

- (1) Number of Pages.....34.....
(2) Date of repair.....5-2-68.....
(3) Initials of the Referencer.....

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1452.	Press
B.P. No.		Mis.

Dated 2-10-1875 196 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
2nd October 1875.*

No. 16. Read the following Proceedings of the Board of Revenue, dated 17th September 1875, No. 2,608 :—

Read the following letter from W. McQUHAE, Esq., Collector of Madura, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Dindigul, 4th September 1875, No. 388 :—

I HAVE the honor to acknowledge the receipt of the plaint in Original Suit No. 748 of the District Engineer, Acting District Engineer, who have been made the eighth, ninth, and tenth defendants respectively, with a draft of the written statement. I propose to put in, and sanction is requested for the defence of the suit at the public expense.

2. The facts of the case have been fully set forth in my letter referred to in the Board's Proceedings of the 23rd April 1874, Miscellaneous No. 2,711. A copy of the sketch referred to in the above letter and in the proposed written statement is also enclosed.

3. The plaintiff now seeks to get my second order directing the removal of the bund of the proposed tank and approved of by the Board cancelled, and claims compensation for loss sustained in consequence of the removal of the bund.

4. With reference to paragraph 2 of G.O. of the 28th July 1875, No. 2,190, Public Works Department, communicated to me by the District Engineer, I shall ascertain whether the plaintiff could be induced to withdraw the suit on receiving a fair compensation for the loss alleged to have been sustained by him in forming the new tank; but, if he persists in his attempt to secure the existence of the tank as he now prays for in his plaint, the suit ought to be defended, as I have no doubt that he cannot succeed in obtaining a decree in his favor on this plaint.

5. The value of the suit is Rupees 1,500, and it comes on for hearing on the 21st October next.

ENCLOSURE No. 1.—Translation of Plaint.

ENCLOSURE No. 2.—Draft Answer.

ENCLOSURE No. 3.—Copy of Sketch.

SUBMITTED for the orders of Government with reference to Government Order, dated 28th July 1875, No. 2,190.

2. In 1870 plaintiff applied for permission to construct a private tank. The application was referred to the Tahsildar, whose duty it was to inspect the locality and ascertain, by careful inquiry, whether there was any objection to the construction of the tank (*vide* Board's Standing Circular No. 195). Instead of acting thus, he simply consulted the Taluq Overseer on the matter. The latter referred the question to his maistry, who replied that there was no objection. The Tahsildar reported to this effect to the divisional officer, who thereupon granted the permission solicited.

3. Certain parties then appealed to the Collector objecting to the construction of the tank apparently on the ground that it would intercept the supply from

*Proceedings of the Madras Government, Revenue Department,
2nd October 1875.*

two channels to a Government tank. The Tahsildar was directed to report on the objections raised after inspecting the spot and making further inquiry. He reported that the supply of one channel was obstructed, and that there was no other objection to the construction of the tank. On this, the Collector dismissed the appeal, and confirmed the order of the Assistant Collector. Meanwhile plaintiff had constructed the tank.

Collector for report on the certain doubt that the new tank intercepted the stream in two jungle streams. Government tank, the Collector cancelled the granting permission for the construction of the tank. The Board approved of this proceeding and directed that steps should be taken for the removal of the tank bund. The Collector accordingly issued an order regarding its removal. Upon this, plaintiff filed a suit to prevent the removal of the bund as ordered by the Collector and to recover Rupees 1,500 as damages.

5. In reference to paragraph 2, G.O., dated 28th July 1875, No. 2,190, the Collector says he will ascertain whether plaintiff can be induced to withdraw the suit on payment of compensation for the loss he has sustained. Should plaintiff decline this proposal, the Board agree with the Collector in thinking that the suit should be defended on the grounds mentioned in the draft answer.

(A true Copy and Extract.)

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

No. 17.

ORDER THEREON, 2nd October 1875, No. 1,452.

Miscellaneous.

THE Government agree with the Board as to the course to be adopted in this case.

2. If, however, the plaintiff will not withdraw his suit on the offer of fair compensation for the expense incurred by him in the construction of the bund which has been ordered to be removed, the fact that such compensation was offered but declined by him should be set out in the written statement, as otherwise the defendants will be held liable for costs.

3. The written statement will also be altered in the manner shown in blue pencil should it be necessary to file it.

4. The Government object to ryots being designated "tenants" under Government.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under Secretary to Government.

To the Board of Revenue.

„ the Public Works Department, with reference to G. O.,

dated 28th July 1875, No. 2,190.

Exd. J. W. Fischer.

M. J. H. Fischer

Revenue Department

Proceedings of the Board of Revenue
Dated 17th September 1875
No 2608

I read the following

No 388

From W. McSuhac Esquire
Collector of Madras.

To W. E. Stokes Esquire
Acting Secretary to the
Board of Revenue,
Madras.

Sir,
I have the honor to submit herewith translation of the plaint in O.S. No 48 of 1874 on the file of the Madras Munsiff's Court in which the late District Engineer, the ^{late} Acting Sub-Engineer and myself have been made the 8th, 9th and 10th Defendants respectively together with a draft of the written statement.

I

Value 4430/25

Court of 1875 Madras

REVENUE

THE BOARD OF REVENUE

do, do, do

Date Order, 2nd

Recd

G. O, 2nd October 1876, No. 1452

OCTOBER
Nov. 16-17.

Original Suit No. 763 of 1874 on the file of the Madras District Munsiff's Court regarding a tank constructed by a ryot. — Concerning with the Board that — should be defended on the grounds mentioned in the draft answer if the plaintiff declines to withdraw the suit on payment of compensation for the loss he has sustained; directing certain entry and attention in the written statement; and objecting to ryots being designated "tenants" under Government.

I propose to put in; and sanction is requested for the defence of the suit at the public expense

The facts of the case have been fully set forth in my letter referred to in the Board's Proceedings of the 23rd April 1874, No. 2711. A copy of the sketch referred to in the above letter and in the proposed written statement is also enclosed.

The Plaintiff now seeks to get my 2nd order, directing the removal of the band of the proposed bank and approved of by the Board, cancelled, and claims compensation for loss sustained in consequence of the removal of the band.

With

12
4. With reference to para 2 of G.O. of the 28th July 1875, No 2190. P.W.D. communicated to me by the District Engineer, I shall ascertain whether the Plaintiff could be induced to withdraw the suit on receiving a fair compensation for the loss alleged to have been sustained by him in forming the new bank, but if he persists in his attempt to secure the existence of the bank as he now prays for in his plaint, the suit ought to be defended as I have no doubt that he cannot succeed in obtaining a decree in his favour on this plaint.

5. The value of the suit is Rs 1500 and it comes on for hearing on the 21st Oct. 1875. I have next A. Collection officer - Madras }
(Camp) District - 21 Sept. 1875 }
H. J. Meddulae
Collector.
Submitted

Submitted for the orders of Govern-
ment with reference to Government Order
dated 28th July 1875, No. 2190.

In 1870 plaintiff applied for
permission to construct a private bank.
The application was referred to the Tahsil-
dar whose duty it was to inspect the
locality and ascertain by careful
inquiry whether there was any objection
to the construction of the bank - vide rule
III. Board's Standing Circular No. 125.

Instead of acting thus he simply
consulted the Taluk Overseer on the
matter. The latter referred the question
to his Maistry who replied that there
was

13
was no objection. The Tahsildar re-
ported to this effect to the Divisional
officer who thereupon granted the per-
mission solicited.

Certain parties then appealed
to the Collector objecting to the con-
struction of the bank apparently on
the ground that it would intercept the
supply from two channels to a Govern-
ment bank. The Tahsildar was directed
to report on the objections raised after
inspecting the spot and making further
inquiry. He reported that the supply
of one channel was obstructed and that
there was no other objection to the
construction

construction of the bank. On this the
Collector dismissed the appeal and con-
firmed the order of the Assistant Collector.
Meanwhile plaintiff had constructed
the bank.

An appeal was then preferred to the
Board who referred the matter to the
Collector for report. As on further en-
quiry it was ascertained beyond doubt
that the new bank intercepted the sup-
ply from two jungle streams to a govern-
ment bank the Collector cancelled
the ~~no longer~~ permission for the
construction of the bank. The Board
approved of this proceeding and directed
that

Board's Res: 23rd
April 1874, No. 2711

that steps should be taken for the
removal of the bank bund. The
Collector accordingly issued an order
regarding its removal. Upon this plain-
-tiff filed a suit to permit the removal
of the bund as ordered by the Collector
and to recover Rupees 1500 as damages

In reference to para 2, Govern-
-ment Order, dated 28 July 1875, No. 2190,
the Collector says he will ascertain
whether plaintiff can be induced
to withdraw the suit on payment
of compensation for the loss he
has sustained. Should plaintiff
decline this proposal the Board agree
with

with the collector in thinking that the
suit should be defended on the grounds
mentioned in the draft answers.

/ True copy & Contract /

J. R. Thomas

Acting Secretary

To The Secretary to Government
Revenue Department with 3
Original Enclosures to be
returned and copies of Board's
Proceedings dated 23rd April
1875, Mis: No 2711 (2 original
Enclosures to be returned) and
22nd June 1874, Mis: No 4186.

C. M. [Signature]

C. M. 16

these papers it seems clear that the construction of the proposed new tank will interfere with existing interests and in anticipation of the Board's orders I have cancelled the permission originally given for its construction.

2. In April 1870 Andriappan Amba-lagar applied to the Divisional officer for permission to make this tank. In May 1872 the Tahsildar of Kicher reported that the Taluk overseer saw no objection to the proposed tank and that the persons holding land under the neighbouring tanks also raised no objection. In consequence of this report the Divisional officer permitted the construction of the tank.

3. An appeal was made to me against

10
against this order and I directed the construction of the tank to be stopped till the rules had been strictly complied with. The Tahsildar was directed to report the facts of the case fully on his own responsibility and to state his reasons for believing that the new tank would not interfere with the supply of water to the tanks immediately below it. From his report and plan the objections appeared to be of little importance and raised by a few ryots only while many of the ryots holding land in the same situation as the Board's petitioners consented to the construction of the new tank. The appeal against the Assistant Collector's order was consequently dismissed.

4. The place has now been inspected by

Revenue Department

Miscellaneous No 2711

Proceedings of the Board of Revenue
dated 23 April 1874

No 86

Read the following

From,

W. M. Duhai Esquire
Collector of Madras,

J. Grose Esquire

Secretary to the Board of
Revenue
Madras.

Sir

With reference to the Board's
enclosurement on petition No 2074 of 1873
I have the honor to submit a letter
from the District Engineer dated
10 March 1874 No 5158 with a plan of
the locality and a report from the
officer in charge of the Madras Range
dated 28 February 1874 No 1426. From
Chaco

No 1300 August 1874 702

No 1375: 24/4/74
Proceedings of the
Board of Revenue

Dated 17th September 1875
No 123

in reference to

submitting for orders

of Government with certain

revenue to be paid from the

of Madras regarding

concession for the defence

of A. S. No 748 of 1874

on the file of the Madras

District Revenue Officer

Madras

No 2000 75/14/52

No 16

No 2454/137 No 20/10/74

by the Assistant Collector with the
Tahsildar and he reports as follows.
"There is not the slightest doubt but
the two Adays which feed the "Attan
Hammari" have been directly blocked
up by the new tank and that protests
the supply to the "Attan Hammari" is
diminished. In this the Tahsildar
himself agreed and I am therefore
at a loss to know how he reported to
the Collector that there was no objection
to the new tank. I am clearly of
opinion that the new tank is objec-
tionable and should be removed."

Before making any further remarks
on the Tahsildar's report I wish to
see his original plan of the locality
which has not been sent to my office
with the other records in the
Case.

Case.

Madras Collector's
office on circuit Camp
Periasalem in Paricoth
Salem 28 March 1874

I have yr.
Signed W. H. Durbai
Collector

The Collector's order cancelling
his permission to construct the new
tank is approved. He will take the
 requisite measures to have the bund
removed.

2. The Board await your
report on the Tahsildar's conduct in
this case.

3. Petitioners will be referred to the
Collector.

(True copy & Extract)
(Signed) C. A. Galt
Acting Sub Secretary.
The Collector of Madras

(True copy)
H. W. Durbai
Acting Secretary.

C. A. Galt

Miscellaneous No. 4186.

Proceedings of the Board of Revenue
Dated 22nd June 1874
Read the following:-

No. 158

From

H. Mc Lachlan Esquire
Collector of Madras

To

J. Grace Esquire
Secretary to the

Board of Revenue
Madras

Sir

With reference to the Board's
Proceedings dated 23rd April
1874, Miscellaneous No. 2711,
I have the honor to state that
the Tahsildar's original plan
of the locality cannot be
found. The Deputy Collector
in temporary charge of the
Melsur Taluq thinks that the
Tahsildar

1/3

XIV

Revenue Board
Madras
Dated 17th Sept 1875

Dec 12/75

23rd April 1874

No. 4
369/11

Sahildar is only to blame
for not properly appre-
ciating the importance
of the objections raised
to the construction of
the new tank. Where there
are several thousands
of petty tanks as in Melur
it is almost impossible
to tell whether a new one
will be injurious or not
without inspecting the
place and therefore the
officer making the ins-
pection should be made
to understand that he is
personally responsible. In
the present case I think
it will be sufficient to
warn the Sahildar to be
more

more careful in future.
I think he did not wilfully
misrepresent the facts,
but he is much inclined
to be lazy and careless
and I have frequently
cause to complain of
him. Translation of
his explanations is annexed.

Shane &c
Collector's Office } 1619/11. Mc. Dubae
27 June 1874 } Collector

Translation

On the 8th April 1870,
one Andri Ambalayaram
applied for permission
to construct a new tank.

This was referred to the
Sahildar by the Assist-
ant Collector and the
Sahildar caused the spot
to

to be inspected by the Revenue Inspector and then write to the Officer asking him if there was any objection and as he said there was none, the Tahildar reported the matter to the Assistant Collector recommending that Petitioner's request might be granted. On appeal to the Collector against the Assistant Collector's order, the Collector directed the Tahildar to inspect the locality personally to prepare a correct plan and to report after making any further inquiry that might

be considered necessary. Accordingly the Tahildar went to the spot, caused a new plan to be prepared and examined the ryots cultivating lands under Authas Connay Tank marked A. Some objected to the construction of the new tank while others said there had no objection. And in the Memo submitted to the Collector it was reported that the water in B was not obstructed but that the tank A would lose its supply of water from the Channel A and that except the latter there was

was no other objection to the construction of the new tank.

On the receipt of the Board's Resolution the Assistant Collector sent an order to the Tahsildar directing him to make a personal inspection of the spot and to report with a clear plan. In reply to this he submitted a report to the Assistant Collector and forwarded to him a copy of his Arzi to the Collector referred to above.

The matter was at first referred to the Revenue Inspector and afterwards to the Overseer and as he reported that there was no objection the Tahsildar

48/1
B/14
C/4
7/11
did not see the place himself. But before the Tahsildar went to inspect the place in accordance with the Collector's order no mud work had nearly been completed. This and the fact that it was blocked up, the Tahsildar had already reported. The tank at present is in the same state as it was before and no additional work has been made. To the west of this tank there are two tanks which were constructed before and which are now ruined ones. The Tahsildar has reported all these facts to the Assistant Collector. The
10/4
Tahsildar

Sahildar first reported that permission for the construction of the tank might be granted as an officer of D. P. W. was of opinion that there was no objection. On personal inspection by the Sahildar subsequently he found that the Overseer's plan was wrong and prepared a new one. Regarding the Overseer's plan the Assistant Collector asked the Overseer and he said that the Maistry prepared it and that the Channel it was not shown there by mistake. The Sahildar therefore submits that he did not make any contradictory reports on the subject.

Sigs / W. McDougal
Collector

It is clear that the Sahildar did not ascertain the real circumstances of the case, when first called upon to report. He should be warned to be more careful for the future, more especially as from the Collector's letter it appears that

on his part is by no means infrequent.

/ True Copy & Extract /

Sigs / C. A. Gallion
As Secretary
To the Collector of Madras.
/ True Copy /

H. H. H.
Acting Secretary

C. J. H.
C. J. H.

Rev. Department

N^o 1452

Proceedings of the Madras Government
Under date the 2^d ~~Sept~~ ^{Oct} 1875

Read the following Proceed-
ings of the Board of Revenue.

Subj. for orders of Govt.
Letter from Collyer of Madras request-
ing sanction for defence of the suit
instituted by or agt in his name
for pay in connection with a tank
constructed by him.

(H.E. 17th Sept. 1875)

The Govt. agree

with the Board as to the course
to be adopted in this case.

If, however, the Plain-
tiff will not withdraw his
suit on ^{the offer} ~~receipt~~ of a fair com-
pensation for the expense in-
curred by him in the construction
of the bund, which has been or-
dered to be removed, the fact
that such compensation was
offered but declined by him
should

Note

X Is the compensation
to be a charge on
Government? The whole
trouble has arisen from
the Talukdar's laziness
if not from worse
motives.

I wd. not go beyond
the Govt. proposal in
the matter.

Enclosure in Board's
Proceedings dated
17th September 1875
No. to the Secy.
to Government
Re: Sept.

Copy of Board's
Proc. dated 22nd June
1874 Recd: No. 4/185.

3657/75

should be set out in the
written statement, as otherwise
the defendants will be held
liable for costs.

The written statement
lik also be attested in
the manner shown in
the enclosed sheet. It is
necessary to file it.

The first object of the
being designated transcripts
under the

To the Board of Revenue
ms. No. 2012 PC-2
Public Works Dept. with
reference to G.O. 28/1/13
No. 21/20

5 extra / 75
25/10

Ed. RA

90.

Difference of heat. instituted by
a syst in nature &c. in connection
with a tank constructed by him

Perforated
by

30/11.