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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1826.	Press
B.P. No.		Mis.
Dated	21. 12. 1875-196	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21st December, 1875.*

No. 212. Read the following Proceedings of the Board of Revenue, dated 22nd November 1875, No. 3,165 —

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, 11th September 1875, No. 492:—

I HAVE the honor to report the following case for the orders of the Board of Revenue. Copies of the marginally-noted papers on the subject, and a sketch (in original to be returned) showing the tanks of the Arnee Jaghire, concerned in the present question, are herewith forwarded for the perusal of the Board.

Copy of District Engineer's letter, No. 338, dated 29th April 1875.
Copy of District Engineer's letter, No. 2,141, dated 29th August 1875.
Copy of list of tanks forming enclosure to the above letter.

2. Before entering into the particulars of the case, I beg to refer the Board to their Proceedings, No. 8,579, dated 29th November 1866, communicating G.O., No. 3,235, dated 26th idem, and calling on the Collector to "submit his opinion as to the propriety of calling on the Jaghiredar of Arnee to bear any portion of the proposed expenditure" on the Sayer Ancient Project works. On receipt of the above Proceedings, some correspondence seems to have passed between this office, the Tahsildar of Poloor, and the Range Officer of the Public Works Department, with a view to obtain the necessary information to enable the Collector to submit the report called for. Eventually, however, no report whatever appears to have been forwarded to the Board in reply to the Proceedings above referred to, and the subject was subsequently unfortunately lost sight of.

3. Recently, Deputy Collector Iyala Naidu raised the question, and I at once caused a search to be made in the old records of my office, and put myself in communication with the District Engineer.

4. The Sayer or otherwise called the Allabad Ancient works were constructed by Government in 1867-68 at a total cost of Rupees 45,562, as reported by the District Engineer. The Government and the Arnee Jaghire tanks, which are benefited from the ancient channels, either directly or indirectly, and the manner in which they receive their water supply, are shown in the accompanying sketch and list furnished by the Department of Public Works.

5. The question that the jaghire tanks were likely to be benefited from the ancient, and that the Jaghiredar was liable to pay a portion of the estimated cost of the works, was already brought to the notice of the Board of Revenue and Government in 1866 (vide Proceedings above quoted). In his two letters quoted in the margin of paragraph 1 above, Captain Pennycuik now so strongly expresses his professional opinion, that the jaghire tanks in question do receive their water supply from the ancient channels through the Government tanks above them, and that the Jaghiredar "ought either to pay a share of their cost, or to pay some rent to Government for the benefit derived from them" (the latter being in his opinion the preferable course) that he has left very little for me to add in the matter.

*Proceedings of the Madras Government, Revenue Department,
21st December 1875.*

6. The Jaghiredar, to whom I made a reference on the subject, denies in toto that his tanks ever get a supply from any Government source of irrigation, except that the surplus water of two Government tanks above, after passing over some of his own *nangal* lands during the rainy season, falls of its own accord into

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| 1. Kuravadi | the tanks of the marginally-noted three |
| 2. Maligambotta | Jaghire tanks. Translations of the |
| 3. Vadogachol | Jaghiredar's two khats* and of his |
| * No. 19, dated 12th May 1875. | Tahsildar's report, which accompanied |
| 29 12th | the second khat on the subject, are herewith forwarded for the information of the |

Board. The Board will, however, observe that the Jaghiredar does not say a word as to how his tanks receive their steady water supply, as they would appear to do, since the construction of the anicut in question, if not from the anicut itself. The District Engineer observes that "wet cultivation is now going on all round which would not be the case, the rain-fall this year having been scanty." He adds that "the fact that the jaghire tanks are benefited by the anicut is evident to any one inspecting the locality." This is, of course, the best and most reliable evidence in a case like the present, and so borne by so experienced and skilful officers as Captain Pennyquick, the District Engineer, and Lieutenant Devan, the Executive Engineer in charge of the works, is, I consider, conclusive.

7. The Board will be satisfied from what has been stated above that the facts that the jaghire tanks, enumerated in the accompanying list, are really greatly and constantly benefited by the anicut, and that the Jaghiredar is liable to pay for the water thus supplied to his tanks, have been fully and clearly established. The only question now to be decided is, how the Jaghiredar can be made to satisfy his liability. I am of opinion that he should be called upon to render for the current cash (1876) a true and faithful account of all *fasal* and *tiruvastu* cultivation under the tanks in question, and that a moiety of the total amount should be added permanently to his *panchush* once for all, to avoid future complications. In recommending the addition of a moiety only of the total water raised, I take into consideration the improvements which the Jaghiredar generally makes to his tanks, thereby securing a better supply from the surface drainage (which seems to be the only source of supply they have other than the anicut) than in his father's time. The Jaghiredar will probably consent very unwillingly to this arrangement, if he refuses, then the only alternative is to make him at least pay a lump sum of, say, 15,000 Rs. which represents one-third of the entire cost of the project. Expenses 18,000 would appear to be the correct value of the water received by the jaghire tanks in question; for, according to Captain Pennyquick's calculations, out of 100 millions cubic yards of water supplied from the anicut channel in an ordinary year, 40,000 millions cubic yards of water is roughly estimated to be the quantity supplied to the jaghire tanks.

8. In conclusion, I beg to express my regret that owing to the orders of Government and the Board not having been attended and replied to in 1860, the Government have been put to so heavy a loss of revenue in the form of water-rate for the past five or six years.

9. I submit the early orders of the Board on this subject.

*Proceedings of the Madras Government, Revenue Department,
21st December 1875.*

Enclosure No. 1.

From Captain J. PENNYQUICK, R.E., District Engineer, North Arcot, to W. S. WHITESIDE, Esq., Collector of North Arcot, dated Vellore, 29th April 1875, No. 343.

With reference to your letter, No. 163, of 13th instant, I have the honor to forward a copy of G.O. No. 3,713, of 21st November 1866, from which you will see that the question of the liability of the Arnee Jaghiredar to pay a portion

of the cost of the work was to be considered in the Revenue Department.

2. Whether any further orders were issued I cannot ascertain; there is nothing in the subject in this office.

3. Lieutenant Devan has more than once drawn my attention to the benefit which the Arnee Jaghiredar was receiving from the works, and I am strongly of opinion that he ought either to pay a share of their cost, or to pay some rent to Government for the benefit derived from them, the latter being in my opinion the preferable course. But I was under the impression, until I received your letter under reply, that it had been decided by competent authority that he should not do so.

(True Copy)

(Signed) W. S. WHITESIDE,
Collector.

Enclosure No. 2.

From Captain J. PENNYQUICK, R.E., District Engineer, North Arcot, to W. S. WHITESIDE, Esq., Collector of North Arcot, dated Vellore, 29th August 1875, No. 3,141.

In reply to your letter, No. 363, of 11th instant, I have the honor to enclose a plan showing the tanks fed from the Allabad Anicut, and the manner in which the water reaches them.

2. The following are replies to the specific points raised in your letter under reply:—

(1.) The original cost of the work was Rupees 31,700, subsequent modification and improvements Rupees 10,662, conservancy since the completion of the work Rs. 3,200. Total Rs. 45,562.

(2.) There is only one main channel from the anicut; short branches from this channel feed the upper tanks of each series, and the lower tanks are fed from the upper ones; there is no separate channel for the jaghire tanks.

(3.) The channel supplies in an ordinary year upwards of one hundred millions of cubic yards of water, less than half of which is required for the 2,240 Acres of Government land, and the remainder is available for the use of the jaghire. Lieutenant Devan states that "in most cases the jaghire *panch* is cultivated by ryots from the Government villages." It is not clear to me how this, if true, affects the question at issue.

(4.) The supply is ample; it is difficult to estimate the quantity actually supplied to the jaghire tanks, but it is probably not less than forty millions of cubic yards annually.

(5.) There is an establishment at the head sluice, but the latter is never closed unless there is risk of the channel being breached, which has only happened once (in May 1872) since the works were executed. The head sluices are allowed to supply to the channel as much as it will carry, and this (see No. III) is usually quite double what is wanted for the Government lands.

(6.) The best evidence that the jaghire tanks receive water from the anicut is in the fact that wet cultivation is now going on all round which would not be the case, the rain-fall this year having been scanty, if water had not been supplied by artificial means. The fact that the jaghire tanks are benefited by the anicut is evident to any one inspecting the locality.

3. The fact that some of the jaghire tanks are supplied from the surplus of the Government tanks is beside the question. The fact that the jaghire tanks are supplied by the anicut sets free a large quantity of local drainage, which they would otherwise retain for the benefit of the tanks below them.

(True Copy)

(Signed) W. S. WHITESIDE,
Collector.

*Proceedings of the Madras Government, Revenue Department,
21st December 1875.*

Enclomure No. 3.—List of tanks receiving water from the channel.

Enclomures Nos. 4 to 6.—Translations of letters from Jaghiredar.

Enclomure No. 7.—Sketch to be returned.

Sanction for the orders of Government.

2. In 1867, an aqueduct was constructed across the Chayar in the North Arcot District, for the supply of certain Government tanks. The channel from the aqueduct carries far more than is required through the channels of the Government tanks in the Arcot Jaghira. The Jaghiredar states that it is unquestionable that of 100 million which pass down the channel, go to the Jaghira tanks.

3. When the work was sanctioned, it was stated to be required to contribute to the revenue. The Jaghiredar now brings up the matter, and suggests that the Jaghiredar who second crop charge levied by him under Rapes 15,000, which is some Rapes 3, Rapes 43, 562, 5—Rapes 1, 82, 24.

4. The Board are of opinion that it is so manifestly indubitable it would not do to consider that it should take on the work. The sum given by the Government for the work, and other charges which will be incurred, could not be settled except by order of the Government. The Board recommend that the Collector should be directed to ascertain the extent of dry land under the works affected by the village accounts of the Jaghira. He should also for a final settlement of the matter.

(True Copy of Extract.)

Signed, R. F. STOKES,
Acting Secretary.

*Proceedings of the Madras Government, Revenue Department,
21st December 1875.*

No. 213. ORDER THEREON, 21st December 1875, No. 1826.

Irrigation, No. 5.

The Board of Revenue will be requested to lay all these papers, with any other information that is available, before the Government Pleader, who should furnish an opinion as to the liability of the Jaghirdar, on the assumption that his property is benefited by the surplus water of the Government tanks.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue,
the Government Pleader.

Edw. W. H. Pender.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd November 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, 11th September 1875, No. 492:—

I HAVE the honor to report the following case for the orders of the Board of Revenue. Copies of the marginally-noted

Copy of District Engineer's letter, No. 338, dated 29th April 1875.

Copy of District Engineer's letter, No. 2,141, dated 29th August 1875.

Copy of list of tanks forming enclosure to the above letter.

papers on the subject, and a sketch (in original to be returned) showing the tanks of the Arnee Jaghire, concerned in the present question, are herewith forwarded for the perusal of the Board.

2. Before entering into the particulars of the case, I beg to refer the Board to their Proceedings, No. 8,579, dated 29th November 1866, communicating G.O., No. 3,235, dated 26th idem, and calling on the Collector to "submit his opinion as to the propriety of calling on the Jaghiredar of Arnee to bear any portion of the proposed expenditure" on the Seyar Anicut Project works. On receipt of the above Proceedings, some correspondence seems to have passed between this office, the Tahsildar of Poloor, and the Range Officer of the Public Works Department, with a view to obtain the necessary information to enable the Collector to submit the report called for. Eventually, however, no report whatever appears to have been forwarded to the Board in reply to the Proceedings above referred to, and the subject was subsequently unfortunately lost sight of.

3. Recently, Deputy Collector Iyala Naidu raised the question, and I at once caused a search to be made in the old records of my office, and put myself in communication with the District Engineer.

4. The Seyar or otherwise called the Allabad Anicut works were constructed by Government in 1867-68 at a total cost of Rupees 45,562, as reported by the District Engineer. The Government and the Arnee Jaghire tanks, which are benefited from the anicut channels, either directly or indirectly, and the manner in which they receive their water-supply, are shown in the accompanying sketch and list furnished by the Department of Public Works.

5. The question that the jaghire tanks were likely to be benefited from the anicut, and that the Jaghiredar was liable to pay a portion of the estimated cost of the works, was already brought to the notice of the Board of Revenue and Government in 1865 (*vide* Proceedings above quoted). In his two letters quoted in the margin of paragraph 1 *supra*, Captain Pennycuik now so strongly expresses his professional opinion that the jaghire tanks in question do receive their water-supply from the anicut channels through the Government tanks above them, and that the Jaghiredar "ought either to pay a share of their cost, or to pay some rent to Government for the benefit derived from them" (the latter being in his opinion the preferable course) that he has left very little for me to add in the matter.

6. The Jaghiredar, to whom I made a reference on the subject, denies *in toto* that his tanks ever get a supply from any Government source of irrigation, except that the surplus water of two Government tanks above, after passing over some of his own *nunjal* lands during the rainy season, falls of its own accord into

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7. The Board will be satisfied from what has been stated above that the facts that the jaghire tanks, enumerated in the accompanying list, are really greatly and constantly benefited by the anicut, and that the Jaghiredar is liable to pay for the water thus supplied to his tanks, have been fully and clearly established. The only question now to be decided is, how the Jaghiredar can be made to satisfy his liability. I am of opinion that he should be called upon to render for the current Khali (1875) a true and faithful account of all basal and birwajast cultivation under the tanks in question, and that a moiety of the total amount should be added permanently to his perkhush once for all, to avoid future complications. In recommending the addition of a moiety only of the total water rate, I take into consideration the improvements which the Jaghiredar generally makes to his tanks, thereby securing a better supply from the surface drainage (which seems to be the only source of supply they have other than the anicut) than in his father's time. The Jaghiredar will probably consent very unwillingly to this arrangement. If he refuses, then the only alternative is to make him at least pay a lump sum of, say, 15,000 Rs., which represents one-third of the entire cost of the project. Rupees 15,000 would appear to be the correct value of the water received by the jaghire tanks in question; for, according to Captain Pennyquick's calculations, out of 100 millions cubic yards of water shipped from the anicut channel in an ordinary year, 40,000 millions cubic yards of water is roughly estimated to be the quantity supplied to the jaghire tanks.

8. In conclusion, I beg to express my regret that owing to the orders of Government and the Board not having been attended and replied to in 1866, the Government have been put to so heavy a loss of revenue in the form of water-rate for the past five or six years.

9. I solicit the early orders of the Board on this subject.

Enclosure No. 1.

From Captain J. PENNYQUICK, R.E., District Engineer, North Arcot, to W. S. WHITESIDE, Esq., Collector of North Arcot, dated Vellore, 29th April 1875, No. 338.

With reference to your letter, No. 163, of 13th instant, I have the honor to forward a copy of G.O.* No. 3,713, of 21st November 1866, from which you will see that the question of the liability of the Arnee Jaghiredar to pay a portion

1 Plan.

* 1 Government Order, to be returned.

of the cost of the work was to be considered in the Revenue Department.

2. Whether any further orders were issued I cannot ascertain; there is nothing on the subject in this office.

3. Lieutenant Boyan has more than once drawn my attention to the benefit which the Arnee Jaghiredar was receiving from the works, and I am strongly of opinion that he ought either to pay a share of their cost, or to pay some rent to Government for the benefit derived from them, the latter being in my opinion the preferable course, but I was under the impression, until I received your letter under reply, that it had been decided by competent authority that he should not do so.

(True Copy.)

(Signed) W. S. WHITESIDE,

Collector.

Enclosure No. 2.

From Captain J. PENNYQUICK, R.E., District Engineer, North Arcot, to W. S. WHITESIDE, Esq., Collector of North Arcot, dated Vellore, 29th August 1875, No. 2,143.

In reply to your letter, No. 363, of 11th instant, I have the honor to enclose a list showing the tanks fed from the Allishad Anicut, and the manner in which the water reaches them.

2. The following are replies to the specific points raised in your letter under reply:—

(1.) The original cost of the work was Rupees 31,700, subsequent modification and improvements Rupees 10,692, conservancy since the completion of the work Rs. 3,200. Total Rs. 45,592.

(2.) There is only one main channel from the anicut; short branches from this channel feed the upper tanks of each series, and the lower tanks are fed from the upper ones; there is no separate channel for the jaghire tanks.

(3.) The channel supplies in an ordinary year upwards of one hundred millions of cubic yards of water, less than half of which is required for the 2,340 Acres of Government land, and the remainder is available for the use of the jaghire. Lieutenant Boyan states that "in most cases the jaghire *nunjal* is cultivated by crops from the Government villages." It is not clear to me how this, if true, affects the question at issue.

(4.) The supply is ample; it is difficult to estimate the quantity actually supplied to the jaghire tanks, but it is probably not less than forty millions of cubic yards annually.

(5.) There is an establishment at the head sluice, but the latter is never closed unless there is risk of the channel being breached, which has only happened once (in May 1872) since the works were executed. The head sluice is allowed to supply to the channel as much as it will carry, and this (see No. 111) is usually quite double what is wanted for the Government lands.

(6.) The best evidence that the jaghire tanks receive water from the anicut lies in the fact that wet cultivation is now going on all round which would not be the case, the rain-fall this year having been scanty, if water need not be supplied by artificial means. The fact that the jaghire tanks are benefited by the anicut is evident to any one inspecting the locality.

7. The fact that some of the jaghire tanks are supplied from the surplus of the Government tanks is beside the question. The fact that the latter are supplied by the current sets free a large quantity of local drainage, which they would otherwise retain for the benefit of the tanks below them.

(True Copy.)

(Signed) W. S. WHITESIDE,

Collector.

Enclosure No. 3.—List of tanks receiving water from the channel.

Enclosures Nos. 4 to 6.—Translations of letters from Jaghiredar.

Enclosure No. 7.—Sketch to be returned.

SUBMITTED for the orders of Government.

2. In 1867, an anicut was constructed across the Cheyar in the North Arcot District, for the supply of certain Government tanks. The channel from the anicut carries far more than is required for this purpose, and the surplus passing through the escapes of the Government tanks benefits no less than twenty-nine tanks in the Arnee Jaghira. The Jaghiredar denies the benefit, but the District Engineer states that it is unquestionable and estimates that 40 million cubic yards, out of 100 million which pass down the channel, go to the Jaghira tanks.

3. When the work was sanctioned, report was called for whether the Jaghiredar should be required to contribute or not; but from some cause or other, the reference remained unanswered. The Collector now brings up the matter, and suggests either that the Jaghiredar should pay a moiety of all the water-rate and second-crop charge levied by him under the tanks in question, or a lump sum of Rupees 15,000, which is some Rupees 3,000 less than the proportion of the expenditure to date which he ought to pay under the District Engineer's estimate of the quantity of water supplied to his tanks.

4. The Board are of opinion that where the benefit derived by the Jaghiredar is so apparently indeterminate it would be fair that some charge should be made, but do not consider that it should take the form of a proportion of the expenditure on the work. The sum given by the Collector includes conservancy expenses and other charges which will be of annual recurrence; and the proportion to be demanded could not be settled except to a great extent on mere estimate. The other proposal made by the Collector seems fair in the circumstances of the case; and if Government approve of a demand being made upon the Jaghiredar, the Board recommend that the Collector be directed to ascertain the extent of dry land irrigated and second crop cultivated on wet land under the works affected since the construction of the work, according to the village accounts of the Jaghira. On receipt of this information, there would be materials for a final settlement of the matter.

(True Copies and Extract.)

H. L. French
Acting Secretary.

To the Acting Secretary to Government, Revenue Department,

with five enclosures, to be returned.

Copy to the Collector of North Arcot.

Edw. W. H. French.

SE 1826 Perm. Acct.

Rank Prop. Bot. Nov. 22/11/75
No 3169.

The Bot. of Perm. will be requested to lay all his papers, containing some information that is available, before the Govt. Botanist, who will furnish an opinion as to the locality of the Taj Mahal, on the assumption that his property is benefited by the completed works of the Govt. Botanist.

S. M. Dec 7/75
21st Dec 1875

14. To the Board of Prop. & Acct. Perm.
to the Govt. Botanist

To the Prop. & Acct. Perm.

214646

Perm. 1875. Acct.

Board of Prop. & Acct.

MADRAS.

PROCEEDINGS, 22ND NOVEMBER 1875, No. 3,169.

214646

Perm.

Perm. 1875. Acct.

Board of Prop. & Acct.

Received 22nd Dec 1875

NOVEMBER.
No. 3,169.

Arrive of Justice—in North Arcot District.
Submitting for order of Government, with Board's observations. Collected, suggestions with reference to question how the property of — can be made to pay for the water supplied to his tanks through certain current constructed by Government.

Perm. 1875. Acct.