H/14/85/RH

M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 18.

(2) Date of repair 18.12.67.

(3) Initials of the Referencer 24.4.68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1262. Press
B.P. No., Mis.

Dated 10.2.1872 196 .

Not to be folded or roughly handled

No. 91. Read the following Proceedings of the Board of Revenue, dated 26th July 1875, No. 2,078 :—

Read the following letter from W. S. WHITESIDE, Esq., Collector of North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Chittoor, 30th June 1875, No. 359.

With reference to Board's Proceedings, dated 15th December 1874, No. 3,626, I have the honor to report that it appears from the District Engineer's letter, dated 23rd April last, No. 283, that the probable original cost of excavation of the channel referred to in the Board's Proceedings under reply would be Rs. 3,000. The inquiry held by the Tahsildar of Chendragherri into the point also goes to confirm the opinion of the District Engineer.

2. Deducting therefore from the above amount Rupees 612-15-8, which is the water-rate and land-cess due to Government from the commencement, there remains a sum of Rupees 2,387-0-4 to be refunded to the petitioner Punniakoti Streenivassulu Chetty, according to the view taken of the case by the Board.

Submitted to Government, together with a copy of Board's Proceedings, dated 15th December 1874, with the request that sanction may be accorded for the payment to the petitioner P. Streenivassulu Chetty of a sum of Rupees 2,387-0-4.

2. The petitioner about ten years ago constructed a channel at his own cost from the Swarnamuki river with the permission of the authorities, and, until the settlement of Fasli 1282, no water-rate was ever charged. The Board in their Proceedings of 15th December 1874 decided that the petitioner is entitled to be repaid his outlay less the water-rate which he ought to have paid from commencement, the exemption from that charge having been improper. The Collector reports that Rupees 2,387-0-4 is the sum due; the charge can probably be met from savings under Land Revenue, Miscellaneous.

(A true Copy and Extract.)

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

No. 92. Order thereon, 10th September 1875, No. 1,347.

Irrigation, No. 4.

From these papers it appears that some ten years ago a ryot constructed at his own expense a channel from the Swarnamuki river and thereby converted certain dry land to wet.

2. The sanction of the Collector was accorded to the undertaking, which was reported by the Public Works Department as not interfering with any Government irrigation, and the work has ever since been treated as a private work, no water-rate being imposed on the irrigated area.

3. The subject has now been brought before Government in consequence of the Collector having, at the settlement of 1282, imposed a water-rate on the land irrigated from the channel.

4. The Board are of opinion that water-rate was rightly charged, but propose that the cost of the work should be refunded to the petitioner, less the amount of water-rate foregone during the last ten years.

5. Although, in strict theory, the Government is entitled to a share in wet produce, however obtained, this right has of late years been deliberately relinquished when the wet crop has been obtained at the ryot's own cost, as by sinking a well; and the Government see no reason why this case should be dealt with on a different principle, the ryot having had leave to tap the source of supply which is a natural one. As regards the proposal to purchase the work, it appears that it would involve an outlay of some Rs. 2,390, the work having been estimated to cost Rs. 3,000, and the water-rate foregone amounting to Rs. 612. The average return would thus appear to be under 3 per cent. on an estimate based on the actuals of ten years, and the Government are unable to see any grounds for incurring such a sacrifice of public money.

6. The water-rate already collected should be at once refunded, and, in future, the ryot should be permitted to enjoy the proceeds of his enterprise untaxed.

7. In conclusion, His Excellency the Governor in Council observes that this description of undertaking deserves every encouragement, and it should be impressed on Collectors that funds available under the Land Improvement Act cannot be better utilised than as advances for the execution of private irrigation works so selected as not to interfere with the irrigation works of the State.

(True Extract.)

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

To the Board of Revenue.
„ the Public Works Department.

Exd. F. R. Bantleman.

10-2-904
17-7-91
27-11-93
19-1-94
2-8-94
15-1-95

Govt. of 1875 Madras.

REVENUE.

To

THE BOARD OF REVENUE.

&c., &c., &c.

Dated September, 10th.

Rcvd.

Encl.

G. O., 10*th September* 1875, *No.* 1,347.

SEPTEMBER.
Nos. 91-92.

Channel constructed about ten years ago, by P. Streenivassulu Chetty from the Swarnamuki River in the North Arcot District.—Directing the water-rate already collected on the— to be refunded and the ryot to be permitted in future to enjoy the proceeds of his enterprise untaxed. Observing that this description of undertaking deserves every encouragement, and that it should be impressed on Collectors that funds available under the Land Improvement Act cannot be better utilised than as advances for the execution of private irrigation works so selected as not to interfere with the irrigation works of the State.

No. 2,078.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th July 1875.

Read the following letter from W. S. WHITESIDE, Esq., Collector of North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Chittoor, 30th June 1875, No. 359 :—

WITH reference to Board's Proceedings, dated 15th December 1874, No. 3,626, I have the honor to report that it appears from the District Engineer's letter, dated 23rd April last, No. 283, that the probable original cost of excavation of the channel referred to in the Board's Proceedings under reply would be Rs. 3,000. The inquiry held by the Tahsildar of Chendragherri into the point also goes to confirm the opinion of the District Engineer.

2. Deducting therefore from the above amount Rupees 612-15-8, which is the water-rate and land-cess due to Government from the commencement, there remains a sum of Rupees 2,387-0-4 to be refunded to the petitioner Punniakoti Streenivassulu Chetty, according to the view taken of the case by the Board.

SUBMITTED to Government, together with a copy of Board's Proceedings, dated 15th December 1874, with the request that sanction may be accorded for the payment to the petitioner P. Streenivassulu Chetty of a sum of Rupees 2,387-0-4.

2. The petitioner about ten years ago constructed a channel at his own cost from the Swarnamuki river with the permission of the authorities, and, until the settlement of Fasli 1282, no water-rate was ever charged. The Board in their Proceedings of 15th December 1874 decided that the petitioner is entitled to be repaid his outlay less the water-rate which he ought to have paid from commencement, the exemption from that charge having been improper. The Collector reports that Rupees 2,387-0-4 is the sum due; the charge can probably be met from savings under Land Revenue, Miscellaneous.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with copy of Board's Proceedings,
dated 15th December 1874, No. 3,626.

Copy to the Collector of North Arcot.

Exd. W. J. Lewis.

1875.

Board of Revenue,

MADRAS.

PROCEEDINGS, 26TH JULY 1875, No. 2,078.

Read 30 July 1875

Encl. 1

Rec'd 13th September 1875.

Received 16th August

JULY.

No. 2,078.

Channel—constructed about ten years ago by P. Sreenivassulu Chetty, Petitioner in No. 1,677 of 1874, from Swarnamuki river in North Arcot District.—Letter from Collector reporting the probable original cost of — and the amount payable to petitioner after deducting the water-rate and land-cess due by him from commencement, submitted for sanction of Government.

No. 3,626.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 15th December 1874.

Read the following letter from W. S. WHITESIDE, Esq., Collector of North Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chittoor, 29th September 1874, No. 514:—

IN returning, herewith, the Board Petition No. 1,677 of 1874, with its enclosures, I have the honor to make the following report:—

2. During the settlement of the Chendragheri Taluq in Fasli 1282, which was conducted by myself, several cases of evasion of water-rate were brought to my notice, which were discovered by the Revenue Settlement Department, who were then carrying on operations in that taluq. The present case was one of them. I understood from inquiries made at the time, that the Board Petitioner, Punniacoty Strinivasulu Chetty, a ryot of Gazulamandiam in the Chendragheri Taluq, constructed, about 10 years ago, a channel at his own cost, taking its head from the Suvarnamukti River, and that he irrigated his dry lands by the water of the said channel without paying Tirvajasti or water-tax from the date of its construction. As the channel in question received its supply from the Suvarnamukti River, a Government source of irrigation, I directed that Trivajasti must be charged for all water taken from the said channel. Water-rate seems to have been accordingly charged for Faslis 1282 and 1283 on petitioner's dry lands irrigated from this channel. It is the above order of mine that is the cause of the present appeal to the Board.

3. I now examined the old correspondence regarding the channel in question, and find that, with reference to a letter* from the then Acting Collector, Mr. Fraser, the Superintending Engineer of the 4th Division, Lieutenant-Colonel Boileau, in his letter, No. 3,216, dated 4th November 1863, stated: "The executive agent" on the spot had reported that the channel in question in no way interfered with Government works of irrigation, and estimated the cost of the construction of the channel by the Board Petitioner at 3,000 Rupees. In pursuance of this letter, Mr. Fraser issued a memorandum to the Deputy-Collector then in charge of the Chendragheri Taluq to treat the channel as a private source of irrigation, and to charge no water-rate on lands supplied from it. It appears that, agreeably to this order, no Tirvajasti was charged from Faslis 1272 to 1281 on petitioner's dry lands, and it is on its strength that he now contends against my order and applies for a refund of the water-rate collected from him for Faslis 1282 and 1283.

* Dated 22nd August 1863, No. 133.

4. Although, at the time of my passing the order referred to in paragraph 2 above, I was not aware of the correspondence that now appears to have passed between the Collector and the Superintending Engineer, I am still of opinion that, as the channel in question undoubtedly taps the Government water of the Suvarnamukti River, Tirvajasti is justly chargeable on the dry lands irrigated from this source.

5. Under these circumstances, I leave it to the Board to decide whether my order is correct, or the order passed in 1863 by Mr. Fraser, exempting water-tax on lands irrigated by means of the channel in question, must stand. I beg to sub-

mit that the examination of the lands, now in progress, is far more likely to be correct than that made by a local "executive agent," which was accepted and acted on without check or demur.

ENCLOSURE No. 1.—Petition.

THE Collector was clearly right in charging Tirvajasti on land irrigated from such a source as the Suvarnamukhi River. The original permission to excavate the channel as a private one ought not to have been given; but as it was given, the petitioner has claim to be repaid his outlay, less the water-rate which he ought to have paid from the commencement, and without reference to the cost of the annual repairs which are properly chargeable to the ryots. The Collector will ascertain what the amount will be, and report further.

2. Petitioner will be referred to the Collector.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Sub-Secretary.

To the Collector of North Arcot.

Endorsement to the Petitioner.

Exd. W. H. French.

1874.

Board of Revenue,
MADRAS.

PROCEEDINGS, 15TH DECEMBER 1874, No. 3,626.

Rev 3188/75 Encl.

Received. Rec 8/75

DECEMBER.

No. 3,626.

Lands—irrigated by a channel taking its source from Suvarnamukhi River in Chendragheri Taluq, North Arcot District.—Opinion expressed that Collector was right in charging Tirvajasti on—and that original permission to excavate the channel as private property ought not to have been given. Collector to report the amount of outlay incurred by Petitioner in No 1,677 of 1874, in constructing it *minus* the water-rate which he ought to have paid from commencement. Petitioner referred to Collector.

Pers: B^d of Rev.

Submg for sanction, letter from Coll. reporting the probable right cost of channel constructed about 10 years ago by P. Sriniwasacharlu chetty - Petr in R. 1677/1874 from Suvarnamukhi River - Petitr Rs and amt payable to Govt after deducting water rate and land assessment by him from commencement -

For orders

R. 8. 26: July/75 R. 2078.

Ten years ago a ryot constructed a private channel from the Suvarnamukhy river, with consent of Collector, at a cost of 3000 Rs. The P.W.D. reported that it would not interfere with any Govt irrigation. The Collector ordered that it should be treated as a Private work & no water rate be collected. The water rate thus forgone amounts to 10 years @ 612..15..8. Mr Whiteside has

rom imposed full
ter rate, on the ground
the river tapped being
a Govt source. Now
however nothing & had
tal any outlay has.
een incurred by Govt.
on the river.
The right has afforded
to the Board who hold
at Mr. Whiteside
is perfectly right in
charging water rate,
but that it is incumbt
on Govt to buy the channl
from the right. debiting
him the water rate already
forgone & paying him
the balance 2387..0..4
in cash —

It is submitted that
no reason appears why
Govt should invest in
a private work on
terms which experience
has proved will bring
in a return of only 2
per cent on the outlay.
The right appears to be
quite satisfied with his
bargain; doubtless realizing
a much greater return
than is represented by
the mere water rate —
The undertaking seems
to be one of the precise
nature most desirable
& most profitable. So
far from hastening
to upset the useful

existing order of
things it is submitted
that the policy of
Govt should be to
encourage & the utmost
similar undertakings

All

I do leave to transfer
Lands Clauses Act
Lying in his Contract.

I have the Hon.
is entitled to a Share in
the Profits Losses
thereof. Subscribers
Names to be entered
Deeds to be executed
&c. at the Expence of
Contractors by Lieuten
able. & Seals to
Executors &c. Hon

For orders -

Channel constructed by Zyl
from Suwannee River to Lake [illegible]

No 1347 10 Sept 75 B/1347

Board Mo. 26 Jan 1876

No 2078.

From these papers it
appears that some ten
years ago a right contracted
at his own expense a
channel from the
Suwanee Marsh river &
thereby converted certain
dry land & lake —
The sanction of the Govr
was accorded to the under
taking which was reported
by the P.W.D. as not interfering
with any Govt Irrigation
& the work has since
been treated as a private
work, no water-rate being
imposed on the irrigated
area —

The subject has now been
brought before Govt in con-
sequence of the Collector
having at the Settlement
of 1282 imposed a

It is proposed the Board
have fixed on S.O
20. 1874. The
question is how is a
Govt. power to be
defined

Excellent rule.

water rate on the land irrigated from the channel -

The Board are of opinion that water-rate are rightly charged, but propose that the cost of the work should be refunded to the Petitioner, by the amount of water rate from during the last 10 years -

Although in this Theory the Govt is entitled to a share in wet produce, however obtained, this right has of late years been deliberately relinquished when the wet crop has been obtained at the ryot's own cost, or by sinking a well, & the Govt see no reason why this case should be dealt with on a different principle.

2/1347

the ryot having had been to take the source of supply almost in a natural one.

To expend the further & purchase the work it appears that it would involve an outlay of ~~Cost~~ some 2390 Rs. the work having been estimated to cost 3000 Rs. & the water rate for 10 years amounts to 612. The annual return would thus appear to be under 3 per cent, on an estimate based on the actual of 10 years. & the Govt. are unable to see any grounds for incurring such a sacrifice of public money

The party executing the work appears quite satisfied with his position as it was at the date of Sanad 1282. & desires a satisfactory return on his investment

The water-rate already
collected should ~~therefore~~
be at once refunded,
& in future the
rate should be permitted
to defray the present
& the interest entailed.

In conclusion
~~the~~
I ask His Worship the
Governor in Council
to observe that ~~the~~ the
description of ~~the~~ undertaking
deserves every encouragement
it should be imposed
on Colonists that funds
available under the
Land Improvement Act
cannot be better utilized
than as advances for
the execution of private
irrigation works to which
as not to interfere with
the Irrigation undertaking
of the
State.

Wm. Bird
P. W. D.

Atlee
C 25/4/05 11th April

14 to the Board of Rev. 29 April 05
2. Obs. Bill Dept.