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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.

Exd. F. R. Bantleman.

Original.

(True Copy.)

No. 1,191.

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. 1,325 (its two original enclosures to be returned),
and 11th November 1874, No. 3,245.
„ the Acting Collector of Chingleput.

Exd. 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

Recd 11/10/75

Encl.

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

Board of Revenue,
MADRAS.

1875.

No. 390.

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

Read the following letter from J. W. HANDLEY, Esq., Government Pleader, Madras, to H. E. STOKES, Esq., Acting Secretary, 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.

Edw. W. J. Lewis.

BOARD OF REVENUE,
MADRAS.

PROCEEDINGS, 8TH FEBRUARY 1876, No. 390.

Encl.

Received

Rev 48/7/76

FEBRUARY.
No. 390.

Rank 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 quots of the jaghire can be recovered hereafter.

and a copy 1 Copy sent to Board Revenue Department.

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

Read the following:—

No. 597. No. 2490

From A. M. Barlow Esq.
Collector of the Chingleput Dist.

To H. S. Stokes Esq.
Secretary to the Board of Rev.
Madras.

Sir
Referring to Board's Proceedings No. 3284 dated 22 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 Jashiedar
is as distant as ever; meanwhile the
Superintending Engineer informs me that
the Jashie and other villages under Tim-
manore 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 N^o
636 dated 5 November 1875 printed in
Board's Proceedings N^o 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 350 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
Paidapat.
23rd October 1876.

I have &c
(sd/ R. W. 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 N^o 2302, I was
quite ignorant of the State of affairs
connected with Timmanore tank shown
in the papers enclosed in your N^o 490
dated 10 Instant herewith returned.

2. The Jashie and other villages under
Timmanore.

Tinnamore 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 Tinawir 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
Mont 11 Oct^r 1876

I have &c.

Col. F. J. Moberly Col. R.E.

Sup^r 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 Jaghirci quota.

(True copy & extract)

[Signature]
Secy Secretary.

The Secretary to Government R. &
with Copies of Board's Proceedings
of 3^d Dec^r 1875 No 3284 + 8th Feb^r 1876
No 390.

[Signature]
Secy Secretary.

Prosser 1896 Sept 10
No. 4817
Proceedings of the

Board of Revenue

Settled 10 May 1906
May 27th
Recd 11-0

30

150th of Prosser Sept 10-11/96
Dec 25/96

Thank in Timmon's paper
in Chugachut & - suggesting
that Govt should supply
necessary funds for payment
of - and see containing
parties concerned for re-
covery of loggia goods.

well over

Porter R. 10/1/96

Sept 10-24

No 1702

The House with a certain 1896

has many villages & what extent of
land is at present for cultivation
the Timmon's land with portion be-
longing to the Japanese & the Govt
society. They should also state by whom
the land was given to him with
in return, who constituted it, and
at what cost etc.

It is stated that with 1896
have the containing parties for
the recovery of his paper goods
that the person must desire to know
how the case is done, the person
of his for payment Pleaser being
that no payment for such a land
except 1-1

Sept 16 1896