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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue..... DEPARTMENT

G.O. No.	308	~~Press~~
B.P. No.		Mis.
Dated	4 - 3 - 1874 196 - .	

Not to be folded or roughly handled

129

*Proceedings of the Madras Government, Revenue Department,
4th March 1874.*

Read the following:—

No. 65. Proceedings of the Board of Revenue, dated 8th August 1873,
No. 1,532:—

Read the following letter from H. SEWELL, Esq., Acting Collector of North Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chittoor, 20th June 1873, No. 349.

ADVERTING to the Proceedings of Government, dated 14th May last, No. 484, I have the honour to state that the Deputy-Superintendent of Kolar District, in his letter, dated 18th July 1872, No. 627-360, informed Mr. Whiteside that the ryots of Gollapalli village of Betamangalum Taluq of that district have complained to him that they are prohibited by Nangundiah and other Izaradars of Pedda Koneri-cuppum village, in Kangundi Zemindari, from using, as usual, the surplus water of Obulappa tank belonging to the Zemindari village for the irrigation of a portion of their lands, and requested that the Izaradars may be directed to refrain from molesting them.

2. The General Deputy-Collector, under whose charge the Zemindari was at that time, and to whom the matter was referred for inquiry, reported in his Telugu Memorandum, No. 56, of 2nd November, that an extent of 3-4-0 cawnies of land had been granted by Mysore Government to the above Zemindari villagers as compensation for utilizing the water of the Obulappa tank for the lands of Gollapalli village, and that, as the ryots of the latter village have resumed the land, they were refused the supply in question. He also reported that the Obulappa tank which had been in ruins for the last twenty-five years was repaired in 1871. When this tank was in good condition, it appears that it used to irrigate the lands of Gollapalli village, and for that purpose the above extent was given. The Zemindars stated that, if the above land is again granted, they have no objection to permit the Gollapalli villagers to make use of the surplus water of their tank. Mr. Whiteside, in communicating the above circumstances to the Deputy-Superintendent of Kolar District, was of opinion that the dispute is clearly one of a Civil nature, and he was unable to interfere in the matter, viz., his letter, dated 19th November 1872, No. 790.

3. In reply, the Deputy-Superintendent in his letter, dated 12th March last, No. 1,979-1,190, stated that an extent of 1 Kondi and $4\frac{3}{8}$ Padies of land belonging to Gollapalli village had been given to the Agrahara of Pedda Koneri-cuppum as a sort of compensation for the submersion of the lands of that village under the water of Gollapalli tank; but it having breached about forty years ago, and being still in a ruined condition, the land in question has ceased to be enjoyed by the ryots of Pedda Koneri-cuppum since the breach. He added that this has nothing to do with the present case, and the ryots of the Gollapalli village claim only the surplus water of Pedda Koneri-cuppum tank after it falls into a stream, and not the water of the tank itself. The Izaradars of Peddur have stated before the Kangundi Sub-Magistrate that the surplus water of Obulappa tank was never made use of by the Gollapalli villagers, whereas the latter have deposed that it was for the last eight years. As the dispute appeared to me to be of a Civil nature, I also declined to interfere in it in my letter, No. 275, dated 21st March 1873.

*Proceedings of the Madras Government, Revenue Department,
4th March 1874.*

4. Thus it would appear that the dispute about irrigation is between the ryots of Kangundi Zemindari of this district and the ryots of the Mysore territory. Should the Government consider that the rule of resorting to a Civil Court is not applicable to this case, I shall depute one of the Senior Assistant Collectors to settle the case on its merits at the disputed spot in the same manner as boundary disputes.

SUBMITTED to Government, with reference to G. O., 14th May 1873, No. 484.

2. The Board are of opinion that an Assistant Collector should be directed to meet the Deputy-Commissioner of Kolar on the spot, and submit proposals for settling the dispute.

No. 66. Proceedings of the Board of Revenue, dated 5th February 1874, Miscellaneous No. 778.

Read the following letter from W. S. WHITESIDE, Esq., Collector of North Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Vellore, 20th January 1874, No. 22.

WITH reference to the Proceedings of the Board of Revenue, dated 5th September last, No. 5,673, I have the honour to state that the Zemindar of Kangundi has expressed his consent, in his khat, dated 5th instant, No. 1, to the settlement of the water-dispute existing between the villages of Pedda Konericuppum in the said Zemindari and Gollapalli in Betamangalum Taluq, of the Mysore territory, by means of arbitration; and he requests that the following persons may be appointed as arbitrators on his behalf:—

Mahomed Ghatala, Sub-Magistrate of Tritani.

Krishnier, Sub-Magistrate of Kangundi.

Deivasigamani Pillay, Railway Contractor, residing at Kuppam.

SUBMITTED to Government, with reference to Official Memorandum, dated 2nd September 1873, No. 155.

No. 67. ORDER THEREON, 4th March 1874, No. 308.

Miscellaneous.

THE Collector should explain to the Zemindar that the proposed arbitration will be conducted by a Government officer and an officer of the Mysore Administration, and should obtain and report his views regarding it without delay.

(True Extract.)

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

To the Board of Revenue.

Exd. F. R. Bantleman.

No. 1,532.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th August 1873.

Read the following letter from H. SEWELL, Esq., Acting Collector of North Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chittoor, 20th June 1873, No. 349:—

ADVERTING to the Proceedings of Government, dated 14th May last, No. 484, I have the honour to state that the Deputy-Superintendent of Kolar District, in his letter, dated 18th July 1872, No. 627-360, informed Mr. Whiteside that the ryots of Gollapalli Village of Betomangalam Taluq of that district have complained to him that they are prohibited by Nangundiah and other Izaradars of Peddur Koneri-cuppum Village, in Kongundi Zemindari, from using, as usual, the surplus water of Obulappa tank belonging to the Zemindari village for the irrigation of a portion of their lands, and requested that the Izaradars may be directed to refrain from molesting them.

2. The General Deputy-Collector under whose charge the Zemindari was at that time, and to whom the matter was referred for inquiry, reported in his Telugu Memorandum, No. 56, of 2nd November, that an extent of 3-4-0 Cawnies of land had been granted by Mysore Government to the above Zemindari Villagers as compensation for utilizing the water of the Obulappa tank for the lands of Gollapalli Village, and that as the ryots of the latter village have resumed the land, they were refused the supply in question. He also reported that the Obulappa tank which had been in ruins for the last twenty-five years was repaired in 1871. When this tank was in good condition, it appears that it used to irrigate the lands of Gollapalli Village, and for that purpose the above extent was given. The Zemindari that if the above land is again granted, they have no objection to permit the Gollapalli Villagers to make use of the surplus water of their tank. Mr. Whiteside, in communicating the above circumstances to the Deputy-Superintendent of Kolar district, was of opinion that the dispute is clearly one of a Civil nature, and he was unable to interfere in the matter, viz., his letter, dated 19th November 1872, No. 790.

3. In reply, the Deputy-Superintendent in his letter, dated 12th March last, No. 1,979-1,190, stated that an extent of 1 Kondi and 4½ Padies of land belonging to Gollapalli Village had been given to the Agrahara of Peddur Koneri-cuppum as a sort of compensation for the submersion of the lands of that village under the water of Gollapalli tank; but it having breached about forty years ago, and being still in a ruined condition, the land in question has ceased to be enjoyed by the ryots of Peddur Koneri-cuppum since the breach. He added, that this has nothing to do with the present case, and the ryots of the Gollapalli Village claim only the surplus water of Peddur Koneri-cuppum tank after it falls into a stream, and not the water of the tank itself. The Izaradars of Peddur have stated before the Kongundi Sub-Magistrate that the surplus water of Obulappa tank was never made use of by the Gollapalli Villagers, whereas the latter have deposed that it was for the last eight years. As the dispute appeared to me to be of a Civil nature, I also declined to interfere in it in my letter No. 275, dated 21st March 1873.

4. Thus it would appear that the dispute about irrigation is between the ryots of Kongundi Zemindari of this district and the ryots of the Mysore Territory. Should the Government consider that the rule of resorting to a Civil Court

26-12-14
21-10-15
10-3-14

Originals
G.O. of 11874
REVENUE.

THE BOARD OF REVENUE.

Dated March 4th.

Encl.

G. O., 4th March 1874, No. 308.

MARCH.
Nos. 65-67.

Settlement of the Water-dispute between certain villages in Kongundi Zemindari and Mysore Territory.—Directs Collector to explain to the Zemindar that the proposed arbitration for the same will be conducted by Government officials, and to report his views regarding it.

File No. 4,578 of 1874-

is not applicable to this case, I shall depute one of the Senior Assistant Collectors to settle the case on its merits at the disputed spot in the same manner as Boundary disputes.

SUBMITTED to Government, with reference to G. O., 14th May 1873, No. 484.

2. The Board are of opinion that an Assistant Collector should be directed to meet the Deputy-Commissioner of Kolar on the spot and submit proposals for settling the dispute.

(A true Copy and Extract.)

J. Grose
Secretary.

To the Acting Secretary to Government, Revenue Department,
with one Enclosure, received with G. O., 14th May 1873, returned.
Copy to the Acting Collector of North Arcot.

Ed. G. A. Turton.

Water dispute.—Letter from Collector of North Arcot, reporting on dispute between ryots of Peddur Konerikuppa Village, in Kungoondy Zemindari, and those of Gollahalli Village in Mysore territory, regarding right of latter to surplus water of Obalappa tank in Zemindari, submitted to Government, and opinion expressed that an Assistant Collector should be directed to meet Deputy-Commissioner of Kolar on the spot and submit proposals for settling dispute.

AUGUST.
No. 1,532.

PROCEEDINGS, 8TH AUGUST 1873, No. 1,532.

BOARD OF REVENUE,
MADRAS.

1873.

Proceedings of the Chief Commissioner of Mysore, Department of Agriculture, Revenue and Commerce, 30th April 1873.

From the Deputy Superintendent, Kolár District, To the Collector of the North Arcot District, No. 627—360, dated Kolár, 18th July 1872.

I have the honor to bring to your notice that the ryots of Gollahalli village of Kyásamballi Hóbli of the Bétmangala talook of my District, have preferred a complaint to the effect that they are prohibited by Nanjundaiya and Gungachári, izárdars of the Kungoondy zemindary from using, as usual, the surplus water of the Obalappanakere tank of Peddúr village belonging to the Zemindary, for the irrigation of a portion of their lands. As it appears that this right has been enjoyed by the ryots of Gollahalli for many years, I shall feel obliged by your kindly directing the izárdars to refrain from molesting them.

From the Acting Collector of North Arcot, To the Deputy Superintendent, Kolár District, No. 790, dated Chittoor, 19th November 1872.

In reply to your letter No. 627—360, dated 18th July last, I have the honor to forward herewith copy of my General Deputy's Telugu Memo No. 56, dated 2nd instant, from which you will learn that the Obalappa tank, which had been in ruins for the last 25 years, was only repaired last year: when this tank was in good condition it used to irrigate the lands of the Gollahalli village and for this purpose 3—4—0 cawnies of land of this village were given to Konerikuppa Agrahára as "Nirasaradi made," which was resumed after the tank was ruined. The izárdars now state that if the above named 3—4—0 cawnies of land is again allowed, they will permit the Gollahalli villagers the use of the Obalappa tank water as usual. I may here mention that as the dispute is clearly one of a civil nature, I am unable to interfere in the matter.

From the Deputy Commissioner, Kolár District, To the Collector of North Arcot, No. 1979—1190, dated Kolár 12th March 1873.

I have the honor to acknowledge the receipt of your letter No. 790 of the 19th November 1872, forwarding a copy of your General Deputy Collector's Memorandum No. 56 of the 2nd idem to your regarding the prohibition of the use for their lands of the surplus water of the Obalappanakere tank of Peddúr Konerikuppa village of the Kungoondy zemindary.

2. It is stated in the Deputy Collector's memorandum that an extent of 3—4—0 cawnies of land had been granted by the Mysore Government to the Peddúr Konerikuppa village as compensation for utilizing the water of the Obalappanakere tank for the lands of Gollahalli village, and that as the ryots of the former village have been dispossessed of the land they refuse to give the water.

3. But the case appears to be quite different. The records of the Bétmangala Talook shew that an extent of one Kandi and 4½ Padies of land belonging to Gollahalli village had been given to the Peddúr Konerikuppa agrahára as a sort of compensation for the lands of this village having been submerged by the water of the Gollahalli tank, but this tank having breached about 40 years ago, and being still in a ruined condition, the land in question has ceased to be enjoyed by the ryots of Peddúr Konerikuppa since the breach of the tank.

4. What the ryots of Gollahalli village claim is, not the water of the Peddúr Konerikuppa tank itself but its surplus water, after it falls into a stream. Under these circumstances, I beg that you will be so good as to issue such instructions as you may deem proper in the matter, so that the ryots of the Gollahalli village may continue to utilize the stream water, a right which they had enjoyed for a long time.

From the Acting Collector of North Arcot, To the Deputy Commissioner, Kolár District, No. 275, dated Chittoor, 21st March 1873.

In reply to your letter No. 1967—1180 dated 12th instant, I have the honor to inform you that the izárdars of the Peddúr village in the Kungoondy zemindary have stated before the Kungoondy Sub-Magistrate that the surplus water of the Obalappa tank was never made use of by the Gollahalli villagers, while the latter in their turn have deposed that they were using it for the last 8 years. As this dispute is clearly of a civil nature as observed by Mr. Whiteside, in his letter to you dated 19th November last, No. 790, I am unable to interfere in the matter.

*Proceedings of the Chief Commissioner of Mysore, Department of Agriculture,
Revenue and Commerce, 30th April 1873.*

From the officiating Commissioner of the Nandidroog Division, To the Secretary to the Chief Commissioner of Mysore, No. R. 13, dated Bangalore, 18th April 1873.

I have the honor to submit for the Chief Commissioner's consideration and orders, copy of a letter from the Deputy Commissioner, Kolár District, with copies of the correspondence between that officer and the Collector of North Arcot, in connection with the right of the Mysore Government to the use by the ryots of Gollahalli village in the Bétmangala Talook, of the surplus water of the Oblappanakere in the village of Kónerekuppa of the Kungoondy Zemindary in the North Arcot District.

2. As an important principle was involved in the reference, I communicated with Colonel Pearse on the subject, and elicited the following expression of his views:—

"I concur with Mr. Krishnaiengar that the dispute is not of a civil character, but is essentially a boundary dispute, involving the right to diminish the supply of surplus water on the part of a friendly State which is situated nearer the water-shed, and which is clearly laid down in Wheatly as a purely international question. I am therefore of opinion that the dispute should be settled on the system heretofore adopted whenever such disputes have arisen between the people possessing land or having supposed rights along the border, namely, that an officer from Her Majesty's Districts should meet an officer from the Mysore side and arbitrate on the point. If any other course is followed, all the expense to Government and the labor of officers for the past half-dozen years will turn out to be simply money and time wasted, as every point settled during that period may become the subject of a suit before the Courts, and in that case, I would ask, who is to represent the British Government in the Mysore Courts, or the Mysore Government in Her Majesty's Local Courts."

From the Deputy Commissioner of the Kolár District, To the Commissioner of the Nandidroog Division, No. 2060—818, dated 29th March 1873.

I have the honor to submit for orders, copies of the correspondence noted in the margin between
1 Letter " 790, dated 19th November 1872, from Collector to Deputy Commissioner.
1 Letter " 1979—1189, dated 12th March 1873, from Deputy Commissioner to Collector.
1 Letter " 275, dated 21st March 1873, from Collector to Deputy Commissioner.
North Arcot District, the Collector of the North Arcot District, the ryots of Gollahalli village in the Bétmangala Talook, of the surplus water of Oblappanakere of Peddúr Kónerekuppa village of Kungoondy Zemindary in the North Arcot District.

2. The facts of the case are, that the ryots of Gollahalli in Mysore were from a long time using the waste water of Oblappanakere in the British Territories after it fell into a stream, for irrigating a portion of their lands, and they now complain that they are prohibited from doing so, by the izárdars of Kungoondy Zemindary.

3. On my representing the matter to the Collector of North Arcot, that officer stated that as 3—4 cawnies of land, said to have been given by this Government as compensation for this purpose to the Peddúr Kónerekuppa village in Kungoondy zemindary was resumed when the tank was out of order, the izárdars demurred to allow the use of the surplus water unless this extent of land is restored, the tank being now in good condition.

4. On an examination of the records of the Bétmangala Talook, I find that this extent of land has nothing to do with the present question. This land was given as compensation for land in the Kónerekuppa village which used to be submerged by the Gollahalli tank when it was in good order. Now that it has been in a ruined condition for about 40 years, the enjoyment of the Gollahalli land by the Kónerekuppa village has very fairly ceased to exist. On laying these facts before the Collector and moving in the matter again, that officer states that the case is of a civil nature, and further that the Izárdars of Peddúr Kónerekuppa village declare that the surplus water of the Oblappanakere was never made use of by the Gollahalli villagers, who, on the other hand, maintain that they had used the water from a long time. As regards the civil nature of the case, I beg to submit that it is more a dispute between the British Territory and a Native State relative to the right of the latter to the use of the water falling into a stream from a tank in the former, than a case between two parties in the same territory, and I therefore think that the common rule of resorting to a Civil Court is not applicable to this case. Under these circumstances I would beg to suggest that officers connected with both Governments may be deputed to settle the case on its merits at the disputed spot in the same manner as boundary disputes.

MISCELLANEOUS No. 778

REVENUE DEPARTMENT.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 5th February 1874

Read the following

From

*W. S. Whiteside Esquire
Collector of N. Arcot*

To

J. Grose Esquire

Sir,

Secretary to the Board of Revenue.

With reference to the Proceedings of the Board of Revenue dated 5th September last No. 5643, I have the honor to state that the Zamindar of Kungundi has expressed his consent in his khata dated 5th Instant No. 1 to the settlement of the water dispute existing between the Villages of Pedda Kónarikuppam in the said Zemindary and Gollahalli in Bétmangalam Talook of the Mysore Territory by means

*25 4-3-74 R. 308
25 13-4-75*

R. 2505/3

Means of Arbitration and he
requests that the following persons
may be appointed as Arbitrators
on his behalf.

Mahomed Ghatala Sub. Magistrate of
Tritani.

Krishniah Sub Magistrate of Rangundi
Divasigamani Pillay Railway Con-
tractor residing at Kuppam
North Arcot.

Collector's Office }
Camp Vellore 20th } sd/ W. S. Whiteside
January 1874 } Collector.

Submitted to Government
with reference to Official Memo-
randum dated 2nd September 1873
No 155.

/ True copy & Co true

The Secretary to Government
Revenue Department.

By Order
Capt. H. N. Mahalingam

Ch. 2505/93
820. to St. Louis

1878 vol. 44 Two

240376

EDINGS OF THE BOARD OF REVENUE.

Dated 5
Dsept 5
Recd. 6

John

SUBJECT,

C. O. No 308-4. March 1894

Submitting to Govt.
letter from Capt. of late
West stating that the
= number of Thompsons
has exceeded his consent
to settlement by means
of prohibition, of two
= the dispute between
certain villages in the
= mission & Chagare
territory.
with order

4-328

Recd also Mr's Pro: 8 Augt/73 No 1532

The Collector should explain to the Revenue Officer that the proposed arbitration will be conducted by a Government Officer and an officer of the Revenue Administration & should explain to the Revenue Officer regarding it without delay.

4: moved 1/4
12: 2K 1000 4.5.74

4. March 1/4

2/10/12

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