M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1161 Press Mis.

609-610

Dated 29 th April 1989

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 29th April 1869.

No. 609. Read the following Proceedings of the Madras Government in the Public Works Department :—

Passing orders on the letter from the Consulting Engineer submitting, with remarks, a letter from the Agent and Manager of the Madras Railway Company, stating that he is still of opinion that the Company is under no obligation to pay compensation to the villagers of Timmacherla in the Bellary District to enable them to provide themselves with a new well. } (Here enter 26th April 1869, No. 1,360.)

No. 610. ORDER THEREON, 29th April 1869, No. 1,161.

Miscellaneous. COMMUNICATED to the Board of Revenue.

(True Extract.)

(Signed) H. WELLESLEY,

Acting Under Secretary to Government.

To the Board of Revenue, with Proceedings Public Works Department, No. 1,360.

Exd. E. C. Shunker.

Govt. of Madras 1869 Gen. Dept.

REVENUE.

To

THE BOARD OF REVENUE.

Dated April, 26th.

Recd.

G. O., 26th April 1869, No. 1,161.

APRIL.

Nos. 609-610.

Well near Goodrcad Railway Station in Tellicry District.—Order on the subject of the Railway Company providing either an accommodation bridge or a new well in lieu of it, to the villagers of Timmacherla, communicated to Board of Revenue.

Proceedings of the Madras Government, Public Works Department, 26th April 1869.

No. 631. Read the following letter from the Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, dated Madras, 13th April 1869, No. 120.

1. On receiving the Order of Government, dated the 7th instant, No. 1,132, I forwarded a copy of it, together with a copy of the previous Order* in the Revenue Department, to the Agent of the Madras Railway Company, stating that I trusted that, with the expression of the views of Government before him, he would feel himself at liberty to modify his previous opinion regarding the claim on the part of the Timmacherla villagers to compensation, and would enable me to report that the arrangement suggested by the Collector of Bellary had been agreed to.

* 18th March 1869, No. 741.

2. From Mr. Elwin's reply,† which I have the honour to enclose, it will be seen that he is still of opinion that the Company is under no obligation to pay compensation to the villagers of Timmacherla to enable them to provide themselves with a new well, and that he is therefore precluded, on behalf of the Company, from agreeing to the terms proposed by the Collector; but that he will be prepared to give immediate effect to any order which the Government may be pleased to pass on the subject.

† No. 170, dated 12th April 1869.

3. I do not see that under the Contract the Company can be required to pay Rupees 1,000 to enable the villagers to construct a new well; but there can be little doubt that the Government have power, under clauses 4 and 10 of the Contract, to require the Company to provide an accommodation bridge for the use of the villagers. As the cost of the bridge would probably amount to at least five times the sum proposed as compensation, I cannot imagine why there should be any objection on the part of the Railway authorities to comply with the views which have been expressed by Government. I recommend that those views be carried into effect, as I cannot but agree with Mr. Sullivan that, if nothing is done to meet their convenience, the villagers will have substantial grounds for an action for damages against the Company.

From the Agent and Manager of the Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 12th April 1869, No. 170.

In acknowledging the receipt of your letter of the 9th instant, No. 141, I have the honour to state, that as I am still of opinion that the Company is under no obligation to pay compensation to the villagers of Timmacherla, to enable them to provide themselves with a new well, I am precluded, on behalf of the Company, from agreeing to the terms proposed by the Collector; but shall be prepared to give immediate effect to any order which the Government may be pleased to pass on the subject.

No. 632. ORDER THEREON, 26th April 1869, No. 1,360.

RAILWAY, No. 51.

The Government are of opinion that, as the Railway embankment near the village of Timmacherla is carried in such a direction as to cut off the village from the only well of good water which it possesses, the Railway Company are bound to provide either an accommodation

bridge or a new well. Having in view the saving to the Company of the difference between the cost of such a well and of a suitable bridge, the Government would have been satisfied if the arrangement proposed by the Collector had been accepted by the Agent and Manager, but, as it has been rejected, His Excellency in Council has no option, should the Railway Company persevere in their resolution, but to direct that the accommodation bridge in question be erected before the section of the line in which Timmacherla is situated is allowed to be opened for traffic.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Consulting Engineer for Railways.
,, Revenue Department.

Exd. S. T. Augustin.

Rev- Dcf to
Ft 1352

Cort. of {1869} Madras.

PUBLIC WORKS.

To

THE CONSULTING ENGINEER FOR

RAILWAYS.

&c., &c., &c.

Dated April, 20th.

Recd.— 4 — 28 Encl.

G. O., 30th April 1869, No. 1,330.

APRIL.

Nos. 631-632

No 1161-29 Apl

Writ.—Passing orders on the letter from the Consulting Engineer submitting, with remarks, a letter from the Agent and Manager of the Madras Railway Company, stating that he is still of opinion that the Company is under no obligation to pay compensation to the villagers of Timmacherla in the Bellary District to enable them to provide themselves with a new well.

Write Order