1573

Proceedings of the Madras Government, Revenue Department
18th November 1872.

No. 104. Read the following Proceedings of the Board of Revenue, dated 8th November 1872, No. 2,167 :—

Read again Board's Proceedings, dated 9th April and 7th October 1872, Nos. 559 and 1,979, respectively.

Read also the following letter from J. W. HANDLEY, Esq., Government Pleader, to the Secretary to the Board of Revenue, dated Madras, 29th October 1872, No. 130.

I HAVE the honour to acknowledge receipt of the Board's Proceedings noted in the margin requesting my opinion as to the chance of success in a suit proposed to be filed against the Inamdar of the village of Oopparapoliyam, in North Arcot, for the recovery of the amount expended in repairs to the tank of that village.

7th October 1872, No. 1,979.

2. In my opinion, no suit will lie for the recovery of this sum. The facts appear to be that, in order to prevent an apprehended injury to a public road by the discharge of water from the tank, certain repairs were executed by the Officers of the Public Works Department by direction of the Collecto. to a calingulah in the tank. The tank is for the supply of the lands of the inam village alone, and has always been repaired by the Inamdars. The Inam[illegible]d not request or authorize the execution of the repairs in question; on the contrary, he objected to them and wished to make a calingulah in another spot. I do not see how he can be called upon to re-pay money expended by the Revenue authorities upon his tank against his wish, and not even for his benefit but for that of the public at large. If any injury was caused, or was likely to be caused, to the road by the existing state of the tank, a suit might have been brought to compel him to take the necessary steps to prevent the injury; but, the Revenue authorities having chosen to do for him that which he might have been compelled to do, cannot now compel him to pay for it.

THE Board concur with the Government Pleader in thinking it would be useless to institute a suit against the Inamdar of Oopparapoliyam, and resolve to request Government, with reference to G. Os., No. 339, 3rd February 1872, and 3rd May 1872, No. 1,136, Public Works Department, to allow the item of Rupees 416-2-0 "For constructing a calingulah of eight yards to Oopparapoliyam Tank" to be removed from the list of unadjusted miscellaneous advances.

ENCLOSURE No. 1.

Proceedings of the Board of Revenue, dated 9th April 1872, No. 559.

Read the following letter from the Collector of North Arcot, to the Secretary to the Board of Revenue, dated Chittoor, 28th February 1872, No. 84.

ABSTRACT.—Requests instructions of the Board as to the course to be pursued for the recovery of the amount due by the Shrotriemdar spent by Government in

rebuilding a culvert across the road from Tirupathy Railway station to Tirupathy, which the Shrotriemdar refuses to make good.

THE Collector is requested to report what has been the usual practice in regard to executing repairs to the Opparapolliem tank, to what extent the Shrotriemdar is interested in the lands dependent on it, and on what terms he holds his Shrotriem.

ENCLOSURE No. 2.

Proceedings of the Board of Revenue, dated 7th October 1872, No. 1,573.

Read the following letters :—

From W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Secretary to the Board of Revenue, dated Chittoor, 29th August 1872, No. 413.

I HAVE the honour, with reference to the Proceedings of the Board dated 9th April last, No. 559, to report that it appears from the Arzi of the Tahsildar of Chendragherri, No. 223, dated 5th August 1872, received in this Office on the 14th idem, that the village of Opparapolliem is not a Shrotriem village, but is a Service Inam ; that the Inamdars themselves used to execute repairs to the tank in question whenever it was necessary ; and that of the total nunjah ayacut under the tank, viz., cawnies 89-4-12, cawnies 87-4-8 are in the enjoyment of the Inamdars, the remaining cawnies 2-0-4 being sundry Inams. The Inam is now held exclusively by the Inamdars on the condition of performing festivals in the Govindurajuluswami's temple at Lower Tirupathy and in the Venkateswaraswami's temple at Upper Tirupathy.

From the same officer, dated 29th August 1872, No. 414.

IN paragraph 5 of their Proceedings dated 20th instant, No. 1,641, the Board quote their former Proceedings dated 12th February (not April as given in the Proceedings) 1872, No. 1,076, and require me to report, without delay, on the subject of the unadjusted miscellaneous advance of Rupees 416-2-0 outstanding in the accounts of the Chendragherri Range Officer of this district.

2. I beg leave to refer the Board to my predecessor Mr. Robinson's letter of the 28th February last, No. 84, in which the cause of this advance not having been adjusted and the difficulty which exists of immediately adjusting it are fully set forth. With reference to that letter the Board have called for further information in their Proceedings dated 9th April last, No. 559, to which I have this day sent a reply in my letter No. 413.

COPIES of the Board's Proceedings dated 9th April 1872, No. 559, and of these letters, will be forwarded to the Government Pleader, with a request that he will advise the Board as to the chance of success in a suit against the Inamdar for the recovery of the advance, supposing the facts stated in Mr. Robinson's letter of the 28th February 1872, No. 84, to be proved.

Proceedings of the Madras Government, Revenue Department,
18th November 1872.

No. 105. ORDER THEREON, 18th November 1872, No. 1,573.

Miscellaneous. SANCTIONED.

(True Extract.)

(Signed) D. F. CARMICHAEL
Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant-General.
,, the Public Works Department.

5 Febry 72 No 42 Rain
14 May — 138-139

Revenue 1872 Octr
No. 3617.

Proceedings of the
Board of Revenue

Dated 8th November 1872
Recd 8 — " —
Revised 8th —
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Requesting Govt to
allow item of Rs 416-2-0
for constructing a Calin-
gulah to Coss para po-
lium tank in Chendra
giri Taluq, North Arcd
District, to be removed
from the list of un-
adjusted Miscellaneous
advances. —
No. 1078.

15 Nov 72.

No 104-105

Cl Nov 72 RHE