M.R.O. 1—39,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1507	Press Mis.
665-666	
Dated 28th May 1909	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
28th May 1869.

No. 665. Read the following letter from the Sub-Secretary to the Board of Revenue, to the Acting Secretary to Government, Revenue Department, dated Madras, 6th April 1869, No. 2,287:—

I AM directed to submit copy of a Circular Order which the Board propose to issue to all Collectors on the subject of ruined tanks made over to private proprietors.

2. Board's Proceedings, dated 5th April 1869, No. 2,250, a copy of which is enclosed, will show the circumstances under which the Board consider it desirable to issue this Circular.

No. 666. ORDER THEREON, 28th May 1869, No. 1,507.

Land Revenue.

THE Government desire to know whether it is the intention of the Board that persons taking up land under ruined tanks should commence to pay the special rate of assessment from the date of the land being made over to them, or from the date of the tank being put into repair. The Circular should be made clear on this point.

(True Extract.)

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

To the Board of Revenue.

Exd. F. R. Bantleman.

REVENUE.

No

THE BOARD OF REVENUE.

Dated May, 28th.

Read.

G. O., 28th May, 1869, No. 1,507.

Read the Board's Proceedings dated 18th October last.

IRRIGATION.

Nos. 665-666.

Ruined tanks made over to private proprietors.—Passing orders on Revenue Board's Circular Order proposed to be issued to Collectors on this subject.

Revenue Board's Office
Madras,
6th April 1869.

Draft Circular.

When ruined tanks are made over to ryots under the rules given in Standing Order No. 125, the owners must be made to understand that they will be required to pay the special rate of assessment on all lands within the area irrigable by the tank when properly restored, whether cultivated or not, and even if previously charged with a lower rate of assessment and that if it becomes necessary to sell any of such lands for arrears of Revenue, the right to the use of a corresponding quantity of water from the tank will go with them to the purchaser.

J. Grote
Sub Secretary.

I am to state that I understand this circular to require what seems to me to require revision at least. It might be brought into Council

No. 2,250.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 5th April 1869.

Read the following letter from C. N. POCHIN, Esq., Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 7th January 1869, No. 3:—

I HAVE the honor to report on Petition No. 3,282 of 1867, addressed to the Board of Revenue by Pottipuram Vencatesa Aiyengar, residing in the Salem Talook.

2. Petitioner obtained permission on the 31st August 1865 to restore a ruined tank, and on its completion in Fusly 1276, pointed out the land which he wished to bring under cultivation, which was as follows:—

	A.	G.	A.	Punjah fysal assessment. Rs.	A.	P.
Land belonging to the village of Thathengarputty.....	30	8	7	33	15	9
Ditto of Vellalaputty.....	11	18	10	20	0	1
Ditto of Chukra Chittghutty...	37	34	3	57	2	3
Total...	79	21	4	111	3	0

At the Jummahbundy I charged the extent in question at 2½ Rupees an acre, the district rate, and ordered the same (acres 79-21-4 assessed at 2½ Rupees an acre Rupees 198-13-4) to be entered in the accounts as the settled ayacut of the tank.

3. The tank having been in a ruined condition at the Pymash itself, the accounts do not contain any Pymash ayacut. The lands which have now been formed as the ayacut of the tank were assessed punjah lands, and are within the boundaries pointed out by the petitioner as the land which he wished to bring under wet cultivation by his tank.

4. Petitioner's complaint is three-fold, which I will notice in order:—

1st —That the lands have been assessed at 2½ Rupees an acre, instead of at their punjah rates. In paragraph 1 of the "Rules under which ruined tanks may be repaired by private outlay," it is stated that the applicant is to pay for the land the "special rate of assessment which has been determined by the Board for each district;" the rate for this district being 2½ Rupees an acre. This rate was of course adopted in petitioner's case. I am not aware that the rule applies only to nunjah ayacut under the tank and not to lands already assessed as punjah, but brought under wet cultivation by restoration. My impression is that all lands whether nunjah or punjah which are formed as the ayacut of any tank restored by private outlay is to be charged uniformly at the district rate of 2½ Rupees an acre. If this opinion is correct, petitioner has no ground of complaint.

2ndly.—That the assessment has been collected upon the whole extent (ayacut) above referred to, whereas it ought to have been collected only upon the land actually cultivated in Fusly 1276. Paragraph 2 of the Board's Order, No. 125-1, authorised the procedure that has been adopted. It is there stated that "when tanks are made over under the rules, the fixed rate of assessment must be paid for all cultivation under the tank whether the land is cultivated *or not*." Petitioner applied for the grant of the 79 and odd acres of land above referred to as the ayacut of his tank, and it was accordingly charged at 2½ Rupees an acre, without any reference as to its cultivation.

3rdly.—The petitioner's third complaint to be noticed is to the effect that a refusal was made to permit him to throw up a portion of the land above referred to. It is true that petitioner applied for leave to give up acres 32-24-2 out of the whole extent above referred to, but this was after the ayacut was settled at the Jummahbundy, and I considered that the question was no more open, and accordingly refused to comply with his application. There is no rule for or against any person who has obtained a ruined tank and its ayacut, giving up the whole or any portion of the extent subsequently. I am of opinion that the ayacut of a ruined tank when once settled should remain intact, and that the applicant should not have the option of resigning the whole or any portion of it subsequently. The Government sell as it were their right to the tank for a consideration which is the assessment payable by the applicant upon the fixed ayacut of the tank, and if the applicant is allowed the privilege of giving up the whole or any portion of the ayacut, the object is defeated, and in course of time the applicant becomes the owner of a valuable tank with little or no return to Government. Take for instance the case in question. The assessment of the whole ayacut is Rupees 198-13-4. This is a fair return for the right which the Government have alienated to the petitioner.

in making over the tank. Supposing he is permitted to give up as he wishes 30 acres of land now, and another 30 next year, it would eventually leave about 20 acres with a profit to Government of only 50 Rupees instead of nearly 200, and no applicant for the lands thrown up could use the water of the tank, though there might be more than enough without paying for it to the owner of the tank. The owner even might refuse if he liked. It is thus obvious that the Government would be no small loser, if the privilege of throwing up a part of the ayacut was conceded. The petitioner on the other hand would be a gainer by Government losing, for, with his 20 acres, he could make as much profit as he would from the 79 acres: thus, 20 acres might be planted with a cocoanut and arecanut garden, and the remaining ayacut would have no water left at all. The 20 acres of garden would produce as much profit, if not more than if the whole was cultivated with rice. The Government could have repaired the tank sufficient to cultivate an ayacut of only 20 acres at a similar cost, and charged the full nunjah rates; but as the ayacut was 79 acres, it was not considered a work of sufficient remuneration to lay out so much money as would enable the tank to hold water in proportion to the whole ayacut (79).

5. I would take this opportunity of suggesting that a distinct rule be passed that any person obtaining permission to restore a ruined tank, is bound down to keep the ayacut without having the right of throwing up any part of it. He may, however, be allowed the option of throwing up the whole ayacut, provided he returns with it the tank to Government. It should also be a condition that the purchaser of any portion or the whole of the ayacut that may be sold for arrears of revenue shall have the right to use water equally as if he was the original owner of the tank before the land was sold for the arrears.

6. Vencatesa Aiyengar's petition, with its enclosures, is herewith returned.

ENCLOSURE No. 1.—Petition.

THE Collector is right in considering that the special rate of assessment should be charged on all lands within the ayacut of the restored tank, even if previously assessed at lower rates.

2. He misquotes Circular Order No. $\frac{125}{1}$, which requires that the assessment should be paid for all cultivation *whether wet or dry*, not "whether the land is cultivated or not;" but he is right in the main, since the owner of a ruined tank is bound under the arrangement by which it is made over to him to pay the full amount due on the extent which is irrigable, supposing the tank, to be properly repaired.

3. The view that the possessor of a ruined tank should be pronounced not at liberty to resign any portion of the ayacut, and that if lands within it have to be sold for arrears of revenue, the purchaser shall be declared entitled to use a corresponding proportion of the water of the tank, is sound, and a Circular Order on the subject will be submitted for the sanction of Government.

4. In the particular case now under consideration, the petitioner, Pottipuram Vencatesa Aiyengar, estimated the ayacut of the ruined tank which was made over to him at acres 79-21-4, but has only brought 30 acres into cultivation, and he alleges that some at least of the remainder is unfit for cultivation. From the accident that the tank was already in ruins at the time of the Pymash, there is no register of the amount of the ayacut, and it is possible that the petitioner may have overestimated it. An inquiry should now be made as to what is the extent of cultivable land really irrigable by the tank when properly restored. The Collector should also ascertain whether the tank in its present state of repair is capable of irrigating only 30 acres, and if so, whether the petitioner has exerted himself on the restoration since the tank was given to him, as much as he could reasonably be expected to do. If so, the Board would not be unwilling to grant remission. A further report on these points should be submitted as soon as possible.

(A true Copy and Extract.)

(Signed) J. GROSE,
Sub-Secretary.

To the Collector of Salem, with petition.

Copy to the Director of Revenue Settlement.

Exd. T. Cartledge.

Revenue department

5-1

No 1507.

Proceedings of the Board of Revenue under date the 28 May 1869.

Read the following letter from the Commissioner of Revenue:-

Submitting draft of a Circular Order for-warded to the Board by Collr of Salem on the subject of Ryotwar Tanks proclaimed Zemindaree Tanks:-

(M.L. to Govt No 2,287 Apl 69)

The Govt of Fort St George in Council

Direct the following Circular Order to be issued to the Collectors of the Ryotwar districts:-

The Govt direct that in future in the settlement of Ryotwar lands the Board will not impose any enhancement on account of improvements effected by the Ryots themselves in the cultivation of lands assessed at Zemindaree rates, unless the Ryots have been in possession of the lands for a period of 12 years or more, and unless the Board are satisfied that the enhancement is not more than one third of the net profit which the Ryot derives from the land.

Encln A to Letter to Govt dated 5 April 69 No 2287.

1869.

Board of Revenue,

MADRAS.

Rev: 1212/69.

PROCEEDINGS, 5TH APRIL 1869, No. 2,250.

Encl.

Received

APRIL.

No. 2,250.

Assessment—Further report requested from Collector of Salem on Petition No. 3,282 of 1867, from Vencatesa Iyengar, complaining of enhanced rate of —, having been collected on Ayacut of tank made over to him for repair, and of Collector's refusal to permit him to relinquish portion of land.

any division of liability should be allowed, in these cases, as the special date of assessment is a compromise for the whole of the lands, irrigable by the tank, and perhaps these lands even should be dealt with as a whole in case of deficiency. It might happen that lands situated at the greatest distance from the tank would be allowed to lapse, and that no purchaser would be found for them at an invariable assessment of 2-8 d per acre. Of course, in a good year, the acreage really irrigable under any tank is larger even than in a bad year. It is necessary therefore that great caution should be exercised in fixing the irrigable area to protect the ryot is to be held-

Ed Maxwell

Bte Lyttelton Bdr.
Steam Pinnace Lucy

Contract
No 2 K

e-12' Draught 69 R-17' Draught