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(2) Date of repair 7-5-69
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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.
B.P. No.

1143

Press
Mis.

Dated 21.8.1876 196.

Not to be folded or roughly handled

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No. 223. Read the following Proceedings of the Board of Revenue, dated 4th August 1876, No. 1,972:—

Read the following letter from J. H. MASTER, Esq., Collector of Bellary, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated 15th July 1876, No. 255:—

THE Consulting Engineer in his letter No. 1,292, dated 20th September 1875, applied for Acres 6.65 of land for temporary purposes on the north bank of the Pennair river.

2. This letter was, on the 25th idem, sent to the Sub-Collector, who informed me, with reference thereto in his letter, No. 722, dated 26th October 1875, that a portion of the land had been taken possession of about two months before and some buildings constructed thereon, causing injury to the crop then standing on the land. The value of the crop lost was Rupees 150.

3. This letter was referred to the Consulting Engineer on the 5th November last. He informed me that the estimate of the damage sustained was excessive, as the crop was very poor and a small portion of it only had been injured.

4. It has now been reported, however, that the land has been occupied by the Railway Company for a year past, and that a bungalow, store-sheds, and houses for servants, &c., have been erected, and that the entire land applied for is now under their possession. It has also been reported that the owners of the land claim an exorbitant sum for the land, the trees thereon, and the injured crop. The amount of compensation claimed by them is Rupees 1,821-3-0, and that offered by the Tahsildar is Rupees 713-6-6.

5. The particulars of their claim are as follow:—The areas required by the Railway Company is Acres 6.65 assessed at Rupees 3-2-5. The owners claim as compensation Rupees 999-3-0, but the Tahsildar offers Rupees 50-6-6. There are 326 babul trees, most of them very small. The owners ask Rupees 622, but are offered Rupees 163. The owners' estimate of the loss of crop is Rupees 200, but it only amounts to Rupees 50.

6. The owners cannot be prevailed upon to come to a fair settlement. I have, therefore, the honor to request that you will be good enough to obtain the formal sanction of Government for the acquisition of the land under Act X of 1870. The Sub-Collector, Mr. C. J. Crosthwaite, should be empowered to take up the land. The land is classed by the Railway Company under the head C, and is situated on the north bank of the Pennair river in the village of Narasapoor of the Tadpatry Taluq.

A draft notification accompanies.

ENCLOSURE No. 1.—Draft Notification.

THE foregoing letter will be submitted for the orders of Government.

2. The revised rules for acquiring lands for railway purposes have been in force for many years, and the officers of the Madras Railway Company must be well acquainted with their provisions. The case now submitted shows that these rules have been wilfully transgressed, and the consequence is that the owners of the

land which has illegally been taken possession of by the officers of the Company now prefer a heavy claim for compensation and damages.

3. The facts of the case, as derived from the Collector's letter, are briefly these:—

In July or August 1875 the officers of the Railway took possession of a certain extent of land, Acres 6-6-5, on the left bank of the Pennair River in the Bellary District, and thereon erected a bungalow, store-sheds, and servants' houses, and on the 20th September of the same year the Consulting Engineer forwarded the application for the land under Class B prescribed by the rules to the Collector, who, on proceeding to make arrangements with the owners for the acquirement of the same, found that it was already in the occupation of the officers of the Company, and that the owners demanded a fancy price as compensation for loss of lands and crops. As the Collector has been unable to obtain any abatement of these claims by private negotiations, he now proposes that the land should be acquired under Act X of 1870, and submits the necessary draft declaration under Section 6 for the sanction of Government.

4. The Board observe that, possession having been already taken, the provisions of the Act are obviously inapplicable. The officers of the Railway Company have rendered themselves liable to a suit for damages on account of injury sustained by their unauthorized proceedings, and the claim put forward could not probably be successfully contested in a court of law. As the owners appear to be firm in their demands and a suit for damages would entail law expenses possibly equivalent to, or even in excess of, the compensation claimed, the Board are inclined to think that the demand should be complied with.

(A true Copy and Extract.)

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

No. 224.

ORDER THEREON, 21st August 1876, No. 1,143.

Miscellaneous.

THE Government agree with the Board that, considering the unauthorized manner in which the lands were taken possession of by the Railway Company and the probability of the claim being successful in a court of law, it is desirable that the demand should be complied with. The necessary orders will be issued in the Public Works Department. It is observed that the land is classed C by the Company; it must, therefore, be paid for by them.

(True Extract.)

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

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

Exd. J. W. Fischer.

1143/3

No. 1,972.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th August 1876.

Read the following letter from J. H. MASTER, Esq., Collector of Bellary, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated 15th July 1876, No. 255:—

THE Consulting Engineer in his letter, No. 1,292, dated 20th September 1875, applied for Acres 6.65 of land for temporary purposes on the north bank of the Pennair river.

2. This letter was, on the 25th idem, sent to the Sub-Collector, who informed me, with reference thereto in his letter, No. 722, dated 26th October 1875, that a portion of the land had been taken possession of about two months before and some buildings constructed thereon, causing injury to the crop then standing on the land. The value of the crop lost was Rupees 150.

3. This letter was referred to the Consulting Engineer on the 5th November last. He informed me that the estimate of the damage sustained was excessive, as the crop was very poor and a small portion of it only had been injured.

4. It has now been reported, however, that the land has been occupied by the Railway Company for a year past, and that a bungalow, store-sheds, and houses for servants, &c., have been erected, and that the entire land applied for is now under their possession. It has also been reported that the owners of the land claim an exorbitant sum for the land, the trees thereon, and the injured crop. The amount of compensation claimed by them is Rupees 1,821-3-0, and that offered by the Tahsildar is Rupees 713-6-6.

5. The particulars of their claim are as follow:—The areas required by the Railway Company is Acres 6.65 assessed at Rupees 3-2-5. The owners claim as compensation Rupees 999-3-0, but the Tahsildar offers Rupees 50-6-6. There are 326 babul trees, most of them very small. The owners ask Rupees 622, but are offered Rupees 163. The owners' estimate of the loss of crop is Rupees 200, but it only amounts to Rupees 50.

6. The owners cannot be prevailed upon to come to a fair settlement. I have, therefore, the honor to request that you will be good enough to obtain the formal sanction of Government for the acquisition of the land under Act X of 1870. The Sub-Collector, Mr. C. J. Crosthwaite, should be empowered to take up the land. The land is classed by the Railway Company under the Head C, and is situated on the north bank of the Pennair river in the village of Narasapoor of the Tadpatry Taluq.

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ENCLOSURE No. 1.—Draft Notification.

THE foregoing letter will be submitted for the orders of Government.

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2. Under Board's order No. 141

Land taken up by the Madras Railway Company in the Bellary District.—Concerning compensation on account of the demand for land, and requesting the issue of orders in the Public Works Department for payment of the same.

AUGUST.
Nos. 223-224.

G.O., 21st August 1876, No. 1143.

Dated August, 21st.

THE BOARD OF REVENUE,
Secy, Secy, Secy.

REVENUE.

GOVT. OF INDIA

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land which has illegally been taken possession of by the officers of the Company now prefer a heavy claim for compensation and damages.

3. The facts of the case, as gathered from the Collector's letter, are briefly these:—

In July or August 1875 the officers of the Railway took possession of a certain extent of land, Acres 6-6-5, on the north bank of the Pennair River in the Bellary District, and thereon erected a bungalow, store-sheds, and servants' houses, and on the 20th September of the same year the Consulting Engineer forwarded the application for the land under Class B prescribed by the rules to the Collector, who, on proceeding to make arrangements with the owners for the acquirement of the same, found that it was already in the occupation of the officers of the Company, and that the owners demanded a fancy price as compensation for loss of lands and crops. As the Collector has been unable to obtain any abatement of these claims by private negotiations, he now proposes that the land should be acquired under Act X of 1870, and submits the necessary draft declaration under Section 6 for the sanction of Government.

4. The Board observe that, possession having been already taken, the provisions of the Act are obviously inapplicable. The officers of the Railway Company have rendered themselves liable to a suit for damages on account of injury sustained by their unauthorized proceedings, and the claim put forward could not probably be successfully contested in a court of law. As the owners appear to be firm in their demands and a suit for damages would entail law expenses possibly equivalent to, or even in excess of, the compensation claimed, the Board are inclined to think that the demand should be complied with.

(A true Copy and Extract.)

W. H. Cotton
Acting Secretary.

To the Secretary to Government, Revenue Department,
with one enclosure to be returned.

Copy to the Collector of Bellary.

Exd. J. W. Fischer.

BOARD OF REVENUE,
MADRAS.

PROCEEDINGS, 4TH AUGUST 1876, No. 1,972.

Copy to the Collector of Bellary

8000. 11423. 2218 August 1876

Received by Aug 24/76

AUGUST.
No. 1,972.

Land—on the north bank of Pennair River, in Bellary District, taken up by Madras Railway Company.—Submitting to Government Collector's proposal to acquire certain—under Act X of 1870, and expressing opinion that the amount claimed by owners as compensation should be paid.

Memorandum.

Board's Proceedings of

August 1876 to 1972.

The proceedings of the officers of the Railway Company as reported in these proceedings have been highly irregular. Instead of following the course prescribed in the Board's standing circular No. 141, they applied first to the Collector of Bellary, obtaining his sanction for purchasing the land & paying for it; the Company's officers entered on the land, took possession of it, erected sanctuaries thereon, causing injury to the crops then standing and subsequently sent a formal application to the Collector. The result of such a proceeding has been the demand on the part of the owners of an exorbitant sum as compensation. The claim is for Rs. 1,21,000, while the amount

checked by the Reserve officers
No 713-6-6. As the owners
are aware that their claim
will be enforced by a
court of law, they are still hoping
will not come to a fair
settlement. There seems to be
no alternative but to satisfy
the full claim advanced.
For the summary may be
which the owners were dis-
possessed & their crops dis-
trayed, something more than
the ordinary market
value of the lands, trees &c.
seems to be clearly due.

The land is classed C by
the Railway company, & its
value must be paid by them.
(vide Board's Standing Order No.
146. Clause IV of the Rules.)

The following order is therefore
suggested. No 1142

The Government agree with
the Board that considering
the unauthorized manner
in which the lands were
taken possession of by the Rail-

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21/8

And copy to the Secretary of the
Public Works Dept.
Bencoolen 21st Sept 1876

1142/6
may company & the probability
of the claim being success-
fully resisted in a court
of law, it is desirable that
the demand should be
complied with. The necessary
orders should be issued in the
Public Works Dept. It is assumed
that the land is classed C by
the company; it must therefore
be paid for by them."

21st August 1876

and taken up
in the morning of 21st
in the morning -

Wespach in the forest

1. To the forest
2. To the forest

Aug 1906 R 21: Aug