Proceedings of the Madras Government, Revenue Department, 11th May 1872.

No. 102. Read the following Proceedings of the Board of Revenue, dated 25th April 1872, No. 667:—

Read the following letter from W. McQUHAE, Esq., Acting Collector of Madura, to the Secretary to the Board of Revenue, dated 5th April 1872, No. 100:—

UNDER the circumstances stated below, I have the honour to request the sanction of the Board for payment to the Government Vakeel at Madura, of Rupees 5, being his fee for appearing on my behalf before the Civil Court, in Appeal Suit No. 297 of 1870, on its file.

2. The appeal was made by certain defendants, the ryots of the Government village of Virathanoor, in the Madura Taluq, against the decree of the Madura District Munsif regarding a water dispute between the said Government village and a Devastanam village in Shevagungah.

3. While the appeal was pending, it appeared to me that the decision in appeal might affect the irrigation of lands in the Government village, and I directed the Government Vakeel to move the Court to make me a party, that a decision might be passed after hearing the arguments and evidence to be adduced on my behalf. The Court accordingly granted the request, and heard the arguments of the Government Vakeel but confirmed the original decision of the Lower Court dismissing the appeal.

4. Copies of the appeal Decree and Judgment and of the original Judgment of the Munsif are herewith submitted.

5. On perusing the judgments and considering the circumstances of the case, I do not think that there are sufficient grounds for making a Special Appeal on behalf of Government.

ENCLOSURES Nos. 1 and 2.—Copies of Judgment.

ENCLOSURE No. 3.—Copy of Decree.

PAYMENT of Rupees 5 to the Government Vakeel is sanctioned.

2. The Original Court decided that the plaintiff might erect a temporary dam and this seems to have been in accordance with the plaint and the plaintiff's evidence. The Appellate Court goes further and encourages the plaintiff to erect a substantial and permanent dam. The words in the judgment are:—"I am far therefore from saying that as between the parties to this litigation plaintiff is not entitled to erect a dam though it may be of a substantial character if that should appear necessary to him in order to make a full use of his property.

3. This is a point of great importance to the Government ryots whose supply of water will be diminished to a greater extent by a permanent dam than by a temporary dam.

4. Moreover the judgment contains reasoning with regard to riparian law which the Board would wish to see carefully examined.

Proceedings of the Madras Government, Revenue Department,
11th May 1872.

5. These papers will accordingly be forwarded to the Government Pleader, with the request that he will advise the Board as to making a Special Appeal.

6. On receipt of his reply the papers will be submitted to Government.

No. 103. ORDER THEREON, 11th May 1872, No. 756.

Miscellaneous.

THE Government await the Board's further proceedings.

(True Extract.)

(Signed) W. HUDLESTON,
Officiating Chief Secretary.

To the Board of Revenue.

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PROCEEDINGS, 25TH APRIL 1872, No. 667.

Dept. 6 May 72

Encl.

Received 7th May.

APRIL.

No. 667.

Suit—Appeal—No. 297 of 1870 on file of Madura Civil Court regarding a water dispute between a Government village, in Madura Taluq, and a Devastanam village, in Shevagungah.—Advice of Government Pleader requested as to advisability of preferring a Special Appeal from decree in —, which is against the Government ryots.

Nos. 102-103