

(1) Number of Pages 12
(2) Date of repair 1
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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

1892

Press
Mis.—

Dated 4.12.1876 196 .

Not to be folded or roughly handled

1892/6

*Proceedings of the Madras Government, Revenue Department,
4th December 1876.*

No. 41. Read the following Proceedings of the Board of Revenue, dated 9th October 1876, No. 2,537:—

Read the following Proceedings of the Madras Government, dated 13th September 1876, Petition Department.

Abstract.—Passing orders on petition from P. Streeniyassa Chariar, Bhatavirty Inamdar in Dindigul Taluq, Madura District, regarding levy of penal assessment on his lands.

COMMUNICATED to the Collector of Madura for information and guidance.

2. The reference to Standing Order, No. 137-A, in the Board's endorsement of the 11th April 1876 was made through inadvertence. The fact that the order did not apply to Madura was duly considered before the second endorsement was passed, but the Board held that the principle was one of general application, and that the action taken by the Collector was not affected by the circumstance that the new rules had not been extended to his district.

3. As regards Board's Proceedings, dated 6th April 1875, No. 826, the Board respectfully submit that those Proceedings relate to the unauthorised occupation of waste land, whereas the present case refers to the right of a Revenue Officer to regulate the charge for water.

(A true Extract.)

(Signed) E. GIBSON,
Acting Sub Secretary.

No. 42.

ORDER THEREON, 4th December 1876, No. 1,892.

Land Revenue, No. 2.

ALTHOUGH, as pointed in the previous order, this case does not fall within the scope of Board's Proceedings, dated 6th April 1875, No. 826, the Government are still of opinion that the levy of penal assessment under all its circumstances was of doubtful legality, and one in which the right of a Revenue officer to regulate the charge for water should not have been exercised. If an arbitrary remedy were necessary, the remedy should have been the prevention of the petitioner from taking the water from the river at all, provided such taking could have been shown to have been unlawful. Upon this point, however, the Collector will obtain the necessary evidence before suggesting that action be taken upon any recommendation of the District Engineer. In such an event, he will report results of his inquiry for the information of Government.

(True Extract.)

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

To the Board of Revenue.
Exd. F. R. Bantleman.

Content Deleted by Internet in Madras District
- Informing the Board of Revenue that the
assessment are still of opinion that the levy of
assessment on - was of doubtful legality and
in which the right of a Revenue Officer to regulate
the charge for water should not have been as-
sured.

DECEMBER
Nov. 41-42

O. O. 468 December 1870, No. 1,870

200.

Local Decree, 4A.

THE BOARD OF REVENUE

REVENUE.

Board of 1870-71

No. 2,537.
PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th October 1876.
Read the following Proceedings of the Madras Government, dated 13th September
1876, Petition Department:—

ABSTRACT.—Passing orders on petition from P. Streenivassa Chariar, Bhatavirty
Inamdar in Dindigul Taluq, Madura District, regarding levy of penal assessment on his
lands.

COMMUNICATED to the Collector of Madura for information and guidance.

2. The reference to Standing Order, No. 137-A., in the Board's endorsement of
the 11th April 1876 was made through inadvertence. The fact that the order did not
apply to Madura was duly considered before the second endorsement was passed, but
the Board held that the principle was one of general application, and that the action
taken by the Collector was not affected by the circumstance that the new rules had
not been extended to his district.

3. As regards Board's Proceedings, dated 6th April 1875, No. 826, the Board
respectfully submit that those Proceedings relate to the unauthorized occupation of
waste land, whereas the present case refers to the right of a Revenue Officer to regulate
the charge for water.

(A true Extract.)

K. S. S. S.
Acting Sub-Secretary.

To the Collector of Madura, with Petition
and enclosure, and copy of Government Order.
„ the Secretary to Government, Revenue Department.

Exd. J. Tulloch.

Di. Pre. 8: Oct. 76 No. 2,537

The facts of this case are related
in the memo for return -
No. 898 1550 and 131
Pre. No 898 - 1st April 76 -

- the Board was entitled
to the rule laid down in
15 March 1876, No. 126, in relation
to the unauthorized occupation
of waste land, and not to
the regulation of the local
supply - and that the
rule (No. 126, st. Ord. 1876)
was not intended
to be applied to a
principle of general application.
There is little question that
the case of waste land
was directly contemplated
by the order of 6th April 75;
but the point in issue
here is, whether the principle
that the State has right to
impose special assessment
for the unauthorized use

I do not think the facts
are quite clear -

1876.
Board of Revenue,
MADRAS.

PROCEEDINGS, 9TH OCTOBER 1876, No. 2,537.
Dated 19 Oct 1876

Received 28/10
1876

OCTOBER.
No. 2,537.

Penal Assessment - on lands held by certain
Bhaktavirya Inamdar of Thakiesambo village in
Tindigul Taluk, Madurai District - Communi-
cating to Collector Government order regarding
levy of - and submitting Board's views with
reference to remarks of Government on subject.

1876-1877
R.C. 23: No. 253: No.
1876-1877 R.C. 23: No.

use of water was properly
applied in this case -

Is or is not the State estopped
from exercising its rights
taking all the facts &
the case into consideration

17
9.11.46

It is also to be observed in
this case that the collector
is charging for water
for a private tank, tho

that tank is supplied

by means of a private

channel for a Govt

source - If Govt are

to charge water into

the charge should be

made for the supply

at the head - but

not for the quantity

supplied - This of course

is not practical -

When the water has

reached the tank it

is beyond Govt control.

The investigation reports
referred to in the petition
are not put up - the
other attorney explained -

I think the imposition
of a penal apportionment
of doubtful legality
under the circ. described

The arbitrary survey should
have been preventing Govt
taking Govt water from
the stream at all rates

An exclusive & penal water
rate upon the lands

2 distinct questions
exist - 1st Has petitioners

enclosed cultivated Govt
waste land? 2nd Has the

water lawfully taken Govt.

1822/4
water to irrigate it - and can hardly be regarded as
that an distinct Govt. property

The commission to be
taken is I think to
order an immediate
investigation of the
circumstances -
was the ancient well a public well?
Has it stood so long as to be
immovable?

Is it any injury to the
river -
Does it deprive any
land before irrigated of
water?

When was Ancient well
constructed?

Does it pass water to
any other land than
that of petitioners?

By 2/11

no change of mind as to
28/12/76

31st Dec 1876 No. 2537

— District

Memo for the

to the Secretary to the
Government of Madras
from the District Officer
Madurai

Reference is made to the
order of the Government
dated 10th April 1875
No. 826

It is respectfully submitted
that the levy of penul
apement on lands held by certain
Whitairish Inamdar, of Madurai
is not within the scope of the
Board's Proceedings dated 6th April 1875, No. 826

The Government are still of opinion
that the levy of penul
apement under all its
circumstances was of
doubtful legality, and
one in which the right
of a revenue officer to
regulate the charge for
water should not have
been exercised.

Case: ...

... and ...

... and ...

... and ...

... and ...

... and ...

... and ...

... and ...

... and ...

... and ...

... and ...

Copy No.

Revenue Dept.
No. 1892
Proceedings of the Madras Government
4th December 1876

Read Pro. of the Board
of Revenue.

H. G. G. Act. 1876. No. 2537

Communicating to the
Order regarding levy of penul
apement on lands held by certain
Whitairish Inamdar, of Madurai
Gt.

8

9

Although, as pointed
in the previous order this
case does not fall within
the scope of Board's Proceedings
dated 6th April 1875, No. 826
the Govt are still of opinion
that the levy of penul
apement under all its
circumstances was of
doubtful legality, and
one in which the right
of a revenue officer to
regulate the charge for
water should not have
been exercised. If

an

Sent to the Secy to the Govt 13th Nov 1876
C. D. 10th Nov 76 - R. N. 10th Nov 76

an arbitrary remedy
were necessary the remedy
should have been the
prevention of the Petitioner
from taking the water
from the river at all
provided such taking
could have been shown
to have been unlawful.
Upon this point, however,
the Collector will obtain
the necessary evidence
before suggesting that
action be taken upon
any recommendation
of the District Engineer.
In such an event
he will report results
of his enquiry for
the

the information of
Government. 82/10

14 To the O. D. and day Rec
S. D. Clerk

3
10

S. D. Clerk

G.O.

Recd Assess on cer-
tain Bhataru Nam
lands in Bhataru
Dist -

By the District

G.O.

Dist -

c 23, N 76. R 23. Nw