

(1) Number of pages 26(2) Date of repair 15-4-42.

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.**Government of Madras.****REVENUE DEPARTMENT.**

G.O. No.	Press. <u>Mis.</u>
Dated	<u>4-1-1871.</u>

Not to be folded or roughly handled

17

*Proceedings of the Madras Government, Revenue Department,
4th January 1871.*

Read the following:—

- No. 1. Proceedings of the Board of Revenue, dated 25th August 1870, No. 5,454.

Read the following letter from C. G. MASTER, Esq., Officiating Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 11th June 1870, No. 1,533.

In his Arzis, dated 22nd October 1869 and 4th November 1869, bearing Nos. 931-3,530 and 1,027-3,659, respectively, the Nellore Tahsildar reported that in the village of Indukurpett earth had been dug for the repair of the tank in the lands of two ryots to the extent of 1,064 cubic yards in the months of March and April 1868, and recommended the payment of Rupees 66-8-0 as compensation at one Anna per yard.

2. The Tahsildar further reported that the Executive Engineer, Major Clay, declined to give any compensation. The late Acting Collector, in his letter dated 11th November 1869, No. 2,116, observed that the ryots were entitled to compensation, inasmuch as the pits had been recently dug, and accordingly requested Major Clay to inform him whether the rate proposed by the Tahsildar was fair, and how the charge could be met.

3. In his reply, dated 14th February 1870, No. 583, Major Clay stated that, in consequence of a discrepancy between the measurements made by the Department Public Works and Revenue Department, the Tahsildar was requested to re-measure the lands in the presence of the Department Public Works Overseer. According to the re-measurement, the total extent of the land in which pits have been dug is given at 1,380½ yards, and the compensation at the rate alluded to at Rupees 86-4-8.

4. The rate allowed in the estimate for excavating, carrying earth to the bank, and tamping, is stated to be one Anna per cubic yard, and the Tahsildar's proposal to award compensation at the same rate is stated to be "much too high, particularly" as the lands have been benefited by the excavation of pits, as they were on a "higher level than the rest of the ground, and some of the pits have already been" ploughed up and cultivated."

5. In my docket, dated 4th March 1870, No. 448, I suggested that, if the rate proposed by the Tahsildar was too high, Major Clay was at liberty to arrange with the owners of the land at such rates as he thought proper.

6. In his docket, dated 14th March 1870, No. 622, Major Clay intimated to me that the above correspondence would be referred to the Superintending Engineer, in order that the requisite provision might be made in the next Budget. Copy of the Superintending Engineer's letter, dated 2nd April 1870, No. 1, I beg to enclose for the Board's information.

7. The Superintending Engineer apparently considers that the claim for compensation for pits dug is inadmissible.

8. When claims of this kind were laid, it appears that Mr. Dykes was in the habit of declining to take any notice, on the ground that the holders of lands should make their own terms with the Department Public Works before pits are excavated. But the late Acting Collector, Mr. Melville, took a different view of the case, and

J. B. S. 11/1

*Proceedings of the Madras Government, Revenue Department,
4th January 1871.*

considered that the Revenue authorities should take up the question of compensation for pits in the same manner as lands appropriated for other public purposes.

9. It does not appear that in this district the course laid down in the Board's Standing Order, No. 141, is attended to by the Department Public Works. Lands are taken up without settling the terms of compensation, and such claims have to be disposed of subsequently, after much correspondence and delay.

10. I am of opinion that compensation must be paid for all lands taken up for public purposes, whether permanently or temporarily. The pits dug may be a benefit to the landholder; but as it is not likely that they will be so excavated as to leave the land fit for cultivation without any further trouble to the landholder, and as the ground must be levelled by filling in the pits dug, or otherwise, it is but fair to allow a suitable sum to be determined with reference to the difficulty of restoring the lands and the nature and extent of the pits.

11. There have been very few cases in which the provisions of Act VI. of 1857 have been enforced for the purpose of acquiring land. The landholders are generally content to receive the compensation fixed by the Revenue authorities.

12. The proper course for the Department Public Works to pursue is, to settle the terms before entering on the land, referring to the Revenue authorities any cases in which they may find a difficulty in arranging with the landholders.

13. There have been several claims laid for compensation on account of pits. In one or two cases the amount recommended by the Revenue Department was remitted by the Department Public Works for payment.

14. If such claims are refused, it is not unlikely that the landholders will sue for the loss. As they are valid at law, the refusal to grant compensation would only entail additional expense to the State, and place the Department Public Works in an unpleasant position.

15. Under these circumstances, I request to be instructed as to the course to be pursued in the present instance. The claim appears to be one falling under the provisions of Board's Standing Order No. 59.

ENCLOSURE No. 1.

From Colonel J. F. MOBERLY, R.E., Superintending Engineer, 2nd Division, to the Officiating Collector of Nellore, dated Nedumukkala, 2nd April 1870, No. 1.

REFERRING to letters as per margin which have passed between you and the Executive Engineer, Nellore Range, I have the honour to point

Collector's letter, No. 2,116, dated 10th November 1869.
Executive Engineer's letter, No. 583, dated 14th February 1870.

Collector's docket, No. 418, dated 4th March 1870.
Nellore Tahsildar's Arzi, No. 3, dated 16th February 1870.
Two detailed measurements, lists of pits excavated for the tank.

out that, if a strip of land at the foot of the tank-bank had been left for use in repair, such claims as that now supported by you could not have been made. It appears to me, therefore, that the encroachment is really on the part of the villagers.

2. In any case, it will be impossible for this department, with its annually reduced allotments, to get through any satisfactory amount of repairs, if we are liable to be called on to pay for filling up the pits excavated for repairs; and, if compensation be paid for Indukurpett Tank, it will be a precedent for all tanks, especially as it appears that the removal of the earth in this case has been really a benefit to the cultivators. I cannot undertake so heavy an expenditure

*Proceedings of the Madras Government, Revenue Department,
4th January 1871.*

without the sanction of Government, and, if you still hold your opinion, beg that you will refer the matter.

3. I take the opportunity of pointing out that the silt in the bed of tanks is, if mixed with rotted vegetable matter, etc., a very good manure; that, if the villagers removed for this purpose the upper soil, we might in many cases use the under-lying earth for the repair of the bank, thus saving their fields, and obtaining, at any rate, so many more cubic yards of water in the tank.

SUBMITTED for the orders of Government.

2. In this letter the Collector requests instructions as to the rule to be observed with regard to granting compensation to holders of land on the margin of tanks when earth has been taken from their land for the repair of the tank-bund, and specially in a case which has occurred in the village of Indukurpett, where earth has been removed for this purpose from the lands of two ryots to the extent of 1,064 cubic yards.

3. The Board are of opinion that fair compensation should be given in such cases.

4. There is no doubt that great havoc is often made in the fields at the foot of the tank-bunds. Deep trenches are dug which have to be filled up, a work the cost of which the Superintending Engineer declares (in his letter enclosed in that of the Collector) beyond the means of the Public Works Department.

5. Colonel Moberly suggests that a strip of land should be reserved at the foot of the tank-bund to supply earth for the repairs; and, in the case of new tanks, this plan appears unobjectionable, but where the land is already occupied, and is private property, such an arrangement is not possible.

6. The proposal to take earth from the bed of the tank for repairs, the silt being previously removed by the villagers to be used as manure, appears worthy of consideration. So long, however, as the Public Works Department are unable to re-place the earth taken, as at present, from the fields of the ryots, the Board are of opinion that compensation is clearly due, and that, if it be withheld, suits may be instituted in which the plaintiffs will have the law on their side, and which it will be impossible to defend successfully.

No. 2. Proceedings of the Board of Revenue, dated 19th October 1870, No. 6,222.

Read the following letter from C. G. MASTER, Esq., Officiating Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 10th September 1870, No. 2,375.

REFERRING to Board's Proceedings, 25th ultimo, No. 5,454, I have the honour, having given the subject further consideration, to express it as my opinion that the system which has heretofore prevailed, though, in the instance then under review, the liability was denied, of giving compensation for pits at so much per cubic yard, is an erroneous one.

2. When land in the district has been taken up *permanently*, whether for roads or channels, the rates of compensation have been on the average Rupees 20 and

*Proceedings of the Madras Government, Revenue Department,
4th January 1871.*

Rupees 10 per acre for wet and dry land, respectively. At such rates compensation has been calculated for the land which will be taken up when the Sangam scheme is sanctioned.

3. In two instances which have been recently brought to my notice, where pits had been excavated for earth required for a road and a channel-bund, it appeared that the compensation demanded for the temporary occupation of the ground so used was out of all proportion to the compensation given for the permanent possession of the land taken for the road and channel respectively.

4. I have not the figures relative to the channel by me; but in regard to the road, while 5.75 acres had been taken up at an estimated cost of Rupees 58, the compensation demanded for pits outside the line, of which the cubical contents were said to be 10,324 yards, amounted to Rupees 484, at 9 Pies per cubic yard; that is to say, we are asked to pay for the earth taken from some neighbouring pits, covering an area which must be less than 2 acres more than is to be given for the permanent occupation of a strip of ground nearly 6 acres in extent. This seems to me most unreasonable.

5. Where new works are being estimated for, it would be much the most economical plan to include in the land taken up for the channel or road such neighbouring ground as may be required for the formation or subsequent repair of the work, and let it be permanently occupied.

6. Should it ultimately prove to be unnecessary, then it might be sold and assessed to the revenue again. I believe that in the case of irrigation channels, such land would always fetch its price.

7. If, however, for the casual repair of a tank-bund, it is necessary to make excavations, while it is thought unnecessary to occupy the land permanently for future repairs, I would give the owner only a proportionate amount of what would have been paid if the ground had been wanted for good and all.

8. The adoption of some such simple rule would obviate the necessity of an immense deal of correspondence. All claims would be dealt with uniformly, and there would be no need to inquire into the cubical extent of excavations, the superficial area occupied being sufficient for all purposes.

9. There is no doubt that in some instances the landholder is positively benefited by the excavations.

10. In regard to paragraph 5 of the Board's Proceedings under notice, it does not appear altogether impossible to take up a strip of land at the foot of a tank-bund, as in other cases where land is required for public purposes.

11. Colonel Moberly's proposal that the villagers should remove the silt from the bed of the tank, so as to admit of the department making use of the underlying earth for the purposes of repair, would not always be practicable to carry out. Many large tanks are never altogether dry close to the bund, and it would not be worth the while of the Department Public Works to carry the earth from any distance inside the tank, when it is to be obtained close at hand outside.

THE Board do not think it possible to lay down any universal rule as to the compensation to be paid when pits are dug. The damage is seldom in proportion

*Proceedings of the Madras Government, Revenue Department,
4th January 1871.*

either to the cubical contents of the pits or to their area at the surface. Each case must be dealt with on its merits.

2. The price at which land taken up for roads is valued seems to be remarkably small.

No. 3. ORDER THEREON, 4th January 1871, No. 1.

Miscellaneous.

THE Government desire that the Collector will inquire and determine what compensation is fairly due to the

landholders in question on account of the excavations made on their lands, with reference to the principles laid down in paragraph 10 of Mr. Master's letter of 11th June 1870, No. 1,533, which meet with the approval of Government, and also to the delay that has taken place in adjusting the claim. He will report the conclusion at which he may arrive, through the Board of Revenue, for the orders of Government.

2. Colonel Moberly will be directed, through the Department Public Works, to instruct his subordinates that they must respect the rights of private persons in these matters, and that they will not be relieved by Government from any legal liabilities they may incur by reckless conduct. There can be no doubt that, in the majority of cases, amicable arrangements may easily be effected by previous concert with the ryots.

3. It will be considered in the Department Public Works whether it may not be prescribed, as a rule in the department, that earth for repairing bunds shall by preference be taken from the bed of the tank concerned, unless the expense entailed would be excessive.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
.. the Public Works Department.

Ezd. F. R. Bantleman.

No. 5,451.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 25th August 1870.

Read the following letter from C. G. MASTER, Esq., Officiating Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 11th June 1870, No. 1,533:—

In his urzis, dated 22nd October 1869 and 4th November 1869, bearing Nos. 981-3530 and 1027-3659 respectively, the Nellore Tahsildar reported that in the village of Indukurpett earth had been dug for the repair of the tank in the lands of two ryots to the extent of 1,064 cubic yards in the months of March and April 1868, and recommended the payment of Rupees 66-8-0 as compensation at one anna per yard.

2. The Tahsildar further reported that the Executive Engineer, Major Clay, declined to give any compensation. The late Acting Collector, in his letter, dated 11th November 1869, No. 2,116, observed that the ryots were entitled to compensation, inasmuch as the pits had been recently dug, and accordingly requested Major Clay to inform him whether the rate proposed by the Tahsildar was fair, and how the charge could be met.

3. In his reply, dated 14th February 1870, No. 583, Major Clay stated that, in consequence of a discrepancy between the measurements made by the Department Public Works and Revenue Department, the Tahsildar was requested to re-measure the lands in the presence of the Department Public Works Overseer. According to the re-measurement the total extent of the land in which pits have been dug is given at 1,380½ yards, and the compensation at the rate alluded to at Rupees 86-4-8.

4. The rate allowed in the estimate for excavating, carrying earth to the bank, and tamping, is stated to be one anna per cubic yard, and the Tahsildar's proposal to award compensation at the same rate is stated to be "much too high, particularly as the lands have been benefitted by the excavation of pits as they were on a higher level than the rest of the ground, and some of the pits have already been ploughed up and cultivated."

5. In my docket, dated 4th March 1870, No. 448, I suggested that, if the rate proposed by the Tahsildar was too high, Major Clay was at liberty to arrange with the owners of the land at such rates as he thought proper.

6. In his docket, dated 14th March 1870, No. 622, Major Clay intimated to me that the above correspondence would be referred to the Superintending Engineer, in order that the requisite provision might be made in the next Budget. Copy of the Superintending Engineer's letter, dated 2nd April 1870, No. 1, I beg to enclose for the Board's information.

7. The Superintending Engineer apparently considers that the claim for compensation for pits dug is inadmissible.

8. When claims of this kind were laid, it appears that Mr. Dykes was in the habit of declining to take any notice on the ground that the holders of lands should make their own terms with the Department Public Works before pits are excavated. But the late Acting Collector, Mr. Melville, took a different view of the case, and considered that the Revenue authorities should take up the question of compensation for pits in the same manner as lands appropriated for other public purposes.

9. It does not appear that in this district the course laid down in the Board's Standing Order No. 141 is attended to by the Department Public Works. Lands are taken up without settling the terms of compensation, and such claims have to be disposed of subsequently, after much correspondence and delay.

10. I am of opinion that compensation must be paid for all lands taken up for public purposes, whether permanently or temporarily. The pits dug may be a benefit to the landholder; but, as it is not likely that they will be so excavated as to leave the land fit for cultivation without any further trouble to the landholder, and as the ground must be levelled by filling in the pits dug, or otherwise, it is but fair to allow a suitable sum to be determined with reference to the difficulty of restoring the lands and the nature and extent of the pits.

Cost. of 1870/11

REVENUE.

THE BOARD OF REVENUE.

Secy. to Govt.

Dated January 4th.

Secy.

Encl.

G. O. All January 1871. No. 1.

JANUARY.
Nos. 1-3.

Earth taken for the repair of tank-bunds in Nellore District. — Proceedings Board of Revenue regarding the payment of compensation to holders of land in connection with it, with orders thereon.

552443 of 1871.

11. There have been very few cases in which the provisions of Act VI. of 1857 have been enforced for the purpose of acquiring land. The landholders are generally content to receive the compensation fixed by the Revenue authorities.

12. The proper course for the Department Public Works to pursue is to settle the terms before entering on the land, referring to the Revenue authorities any cases in which they may find a difficulty in arranging with the landholders.

13. There have been several claims laid for compensation on account of pits. In one or two cases the amount recommended by the Revenue Department was remitted by the Department Public Works for payment.

14. If such claims are refused, it is not unlikely that the landholders will sue for the loss. As they are valid at law, the refusal to grant compensation would only entail additional expense to the State and place the Department Public Works in an unpleasant position.

15. Under these circumstances, I request to be instructed as to the course to be pursued in the present instance. The claim appears to be one falling under the provisions of Board's Standing Order No. 59.

ENCLOSURE No. 1.

From Colonel F. J. MOBERLY, R. E., Superintending Engineer, 2nd Division, to the Officiating Collector of Nellore, dated Camp at Nedumukkala, 2nd April 1870, No. 1.

REFERRING to letters as per margin which have passed between you and the Executive Engineer, Nellore Range, I have the honour to point

Collector's letter, No. 2, 116, dated 10th November 1869.
Executive Engineer's letter, No. 583, dated 14th February 1870.

Collector's docket, No. 448, dated 4th March 1870.
Nellore Tahsildar's urzi, No. 3, dated 16th February 1870.

Two detailed measurements, lists of pits excavated for the tank.

out that, if a strip of land at the foot of the tank bank had been left for use in repair, such claims as that now supported by you could not have been made. It appears to me, therefore, that the encroachment is really on the part of the villagers.

2. In any case it will be impossible for this department, with its annually reduced allotments, to get through any satisfactory amount of repairs, if we are liable to be called on to pay for filling up the pits excavated for repairs; and, if compensation be paid for Indukurpett Tank, it will be a precedent for all tanks, especially as it appears that the removal of the earth in this case has been really a benefit to the cultivators. I cannot undertake so heavy an expenditure without the sanction of Government, and, if you still hold your opinion, beg that you will refer the matter.

3. I take the opportunity of pointing out that the silt in the bed of tanks is, if mixed with rotted vegetable matter, etc., a very good manure; that, if the villagers removed for this purpose the upper soil, we might in many cases use the under-lying earth for the repair of the bank, thus saving their fields, and obtaining, at any rate, so many more cubic yards of water in the tank.

(True Copy.)

(Signed) C. G. MASTER,
Officiating Collector.

SUBMITTED for the orders of Government.

2. In this letter the Collector requests instructions as to the rule to be observed with regard to granting compensation to holders of land on the margin of tanks when earth has been taken from their land for the repair of the tank-bund, and specially in a case which has occurred in the village of Indukurpett, where earth has been removed for this purpose from the lands of two ryots to the extent of 1,064 cubic yards.

3. The Board are of opinion that fair compensation should be given in such cases.

4. There is no doubt that great havoc is often made in the fields at the foot of the tank-bunds. Deep trenches are dug which have to be filled up, a work the cost of which the Superintending Engineer declares (in his letter enclosed in that of the Collector) beyond the means of the Public Works Department.

5. Colonel Moberly suggests that a strip of land should be reserved at the foot of the tank-bund to supply earth for the repairs; and, in the case of new tanks, this plan appears unobjectionable, but where the land is already occupied and is private property, such an arrangement is not possible.

6. The proposal to take earth from the bed of the tank for repairs, the silt being previously removed by the villagers to be used as manure, appears worthy of consideration. So long, however, as the Public Works Department are unable to re-place the earth taken, as at present, from the fields of the ryots, the Board are of opinion that compensation is clearly due, and that, if it be withheld, suits may be instituted in which the plaintiffs will have the law on their side, and which it will be impossible to defend successfully.

(True Copies and Extract.)

J. Grose
Acting Secretary.

To the Acting Secretary to Government, Revenue Department.

Copy to the Officiating Collector of Nellore.

Ed. A. S. Rodgers.

1.08 A/V

No. 6,222.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th October 1870.

Read the following letter from C. G. MASTER, Esq., Officiating Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 10th September 1870; No. 2,375:—

REFERRING to Board's Proceedings, 25th ultimo, No. 5,454, I have the honour, having given the subject further consideration, to express it as my opinion that the system which has heretofore prevailed, though, in the instance then under review, the liability was denied, of giving compensation for pits at so much per cubic yard, is an erroneous one.

2. When land in the district has been taken up *permanently*, whether for roads or channels, the rates of compensation have been on the average Rupees 20 and Rupees 10 per acre for wet and dry land, respectively. At such rates compensation has been calculated for the land which will be taken up when the Sangam scheme is sanctioned.

3. In two instances which have been recently brought to my notice, where pits had been excavated for earth required for a road and a channel-bund, it appeared that the compensation demanded for the *temporary* occupation of the ground so used was out of all proportion to the compensation given for the *permanent* possession of the land taken for the road and channel respectively.

4. I have not the figures relative to the channel by me; but in regard to the road, while 5.75 acres had been taken up at an estimated cost of Rupees 58, the compensation demanded for pits outside the line, of which the cubical contents were said to be 10,324 yards, amounted to Rupees 484, at 9 Pies per cubic yard; that is to say, we are asked to pay for the earth taken from some neighbouring pits, covering an area which must be less than 2 acres more than is to be given for the permanent occupation of a strip of ground nearly 6 acres in extent. This seems to me most unreasonable.

5. Where new works are being estimated for, it would be much the most economical plan to include in the land taken up for the channel or road such neighbouring ground as may be required for the formation or subsequent repair of the work, and let it be permanently occupied.

6. Should it ultimately prove to be unnecessary, then it might be sold and assessed to the revenue again. I believe that in the case of irrigation-channels, such land would always fetch

11, however, for the casual repair of a tank-bund, it is necessary to make excavations, while it is thought unnecessary to occupy the land permanently for future repairs, I would give the owner only a proportionate amount of what would have been paid if the ground had been wanted for good and all.

8. The adoption of some such simple rule would obviate the necessity of an immense deal of correspondence. All claims would be dealt with uniformly, and there would be no need to inquire into the cubical extent of excavations, the superficial area occupied being sufficient for all purposes.

9. There is no doubt that in some instances the land-holder is positively benefited by the excavations.

10. In regard to paragraph 5 of the Board's Proceedings under notice, it does not appear altogether impossible to take up a strip of land at the foot of a tank-bund, as in other cases where land is required for public purposes.

11. Colonel Moberly's proposal that the villagers should remove the silt from the bed of the tank, so as to admit of the department making use of the under-lying earth for the purposes of repair, would not always be practicable to carry out. Many large tanks are never altogether dry close to the bund, and it would not be worth the while of the Department Public Works to carry the earth from any distance inside the tank, when it is to be obtained close at hand outside.

THE Board do not think it possible to lay down any universal rule as to the compensation to be paid when pits are dug. The damage is seldom in proportion either to the cubical contents of the pits or to their area at the surface. Each case must be dealt with on its merits.

2. The price at which land taken up for roads is valued seems to be remarkably small.

(A true Copy and Extract.)

J. Grode

Acting Secretary.

To the Officiating Collector of Nellore.

Copy to the Acting Secretary to Government, Revenue Department.

Exd. F. R. Bantleman.

24 January 1871 No 431/2 On
19 September 1870 No 6302

Rev 1870. 10/11

Board of Revenue

MADRAS 1870

PROCEEDINGS, 25TH AUGUST 1870, No. 5,454.

Received

Encl.

AUGUST.
No. 5,454.

Compensation—to holders of land on margin of tanks, when earth has been taken from their land for repair of tank bunds.—Letter from Collector of Nellore requesting instructions as to rule to be observed in granting, submitted for orders of Government, with opinion that compensation in such cases should be given.

10/11

9/11/70 Received from Nellore

NEI

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the

187

Read the following

Proceedings of the Board of Revenue

*Subj. Letter from Secy. of
Mellore requesting instructions
as to rule to be observed in
granting compensation to
holders of land on margin of
tanks when earth has been taken
from their land for repair of
tank bunds.*

18. 25th Aug 1900, A. 3454.

*This is a specific
case - & specific orders
must be given - I
know order the 86th Re.
to be paid by the Sub. &
Super. of the C. & C.
to draw the amount
before the - and will 16th Sept. 1900, A. 2229,
tell the Sub. & Super. that P. M. kept -
he will be held responsible
if he allows his subordinates
to encroach on private
rights.*

*The Board of
Revenue will be re-
ferred to para 3 of*

the G.O. under date

16th Sept. 1900, A. 2229,

the G.O. under date

16th Sept. 1900, A. 2229,

the G.O. under date

16th Sept. 1900, A. 2229,

the G.O. under date

16th Sept. 1900, A. 2229,

*The Dept. really seems to think the Govt. and
created duty for its operations.*

J. D. A.

Rev. 1870. 20/10/1900

Board of Revenue,

MADRAS.

PROCEEDINGS, 19TH OCTOBER 1870, No 6,222.

20/10/1900

Received 28th

Encl.

Order 1-4/1900/191.

OCTOBER.

No. 6,222.

*Compensation—to be paid to holders of land
when earth has been taken from their land for
repair of tank-bunds.—Collector informed that
it is not possible to lay down any universal rule
as to, and that each case must be dealt with on
its merits.*

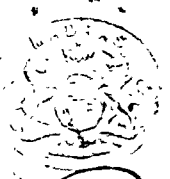
20/10/1900 191/1900/191.

M.D.

Compensation to be paid
of land when earth is
taken from their land
for repair of tank lands.

Under the
provision of the
Act of 1870

C19 Oct 10 R25



Revenue Department.

Proceedings of the Madras Government
Under date the

Read the following
Proceedings of the Board of
Revenue.

Submitting for orders
letter from Collector of Nellore
requesting instructions as to rule
to be observed in granting compensa-
tion to holders of land low margin
of tanks, where earth has been
taken from their land for repair of
tank lands, with opinion that compen-
sation in such cases should be given.

(H. E. 25th Aug^r / 70 N^o 5454.)

Informing Nellore Collector that it is
impossible to lay down universal rule as to
compensation to land holders for earth taken
for tank lands.

(H. E. 19th Oct^r / 70 N^o 6222.)

The general instruc-
tions embodied in para 3 of
G. O. dated 16th September 1870,
N^o 2229 G. O. W. Department
will, it is hoped, prevent similar
cases to this from being made
the subject of a reference to Govt.
in future, but on this occasion
specific instructions will be
furnished.

I adhere to the
view expressed in
my note on the subj.
of the draft of a rule,
I have been
convinced in by

The

2. ⁺ The collector and the Superintending Engineer should confer and agree as to the sum to be offered as compensation to the ryots. If the latter do not consent to accept it, they should be referred to the civil courts.

3. It appears to the Govt that the compensation should not in any degree depend on the quantity of earth removed, but that it should be determined with reference to the injury sustained by the holding (i.e.) to the expenditure necessary in order that the land may regain its former condition or be ^{rendered} ~~equally~~ valuable to the cultivator.

4. In ordinary and non-emergent cases of repair to tanks, the requisite quantity of earth may be taken from the bed of the

ree or be used.

The inquiry was done in April 1868 it is too late now not to settle the terms.

⁺ I beg a reference to the Sup: Engr's letter to the Col. of 2 April 70. No 1. Can further or ~~any more~~ ^{any more} land be ~~estimated~~ ^{estimated} from the ~~amount~~ ^{amount} of such a ~~production~~ ^{production} I O S

By A.

then there is no pressing emergency caused by the ~~presence~~ ^{presence} of an unusual ~~amount~~ ^{amount} of water

19th
the tank, and thus much trouble will be avoided. The additional depth which the tank will gain thereby will outweigh the objection (alluded to by Mr. Master in his second letter) of having to carry the earth to a greater distance. -

OK
TMS

Sp. R. S.

12/1/90
Compensation for
earth taken from
margin of tanks
for repairing tank
banks.

Case
For next Council
to settle & determine

Revenue Department

No. 1

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 12th July 1871

Read the following

Proceedings of
the Board of Revenue

Submitting letter from the Col^l of
Madras requesting instructions
as to rule to be observed in granting
compensation to holders of land
on margin of tanks when earth
has been taken from their lands
for repair of tank banks

M. 25th Aug: 1870 No. 5454.

Informing Col^l that it
is not possible to lay down any
universal rule with reference
to the above subject.

19th Oct: 1871 No. 6222.

Ay^d J. O. S.

We first desire
that the Collector will
inquire and determine
what compensation is
fairly due to the land-
holders in question on
account of the excavations
made on their lands
with reference to the
principles

principles laid down
in para 10 of Mr. Masters
letter of 11th June 1840
N^o 1533 which meet
with the approval of
Govt & also the delay
that has taken place
in adjusting the claim.
He will report the con-
clusion at which he may
arrive through the
Board of Revenue for the
orders of Govt.

2. Col. Moberly
will be directed through
the D. P. W. to instruct
his subordinates that
they must respect the
rights of private persons
in these matters, and
that they will not be

be relieved by Govt from
any legal liabilities they
may incur by recklessly
violating them. There can
be no doubt that in the
majority of cases, amicable
arrangements may easily
be effected by previous
concert with the Ryots.

3. It will be considered
in the D. P. W. whether it
may not be prescribed
as a rule in the department
that earth for repairing
bunds shall by preference
be taken from the bed of
the tank concerned,
unless the expense entailed
would be excessive (~~being~~)

omit R

~~omit~~ R

14- To the Secy of the Dep^y Secy^r
21- (D. P. W.)

By Order
of the Secy

55
-24

15/1
 1st
 2nd
 3rd
 4th
 5th
 6th
 7th
 8th
 9th
 10th
 11th
 12th
 13th
 14th
 15th
 16th
 17th
 18th
 19th
 20th
 21st
 22nd
 23rd
 24th
 25th
 26th
 27th
 28th
 29th
 30th
 31st

Condensation for
 earth taken from
 margin of tank for
 repair of tank and

1st
 2nd
 3rd
 4th
 5th
 6th
 7th
 8th
 9th
 10th
 11th
 12th
 13th
 14th
 15th
 16th
 17th
 18th
 19th
 20th
 21st
 22nd
 23rd
 24th
 25th
 26th
 27th
 28th
 29th
 30th
 31st

Cure
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31