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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1670	Press
B.P. No.		Mis.
Dated	22-11-1875	196 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
22nd November 1875.*

No. 247. Read the following Proceedings of the Board of Revenue, dated 2nd October 1875, Miscellaneous No. 8,932 :—

Read Statement of remuneration proposed to be given in lieu of Inams which have become unprofitable by an act of Government in the district of Nellore, dated 6th August 1875, No. 2,169.

THE Shrotriemdars having originally consented to a channel being cut in their lands, they can only claim compensation for lands actually taken up for the channel, and are not entitled to any compensation on account of land cut up by the action of the river in opening for itself a channel in another direction. The Board accordingly sanction the reduction of quit-rent by Rs. 15-11-4, which is the assessment of the land not occupied by the channel, and request that the Government will be pleased to sanction from the Irrigation Budget a compensation of Rs. 188-8-0 on account of loss of profits during the last twelve years. The Shrotriemdars not having claimed compensation within the time allowed by law, the Board do not think that past proceeds need be allowed for more than twelve years. Indeed, the whole claim is barred by the law of limitation, but the land having been taken up for the benefit of Government, the Board have not thought it proper to reject the claim altogether.

(True Extract.)

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

No. 248. ORDER THEREON, 22nd November 1875, No. 1,670.

Miscellaneous.

HIS EXCELLENCY the Governor in Council concurs in the view of this case taken by the Board of Revenue, and has

no doubt that the Shrotriemdars anticipated benefit to themselves when they gave the site for the channel. It is, therefore, only in consideration of the loss that they have since sustained that His Excellency consents to entertain the present application at this distance of time; but, as a matter of grace, he is pleased to approve the reduction of quit-rent sanctioned by the Board, and to sanction the proposed refund of Rs. 188-8-0 on account of loss of profits during the last twelve years.

2. Orders will be issued in the Public Works Department with a view to its being ascertained how far it is possible to remedy and prevent the damage said to be done by the channel, and the Government will be prepared to consider the claim of the Shrotriemdars to compensation on lands found to have been rendered permanently useless.

(True Extract.)

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

To the Board of Revenue.
„ the Accountant-General.
„ the Public Works Department.

Exd. F. R. Bantleman.

Miscellaneous No. 8932
PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 2^d October 1875.

Read statement of remuneration proposed to be given in lieu of *Snams* which have become unprofitable by an act of Government in the District of *McRore* dated 6 August 1875 No. 169.

The *Shrotraiendars* having originally consented to a channel being cut in their lands, they can only claim compensation for lands actually taken up for the channel and are not entitled to any compensation on account of land cut up by the action of the river in opening for

Govt. of 1875 30 Nov 75.

REVENUE.

THE BOARD OF REVENUE.

Secy. Secy. Secy.

Dated November, 22nd.

Recd.

Encl.

G.O., 22nd November 1875, No. 1,670.

NOVEMBER.

Nos. 247-248.

Letter taken up for a Channel in Nylly District.—Sanctioning the refund of Rs. 188-8-0 on account of loss of profits on — during the last twelve years, and requesting Public Works Department to ascertain how far it is possible to remedy and prevent the damage said to be done by the channel.

for itself a channel in another di-
rection. The Board accordingly
sanction the reduction of quitrent
by Rупес 15-11-4 which is the assess-
ment of the land not occupied by
the Channel and request that the
Government will be pleased to sanc-
tion from the Irrigation Budget
a compensation of Rs 188-8-0, on account
of loss of profits during the last 12 years.
The Shareholders not having claimed
compensation within the time
allowed by law, the Board do
not think that past proceeds
need be allowed for more than
12 years. Indeed the whole claim
is barred by the law of limitation.

Yours

but the land having been taken
up for the benefit of Government,
the Board have not thought it
proper to reject the claim altogether.

True Extract

H. Stokes

By Secretary

The Secretary to the Government
Revenue Department
with original statement
and plan to be returned.

C. B.

Memo: for Orders.

Pro: Brand of Revenue
Compensation for land
taken up for public purposes
in Nellore.

2^d October 1875. No. 8932

The facts of the case
appear to be these:—

The larger tank in the
village of Allur, Nellore D.,
is supplied by a stream
marked A on the rough
sketch. This channel, about
the year 1845, became silted
up at its head, and the
villagers consequently at-
tempted to divert it in the
direction marked B, through
the Shrotriens and ryotwary
lands of other villages; the
Shrotriendars opposed, but
the Tahsildar interfering, had
the work completed.

See

Order: 1875-24

W. 3971

1875/395

Proceedings of the
Board of Revenue

Dated 2^d October 1875

Sl. No. 2

Order 1474

in 2^d Div

Dec. 1870. 22 October 1875

Consolidation—forests

have been taken up for a

channel in the Nellore D.

the district of Nellore D.

the district of Nellore D.

the district of Nellore D.

the district of Nellore D.

the district of Nellore D.

the district of Nellore D.

the district of Nellore D.

2. The present application for compensation is on account of losses sustained by the Shrotrindars in consequence of this diversion of channel, and consists of the following items —

Apportionment on 12.26 acres of land taken up by the channel — R. 15. 11-4

Do. on 44.37 acres of wet land which have been cut up by the overflowing of the channel, less dry assessment on 11.90 acres which can be cultivated with dry crops — 183. 4-4

Total 198-15-8

The Deputy Collector recommends a reduction to this extent of quit rent on other lands held by the Shrotrindars, with a money payment amounting to Rs. 597 for loss sustained in past years

years. In the latter case, the Deputy Collector restricts the compensation to three years assessment, and it does not appear why, while the loss of profit extends over a period of thirty years or thereabouts.

3. The Board of Revenue, however, have sanctioned a reduction of quit rent only to the extent of the assessment (Rs. 15. 11-4) on land actually taken up by the channel, and have rejected the claims on account of the loss which has otherwise accrued to the Shrotrindars, because they had given their consent to the diversion of the channel. As to loss of profit for past years, the Board, observing that the claim has been barred by the law of limitation, nevertheless recommended for the sanction of

of Govt. the payment of a sum (Rs. 188) equal to twelve years assessment on land actually taken up by the channel.

4. The question for consideration in this case, it is submitted, is whether the interference of the Tahsildar in order to have the channel B completed is at all binding on Govt. or not. If it is, it does not seem fair to refuse all compensation for the

apparently extensive damage⁺ which has been caused by the channel. Indeed, as the Deputy Collector states, this appears to be a matter of far greater consequence to the

Shrotrindars

⁺ by breaches & inundations.
Annual loss to Shrotrindars
extent of land. 44-32 acres
amount Rs. 183-4-4.

Shrotrindars than the loss of the small quantity of dry land occupied by the bed of the channel, & they could not have possibly agreed to bear all the injury which has resulted from the excavation of the channel.

5. It seems, however, doubtful whether the Tahsildar's interference is binding upon Govt. According to the S. J. C. Statement of the case, the Tahsildar has, by an irregular exercise of his influence, caused a considerable amount of mischief.

The

The new channel by
finding other outlets for
itself has cut up the
Shrotriem paddy fields
along side of it, rendering
them unfit for cultivation
& threatens to extend its
damage year by year. The
adjoining ~~low~~ lands have
been given up by their
holders; their endeavours
to protect their cultiva-
tion from inundation
by means of a "low em-
bankment" having failed.
It is not very clear from
the

the ~~Dr~~ Mr's narrative
that necessity there was
for ^{diverting} enlarging the ^{old} supply
channel of
~~of water~~ to the Allur tank,
but even granting that
such necessity existed;
the proper course for the
Tahsildar, even the dispute
between the Shrotriendars
& the villagers of Allur
respecting the cutting of
the new channel came
before him, was to have
referred it for decision to
Professional or other compe-
tent authorities.

6. It is submitted that the whole case might be referred for investigation to the Dept of Public Works, in order to effective remedies being applied to the evil brought to notice in this application for compensation.

7. As regards the compensation to the Proprietors for the loss of their profit on the land taken up by the channel; it is submitted, that if it is at all intruded to apply treat.

note
The Deputy Commr. seems to have called the attention of the Board to the damage done by the channel, & the compensation for it. It is submitted that the Board should consider the matter.

I do not think it is necessary to enquire of the Board as to the expediency of the proposed course of action.

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Treat this case with reference to the law of limitation, there seems to be little need for granting any compensation for past loss, since, as observed by the Board, the whole claim is barred.

I think Mr. W. H. is perfectly right in his proposal quite equitable & would adopt it.

The injury has been sustained by the applicant & the Board should consider the matter.

Memo for Orders
Compensation for
land taken up for
public purposes
in Nellore —

clm



Revenue Dept.

N^o 1670

Proceedings of the Madras Government
Under date the 22^d November 1875.

Read the following
Proc. of the Board of Revenue

Compensation for land taken
up for public purposes in Nellore.

D. 2^d October 1875.
Mis. No. 18932.

3971

Class



His Excellency the
Governor in Council concurs
in the view, of this case,
taken by the Board of
Revenue, and has no doubt
that the Thotturindars
anticipated benefit to
themselves when they gave
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It is therefore only in
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 of grace he is pleased to
 approve the reduction of
 quit rent sanctioned by
 the Board, and to sanction
 the proposed refund of
 Rs. 188. 8. .. on account
 of loss of profits during
 the last twelve years.

2. Provision for the
 payment of the compensa-
 tion now sanctioned will
 be

This is almost a full of the
 nature of a refund than
 of compensation for loss
 of compensation whether
 the P. & C. should pay
 it. See by Amk

be made in the Public
 Works Dep^t, where also order
 will be issued with a view
 to its being ascertained
 how far it is possible to
 remedy and prevent the
 damage said to be done by
 the Channel, and the Gov^t
 will be prepared to consider
 the claim of the Shrotrunelars
 to compensation on lands
 found to have been rendered
 permanently useless.

14. To the Board of Rev. D. 2302
 5. Referred to and June
 21. The Board of

804
 4
 804

GO

Compensation for
land taken up for
public purposes
in Nellore -

Wm. W. H. H. H.

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