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M.R.O. 1—20,000—12-8-65.

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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

REVENUE DEPARTMENT

G.O. No. 1195 Press
~~B.P. No.~~ ~~Mis.~~

Dated 21-9-1874 ~~196~~

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
21st September 1874.

No. 181. Read the following Proceedings of the Board of Revenue, dated 31st July 1874, No. 2,030 :—

Read the following letter from G. VANSAGNEW, Esq., Collector of Nellore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 29th June 1874, No. 1,374 :—

ON the 27th April last, the Rajah of Venkatagiri requested permission to withhold payment of about Rupees 16,900 from the instalment of his peishcush payable in June and the road-cess balance on the ground that he was entitled to receive a like sum from Government on account of his claims for compensation already reported to the Board.

2. In their Proceedings marginally noted, the Board calculated the amount of deduction from the Rajah's peishcush at Rupees 1,273 on account of his claim for lands taken up many years ago, and at Rupees 747 for lands taken up for the Venkatagiri Road, East Coast Canal, and Chennur Channel, the total deductions being Rupees 2,020. In the latter case, the Board calculated back payment for five years from Fasli 1278 to 1282, at Rupees 3,732, but the Fasli from which the former deductions should take effect was not decided.

Board's Proceedings, No. 1,198, dated 5th July 1873.

3. Out of the sum of Rupees 3,732 referred to, Rupees 815 due for the Venkatagiri Road has already been paid to the Rajah under the sanction of the Board conveyed in paragraph 9 of their Proceedings, No. 1,787, dated 10th September 1873. The remaining sum of Rupees 2,917 has to be paid on receipt of the sanction of Government.

4. As the current Fasli 1283 will expire at the end of this month, and there can be no doubt of the total deduction of Rupees 2,020 being allowed for this Fasli, I allowed the Rajah to withhold payment of Rupees 4,977, as detailed below :—

	RS.
Deduction for 1283 on account of all the claims of the Rajah. ...	2,020
Back payment for five years up to 1282 on account of the Chennur Channel and East Coast Canal	2,917
Lump payment on 5 acres as per paragraph 19 of the Board's Proceedings, No. 1,198, dated 5th July 1873	40
Total ...	4,977

5. I beg to enclose an English Translation of a letter,* addressed to me by the Rajah in reply to my letters to the above effect.

* Dated 25th May 1874, No. 63-1,364.

6. In paragraph 4 the Rajah objects to the exclusion of a portion of his claim as barred by the law of limitation, and requests that the question may be referred to the Advocate-General to save the expense and trouble of a law suit; and in paragraph 5 claimed back payments for each item from the time it was taken up.

7. The Rajah's figures seem to include claims for the Venkatagiri Road, Chennur Channel, and East Coast Canal. In these three cases there is nothing more to be done. I may take this opportunity to point out that in paragraph 8 of their Proceedings, dated 10th September 1873, No. 1,787, the Board recommend deduction from Fasli 1282. As the Board have, as already stated in paragraph 2 of this letter, allowed back payments from Fasli 1278, when the lands were taken up to Fasli 1282, the deductions in these cases should take effect from the current Fasli 1283, which is about to expire.

8. As regards the claims barred by the law of limitation, the Board have already decided the point. The only question which remains unsettled as regards the claims admitted by the Board as not barred by that law is from what Fasli the deduction of Rupees 1,273 should take effect. The Rajah claims payment for each item from the year in which it was appropriated up to date. In calculating the period of limitation, the years 1868 and 1869, in which the Rajah

sent in his accounts, were taken as the basis. It remains, therefore, for the Board to decide whether it should be as the Rajah claimed, or from the year in which he sent in his accounts, or from the current Fasli.

ENCLOSURE No. 1.

Translation of letter from the Rajah of Venkatagiri, No. 63-1,364, of the 25th May 1874.

(The usual complimentary terms.)

I HAVE received your letter, No. 416, and understood the contents thereof.

2. I have ordered my Vakeel to pay into your Treasury Rupees 16,156-7-10, withholding the payment of only Rupees 4,977 as therein desired.

3. The amount of annual deduction to be made from the peishcush as per Statements A and B originally submitted with my letters noted in the margin is Rupees 7,827-14-6, from which Rupees 665-4-10 has to be deducted on account of the village of Swerna. From the inspection made by Government Officers, the deduction to be made appears to be only Rupees 4,755-10-8 : the amount of deduction given by me is reduced by Rupees 2,406-13-0, at Rupees 312-11-7 on account of avenue trees, at Rupees 677-2-2 on account of lands found to be fit for cultivation, and at Rupees 1,427-1-3 on account of lands, the means of irrigation whereof was intercepted by Government works. The exclusion of the first and second items I do not object. The third consists of lands which are either submerged under water, or whose means of irrigation was intercepted by Government works. This fact is still apparent. The exclusion of these items without making any provision is not proper. It is also unfair to exclude a portion as barred by the law of limitation when the Government officials after examination calculated the amount at Rupees 4,755-10-8.

1. No. 16, of the 22nd Sept. 1868.
2. ,, 6 ,, ,, Aug. 1869
3. ,, 7 ,, 2nd Sept. ,,

4. Clause 19, Schedule II. of Act IX. of 1871, proves a limitation of one year from the date of settlement. The institution of a Civil Suit to decide whether my claims are barred or not would be expensive and troublesome. I, therefore, request that you will be good enough to move the Board to obtain the opinion of the Advocate-General.

5. The back payment due to me for the lands taken up for public purposes as per Statements A and B, agreeably to the inspection calculated for each case from the time of its appropriation up to the end of 1873, is Rupees 79,852-10-11. My claims having already been recognized to the extent of Rupees 5,752, the remaining sum of Rupees 74,100 as well as the amount of lump payment according to Statement C has to be paid to me. For the payment of this sum I addressed the letters noted in the margin, and I now solicit that speedy steps may be taken for the disposal of my claims.

To the Collector, No. 12 of 20th September 1872, and No. 16, of 4th October 1873.
To the Deputy-Collector, No. 33, of 27th January 1873.
Statements to the Ongole Tahsildar from the Amul of Pellur Taluq.

Details of the sum of Rupees 79,852-10-11.

		RS.	A.	P.		RS.	A.	P.
For the year	1845	10,129	14	7	For 1866	122	2	0
Do.	1853	27,689	2	6	Do. 1867	221	14	9
Do.	1853 and 1857	304	5	1	Do. 1868	31	10	0
Do.	1854	20,266	12	4	Venkatagiri Road from Fasli 1278	978	0	0
For	1854 and 1863	1,546	1	2	Chennur Channel	1,777	3	0
Do.	1855	1,059	7	2	Dugarazupatam Canal	1,723	13	6
Do.	1859	8,238	3	3				
Do.	1862	4,523	12	0	Total	79,852	10	11
Do.	1864	196	12	4				
Do.	1865	1,043	9	3				

(True Translation.)

(Signed) G. VANSAGNEW,
Collector.

1195/2

SUBMITTED to Government in continuation of Board's Proceedings, dated 5th July 1873, No. 1,198, and 10th September 1873, No. 1,787.

2. The Board agree with the Collector that there can be no doubt but what Government will sanction the items of compensation for land taken up recently which are enumerated in paragraph 4, and think he was right in allowing the Rajah to withhold payment of the total amount.

3. The Rajah raises anew the question whether his claims are barred by the law of limitation, and wishes it to be referred to the Advocate-General to save the expense and trouble of a suit. The claims fall under Article 145 of the Limitation Act, and the Rajah cannot recover in the Courts any such claim with regard to land taken by Government more than twelve years before he files his suit, *i.e.*, if the suit is filed in 1874, he can recover nothing for land taken before 1862. The Board have recommended compensation for all claims which accrued within twelve years before the Rajah made his first application to the Collector. This is of course far more than the Rajah could obtain in the Courts, and the Board see no need of a reference to the Advocate-General, but it might be well to refuse to pay the Rajah for any claims which accrued before 1862, unless he will give a quittance in full, and engage not to resort to litigation.

4. In paragraph 8 the Collector points out that the date from which the reduction of peishcush (Rupees 1,273), which the Board have recommended on account of land taken up within twelve years of the Rajah's first application to the Collector, has not been settled, and asks whether it should be as the Rajah claims, or from the years in which he submitted his first application, or from the current Fasli. The Board think that, if Government agree that compensation shall be paid on all land taken within twelve years from the Rajah's application to the Collector, the reduction of peishcush which is made in compensation for the land should be allowed from the date at which the land was taken.

No. 182.

Land Revenue, No. 11.

ORDER THEREON, 21st September 1874, No. 1,195.

THE Board's proposals for the settlement of the claims of the Zemindar of Venkatagiri for lands taken up for Public Works have been disposed of in G. O., dated 31st July 1874, No. 955. According to the Collector's letter, dated 29th June 1874, No. 1,374, paragraphs 2 and 7, the lump payment of Rs. 2,957 includes compensation for Fasli 1282, and, if this is the case, the deduction from the peishcush should commence from Fasli 1283 and not from Fasli 1282, as sanctioned in paragraph 4 of the Proceedings of Government above alluded to. The Board will consider this point and issue the necessary instructions.

2. The Government do not approve the suggestion made by the Board of Revenue to prevent the Rajah from having recourse to the Courts if he considers that course necessary in his interests.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant-General.

Exd. A. Grubert.

Govt. of Madras
1874
REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated September 21st.

Rect.

G. O., 21st September 1874, No. 1,195.

SEPTEMBER.
Nos. 181-182.

Lands taken up for Public Works on Venkatagiri Zemindari.—Observing that the Board's proceedings for the settlement of the Zemindar's claims have been already disposed of; remarking that deduction from the peishcush should commence from Fasli 1283 if the lump payment of Rs. 2,020 includes compensation for Fasli 1282; and approving the suggestion of the Board to procure the Advocate-General's opinion on the Zemindar's claim for limitation, should he consider it necessary.

1195/3

No. 2,030.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 31st July 1874.

Read the following letter from G. VANSAGNEW, Esq., Collector of Nellore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 29th June 1874, No. 1,374 :—

ON the 27th April last, the Rajah of Venkatagiri requested permission to withhold payment of about Rupees 16,900 from the instalment of his peishcush payable in June and the road-cess balance on the ground that he was entitled to receive a like sum from Government on account of his claims for compensation already reported to the Board.

2. In their Proceedings marginally noted, the Board calculated the amount of deduction from the Rajah's peishcush at Rupees 1,273 on account of his claim for lands taken up many years ago, and at Rupees 747 for lands taken up for the Venkatagiri Road, East Coast Canal, and Chennur Channel, the total deductions being Rupees 2,020. In the latter case, the Board calculated back payment for five years from Fasli 1278 to 1282, at Rupees 3,732, but the Fasli from which the former deductions should take effect was not decided.

Board's Proceedings, No. 1,198, dated 5th July 1873.

3. Out of the sum of Rupees 3,732 referred to, Rupees 815 due for the Venkatagiri Road has already been paid to the Rajah under the sanction of the Board conveyed in paragraph 9 of their Proceedings, No. 1,787, dated 10th September 1873. The remaining sum of Rupees 2,917 has to be paid on receipt of the sanction of Government.

4. As the current Fasli 1283 will expire at the end of this month, and there can be no doubt of the total deduction of Rupees 2,020 being allowed for this Fasli, I allowed the Rajah to withhold payment of Rupees 4,977, as detailed below :—

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Lump payment on 5 acres as per paragraph 19 of the Board's Proceedings, No. 1,198, dated 5th July 1873	40
Total ...	4,977

5. I beg to enclose an English Translation of a letter,* addressed to me by the Rajah in reply to my letters to the above effect.

* Dated 25th May 1874, No. 63-1,364.

6. In paragraph 4 the Rajah objects to the exclusion of a portion of his claim as barred by the law of limitation, and requests that the question may be referred to the Advocate-General to save the expense and trouble of a law suit; and in paragraph 5 claimed back payments for each item from the time it was taken up.

7. The Rajah's figures seem to include claims for the Venkatagiri Road, Chennur Channel, and East Coast Canal. In these three cases there is nothing more to be done. I may take this opportunity to point out that in paragraph 8 of their Proceedings, dated 10th September 1873, No. 1,787, the Board recommend deduction from Fasli 1282. As the Board have, as already stated in paragraph 2 of this letter, allowed back payments from Fasli 1278, when the lands were taken up to Fasli 1282, the deductions in these cases should take effect from the current Fasli 1283, which is about to expire.

8. As regards the claims barred by the law of limitation, the Board have already decided the point. The only question which remains unsettled as regards the claims admitted by the Board as not barred by that law is from what Fasli the deduction of Rupees 1,273 should take effect. The Rajah claims payment for each item from the year in which it was appropriated up to date. In calculating the period of limitation, the years 1868 and 1869, in which the Rajah

sent in his accounts, were taken as the basis. It remains, therefore, for the Board to decide whether it should be as the Rajah claimed, or from the year in which he sent in his accounts, or from the current Fasli.

ENCLOSURE No. 1.

Translation of letter from the Rajah of Venkatagiri, No. 63-1,364, of the 25th May 1874.

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1. No. 16, of the 22nd Sept. 1863.
2. „ 6 „ „ Aug. 1869.
3. „ 7 „ 2nd Sept. „

4. Clause 19, Schedule II. of Act IX. of 1871, proves a limitation of one year from the date of settlement. The institution of a Civil Suit to decide whether my claims are barred or not would be expensive and troublesome. I, therefore, request that you will be good enough to move the Board to obtain the opinion of the Advocate-General.

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To the Deputy-Collector, No. 33, of 27th January 1873.
Statements to the Ongole Tahsildar from the Amul of Pellur Taluq.

Details of the sum of Rupees 79,852-10-11.

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Do. 1853 and 1857	304	5	1
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Do. 1859	8,238	3	3
Do. 1862	4,523	12	0
Do. 1864	196	12	4
Do. 1865	1,043	9	3
For 1866	122	2	0
Do. 1867	221	14	9
Do. 1868	31	10	0
Venkatagiri Road from Fasli 1278	978	0	0
Chennur Channel	1,777	3	0
Dugarazupatam Canal ...	1,723	13	6
Total ...	79,852	10	11

(True Translation.)

(Signed) G. VANSAGNEW,
Collector.

1195/4

SUBMITTED to Government in continuation of Board's Proceedings, dated 5th July 1873, No. 1,198, and 10th September 1873, No. 1,787.

2. The Board agree with the Collector that there can be no doubt but what Government will sanction the items of compensation for land taken up recently which are enumerated in paragraph 4, and think he was right in allowing the Rajah to withhold payment of the total amount.

3. The Rajah raises anew the question whether his claims are barred by the law of limitation, and wishes it to be referred to the Advocate-General to save the expense and trouble of a suit. The claims fall under Article 145 of the Limitation Act, and the Rajah cannot recover in the Courts any such claim with regard to land taken by Government more than twelve years before he files his suit, *i.e.*, if the suit is filed in 1874, he can recover nothing for land taken before 1862. The Board have recommended compensation for all claims which accrued within twelve years before the Rajah made his first application to the Collector. This is of course far more than the Rajah could obtain in the Courts, and the Board see no need of a reference to the Advocate-General, but it might be well to refuse to pay the Rajah for any claims which accrued before 1862, unless he will give a quittance in full, and engage not to resort to litigation.

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(True Copies and Extract.)

H Grote
Secretary.

To the Acting Secretary to Government, Revenue Department.
„ the Collector of Nellore.

Exd. A. Grubert.

1195/1874

Revenue Department.

No. 1195

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 21st September 1874.

READ the following Pros: of the Bd of Revenue

Subj: with remarks Letter from Coll: of Nellore on subject of Zemindari's Claims to compensation for lands in Ven Kalagiri Zemindari taken up for roads and Channels -

H. E. 31st July 1874 No. 2030.

The Board's proposals for the settlement of the claims of the Zemindar of Ven Kalagiri for lands taken up for Public Works have been disposed of in G. O. dated 31st July 1874 No. 955. According to the Collector's letter dated 29th June 1874 No. 1374 paras 2 & 7, the

1871

Revenue 1874. September
Board of Revenue,
MADRAS.

PROCEEDINGS, 31ST JULY 1874, No. 2,030.

Encl.

Received 21 August 1874.

JULY.
No. 2,030.

Compensation—for lands in Venkatagiri Zamindari taken up for roads and channels. Letter from Collector of Nellore on subject of Zemindar's claims to —, submitted to Government with remarks.

SO 21 September 74 No 1195

the lump payment of Rs 2957 includes commutation for Fasli 1282, and if this is the case, the deduction from the Peishcush should commence from Fasli 1283, and not from Fasli 1282 as sanctioned in para 4 of the Proc: of Govt above alluded to. The Board will consider this point & issue the necessary instructions

2. The Govt do not approve the suggestion made by the Board of Revenue, to prevent the Rajah having recourse to the Courts if he considers that course necessary in

In order

in his interests

095

To Bd of Revenue
Audt Genl
Dec 3 Debts/74

11/9/74

To Bd of Revenue
Audt Genl

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1811–1812

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