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# MADRAS RECORD OFFICE

## GOVERNMENT OF MADRAS

*Revenue* DEPARTMENT

G.O. No.  
B.R. No.

1717

Press  
Mis.

Dated

21-7-1876

196

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No. 550. Read the following endorsement of the Chief Secretary to Government  
Judicial Department, dated 14th June 1876, No. 895:—

From H. W. BLISS, Esq., Acting District Magistrate of Madura, to the Honorable W.  
HUDLESTON, Chief Secretary to Government, Fort St. George, Ootaca-  
mund, dated Camp at Periakolam, 7th June 1876, No. 469.

I HAVE the honor to submit the report called for in G.O., dated 8th May 1876,  
No. 866, Judicial Department.

2. Ever since I have known the district it has been the custom, and a common  
subject of complaint, for the Department of Public Works to store materials on the  
roads, not by the side of them, in such a way as to cause not merely inconvenience but  
positive danger to persons having occasion to travel on the roads at night time. I am  
sorry to appear to contradict Mr. Paynter, but I can only say that I do not agree with  
him that room is always left for two carts to pass. Even if there was that would not  
prevent the risk of people breaking their necks by driving over heaps of stones at  
night, since no barriers are ever put up or other indication afforded of these dangerous  
obstructions, for which a Road Overseer in England would be indicted before he was a  
week older.

3. Some years ago I issued a similar order, as Joint Magistrate, to that now  
complained of. This did a good deal of good at the time, though I observe it is now  
being neglected, stone and gravel being heaped on the road, without the smallest  
necessity and so as to form dangerous obstructions, within a few yards almost of where  
I sit in the bungalow usually occupied by an officer of the Department of Public  
Works when he is at his head-quarters.

4. No one that I know of ever objected to my former order. Every Public  
Works Officer I have spoken to on the subject has told me, as Mr. Paynter says, that  
he did his utmost to stop the practice against which it was directed. Driving there-  
fore over a road in the Mellur taluq with the Tahsildar and finding it in numerous  
places dangerously obstructed without the smallest necessity, I told him to see the  
roads kept clear, to give fair warning, and, if it was not attended to, to punish the  
persons responsible. Had I had the smallest idea that it was the wish of the District  
Engineer or of the Range Officer that materials should in any case be stored on the road,  
I would have communicated with them before doing so. Had either of them referred  
to me, I would have done my utmost to meet their wishes.

5. I have now directed the Tahsildar not to move further in the matter un-  
till further orders, which I request Government will issue.

6. I submit that when a road runs on an embankment, the practice of heaping  
materials on it is even more dangerous than under ordinary circumstances and ought  
specially to be prohibited. I submit also that in such cases a margin should be taken  
up along the road-side to the extent necessary to store materials; and that where  
cultivation has encroached on to the road it should be set back, a matter very easily  
disposed of in the Revenue Department if the Public Works Department will bring  
the necessity of it to notice. And I have the honor to state my opinion that the  
employés of the Department of Public Works are no more entitled to obstruct the  
public high roads of the country and to imperil the limbs and lives of travellers

*Proceedings of the Madras Government, Public Works Department,  
26th June 1876. No. 1,614.*

as they constantly do, than any one else; and that it is quite as much my duty as a Magistrate to prevent such obstructions as any others, though I admit, as above stated, that I would have written to the District Engineer or Range Officer about them before doing anything else, if I had supposed that they had ordered them.

TRANSFERRED to the Public Works Department with reference to G.O., dated 29th April 1876, No. 1,081, in that department.

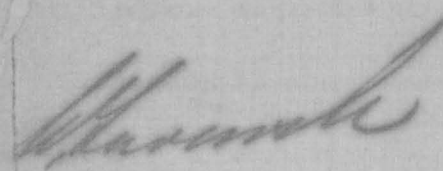
(Signed) W. HUDLESTON,  
Chief Secretary.

No. 551. ORDER THEREON, 23th June 1876, No. 1,614.

CIVIL WORKS, No. 69.

HIS GRACE the Governor in Council observes that it was clearly Mr. Bliss' duty to communicate with the officers of the Public Works Department if the roads were unduly obstructed. His Grace in Council considers that Mr. Bliss has acted with indiscretion in not giving notice previous to ordering action to be taken by the Police. The Government look to the Officers of the Public Works Department to prevent the obstruction of roads. And Magistrates should see that the orders on this subject are not neglected. It would appear from the District Engineer's letter with G.O., No. 1,081, dated 29th April 1876, that the land originally marked out for the roads has been encroached on by cultivators. This subject will be inquired into by the Revenue Department and steps taken to maintain the full width originally laid out.

(True Extract.)

  
Colonel,  
Offg. Under Secy. to Govt., P.W.D.

To District Engineers.

To the Judicial Department.

„ Revenue Department, with G.O., No. 1,081, dated 29th April 1876.

Exd. E. C. Shunker.

20 Spare Copies

*Proceedings of the Madras Government, Public Works Department,  
29th April 1876.*

No. 448. Read the following letter from Lieutenant-Colonel J. F. FISCHER, R.E., District Engineer, Madura, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madura, 13th April 1876, No. 180 :—

IN forwarding, for the consideration and orders of the Government, the accompanying letter from the Executive Engineer, Madura Range, I have the honor to state the Acting Magistrate has made no complaints to this office of the obstructions on the roads which he has ordered the Police to prosecute this department for.

2. From Mr. Paynter's report it appears that sufficient room has been allowed for two carts to pass in all cases, and in this district, where the roads pass through wet cultivation particularly, the ryots have been allowed by the Revenue Department to cultivate up to the side slopes of the roads, and there are few or no places left on which materials can be stacked.

3. In the meantime I have ordered the Range Officer to use up the materials as soon as possible to avoid loss, but it is absolutely necessary for some orders or instructions to be obtained from the Government in this matter, as the Acting Magistrate has called in the intervention of the Police without attempting to establish the fact that two carts cannot pass each other, or preferring any complaint here.

From L. W. PAYNTER, Esq., Executive Engineer, Madura Division, to Lieutenant-Colonel J. F. FISCHER, R.E., District Engineer, Madura, dated Camp at Nagarry, 11th April 1876, No. 93.

I HAVE the honor to forward, for your consideration and orders, the accompanying copy of a letter, No. 4, dated 4th April 1876, from the Meylore Overseer.

1 Copy of letter.  
1 Original yadast, to be obligingly returned.

2. It was the custom in this range to collect the road material for repairs in nearly every instance on the road surface, leaving only a narrow passage for traffic. I have done my utmost to stop this practice, but in some cases it is almost impossible to avoid placing the materials on the road surface where the road runs as an embankment through wet cultivation, where no margin is allowed; and in other parts where the cultivation has encroached up to the road side.

3. I have done and shall do my utmost to obstruct traffic in the least possible way, but it will be extremely inconvenient and an increase of expense if in no case material is to be collected on the road surface. Of course a passage wide enough for two carts to pass would always be allowed, and the material would be used up as soon as possible.

From R. NAGALINGUM PILLAY, Taluq Overseer, Department of Public Works, to L. W. PAYNTER, Esq., Executive Engineer, Madura Range, dated Meylore, 4th April 1876, No. 4.

I BEG to inform you that a yadast of the Tahsildar of Meylore, stating that unless the materials, viz., stones and gravels, put on

One Yadast.

the sides of roads be removed from all roads within fifteen days' time the Acting Collector has ordered that the Police should be requested to charge the Public Works Department for obstruction.

*Proceedings of the Madras Government, Public Works Department,  
29th April 1876.*

2. With reference to the above yadast I also hear that the Acting Tahsildar has requested the Police station officers to charge the maistries and mile coolies with having caused obstruction, if the materials be not removed within the time mentioned in the yadast; and in consequence of which the mile coolies and maistries are afraid to bring materials to the road.

3. In obedience to your order great quantities of stones and gravel have been procured and laid for the thorough repair of the road. In parts where there are places available adjacent to the road materials have been heaped close to the road.

In parts where there are no places available adjacent to the road, the cultivated fields and tanks extending up to the very slope of roads, the materials have been put on the sides of roads.

4. Although it is quite apparent that the materials have been procured and laid to repair the roads for the convenience of the public, yet the Acting Collector seems to be of opinion that materials cannot be heaped on the sides of roads, as they occupy a part of the space of road-way, and thus make the less useful as such.

5. In order to avoid at present the criminal prosecution with which the Acting Magistrate threatens the Public Works Department, I beg you will be good enough to let me know, as soon as possible, what to do with the materials placed on the sides of roads, whether to spread them on the roads or to bring them to places available whatever the distances may be.

6. In case of removing the materials now and bring it to the requisite places whenever required, an extra expenditure will have to be incurred.

7. In some parts, especially in Roads Nos. 9 and 12, the road-way is not more than 4 or 5 yards, and the adjacent grounds being in the possession of ryots paying teervah to Government, we are prohibited even from taking earth to strengthen the slopes of roads.

8. In order that the Public Works Department may not incur the displeasure of Magistrates, and for the safe carrying out of our work for the convenience of the public, and for the safe protection of the roads, I suggest that there ought to be a space of 8 yards for the road-way and 7 yards either sides for the use of avenues, heaping materials, for taking earth to strengthen and widen the roads, and for allowing proper drainage, and thus making in all 22 yards. If a uniform breadth of 22 yards were allowed for the roads, the road works may safely be carried out, and the Public Works Department will be safe from the threatenings of Magistrates with criminal trespass and obstruction, &c.

9. In case of my above suggestion be deemed proper, I request you will be good enough to represent the matters to the District Engineer so that he may take proper steps for the purpose. The yadast above referred to is herewith forwarded for your perusal.

No. 449.

ORDER THEREON, 29th April 1876, No. 1,081.

ESTABLISHMENT, No. 36.

THE Magistrate will be called on in the Judicial Department for an immediate explanation of his proceedings in connection with this case.

(True Extract.)

(Signed) G. W. WALKER, Major-General, R.E.,  
Secretary to Government.

To the Judicial Department.

Exd. S. T. Austin.

Spare Copies

No 2904  
Revenue Dept  
Govt. of 1876 Madras.  
PUBLIC WORKS.

To

DISTRICT ENGINEERS,

&c. &c. &c.

Dated June 26th.

Issued

Recd. 17 July 1876

Encl. 1.

G. O., 26th June 1876, No. 1,614.

JUNE.

Nos. 550-551.

Dr. Sir,

Obstruction on Roads, Madura District.—  
Passing orders on explanation submitted by  
the Magistrate, through the Judicial Depart-  
ment, of his proceedings in connection with  
the prosecution ordered to be instituted by  
him against the Public Works Department  
for certain alleged —

Do 1717  
Communicated to the  
Govt. for the purpose of the  
orders.  
21 July 1876

Dated

196

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