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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1513	Press
B.P. No.		Mis.
Dated	7. 12. 1874	196 .

Not to be folded or roughly handled

1513
1

*Proceedings of the Madras Government, Revenue Department,
7th December 1874.*

No. 80. Read the following Proceedings of the Board of Revenue, dated 26th November 1874, No. 3,426:—

Read the following letter from R. K. PUCKLE, Esq., Collector of Tinnevely, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 10th November 1874, No. 579:—

I HAVE the honor to request sanction for the defence of a Suit No. 12 of 1874 in the District Court of this district, in which the Additional Sub-Collector is made a defendant.

2. The circumstances of the case are detailed in the enclosed copy of the Additional Sub-Collector's letter; the suit arises from objection taken to the distribution of Government water to Government lands by a Government Officer. Under the ruling of the High Court in the Alwarkurichi and Ambur Water Dispute (Board's Proceedings, No. 1,244, dated 22nd March 1871,) such a suit is not cognizable by a Civil Court, but should be disposed of by Revenue Officers. The value of the suit is Rs. 2,695 and the date of hearing was fixed for 19th ultimo, an extension of time for two months has been granted.

ENCLOSURE No. 1.

From A. T. ARUNDEL, Esq., Officiating Additional Sub Collector, to R. K. PUCKLE, Esq., Collector of Tinnevely, dated Papanasam, 2nd November 1874, No. 144.

I HAVE the honor to request that you will be good enough to apply for the sanction of the Board to defend Suit No. 12 of 1874 in the District Court of Tinnevely, in which I have been made defendant, together with the Deputy Tahsildar of Kytar.

2. The facts of the case are as follows:—A channel from the river Sittar supplies the large tank of Lingasamudaram, in the Village of Gengundan, and irrigates lands which yield an assessment of Rupees 3,947. The surplus water of Lingasamudaram tank passes over the Calingulah and supplies the tank of Padinalamperi, the lands under which are held by a single puttadar, the plaintiff, and are assessed at Rupees 691.

3. Last December, the plaintiff's people and some of the Gengundan ryots had a fight as to the retention or otherwise of a passage below the crest of the Lingasamudaram Calingulah through which a large quantity of water was being drawn off to Padinalamperi. I inspected the place at the first opportunity and found the hole in the Calingulah to be apparently a breach, and certainly an unauthorized opening. A reference to the Ayacut accounts and the Irrigation Register showed that no such passage originally existed, and I therefore ordered it to be closed, and the order was carried out by the Deputy-Tahsildar of Kytar.

4. I enclose a copy of the plaint, of the proposed replies of myself and the Deputy-Tahsildar, and of my original order.

(True Copy.)

(Signed) R. K. PUCKLE,
Collector.

ENCLOSURE No. 2.—Draft answer.

SUBMITTED to Government with the recommendation that the defence of the suit be sanctioned.

2. Plaintiff is the sole puttadar of the lands under the Padinalamperi tank which is supplied by the surplus water passing over the crest of the Calingulah of the Lingasamudaram tank, a Government work.

*Proceedings of the Madras Government, Revenue Department,
7th December 1874.*

3. In December 1873 a riot occurred in consequence of his attempt to take water through an opening in the body of the Calingulah. The Additional Sub-Collector after personal inspection and reference to the village accounts being satisfied that the opening was recent and unauthorized, directed that it should be closed which was accordingly done by the Deputy Tahsildar, second defendant.

4. Plaintiff sues to establish a right to take water through the opening in question which he describes as a sluice.

5. For the last sentence in paragraph 4 of the draft answer the Board suggest the substitution of the following:—Plaintiff cannot claim a right of easement against Government, who have the right to regulate and control the distribution of the water of their irrigation works.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

No. 81. ORDER THEREON, 7th December 1874, No. 1,513.

Miscellaneous.

THE defence of the suit is sanctioned, and the modification of the draft answer suggested in the concluding paragraph of the Board's Proceedings, is approved.

(True Extract.)

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

To the Board of Revenue.

Exd. G. A. Turton.

1513
2

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 26th November 1874.

N^o. 579

Read the following

From,

R. H. Puckle Esquire
Collector

To,

J. Grose Esquire
Secretary to the Board of Revenue
Madras

Sir,

I have the honor to request
Draft answer sanction for the defence of a suit N^o. 12
is herein enclosed of 1874 in the District Court of this District
in which the Additional Sub Collector is
made a defendant.

2. The circumstances of the
case are detailed in the enclosed copy of
the Additional Sub Collector's letter; the suit
arises

Cost of 1874 ~~5~~ 1/2

TO

THE BOARD OF REVENUE

Dated December 7th.

Each.

Each.

G.O. 714 December 1874, No. 1513.

DECEMBER
Nos. 80-81.

Suit No. 12 of 1874, in Tinnelly District
Court.—Sanctioning the defence of— and approv-
ing the modification of the draft answer as
suggested by the Board.

arises from objection taken to the distribution of Government water to Government lands by a Government Officer. Under the ruling of the High Court in the Alwar Kurichi and Ambur water dispute (Board's Proceedings No. 1244 dated 22nd March 1871) such a suit is not cognizable by a Civil Court, but should be disposed of by Revenue Officers. The value of the suit is Rs. 2695 and the date of hearing was fixed for 19th Ultimo - an extension of time for 2 months has been granted.

Timnevelly } I have run
10th November 1874 } (Sd) R. H. Puckle
Collector

From, N. 144
A. J. Arundel Esqre
Offr. Additional Subcollector
To,
The Collector of Timnevelly.

Sir,
I have the honor to request
that

that you will be good enough to apply for the sanction of the Board to defend suit No. 12 of 1874 in the District Court of Timnevelly in which I have been made Defendant, together with the Deputy Tahsildar of Kytar.

2. The facts of the case are as follows:- A channel from the river Littar supplies the large tank of Lingasamudram in the Village of Gengundan and irrigates lands which yield an assessment of Rupees 3947. The surplus water of Lingasamudram tank passes over the Calingulah and supplies the tank of Padimalampuri, the lands under which are held by a single puttadar, the plaintiff, and are assessed at Rs. 691.

3. Last December, the plaintiff's people and some of the Gengundan ryots had a fight as to the retention or otherwise of

of a passage below the crest of the
Singasamudram Calingulah through
which a large quantity of water was
being drawn off to Padimalampéri.
I inspected the place at the first
opportunity and found the whole in
the Calingulah to be apparently a breach,
and certainly an unauthorized opening.
A reference to the Agent accounts
and the irrigation register showed
that no such passage originally existed,
and I therefore ordered it to be closed,
and the order was carried out by the
Deputy Tahsildar of Koytar.

4. I enclose a copy of the plaint,
of the proposed replies of myself and
the Deputy Tahsildar and of my original
order.

Addl. Sub Collr's Circuit Catchup
Papanasam 2nd November 1874

I have seen

(Sd) A. J. Arundel

Offl. Addl. Sub Collector

(True copy)

(Signed) R. H. Puckle

Collector

Submitted

Submitted to Government
with the recommendation that the de-
fence of the suit be sanctioned.

Plaintiff is the sole puttadar
of the lands under the Padimalampéri
tank which is supplied by the surplus
water passing over the crest of the Calin-
gulah of the Singasamudram tank
a Government work. In December 1873
a riot occurred in consequence of
his attempt to take water through an
opening in the body of the Calingulah.
The Additional Sub Collector after
personal inspection and reference
to the Village accounts being satisfied
that the opening was recent and un-
authorized directed that it should
be closed which was accordingly done
by the Deputy Tahsildar, 2nd Defendant.

Plaintiff sues to establish a right
to

to take water through the opening in question which he describes as a sluice.

For the last sentence in para 4 of the draft answer the Board suggest the substitution of the following:-

Plaintiff cannot claim a right of easement against Government who have the right to regulate and control the distribution of the water of their irrigation works.

| True copies & Extract

J. G. G. G.

Secretary

To,

The Acting Secretary to Government
Revenue Department

with one original enclosure to be returned

E. M. Varasimachary

E. M. Varasimachary

1513
6

Revenue Department.

No. 1513

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 7th December 1874.

Read the following Proceedings of
the Board of Revenue.

Submitting letter from
Collector regarding Suit No. 12 of 1874
filed in Tinnevely District Court to establish
Plaintiff's right to carry water to his
lands through an opening in the body of
Calingulak of Padimalampore Tank,
with request that its defence may be
sanctioned &c.

H. E. 26 November 1874

The defence of the
suit is sanctioned, and the
modification of the draft answer
suggested in the concluding part
of the Board's Proceedings is
approved.

14 Board of Revenue
Dec 7 Dec

S. L. R.

No. 4159
Revenue 1874
Proceedings of the
Board of Revenue

Dec 26 Nov 74
Dec 26 - - -
Recd 26 - - -
201 Dec

Dec 16 1874 - 7 December 1874

Suit No. 12 of 1874 filed in same
District Court to establish
Plaintiff's right to carry water
to his lands through an opening
in the body of Calingulak of
Padimalampore Tank &c. &c.
from letter regarding - as submitted
to Govt with request that its de-
fence may be sanctioned. Shro-
munt of last sentence of para 4
of draft answer may be altered.

18-08

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Sud in Trimmer
nelly District
Court

Special Comm
De
Eson,