1153/14

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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / B.P. No.	1153	Press / Mis.
Dated	30.7.1875	196- .

Not to be folded or roughly handled

No. 336. Read the following Proceedings of the Court of Wards, dated 8th July 1875, No. 1,892:—

Read the following letter from J. KELSALL, Esq., Acting Sub-Collector in charge of the Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Court of Wards, dated Cocanada, 19th June 1875, No. 273:—

I HAVE the honor to forward, for the orders of the Court, a letter* from the District Engineer stating that out of the Rupees 10,000 sanctioned† from the funds of the Kesanakurru Estate for the embankment of the Polaveram island only Rupees 6,040-1-1 could be spent in the past year. He requests that the balance, Rupees 3,959-14-11, may be placed at his disposal and an additional sum of Rupees 10,000 also from the estate funds.

* 7th June 1875, No. 802 (copy).

† Court's Proceedings, 11th Feb. 1875, No. 306.

2. The original estimate for the repair of the embankment of this island was Rupees 62,000, and before that Rs. 1,312 was spent;‡ and as the area of 30,774 acres was thus made at—

‡ Collector's letter, 18th Aug. 1874, No. 297, paragraph 3.

Government lands	8,485	
Inams...	10,991	
		19,476
Proprietary lands		11,298
Total...		30,774

it was decided that the Government§ would pay two-thirds, and the proprietary estates one-third, of the cost.

§ G.O., 25th February 1874, No. 477, Public Works Department.

3. Mr. Foster subsequently reported‖ that of the 11,298 acres of proprietary land 2,610 acres only belonged to Kesanakurru and 8,688 acres to Guttinadivi.

‖ Collector's letter, No. 297, 18th August 1874.

4. The proportions in which the cost of the work should be divided between the parties who will benefit thereby are—

		Rs.
Government, 63·3 per cent.	=	40,068
Kesanakurru, 8·5 ,,	=	5,370
Guttinadivi, 28·2 ,,	=	17,874
Total...		63,312

5. The Guttinadivi proprietor was asked¶ if he would contribute his share, but has declined to do anything. I do not see how he can be compelled to do so, but perhaps the Board will, as suggested by Government,** obtain legal opinion as to his liability.

¶ Court's Proceedings, 1st June 1875, No. 1,477.

** G.O., 12th October 1874, No. 1,311, Revenue Department.

6. The Board have directed†† meanwhile that a statement shall be submitted showing the extent to which each of the estates will be benefited by the changes, and the area and assessment of the cultivated land which will be immediately affected. To get this question settled as soon as possible I have asked

†† 1st June 1875, No. 1,477.

Mr. Austin, Head Assistant Collector, to go down to Polaveram, and I have asked Major Beatty to depute some one of his department to meet him there. To give the information the Board wish for will require some professional knowledge.

7. I am afraid there must be delay, for we have had heavy rain, and the floods may come down the river any day.

8. This is how the matter stands at present, and a very unsatisfactory situation it is. The Guttinadivi proprietor won't pay; "the Government of India have declined to sanction Imperial funds for the work pending further information." How can we make the Kesanakurru Estate pay just because it is at present under our management?

9. Mr. Foster has shown that only 8·5 per cent., or Rupees 5,370, is chargeable to the estate, and yet we have already spent Rupees 7,352, and Major Beatty asks for Rupees 3,959-14-11 more from the same source.

10. The Accountant-General has not communicated to me that the Rupees 10,000 sanctioned by the Court in their Proceedings of the 11th February 1875, No. 306, has been placed at the disposal of the District Engineer, but it appears it has. The balance in favor of the estate up to May 1875 is Rupees 10,378, from which must be deducted Rupees 6,040-1-1 spent by the District Engineer, which leaves Rupees 4,338. Rupees 5,000 have been provided in the current year's budget.

11. The estate has paid more than its fair share, and when the other parties decline to contribute their quota, I do not see how we can with justice make the estate pay more.

12. At the same time the amount already laid out must not be wasted as it probably will be if the work is not completed. Major Beatty says, "it is of much importance and does not admit of delay." The only thing I can suggest is that the Board should, if they please, ask Government for a grant. The sum spent can be adjusted afterwards.

ENCLOSURE No. 1.—Copy of District Engineer's letter.

SUBMITTED for the orders of Government.

2. In their Order of the 25th February 1874, No. 477, Government approved an estimate, amounting to Rupees 62,000, for the embankment of the Polaveram Island, and decided that the cost was to be distributed between Government and the Proprietary Estates concerned in the proportion of two-thirds and one-third respectively with reference to the relative areas that will benefit by the works.

3. The Government having in their Order of the 17th November 1874, No. 3,247, stated that no funds were available from the ordinary agricultural grant, the Court allotted Rs. 10,000 from the funds of the Kapileswarapuram and Kesanakurru Estates, of which Rupees 6,040-1-1 has been expended, making, with a sum of Rupees 1,312 previously contributed from the same source, a total of Rs. 7,352-1-1. The District Engineer now applies for the balance of the allotment of Rs. 10,000 and for a further allotment of the same amount; but, as the quota payable by the estate has already been exceeded, the Court are not prepared to comply with the application, and resolve to request that funds may be allotted by Government with

Proceedings of the Madras Government, Revenue Department,
30th July 1875.

reference to G.O., dated 1st May 1875, No. 1,227, paragraph 3, if the work is to be proceeded with immediately, as appears very desirable. Adjustment of the expenditure between Government and the Proprietary Estates can be made hereafter.

4. With regard to the Guttinadivi proprietor's refusal to bear his share of the outlay, the Court have called for a statement of the area and assessment under cultivation in each estate which will be immediately affected by the work. Meanwhile, with reference to G.O., dated 12th October 1874, No. 1,311, they resolve to furnish the Government Pleader with copies of the correspondence which has taken place in regard to the project, and to request his opinion as to the Guttinadivi proprietor's legal liability to payment of the contribution claimed.

(True Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 337. ORDER THEREON, 30th July 1875, No. 1,153.

Irrigation No. 6.

IT is observed that G.O., Public Works Department, 1st May 1875, expressly authorizes the District Engineer to proceed with the work first from contribution money available, and on its exhaustion from Imperial funds.

2. The Kesanakurru Estate has already contributed all, and more than, it ought to give, and at present funds cannot be obtained from the Guttinadivi proprietor.

3. The Collector should now call on the District Engineer to proceed with the work under the sanction already accorded.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Public Works Department.
,, Court of Wards.

Exd. J. W. Fischer.

Govt. of 1875. Madras.

REVENUE.

To

The PUBLIC WORKS DEPARTMENT.

&c., &c., &c.

Dated July, 30th.

Recd. Encl.

G. O., 30th July 1875, No. 1,153.

JULY.

Nos. 336-337.

Polaveram Island Embankment in the Godavery District.—Directing the Collector to call on the District Engineer to proceed with the — under the sanction accorded in G.O., Public Works Department, 1st May 1875.

Revenue Department.

Proceedings of the Court of Wards

Dated 8th July 1875.

Read the following

No. 273

From John Kelsall Esquire

Ag Sub-Collector In Charge

To H. E. Stokes Esquire

Ag Secretary to the Court of Wards

Madras.

Sir,

I have the honor to forward for the orders of the Court a letter from the District Engineer stating that out of the Rs 10000 sanctioned from the funds of the Kesanakurru estate, for the embankment of the Polaveram island, only Rupees 6040-1-1 could be spent in the past year. He requests that the balance Rupees 3959-14-11 may be placed at his disposal

7 June 1875 No. 802 Copy

Court's Pro: 11 Feby 75 No. 306

disposal and an additional sum of Rupees 10000 also from the estate funds.

2. The original estimate for the repair of the embankment of this island was Rupees 62000 and before that Rupees 1312 was spent, and as the area of 30774 acres was thus made at

Collr's letter 18 Augt 74 No 297 Para 3

Government lands	8485	
Inams	10991	19476
Proprietary lands		11298
		30774

it was decided that the Government would pay 2/3 and the Proprietary estates 1/3 of the cost.

G.O. 25 Feby 1874 No 477 P.W.D.

3. Mr. Foster subsequently reported that of the 11298 acres of Proprietary land, 2610 acres only belonged to Kesanakurru and acres 8688 to Guttinadivi.

Collr's letter No 297 - 18 Augt 74

4. The proportions in which the cost of the work should be divided between the parties who will benefit thereby are

Government	63.3 & Cent = Rs	40068
Kesanakurru	8.5 & Cent = Rs	5370
Guttinadivi	28.2 & Cent = Rs	17874
		63312

Courts Pro: 1st June 1875 No 1477

5. The Guttinadivi Proprietor was asked if he would contribute his share, but has declined to do any thing. I do not see how he can be compelled to do so, but perhaps the Board will as suggested by Government obtain legal opinion as to his liability.

G.O. 12 Octr 74 No 1311 Rev: Deptt

1st June 75 No 1477

6. The Board have directed meanwhile that a statement shall be submitted showing the extent to which each of the estates will be benefited by the changes, and the area and assessment of the cultivated land which will be

be immediately effected. To get this question settled as soon as possible, I have asked Mr. Austin Reed Assistant Collector to go down to Polaveram, and I have asked Major Beatty to depute some one of his Department to meet him there. To give the information the Board wish for will require some professional knowledge.

7. I am afraid there must be delay for we have had heavy rain, and the floods may come down the river any day.

8. This is how the matter stands at present and a very unsatisfactory situation it is. The Lyttinadivi proprietor wont pay; the Government of India have declined to sanction Imperial funds for the work pending further information". How can we make the Kesanakurru estate pay, just because it is at present under our management.

9. Mr Foster has shown that only 8·5 per cent or Rupees 5370 is chargeable to the estate, and yet we have already spent Rupees 7352 and Major Beatty asks for Rupees 3959-14-11 more from the same source.

10. The Accountant General has not communicated to me that the Rs 5,000 sanctioned by the Court in their Proceedings of the 11th February 1875 No 306 has been placed at the disposal of the District Engineer, but it appears it has. The balance in favor of the estate up to May 1875 is Rupees 10378 from which must-

must be deducted Rupees 6040-1-1 spent by the District Engineer which leaves Rupees 4338. Rupees 5000 have been provided in the Current year's Budget.

11. The estate has paid more than its fair share and when the other parties decline to contribute their quota, I do not see how we can with justice make the estate pay more.

12. At the same time the amount already laid out must not be wasted as it probably will be if the work is not completed. Major Beatty says "it is of much importance and does not admit of delay." The only thing I can suggest is that the Board should, if they please, ask Government for a grant

1153/6

grant. The sum spent can be adjusted afterwards.

Godavery District Collector's office Cocanada. 19 June 1875.

I have &c
Hd John Kelsall
Ag Sub-Collector in charge.

Submitted for the orders of Government.

2. In their order of the 25 February 1874, No 477, Government approved an estimate amounting to Rupees 62,000 for the embankment of the Polaveram Island and decided that the cost was to be distributed between Government and the Proprietary Estates concerned in the proportion of two thirds and one third respectively with reference to the relative areas that will benefit by the works.

The

3. The Government having in their order of the 17th November 1874, No 3247, stated that no funds were available from the ordinary agri-cultural grant the Court allotted Rupees 10000 from the funds of the Kapileswarapuram and Kesanakurru Estates, of which Rupees 6840-4 had been expended making with a sum of Rupees 1312 previously contributed from the same source a total of Rs 352-1-1. The District Engineer now applies for the balance of the allotment of Rupees 1000 and for a further allotment of the same amount but as the quota payable by the estate has already been exceeded the Court are not prepared to comply with

with the application and resolve to request that funds may be allotted by Govern-ment with reference to Government Order, 1st May 1875, No 1227, para 3, if the work is to be proceeded with immediately, as appears very desirable. Adjustment of the expenditure between Government and the Proprietary estates can be made here-after.

4. With regard to the Guttinadivi pro-prietor's refusal to bear his share of the outlay the Court have called for a statement of the area and assessment under cultivation in each estate which will be immediately affected by the work. Meanwhile with reference to Government Order, 12th October 1874, No 1311, they resolve to furnish the Government

Pleader

Pleader with copies of correspondence which has taken place in regard to the project and to request his opinion as to the Guttinadivi proprietor's legal liability to payment of the contribution claimed.

(True Copy & Extract)

[signature]
Acting Sub Secretary

To

The Secretary to Government
Revenue Department
with copy of Board's Proceedings
dated 1st June 1875, No 1477 and
Original letter from District Engineer
to be returned.

[signature]
Cop. H.C.

No. 306.

PROCEEDINGS OF THE COURT OF WARDS, dated 11th February 1875.

Read the following letter from W. S. FOSTER, Esq., Acting Collector of the Godavery District, to J. GROSE, Esq., Secretary to the Court of Wards, dated Rajahmundry, 17th December 1874, No. 464 :—

I HAVE the honor to acknowledge the receipt of the G. O., No. 3,247, dated 17th ultimo, communicated with Court's Proceedings of the 7th instant, Miscellaneous No. 8,494, regarding the Polaveram Island Embankment.

2. I have requested the Acting Sub-Collector to ascertain the wishes of the Guttinadivi proprietor about paying the share of expenditure to be borne by him on the proposed repairs of the embankment proportionate to the extent of land belonging to him, as directed by the Court in their endorsement on the G. O. of the 12th October 1874, No. 1,311, Revenue Department. In my letter of the 8th July last, No. 222, embodied in Court's Proceedings of the 10th August 1874, No. 2,174, I reported that a sum of Rupees 17,000 is available from the Kapileswarapuram and Kesanakurru Estate Funds, and I have no objection to pay the amount of 10,000 Rupees allotted in the budget for the current year, provided the estates are not called upon to bear more than what is fairly chargeable to them with reference to the extent of land to be benefited by the repairs of the embankment in question.

3. The District Engineer requests that a sum of Rupees 5,000 may be allotted for the work already done from the share of the two estates referred to above. I have, therefore, the honor to request the Court's instructions on the subject.

4. From the District Engineer's letter it appears that a sum of Rupees 11,328-1-1 has been expended, and the payments already made have amounted to Rupees 6,686. The remainder (Rupees 4,642-1-1) should now be paid.

5. I beg to send copy of my letter of the 28th September 1874, No. 128, to the District Engineer, referred to in the Proceedings under reply, for the perusal of the Court.

ENCLOSURE No. 1.

From W. S. FOSTER, Esq., Acting Collector of the Godavery District, to the District Engineer, Godavery District, dated Cocanada, 28th September 1874, No. 128.

WITH reference to your letter, No. 1,865 of the 12th September, I have the honor to inform you that as many of the Government villages are to be benefited by the construction of the embankment of Polaveram Island, I think the cost of constructing the same may be first paid by the Government, and then recovered from the funds of the proprietor.

2. A sum of Rupees 10,000 has been provided for the works in question in the budget of the estate of Kesanakurru.

3. It appears that the Guttinadivi proprietor will be benefited by the work, and I have written to the Board to know if he should not be asked to bear a portion of the cost. Till this is decided, the amount payable by the Kesanakurru Estate cannot be exactly known, and it is absurd to advance the money from the funds of the estate which has, according to present orders of Government, to pay only one-third of the cost of the embankment. I therefore think that the Government who have to pay two-thirds should pay the money in advance.

(True Copy.)

(Signed) W. S. FOSTER,
Acting Collector.

THE Court sanction an advance of Rupees 10,000 to enable the District Engineer to proceed with the work, and request the Accountant-General to place that sum at the disposal of the Department Public Works, from the funds of the Kesanakurru Estate, in the Collector's hands. The exact amount of the expenditure chargeable to the above estate is not ascertainable at present, but an adjustment can be made hereafter.

2. The Collector should lose no further time in communicating with the Guttinadivi proprietor.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

To the Acting Collector of the Godavery District.
" the Accountant-General.
Copy to the District Engineer
" to the Controller of Public Works Accounts—

Exd. W. H. French.

1875.

Court of Revenue,

MADRAS.

PROCEEDINGS, 11TH FEBRUARY 1875, No. 306.

Encl.

Received

Rs 3
2804/75

FEBRUARY.

No. 306.

Polaveram Island Embankment—in Godavery District.—Advance of Rupees 10,000 to enable District Engineer to proceed with repairs of —, sanctioned, and Accountant-General requested to place the sum at the disposal of Department Public Works, from funds of the Kesanakurru Estate, in the Collector's hands. Collector to lose no further time in communicating with the Guttinadivi proprietor in regard to the contribution of his share of the expenditure on the repairs of the embankment.

1153/10

No. 1,477.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 1st June 1875.

Read the following letter from W. S. FOSTER, Esq., Acting Collector of the Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Kesenakurru, 19th April 1875, No. 142 :—

REFERRING to the Board's Proceedings of the 6th November last, No. 3,193, I have the honor to forward, herewith, copy of the Sub-Collector's letter of the 22nd January last, No. 36. It will be observed that the Guttinadivi proprietor has no intention of paying anything towards the repairs of the Polaveram embankment if he can help it.

2. The Government have decided that the cost of repairs should be borne with reference to the proportion of the area of the villages. The proprietor says that only about 1,000 acres of his land can possibly receive any benefit from the work, but I do not see why the extent to be benefited need be taken into consideration in the matter. The proprietor says that he is willing to pay two-thirds of what has now been fixed as his share of the cost if an acqueduct is built, and this work would cost much more, so that in effect he refuses to pay anything.

ENCLOSURE No. 1.

From J. KELSALL, Esq., Acting Sub-Collector, to W. S. FOSTER, Esq., Acting Collector, of the Godavery District, dated Rajahmundry, 22nd January 1875, No. 36.

I HAVE the honor to forward, for your information, the reply of the Guttinadivi proprietor to the question asked in G. O. of 12th October 1874, No. 1,311.

2. He denies that 8,688 acres of his estate will be benefited by the proposed embankment. He says that only about 1,000 acres can possibly receive any benefit, and for the rest he would rather they remained as they are, liable to be covered annually with the rich Godavery silt.

3. He finally gives a reluctant consent to pay two-thirds of the sum which has been fixed on as his contribution, on condition that Government will build an aqueduct to bring fresh water on to the island. As the lunka is close to the sea, the Godavery water which surrounds it is brackish.

4. This aqueduct has nothing to do with the proposed embankment, and would cost much more than the share of expense asked from the proprietor. I consider that his reply means that he has no intention of paying anything.

5. I have not discussed his arguments as I have never seen the island, and you spent so much time there last year on this very business that you will fully understand his position without any explanation of mine.

(True Copy.)

(Signed) W. S. FOSTER,
Acting Collector.

THE Collector will report to what extent each of the estates concerned will benefit by the embankment, stating the area and assessment of the lands under cultivation which will be immediately affected by the work.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

To the Acting Collector of the Godavery District.

Exd. W. H. French.

1875.

Board of Revenue,

MADRAS.

PROCEEDINGS, 1st JUNE 1875, No. 1,477.

Encl.

Received Rev 1/2804/75

JUNE.

No. 1,477.

Polaveram Island Embankment—in Godavery District.—Letter from Collector, forwarding one from Sub-Collector reporting that Guttinadivi proprietor has no intention of paying anything towards repair of—. Collector directed to report to what extent each of the estates concerned will benefit by the embankment.

1153/14

REVENUE DEPARTMENT.

No. 2804

From Pro Court of Wards Dated 8 July 1875.

FOR ORDERS.

para 3.

I observe that the G.O. of 1. May 75. P.W.D. 1227. expressly authorises the Dt. Engr. to proceed with the work. "first from contribution money avail able - & on its exhaustion from Impt. funds".

The Kesana Kurra Estate has given all sources than it ought to contribute & the other proprietor interested will evidently have to be exercised in

Cont

before we shall get any
help from him - Under
these circumstances the Dr.
Engr. shd. act on the G.O. quoted
Wh. is I understand
the latest on the subject
since Impl. funds.
Otherwise I think the Ct.
of Wards could put the
Govt. in Ct. Dr. is undesirable
A Prov. to the above effect
had better be sent to the
Ct. of Ds. & D.T.W.
Certainly we must not
sanction further expend.
from the Minor's Estate

I think the course
proposed by the Hon'ble
Mr. Hudleston is that
wh. must be adopted

MG

Concur
25/7

MS

FOR ORDERS.

Polaveram Island
[illegible]

No 1153 Dy 30th July 1875

Read [illegible]
Res. Court of Wards
pro: 8 July 1875. No
~~273~~ 1892

It is observed that
G.O. P.W.I. 1 May 1875 expressly
authorises the Dt. Engr.
to proceed with the
work first from Contributions
money available &
on its exhaustion
from Imperial funds.
The Kesanakurru Estate
has already contributed
all & more than it
ought to give & at
present funds cannot
be obtained from the

Lattina Divi proprietor.

Orders will therefore be issued in the P.W.D. for the ~~[illegible]~~ prosecution of the work by the District Engr. from Imperial Funds as already sanctioned in the order quoted above.

Alle

The Collector should ~~[illegible]~~ [illegible] call on the Dt. E. to proceed with the work [illegible] the sanction already accorded.

Copy
To the P.W.Dr. Dec 31 July 2[illegible] Forwarded Copy Dec 9 August
Court of W. do 14 do do

60

Desbatch —
from minutes —