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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	226	Press
B.P. No.		Mis.
Dated	19. 2	1966 .

Not to be folded or roughly handled

*Proceedings of the Madras Government Revenue Department,
19th Februdry 1874.*

No. 166. Read the following Proceedings of the Board of Revenue, dated 3rd February 1874, No. 199 :—

Read the following letter from R. K. PUCKLE, Esq., Collector of Tinnevely, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Trichendur, 18th December 1873, No. 720 :—

With reference to the Court of Ward's Proceedings, No. 1,285, dated 11th July 1872, I have the honour to inform you that the proprietors of permanently settled estates are not at all satisfied with the terms arranged by the Board for the acquisition of land for the railway, and one of them, Titarapa Mudali, requested that his case might be referred to the Court for award under Sections 15 and 18 of the Land Acquisition Act. This was accordingly done, and I enclose a copy of the Court's award.

2. In this case, nearly 19 acres of land were acquired, for which 680 Rupees were paid to the tenants and 26 Rupees per annum were deducted from the land-lord's peishcush. The tenants were fully satisfied, but the land-lord claimed 3,522 Rupees as his share of the payment.

3. The Court has decided that the full amount of this claim is inadmissible, but that Titarapa Mudali, as land-lord, is entitled to something more than the equivalent of the mere rental of the lands taken up. The Court has accordingly awarded him 170 Rupees, or a land-lord's share of four Annas in the rupee over and

as compensation for the restriction of the water-spread of a tank. I request sanction for the payment of costs, amounting to 133 Rupees, also for 60 Rupees as fees to assessors in the case reported in my letter, No. 662, dated 22nd November 1873.

5. The result of this award is to increase the cost of acquiring land for the railway in this district by 5,000 Rupees.

ENCLOSURE No 1.—Copy of Court's award.

SUBMITTED for the orders of Government.

2. In regard to compensation due for land taken up for the railway in certain

•Proceedings, dated 11th July 1872, No. 1,285. minor's estates, the Court of Wards observed : * " The compensation should be the market-value of the land as now held (i.e., its price sold subject to the payment of assessment to the Zemindars), and should go entirely to the ryots; and all the Zemindar can claim is a reduction of peishcush equivalent to the rent which will hereafter be lost to him."

3. From the report now submitted it appears that the proprietors of permanently settled estates in Tinnevely are dissatisfied with these terms.

4. In accordance with the request of the trustee of a chuttrum endowed with an Inam village, the case of the chuttrum lands was referred for the decision of the Court under Section 15 of the Land Acquisition Act (X. of 1870).

*Proceedings of the Madras Government, Revenue Department,
19th February 1874.*

5. The trustee contended that all the compensation should be paid to him, leaving it to him to settle the claims of the tenants. He claimed Rs. 3,521-15-0, besides a reduction of quit-rent equivalent to the rent of the land. The Collector maintained the views expressed in the Proceedings of the Court of Wards above quoted. The case was tried by the District Judge, aided by two assessors who concur in the award of the Judge.

6. The Judge is of opinion that the market-value of the land should be paid to the tenants, as they have, by custom and legislation, a right in the land independent of their contract with the proprietor. He holds, however, that the latter has a claim to something more than a reduction of quit-rent on the ground that he "has a reversionary right of occupancy to the land when he may realize increased profits either by cultivating it himself or letting it to others at higher assessment." Estimating this right at one-fourth of the value of the ryots' right of occupancy, money-compensation to this extent and Rupees 100 for damage done to a tank, besides the usual reduction of quit-rent, have been awarded.

7. The case involves an important point, affecting the interests of Government. The Collector remarks that the result of this award is to raise the cost of land required for the railway by Rupees 5,000.

8. There is, however, no appeal from the decision. The award is final, *vide* Section 29.

9. The Collector is authorized to pay the amount awarded as compensation (Rupees 133) awarded in this case, also in Rupees 100 for damage done to a tank, reported in Board's Proceedings, dated 10th December 1873, Miscellaneous No. 8,449, (G. O., dated 18th December 1873, No. 118).

No. 167. ORDER THEREON, 19th February 1874, No. 226.

Miscellaneous.

RECORDED. Sanction is given for
payment of costs and Assessors' fees
(paragraph 9).

(True Extract.)

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

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

Compensation for land taken up for the
Railway in a permanently settled estate at
Tinnevely.— Records Board's Proceeding
regarding — and Grants sanction for payment
costs and of Assessors' fees.

FEBRUARY.
No. 166-167.

G. O. 19th February 1874, No. 226.

Dated February 19th.
Fwd.
Encl.

TO THE BOARD OF REVENUE.
Ac., Ac., Ac.

Govt. of 1874
REVENUE.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd February 1874.

Read the following letter from R. K. PUCKLE, Esq., Collector of Tinnevely, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Trichendur, 18th December 1873, No. 720 :—

With reference to the Court of Ward's Proceedings, No. 1,285, dated 11th July 1872, I have the honour to inform you that the proprietors of permanently settled estates are not at all satisfied with the terms arranged by the Board for the acquisition of land for the railway, and one of them, Titarapa Mudali, requested that his case might be referred to the Court for award under Sections 15 and 18 of the Land Acquisition Act. This was accordingly done, and I enclose a copy of the Court's award.

2. In this case, nearly 19 acres of land were acquired, for which 680 Rupees were paid to the tenants and 26 Rupees per annum were deducted from the land-lord's peishcush. The tenants were fully satisfied, but the land-lord claimed 3,522 Rupees as his share of the payment.

3. The Court has decided that the full amount of this claim is inadmissible, but that Titarapa Mudali, as land-lord, is entitled to something more than the equivalent of the mere rental of the lands taken up. The Court has accordingly awarded him 170 Rupees, or a land-lord's share of four Annas in the rupee over and above the amount paid to the tenants, plus the amount deducted from his peishcush as rental foregone.

4. The Court also, award 100 Rupees as compensation for the restriction of the water-spread of a tank. I request sanction for the payment of costs, amounting to 133 Rupees, also for 60 Rupees as fees to assessors in the case reported in my letter, No. 662, dated 22nd November 1873.

5. The result of this award is to increase the cost of acquiring land for the railway in this district by 5,000 Rupees.

ENCLOSURE No. 1.—Copy of Court's award.

SUBMITTED for the orders of Government.

2. In regard to compensation due for land taken up for the railway in certain minor's estates, the Court of Wards observed :— "The compensation should be the market-value of the land as now held (i.e., its price sold subject to the payment of assessment to the Zemindars), and should go entirely to the ryots; and all the Zemindar can claim is a reduction of peishcush equivalent to the rent which will hereafter be lost to him."

3. From the report now submitted it appears that the proprietors of permanently settled estates in Tinnevely are dissatisfied with these terms.

4. In accordance with the request of the trustee of a chuttrum endowed with an Inam village, the case of the chuttrum lands was referred for the decision of the Court under Section 15 of the Land Acquisition Act (X. of 1870).

5. The trustee contended that all the compensation should be paid to him, leaving it to him to settle the claims of the tenants. He claimed Rs. 3,521-15-0, besides a reduction of quit-rent equivalent to the rent of the land. The Collector maintained the views expressed in the Proceedings of the Court of Wards above quoted. The case was tried by the District Judge, aided by two assessors who concur in the award of the Judge:

6. The Judge is of opinion that the market value of the land should be paid to the tenants, as they have, by custom and legislation, a right in the land-independent of their contract with the proprietor. He holds, however, that the latter has a claim to something more than a reduction of quit-rent on the ground that he "has a reversionary right of occupancy to the land when he may realize increased profits either by cultivating it himself or letting it to others at higher assessment." Estimating this right at one-fourth of the value of the ryots' right of occupancy, money-compensation to this extent and Rupees 100 for damage done to a tank, besides the usual reduction of quit-rent, have been awarded.

7. The case involves an important point, affecting the interests of Government. The Collector remarks that the result of this award is to raise the cost of land required for the railway by Rupees 5,000.

8. There is, however, no appeal from the decision. The award is final, vide Section 29.

9. The Collector is authorized to pay the amount awarded as compensation, Rupees 270. The sanction of Government is requested for payment of the costs (Rupees 133) awarded in this case, also of Rupees 60, assessors' fees in the case reported in Board's Proceedings, dated 10th December 1873, No. 8,449, (G. O., dated 18th December 1873, No. 118).

(A true Copy and Extract.)

J. E. G. S.
Secretary,

To the Secretary to Government, Revenue Department,
with an original Enclosure.
the Collector of Tinnevely:

Exd. F. R. Bantleman.

1874. *depts.*
Board of Revenue,
MADRAS. No. 451

PROCEEDINGS, 3RD FEBRUARY 1874, No. 199.

Original File 174

Received

FEBRUARY.

No. 199.

Compensation—to be granted for land taken up for railway in a permanently settled estate in Tinnevely District.—Collector's letter reporting decision passed by District Judge in regard to—, submitted to Government. Collector authorized to pay Rupees 270, amount awarded as compensation, and Government requested to sanction payment of costs, amounting to Rupees 133, and of assessors' fees, amounting to Rupees 60.

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