

(1) Number of pages 4

(2) Date of repair 5.2.71

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	2856	Press
B.P. No.		Mis.
Dated	29. 11	1876 196

Not to be folded or roughly handled

No. 311. Read the following endorsement of the Consulting Engineer for Railways, dated Madras, 23rd October 1876, No. 508:—

From R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 20th October 1876, No. 1,063.

With reference to your letter of the 24th ultimo, No. 1,016, and the Proceedings of Government forwarded therewith, I have the honor to enclose you a copy of the Acting Chief Engineer's letter, No. 744, dated the 18th instant, in which explanation is offered as to the circumstances under which the land near the Pennair bridge was taken possession of before it was transferred to the Company in the regular manner.

2. It is much to be regretted that the formal application for the land was so long delayed, but for the taking possession in the first instance there is, in my opinion, much to be said in excuse for the Railway Officers.

3. A portion of an important bridge on the line of railway had been carried away by an extraordinary flood, and it was of the utmost importance in the public interests that the repairs should be carried out with the least possible delay.

4. With this view a piece of land which was to all appearance worthless and waste was taken possession of without recourse being had to the usual forms which would have taken time, and I do not think that under all the circumstances any Court of Law would allow that this informality justifies an exorbitant demand such as is preferred in this case.

5. The owners of the land are undoubtedly entitled to compensation, but only to a reasonable amount, and I trust that His Grace the Governor in Council will allow the matter to be dealt with in the way suggested by the Collector of Bellary in his letter of the 15th of July 1876, No. 255.

From W. R. ROBINSON, Esq., Acting Chief Engineer, to R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, dated Madras, 18th October 1876, No. 744.

Your endorsement on Consulting Engineer's letter, No. 1,016, dated 25th September, forwarding G.O., No. 2,300, of 30th August last.

I learn that in October 1874, when a portion of the Pennair bridge was carried away, a camp was established on the land in question, which was to all appearance worthless and waste. In August 1875 it became necessary to put up huts in anticipation of the arrival of borers from England and a plan of the land was prepared. The application was delayed till September as the question of the extension of the bridge on the north side was under consideration, and the Chief Engineer wished to apply for the whole of the land required at one time. While regretting that the application was not forwarded earlier, it appears to me that the course of action recommended by the Revenue Board is very likely to encourage exorbitant demands for compensation.

2. While writing on this subject I would point out that there are circumstances under which it may be advisable to enter into temporary possession of land without waiting to have it formally handed over. Should the line at any time be breached, both the Board and the Government will expect that the promptest action be taken to restore communication. Yet this cannot sometimes be done without entering upon land outside our boundary. I shall be glad to learn what course I am in future to pursue should such circumstances arise. We are at present precluded from making any direct arrangements with the occupiers.

SUBMITTED to Government.

2. The contingency referred to in paragraph 2 of the Chief Engineer's letter is not likely to occur often, when it does however it would appear that the Company's officers must occupy land at the risk of the Company.

(Signed) C. J. SMITH, Major, R.E.,
for Consulting Engineer for Railways.

No. 312. ORDER THEREON, 20th November 1876, No. 3,087.

RAILWAY, No. 48.

His Grace the Governor in Council
is of opinion that the only course now open
is to comply with the demand.

2. The plea of emergency, which necessitates immediate possession of land, must depend on the circumstances of each case. In the case under reference there was great delay on the part of the Railway in taking the necessary steps to be put in possession, with the consequent result of having to pay heavily for the neglect.

(True Extract.)

C. J. Smith

Major-General, R.E.,
Secretary to Government.

To the Consulting Engineer for Railways.
Revenue Department.

Edw. S. T. Austin.

W Spare Copies

4-021 ang/100
207
No. 5142
Govt. of 1876 Madras.

PUBLIC WORKS.

✓
THE CONSULTING ENGINEER
FOR RAILWAYS.
&c. &c. &c.

Dated November 20th.

Issued

Recd.

a 24

Encl.

G. O., 20th November 1876, No. 3,087.

Des. Miss
NOVEMBER.

Nos. 311-312.

136 B. M. 9/10/12

Land on the north bank of the Pennar,
Bellary District.—Passing orders on letter
explaining the emergent circumstances which
necessitated the possession by the Madras
Railway of the — 1858

Consent given to the
of R. in continuation of
1858/1859/1860/1861