

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

Read again, G. O., No. 495, dated 20th March 1871, Revenue Department.

No. 22. Read also the following Proceedings of the Board of Revenue, dated 13th July 1871, No. 2,914:—

Read the following letter from the Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 27th June 1871, No. 342.

I HAVE the honour to submit the explanation called for in the Government Order dated 20th March last, No. 495, communicated to this Office in Board's Proceedings dated 13th April last, Miscellaneous No. 1,225, regarding the land formerly used as a burial ground by certain Military Pensioners at Chittoor, and since made over for cultivation to other parties.

2. I shall review the several items of complaint in the order in which they stand in Mr. Whiteside's letter.

3. First, as regards plots A., G., B., and F., Mr. Whiteside is right where he describes* them as pieces of land formerly used as an esplanade opposite to

* Paragraph 3.

the fort. An esplanade is "the vacant space between the glacis of a citadel and the first houses of the town." Now Mr. Whiteside does not show this first row of houses, and as this happens to be the

† Marked in the new ground plan.

extreme row† of the Sepoy Lines, it was very material to the right apprehension of the claims now made by petitioners that this row of huts should have been shown in the plan. This omission is supplied in the new sketch herewith submitted, which has been drawn to scale, and shows accurately the measurements of the ground which forms subject of this dispute. The buildings noticed in paragraph 4 of Mr. Whiteside's letter are extensions of a chuttrum, which already existed, adjoining the Anjancyswamy's pagoda.

4. The assignment of the two plots, G. and F., by Messrs. Lee-Warner and Tagg, were made, I believe, during my absence from the district on sick leave in 1868. At least this is the first mention of any such assignments that I can remember. At the same time I should certainly, for reasons which I shall shortly give, have authorized these assignments, had the application passed through my hands.

5. But as regards B. I accept the responsibility, and did by verbal order make it over to the proprietor of the Chuttrum for the purpose of improving its accommodation and facilitating access thereto.

6. Messrs. Tagg and Lee-Warner had watched the gradual development of the scheme of dismantling the old fort, and converting the plateau into an ornamental ground to be attached to the Civil Dispensary and Police Hospital Lines which occupy a central position in the 'enceinte' of the old fort.

They knew that no one had more materially contributed to the accomplishment of this most desirable project than this Chuttrumdar Kota Ramasawmy Chetty, who had, in a very publicspirited manner, and to his own personal loss,

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allowed me to take up a strip of very valuable orchard of his own for the formation (as a famine work) of the new approach marked II. in the fresh ground-plan, by which direct access was opened to the fort plateau from the Vellore and Palmanair high roads.

7. These plots, B. and F., were lying idle, and the only appropriation at the time in the part of the esplanade, of which they formed parts, was that marked A., the site of a Dussera shed erected by the residents of the Sepoy Lines for the celebration of their periodical feasts. This ground, at the time it was made over, was so uneven and ill-kept that I was only too glad to assign any portion of it on the condition that it should be raised and levelled, as has been done, for the extension of the choultry. It was, I felt, of the utmost importance that every encouragement should be given to an undertaking of the kind, as there was no place of public accommodation in the neighbourhood at which the relatives and attendants of those under treatment in the dispensary could put up. The existence of the Dussera shed—then and at this moment an unsightly construction, with ruinous walls—clearly gave the Sepoys no rights in the unoccupied parts of the esplanade; and the useful extension thereby facilitated in no degree affected, as will be plain from the new plan, the old approach marked I., upon which the Dussera shed so closely abuts.

8. The prime movers in this complaint are, I may mention, a set of "dog in the manger" old men, who have never made an attempt to improve the plot on which they have somehow or other got a footing, far less to level and keep clean the vacant space thus so advantageously appropriated.

9. Thus the inferences drawn in paragraphs 9, 10, and 11, of Mr. Whiteside's letter have no foundation whatever, and the assertion* that the land is in close proximity to the Tahsildar's Office is a simple inaccuracy, as the two localities are separated from each other by the whole length of the main bazaar of Chittoor.

10. Mr. Whiteside is right in the conclusions drawn in paragraph 12, but he must be in error in his statements in the following paragraph. It is utterly improbable that this vacant space, forming as it did the esplanade through which, what was until of late years, the sole approach to the fort lay, could ever have formed portion of the ground purchased for the formation of the Sepoy Lines. The first row of Sepoy huts shown in my sketch remains as it was when I first knew the spot twelve years ago, and so far from more space being required for these lines some of the huts already built are empty and half ruinous.

11. The Chuttrumdar, on the other hand, has acquired in these two plots, B. and F., such right as he has, and as the Government may be pleased to recognize, on a perusal of this explanation, in an open and legitimate way so far as he is concerned; and no man can have a stronger claim to retain them, seeing the purpose to which he has applied them, and the generous concession he made in behalf of what now may be regarded as the main approach to the fort plateau.

12. The Government, in paragraph 3 of their order, appear to accept Mr. Whiteside's assumption that plot B. did form portion of the land allotted by Government Order dated 30th December 1844, as hutting ground. Not having the old

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plan to refer to, I am unable to say how far this conclusion is correct; but this much is quite certain that this area never has been appropriated for such purpose, and looking to the fact that it belonged to the esplanade through which lay the sole approach to the fort, and that the nearest row of Sepoy huts has never been pushed beyond the line shown in the new sketch, it is fair to presume that it has been from first to last Government property, and as such disposable for purposes of public utility.

13. In paragraph 14, Mr. Whiteside observes that petitioners' second and third grievances "are far more serious than the first."

Of plot C. this surely cannot be fairly said, when in paragraphs 15, 16, 17, Mr. Whiteside himself admits that it had so little value in petitioners' eyes that they made a present of it to a barber who has been cultivating it on puttah unchallenged since 1854, up to the time this petition was got up.

14. In paragraph 18 Mr. Whiteside observes that the remaining piece of plot C. had been undoubtedly in petitioners' enjoyment for many years, and that there was clear proof that the land was regularly used by petitioners as a burial ground. Some tombs I admit there are in the ground, but so far as I can recollect there was not a trace of recent use when I inspected the spot. It was overgrown with prickly-pear, and was the privy of the whole neighbourhood.

15. The same observation applies to the then state of plot D., for which I directed puttah to be issued in the name of the Dresser's brother.

16. Now as these two spots, C. and D., and the one lower down marked E., lie along the bank of the river, and are close to the drinking springs in its bed, it becomes a simple necessity in the interests of public health and decency that they should cease to be receptacles of filth and ordure, or be used for the interment or cremation of corpses. I therefore, at the urgent request of the Civil Surgeon, placed the part of the river-bed adjoining the fort under close conservancy; and after a minute inspection of the locality, and the fullest consideration of all interests concerned, fixed a limit lower down the stream above which the washing of dirty clothes and cremation of corpses was strictly interdicted. To complete the "cordon sanitaire" thus established, the adjoining unenclosed plots of ground C., D., E., had to be provided for, and were placed in the hands of those who could be made responsible for their proper use and conservancy.

17. Mr. Whiteside sums up his exposition of the case with the opinion that "the petitioners have been very badly used, and that on one pretext or another the lands for so many years in their enjoyment have been gradually taken away."

I beg respectfully to leave it to Government to decide, on a perusal of this explanation, whether I have made out a case which would justify a modification of their order as respects the two small plots in the esplanade marked B. and F. and the remaining portion of plot C. referred to in paragraph 5 of their order.

18. To carry out on its terms the order* of Government so far as it relates to plots B. and F., would involve the demolition of a substantial and highly useful set of buildings in favour of a miserable shed, which, in its present condition,

* Paragraph 4, Government Order.

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might not improperly be removed under magisterial injunction as a nuisance and encroachment.

ENCLOSURE Nos. 1 and 2.—Sketches.

SUBMITTED to Government, with reference to their Order of the 20th March last, No. 495, Revenue Department.

2. The Board do not think it necessary for them to express an opinion on the merits of the case, which Messrs. Whiteside and Robinson take such very different views of. The case in each aspect is now fully stated; but the Board think that Mr. Robinson has certainly shown grounds for the reconsideration by Government of their order based on Mr. Whiteside's report.

No. 23. ORDER THEREON, 4th September 1871, No. 1,517.

Miscellaneous.

ON comparing the more accurate plan now submitted by the Collector of North Arcot with the plan of the Chittoor

fort and adjoining land in the Extract Minutes of Consultation, Military Department, dated 23rd July 1844, No. 3,217, the Government are satisfied that the disputed plots of land, B., F., and G., formed part of the land taken up by Government in 1844 for the purpose of hutting the Native Veteran Detachment then stationed at that place, and that the Military pensioners can have no claim to them, although very possibly, when not occupied for other purposes, they may have been made use of by the Veteran Detachment during the Dussera festival. There does not, however, seem any reason to believe that the pensioners are really inconvenienced by the withdrawal of this land from their occasional use; and as the purposes to which it has been devoted, with the approval of the Collector, are of permanent benefit to the community, the Government resolve, in modification of paragraph 4 of their Order of 20th March last, to confirm the assignment of these plots of land for the public purposes in connection with the Chuttrum to which they have been devoted.

2. As regards the plots, C. and D., on the other side of the river, which it does not seem to be questioned, were long used as burial or burning grounds by the community to which the pensioners belong, the Government observe that their continued use as such being deemed seriously objectionable on sanitary grounds, another site was assigned for the purpose in question lower down the river, of which the pensioners and their families have the use, and the unenclosed part of plot C. and plot D. were, as Mr. Robinson expresses it, "placed in the hands of those who could be made responsible for their proper use and conservancy." Part of C. was already held on puttah granted in 1854 to a barber, whom the pensioners admit that they had placed in possession. The remainder of this plot does not appear to have been granted on puttah to any one, and the Government desire that this state of things be maintained; the assignment of ancient burial grounds for cultivation to private individuals being calculated to give reasonable cause of complaint to the community interested in them.

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3. This remark applies equally to plot D., but the Government will not interfere with an arrangement which the Collector deliberately sanctioned in 1867.

(True Extract.)

(Signed)

W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
.. the Military Department.

Exd. F. R. Bantleman.

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On comparing the
 more accurate plan.
 and determine that by
 the C. & P. of N. America
 in the plain of the
 Chittenden Fort and
 land in the E. of N. D.
 of 23 July 1866. The fort
 was situated that the
 disputed plots of land
 B. D. & G. formed
 part of the land taken
 up by Govt. in 1866
 for the purpose of
 building the railway
 then situated at

that place. and that the
military prisoners can
have no claim to them, altho
they are free. When not
occupied for the purposes
they may have been made
use of by the Vietnam detachment
during the Russian festival.

It is not however true
any reason to believe that
the prisoners are really
inconvenienced by the
little amount of the land
from ^{their} occasional occa-
sion as the purposes
of it. It has been devoted
with the approval of the
Collector and of permanent
benefit to the community
the Gov. is now in modification
of para 11 of his order
of 30 March last &
confirming the assignment

of the plots placed
for the public purposes
in connection with
the Chattram & 2.
The land being
devoted.

As regards the plots
C. and D. on the other
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not true that
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been a burial ground
of the community &
the prisoners being
the Gov. observe that
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objectionable on
sanitary grounds,
and that site was
assigned for the
purpose in question.
Since then the river

of the purchasers and
their families have the
use - and the enclosed
part of plot C. and D.
as N. Robinson suggests
it. "placed in the hands of
the Governor he might
dispute the propriety
and expediency."

Plot C. was already held
as per the grant in 1854
under the name of the
purchasers and that they
had placed in possession.
The remainder of this plot
does not appear to have
granted on per the survey
and the Govt. desire
that this state of things be
maintained. The purchasers
being permitted to occupy
of the fruit of the discovery
as they can show
that they have & that
they are engaged in the
discovery of the
remains of ancient burial
ground for authorities to
investigate and give

near with cause of complaint & the community in trouble in these.
This remark applies equally to plot D. but the Govt. will not in to give
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