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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1702	Press
~~B.P. No.~~		~~Mis.~~
Dated	16-11-	1876 196 .

Not to be folded or roughly handled

1702

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Proceedings of the Madras Government, Revenue Department,
16th November 1876.

No. 287. Read the following Proceedings of the Board of Revenue, dated 10th November 1876, No. 2,796:—

Read the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Sydapet, 23rd October 1876, No. 597.

REFERRING to Board's Proceedings, No. 3,284, dated 3rd December 1875, I have the honor to state that neither Anantha Charry nor the registered proprietors of the Tinnanore Estate have as yet responded to the call and reminder made to them in pursuance of the instructions contained in the above Proceedings, and the prospect of the collection of the quota of the Jaghiredar is as distant as ever; meanwhile, the Superintending Engineer informs me that the "Jaghire and other villages under Tinnanore tank, and in a slight degree the railway, are in a position of risk." I enclose copy of his letter, No. 2,446, on the subject, and request that steps may be taken to provide the necessary funds for carrying out the repairs, as already requested in Mr. Melville's No. 636, dated 5th November 1875, printed in Board's Proceedings, No. 3,284, quoted above.

2. The Superintending Engineer has recently sent me a revised estimate for the repairs of the tank, amounting to Rupees 11,860, or Rupees 350 in excess of the one already sanctioned; this increase in the amount is said to arise from further damage to the bund.

ENCLOSURE No. 1.

From Colonel F. J. MOBERLY, R.E., Superintending Engineer, Chingleput District, to R. W. BARLOW, Esq., Collector of Chingleput District, dated Mount, 11th October 1876, No. 2,446.

I HAVE the honor to observe that when I wrote my No. 2,302, I was quite ignorant of the state of affairs connected with Tinnanore tank shown in the papers enclosed in your No. 490, dated 10th instant, herewith returned.

2. The Jaghire and other villages under Tinnanore tank, and in a slight degree the railway, are in a position of risk as long as the tank is thus left, particularly with Tirawur tank above it exposed to flood in the Cooum by the want of any head sluice.

3. I should be glad to know that I was free from responsibility for the dangerous condition of the tank, &c.

(True Copy.)

(Signed) R. W. BARLOW,
Collector.

SUBMITTED for the orders of Government with copy of Board's Proceedings, 3rd December 1875, No. 3,284, and 8th February 1876, No. 390.

2. The Board see no course open but that Government should supply the funds necessary to place the tank in a position of security; and sue the whole of the contending parties for the recovery of the Jaghire quota.

(True Copies and Extract.)

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

*Proceedings of the Madras Government, Revenue Department,
16th November 1876.*

No. 288.

ORDER THEREON, 16th November 1876, No. 1,702.

Irrigation No. 2-A.

The Board will ascertain and report how many villages and what extent of land is dependent for irrigation on the Tinnanore tank with particulars as to the portion belonging to the Jaghire and the Government, respectively. They should also state by whom the tank was from time to time kept in repair, who constructed it originally, at what cost, &c.

(True Extract.)

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

To the Board of Revenue.

Erd. F. R. Bantleman.

Read in the Board of Revenue, 16th November 1875.
 — Page 10 of the Board of Revenue to report
 how many villages and what extent of land is
 dependent for irrigation on the — with reference to
 as to the position of the Jaghiredar and the
 Government's liability.

NOVEMBER.
 Nos. 237-238.

G.O., 16th November 1875, No. 1,702.

Dated November, 1875.

To be.

THE BOARD OF REVENUE.

REVENUE.

Col. of 1870

Official.

1702
 Npr 3,284.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd December 1875.
 Read the following letter from R. J. MELVILLE, Esq., Acting Collector of the
 Chingleput District, to H. E. STOKES, Esq., Acting Secretary to the
 Board of Revenue, dated Saidapet, 5th November 1875, No. 636:—

REFERRING to Board's Proceedings, dated 11th November 1874, No. 3,215, on
 the subject of the Tinnanore Tank repairs, I have the honor to state that, in accord-
 ance with the Board's instruction, a deed was executed by two of the Executors to the
 estate on the 28th day of July last. The third Executor P. Anunta Chari, a High
 Court Vakil, wrote and informed me that he was unable to appear on that day in
 consequence of pressure of business in Court, and promised to call another day at
 my office and sign the deed, which he has not yet done. He has repeatedly been
 written to on the subject, but has not taken any notice of my letters. I hear that
 he has no intention of signing the deed, in consequence of the disappointment that
 he and the other Executors have met with in regard to the registration of the
 village. On the 2nd ultimo I wrote to the registered proprietors, Pedda Seetha-
 ramiah and Chinnah Seetharamiah, asking them whether they were willing to pay
 the amount of their quota towards the repairs of the tank, and I enclose their reply*
 and the agreement* executed by two of
 the Executors Mr. J. Howell and Krish-

*To be returned.

nasamy Naidu, and request the orders of the Board.

2. I also forward copy of a letter from the Superintending Engineer,
 No. 9,019, dated 19th ultimo, with its enclosure, being a memorandum from the
 Chief Engineer, and request that, as there is no immediate prospect of the Jaghiredar's
 quota being realized, the necessary funds may be provided for carrying out the work.

ENCLOSURE No. 1.—Letter from Registered Proprietors of Jaghirs.

ENCLOSURE No. 2.—Agreement.

ENCLOSURE No. 3.

From Colonel F. J. MOBERLY, R.E., Superintending Engineer, Chingleput, to R. J.
 MELVILLE, Esq., Acting Collector of the Chingleput District, dated Guntur, 19th
 October 1875, No. 3,015.

I HAVE the honor to ask your particular attention to the enclosed copy of a memorandum
 from the Chief Engineer for Irrigation. If the work be deferred the repairs will cost very much
 more, and I fear considerable injury may ensue as the bank is by no means safe.

2. The flood in the Cooum will be increased by any breach that may occur, and the water
 passing over a large area of irrigation will deposit sand on it to the serious damage of crops.

(True Copy.)

(Signed)

R. J. MELVILLE,
 Acting Collector.

No. 1,191.

MEMORANDUM.

Irrigation.

THE undersigned has the honor to inform the Superintending Engineer Chingleput, in reply
 to his letter, No. 2,809, of the 7th instant, and with reference to this office No. 919, of the 16th
 August last, that no expenditure against the share of the Jaghiredar can be incurred on the
 Tinnanore tank from Public Works funds without the express sanction of Government, and the

undersigned is not prepared to recommend that such sanction should be given. The proper course is for the Collector to collect the money from the Jaghiredar and place it at the Superintending Engineer's disposal and thereafter the work can be carried out.

Ootacamund,
14th October 1875.

(Signed) J. MULLINS, Lieut.-Colonel, R. E.,
Chief Engineer for Irrigation.

(True Copy.)

(Signed) R. J. MELVILLE,
Acting Collector.

The repairs to the tank are urgent, and both rival claimants have signified their willingness to contribute the quota due by the estate; but so long as the matter is in litigation it is not likely that money will be forthcoming. The Board request the opinion of the Government Pleader whether in the event of Government advancing the money the quota of the Jaghire can be recovered hereafter.

(True Copies and Extract.)

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

To the Government Pleader, with two original enclosures, to be returned,
and copies of Board's Proceedings, dated 2nd June 1874,
No. 1,324 (its two original enclosures to be returned),
and 11th November 1874, No. 3,245.

„ the Acting Collector of Chingleput.

Ed. W. J. Lewis.

Tank in Tinnalore Jaghire in Chingleput District.—Requesting Government Pleader's opinion whether in the event of Government advancing money for the repair of — the quota of the Jaghire can be recovered hereafter.

DECEMBER.
No. 3,284.

Received

Dec 18/75

Encl.

PROCEEDINGS, 3RD DECEMBER 1875, No. 3,284.

Board of Revenue,
MADRAS.

1875.

No. 390.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th January 1876.

Read the following letter from J. W. HANDLEY, Esq., Government Pleader, Madras, to H. E. STOKES, Esq., Acting Secretary of the Board of Revenue, dated 26th January 1876, No. 21:—

I HAVE the honor to reply to the reference in Board's Proceedings noted in the margin, as to the repairs of a tank supplying the jaghire of Tinnalore.

3rd December 1875, No. 3,284.

2. It does not appear from any of the papers before me, whether the tank in question is situated within the limits of the jaghire or only supplies water to it. It appears that it is the source of water-supply to other villages not included in the jaghire. If it be within the limits of the jaghire, I do not see by what right the Public Works Department can execute repairs to it without the leave of the beneficial owner, and, in the present state of the litigation as to the validity of the will of the late proprietor, it is impossible to say who that is. The Board are probably aware that opposition was made by the relatives of the late proprietor to probate of the will being granted on the ground that the testator was not at the time of its execution in a fit state to make a will and for other reasons. Probate was granted by the Divisional Court, but an appeal has been preferred to the full Court and is still pending, and I believe the result is doubtful. Even if the probate is ultimately confirmed, the litigation will not be at an end, for there is the question whether the testator had power by Hindu law to alienate his property by will as against his relatives, which will probably form the subject of future suits. Whether the leave of the proprietor were obtained or not, of course Government could have no legal claim against him for improving his property, unless he entered into some express contract to pay for it.

3. If the tank is the property of Government, some portion of the expenditure upon repairs might perhaps be recovered by levying a water-cess upon the jaghire under Madras Act VII. of 1865, or if one is already levied by increasing it. The Act does not limit the amount of cess leviable, but I presume the rate has been fixed by rules made under Section I., and unless these rules provide for an increased rate under the circumstances in question, they would have to be altered to meet the present case before anything could be done under the Act.

4. I fear, therefore, that if Government advance the money for the repair of the tank there is little chance of the quota of the jaghire being recovered hereafter, unless some contract for payment of that quota be obtained from a competent person. If the third executor can be induced to sign the agreement already executed by his co-executors, and a similar agreement be obtained from the registered proprietors, Government will practically be tolerably sure of the money in the end, and can wait until the litigation is decided to see which of the contracting parties ought justly to be compelled to pay. This is the course which seems to me the most advisable under the circumstances.

5. I return the original enclosures to the above Proceedings.

Communicated to the Collector of Chingleput who will endeavour to obtain the signature of the third executor to the deed, which it appears has been executed by the other two, and to induce the registered proprietors of the jaghire to sign a similar agreement. It would be advisable to forward the agreement through the Board for the approval of the Government Pleader.

(A true Copy and Extract.)

(Signed)

C. A. GALTON,
Acting Secretary.

To the Collector of Chingleput, with two enclosures, returned.
Copy to the Government Pleader.

Ed. W. J. Lewis.

BOARD of Revenue,
MADRAS.

PROCEEDINGS, 8TH FEBRUARY 1876, No. 390.

Encl.

Received

Per 48/17/76

FEBRUARY.
No. 390.

Task supplying Timanore Jaghire—in Chingleput District—Communicating to Collector, Government Pleader's opinion as to whether in the event of Government advancing money for repair of—the quota of the jaghire can be recovered hereafter.

1 Copy sent to Revenue Department.

Proceedings of the Board of Revenue.
Dated 10th November 1876.

Read the following:—

No. 597. No. 2/90.

From Mr. Barlow Esq.
Collector of the Chingleput Dist.

To H. S. Stokes Esq.
Secretary to the Board of Revenue.

Sir
Referring to Board's Proceedings No. 3284 dated 30 December 1875, I have the honor to state that, neither Anantha Chamy nor the registered proprietors of the Timanore Estate have as yet responded to the call and reminder made to them in pursuance of the instructions contained in the above Proceedings, and the prospect of the Collection

Collection of the quota of the Jaghiredar is as distant as ever; meanwhile the Superintending Engineer informs me that the Jaghire and other villages under Timanore tank and in a slight degree the railway are in a position of risk.

I enclose copy of his letter N^o 2446 on the Subject and request that steps may be taken to provide the necessary funds for carrying out the repairs as already requested in Mr. Melville's No 636 dated 5th November 1875 printed in Board's Proceedings No 3284 quoted above.

2. The Superintending Engineer has recently sent me a revised estimate for the repairs of the tank amounting to Rupees 11860 or Rupees 250 in excess of

of the one already sanctioned; this increase in the amount is said to arise from further damage to the bund.

Chingapat Dt.,
Collector's Office
Pudupat.
23rd October 1876.

I have rec^d
Asst R. M. Barlow
Collector.

Enclosure.

N^o 2446.

From The Superintending Engineer
Chingapat

To The Collector
Chingapat District

Sir,

I have the honor to observe that when I wrote my No 2302, I was quite ignorant of the State of affairs connected with Timanore tank shown in the papers enclosed in your No 490 dated 10th Instant herewith returned.

2. The Jaghire and other villages under Timanore.

Pinnamore tank and in a slight degree
the railway are in a position of risk
as long as the tank is thus left, parti-
-cularly with Tirawar tank above it
exposed to flood in the Cooum by the
want of any head sluice.

3. I should be glad to know that
I was free from responsibility for the
dangerous condition of the tank &c.

Chingleput Sup^r & Eng^r's Office } I have &c.
Muzant 11 Octr/76 } Col F. J. Moberly Col. R.E.
Supt. Engineer Chingleput

(True copy)

(Signed) R. W. Barlow
Collector.

Submitted for the orders of Govern-
-ment with Copy of Board's Proceedings
3^d December 1875 No 3284 + 8th February 1876

No 390.

2. The Board see no course open but that
Government should supply the funds ne-
-cessary to place the tank in a position of
security; and give the whole of the contending
parties for the recovery of the Jaghire quota.

(True copy & extract)

(Signed) Secretary.

The Secretary to Government R. &
with Copies of Board's Proceedings
3^d Decr/75 No 3284 + 8th Feb/76
No 390.

(Signed) [Signature]

Resum 1896 Rept
P. 28 18817
Proceedings of the

Board of Revenue.

Date 10 Nov 76.
Copy to
Recd 11/11/76

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P. 28 18817
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