

(1) Number of Pages.....8
 (2) Date of repair.....18.5.68.
 (3) Initials of the Referencer.....*[Signature]*

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	297	Press
B.P. No.		Mis.
Dated	15.2.1875	196 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
13th June 1874.*

No. 273A. Read the following endorsement of the District Engineer, Chingleput, dated Guindy, 2nd June 1874, No. 697:—

From R. J. LOWRY, Esq., Executive Engineer, Chingleput Range, to Colonel F. J. MOBERLY, R.E., District Engineer, Chingleput, dated Chingleput, 23rd May 1874, No. 519.

I HAVE the honour to request you will obtain the permission of Government for me to defend the suit for which I am summoned in the document, copy of which is enclosed, in which I am made defendant in a case brought by Jagiappah Moodelly and 26 other inhabitants of Chellampatadai, in which plaintiffs sue for the removal of a mud bund said to be raised by defendants in the Chellampatadai Tank, with damages, Rupees 31-12-0.

2. It would appear from Mr. Ottmann's letter, No. 982, of 28th November 1872, copy of which was sent with my No. 953, December 4th, 1872, the boundary of their respective lands in the tank named has long been a subject of dispute between the Kotoor and Chellampatadai villages, and that the Sub-Engineer thinking the right to be on the side of the Kotoor people decided accordingly; in so doing I think he was wrong, as it is one of those cases that can only be decided in a Civil Court, and he ought not to have interfered.

3. My answer to the plaint is that I did not construct the bund in question, as it would appear to have been many years in existence; the boundary in question must be decided according to the evidence.

SUBMITTED to Government for orders.

(Signed) F. J. MOBERLY, Colonel, R.E.,
District Engineer, Chingleput.

No. 273B.

ORDER THEREON, 13th June 1874, No. 1,576-A.

ESTABLISHMENT, No. 15A.

THE suit may be defended in the first instance at the public expense, leaving it to be determined afterwards how such expense shall be borne.

2. The District Engineer has transmitted Mr. Lowry's letter for orders without remark, or any of the detailed information which it was incumbent upon him to furnish. A copy of the plaint and draft of the proposed answer should have been submitted with full explanation.

3. The Executive Engineer states that he did not construct the bund the removal of which is sought by the plaintiffs, but admits that a mistake was probably made by his predecessor. It would seem that the bund was constructed by the Public Works Department; and it should have been stated under what circumstances the estimate was sanctioned, and whether the suit is, in the opinion of the District Engineer, defensible. He will do so now without delay.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government.

To the District Engineer, Chingleput.

Govt. of 1874 Madras

PUBLIC WORKS.

To

THE DISTRICT ENGINEER, CHINGLEPUT.

Dated June 13th.

Recd.

Encl.

G. O., 13th June 1874, No. 1,576A.

JUNE

Nos. 273A-273B

Rev 525²/75

Suit.—The defence of the suit in the first instance at the public expense brought against Mr. Lowry by one Jagiappah Moodelly and others of the Chellampattadai village in the Conjeveram Taluq of the Chingleput District, sanctioned with remarks.

Proceedings of the Madras Government, Public Works Department,
11th July 1874.

No. 219C. Read the following letter from Colonel F. J. MOBERLY, R.E., District Engineer, Chingleput, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Guindy, 30th June 1874, No. 1,076:—

In reply to G. O. No. 1,576-A, of 13th June 1874, I have the honor to report that the Superintendent, Revenue Survey, complained, 6th November 1872, that Mr. Ottmann had increased the difficulties of his department by the expression to the Sub-Collector of an unwarranted opinion that the Demarcation Goomastah had, in collusion with the villagers of Kottoor, settled a wrong boundary between that village and Kapankalatoor.

2. Mr. Ottmann attempted to justify his proceeding by saying that the line was an extraordinary looking one, and did not meet his ideas of the Pymash accounts.

3. I reprimanded him for interfering with the work of another department, and attempting to settle a question which clearly could be decided only by a Civil Court. I was not aware that he had in any way acted on his erroneous opinion by closing the breach in the tank bank.

4. On 31st October 1873, the Sub-Collector asked for a contour line of the tank, showing its high water-mark referred to the top of the dam stones. Mr. Lowry had a survey made and sent it in with a report which rendered it quite valueless, stating that the tank had no calingulah or standard which could be relied on.

5. The next I heard of the matter was Mr. Lowry's letter No. 519.

6. An estimate, amounting to Rupees 93, prepared by Mr. Ottmann, was sanctioned in December 1871, and appears to have been carried out, and this is the form in which the protest has been made.

7. I am of opinion that Mr. Ottmann was quite wrong in deciding the point at issue and acting on his own opinion, but that he should have left it for the decision of a Court of Law, regardless of the possible loss of revenue.

8. There appears to have been no plaint, other than the statement particulars of claim, sent with the summons copy of which was forwarded.

No. 219D.

ORDER THEREON, 11th July 1874, No. 1,870-B.

ESTABLISHMENT, No. 21A.

THE Government observe that they are unable from the information given to determine whether the suit brought by the Chellampattady ryots against certain defendants, of whom Mr. Lowry is one, for the removal of a bund is really defensible or not. Mr. Lowry appears to have had nothing to do with the matter, and so far as he is concerned the defence of the suit appears to be proper; but it would seem that Mr. Ottmann, when Range Officer, obtained sanction to an estimate of Rupees 93 for constructing the bund or closing the breach, which, in some way, which is not clear from the papers, affects a boundary dispute.

*Proceedings of the Madras Government, Public Works Department,
11th July 1874.*

2. Further orders will be passed when the result of the suit is reported, and care must be taken that all the evidence available is adduced to aid the Court in arriving at a right conclusion.

(True Extract.)

(Signed) JOHN MULLINS, Lieut.-Colonel, R.E.,
Joint Secretary to Government.

To the Superintending Engineer, Chingleput.
,, Officiating Controller of Public Works Accounts.

Ed. S. T. Austin.
Spare Copies

Govt. of 1874 Madras.

PUBLIC WORKS.

THE SUPERINTENDING ENGINEER,

CHINGLEPUT.

&c., &c., &c.

Dated July 11th.

Recd.

Encl.

G. O., 11th July 1874, No. 1,870a.

JULY

Nos. 2130-2190

Rev 525/75

Self — Passing orders on the subject of the suit brought by the Chellampattady ryots against Mr. Ottmann and others for the removal of a bund in the Chellampattady tank in the Conjeeveram Taluk of the Chingleput District, and stating that further orders will be passed when the result of the suit is reported.

Proceedings of the Madras Government, Public Works Department,
11th February 1875.

No. 238. Read the following letter from Colonel F. J. MOBERLY, R.E., Superintending Engineer, Chingleput, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Camp at Red Hills, 10th January 1875, No. 3,466:—

With reference to paragraph 2 of G. O., No. 1,870-B, dated 11th July 1874, I have the honor to forward an authenticated copy of Trivellore District Munsif's Court's Judgment in favor of Chellampattady villagers.

Enclosure one containing 12 Sheets.

No. 239. ORDER THEREON, 11th February 1875, No. 374.

IRRIGATION, No. 11.

Establishment.

His Excellency the Governor in Council is of opinion that the decree in this suit shows that Mr. Ottmann, when Range Officer, acted improperly in persistently carrying out the raising of a bund in face

of the protest made by the plaintiffs. He was aware that the demarcation made by the Revenue Survey Department supported the plaintiffs' representations, and it appears that he stopped the work in or about April 1872 and then resumed and completed it in September 1872, without, as far as can be learnt from the decree, having obtained any authority to do so from the Revenue Officers, or from the then Superintending Engineer, to whom the matter should have been referred for orders.

2. As Mr. Ottmann took upon himself to decide a question manifestly not within his competence to determine, he will be called upon to bear the share of the expense of defending the suit decreed against the present Range Officer. The Superintending Engineer, Chingleput, will arrange for the amount being disbursed, and will inform the District Engineer, Nellore, of the sum to be recovered from Mr. Ottmann. The lowering of the bund in accordance with the decree, which will be returned to the District Engineer, should also at once be carried out.

(True Extract.)

G. Walker Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, Chingleput.

- „ District Engineer, Nellore,
with G. Os., Nos. 1,576-A, 13th June, and 1,870-B, 11th July 1874.
- „ Chief Engineer for Irrigation.
- „ Revenue Department,
with G. Os., No. 1,576-A, 13th June, and 1,870-B, 11th July 1874.
- „ Controller of Public Works Accounts.

Exd. S. T. Austin.
Spare Copies

N^o. 525
Revenue Department
Govt. of 1875 Madras.

PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEER,

CHINGLEPUT,

&c., &c., &c.

Dated February 11th.

Recd. *13* End. *2*

G. O., 11th February 1875, No. 374.

FEBRUARY.

Nos. 238-239

Mr. Ottmann

Suit.—Mr. Ottmann called upon to bear the share of the expense of defending the suit decreed against Mr. Lowry in the suit instituted by the Chellampattady ryots, the lowering of the bund in the Chellampatty tank to be carried out in accordance with the decree.

15. Feb/75 N^o. 297.
Comm. *2* to the
Supt. of Rev. Amoy & to the
Coll^r of Chingleput through
the Board of Revenue for their
information.

*Is the Supt. of Rev. Amoy & to the
Board of Revenue for their
information.*