in question with Captain Oakes, the Superintending Engineer, and the water-way then called for was duly provided. Under these circumstances, I submit the Railway Company should not be called upon to pay the amount claimed.

From the Collector of Trichinopoly, to the Agent to the Great Southern of India Railway, dated 2nd December 1868, No. 38.

Adverting to your letter, No. 12,254, dated 23rd ultimo, I have the honor to state, that it has, beyond doubt, been ascertained that the water-way referred to was actually destroyed by the Railway embankment and the loss, specified in my letter No. 34, was *bona fide* sustained by the Inamdars concerned. This water-way must have escaped the notice of the Company's Chief Engineer and the Superintending Engineer, while they went over the ground in question; and it is certainly unjust that the Inamdars should suffer from an oversight on the part of the authorities to prevent the injury. I beg, under these circumstances, to request you to be good enough to reconsider the subject, and favor me with your final determination.

From the Agent to the Great Southern of India Railway, to the Collector of Trichinopoly, dated Negapatam, 7th December 1868, No. 13,670-8,171.

The sum applied for in your letter, No. 38, of the 2nd instant, may not, in itself, be of much moment, but the payment of it would raise an important point of interest to this Company. We have tried to follow in this country the plan adopted in England—namely, before commencing a railway, to settle the amount of waterway, and of crossings to be provided, and thereafter to make no alteration. This Company's Chief Engineer provided what he considered ample accommodation in both respects on the Erode Extension, and his action, I understand, was approved by the Superintending Engineer. If, years after the commencement of the works, the Railway Company is to be at any time liable, on the call of adjacent landholders, to provide additional accommodation, or to pay for its non-provision, a heavy burden would be placed upon us. If compensation has to be paid in the instance under correspondence, I submit that such compensation should be dealt with in the same way in which the money paid for land required for railway purposes is.

THE Inam land, which remunerated the Corambu Conservancy Establishment, was destroyed in 1865 by neglect to provide a culvert on the part of the Company.

2. The piece of land is 1.85 Acre, and the annual income derived was Rs. 46-4-0.

N. B.—Three years' income, amounting to Rupees 138-12-0, has already been lost.

It does not appear that any other land can be irrigated by the new blocked up channel; and it is clear that it would not

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now be, if ever it would have been, worthwhile to construct a culvert of the solidity, and at the cost of Railway works. At twenty years' purchase the Inam is worth less than Rupees 1,000.

3. There can be no doubt that the Company is liable for the neglect to protect existing interest, and it has benefited to the extent of saving a permanent work of considerable cost. The Board would, therefore, recommend the Government to order a compromise, and direct the Railway Company to pay the three years' loss, *plus* the loss of the current year. The Board propose that the Government should provide another equal Inam for the maintenance of the Corambu Establishment.

4. The Board consider ~~the acceptance~~ of Mr. Betts' doctrine that the Company is entitled to profit by the oversight of its own Officers, quite untenable.

No. 235.

ORDER THEREON, 13th February 1869, No. 376.

Miscellaneous.

Referred to the Consulting Engineer for Railways, for any remarks he may wish to offer as to the liability of the Railway Company.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Consulting Engineer for Railways.
,, the Board of Revenue.

Exd. G. A. Turton.

ct. 376

Referred to the Consulting Engineer for Railways, for any remarks he may wish to offer as to the liability of the ^{railway} company.

H. Wigram

Ag. Secy. to the

Port of St. Geo. }
13th Feby 1869 }

To the Consulting Engineer for Railways at 15 Feb
11th the Board of Geo. S.

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Port of 1869} Minutes

REVENUE.

THE CONSULTING ENGINEER

FOR RAILWAYS,

Ac, Ac, &c

Dated February, 1869.

G. H. 15th February 1869, No. 376.

FEBRUARY.

Nos. 234-235.

Have had become very visible in Irish. -
copy by an act of the Railway Company -
Papers on this subject, referred to the Consulting
Engineer for remarks.