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**MADRAS RECORD OFFICE****GOVERNMENT OF MADRAS**Revenue DEPARTMENTG.O. No.  
B.P. No.

599

Press  
~~Mis.~~

Dated

11-5-1876

196

Not to be folded or roughly handled

599

*Proceedings of the Madras Government, Revenue Department,  
11th May 1876.*

Read the following papers:—

No. 87. Petition from N. KAMIAH, dated Ramachendrapuram, 5th February 1876.

ABSTRACT.—Appealing against the order of the Board of Revenue, that a channel on which petitioner expended Rs. 3,500 with the permission of Mr. Robinson, former Collector, should be repaired by Government, and that the lands irrigated from the channel should be assessed with the full taram assessment, although petitioner had been allowed to pay the dry rate for the same in former years.

No. 88. Official Memorandum from the Acting Sub-Secretary to the Board of Revenue, to the Acting Under Secretary to Government, Revenue Department, dated Madras, 27th March 1876, No. 497.

As requested in his Official Memorandum, dated 17th March 1876, No. 28, Petition Department, the undersigned has the honor to forward to the Acting Under-Secretary to Government, Revenue Department, copy of Board's Proceedings, dated 15th September 1875, No. 2,579, referred to in their endorsement on petition No. 2,814 of 1875.

(By order,)

(Signed) E. GIBSON,  
Acting Sub-Secretary.

ENCLOSURE No 1.

Proceedings of the Board of Revenue, dated 15th September 1875, No. 2,579.  
Read the following letter from W. S. WHITESIDE, Esq., Collector of North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Palmanah, 23rd August 1875, No. 466:—

I HAVE the honor to lay the following case before the Board of Revenue for their consideration and orders.

2. In the village of Ramachendrapuram, of the Chendraghiri Taluq, there exists a spring channel called "Ramasami Kalva," which was originally constructed on Dusavundum tenure, and irrigated an area of about 24 cawnies, including Government lands and Dusavundum and Kattubadi Inams.

3. The up-keep of the channel in question having been neglected by the Dusavundumdars, it gradually fell into a dilapidated condition, and, it is alleged, was useless for about forty years. The Dusavundumdars were, therefore, called upon to execute the necessary repairs to the channel, but they having failed to do so, the Inam under it was finally resumed in 1861 under the orders of the Assistant Collector.

4. In 1866, on complaint of certain ryots, certain lands under the channel, both occupied and waste, were transferred under the orders of A. Narayana Row, the then General Deputy Collector, from wet to dry, owing to want of water-supply from a Government source of irrigation, and charged with the highest rate of dry assessment (Rupees 2-12-0 per cawny).

5. In 1870, Nundibatla Kamiah, one of the above ryots, addressed a petition to the Collector, applying for the repairs of the channel in question, and it was referred to the Executive Engineer in charge of the Chendraghiri Range for his opinion. That officer, in his letter, No. 209, dated 20th December 1870, reported that "it is not advisable to do any work to the channel, as the lands under it are on too high a level."

6. The petitioner thereupon requested the Collector that he might be allowed to repair the channel at his own cost, and to pay either the taram assessment of the lands irrigated by it, minus the water-tax, or the special rate of Rupees 2-8-0 per acre. The Tahsildar was called on

Proceedings of the Madras Government Revenue Department,  
11th May 1876.

to report on this subject. That officer, in his Arzi, No. 1, dated 22nd May 1871, strongly objected to the grant of the channel to the petitioner for private repairs, on the ground that it interfered with other Government works of irrigation. Mr. Robinson accordingly declined to comply with the petitioner's request, and passed an endorsement to that effect in his Arzi under date the 29th May 1871.

7. The petitioner, however, again presented a petition on the same subject to Mr. Robinson, who thereupon issued an order to the Tahsildar, directing that the channel in question should be

\* No. 153, dated 1st November 1871.

made over to the petitioner for private repairs which was accordingly done. I must here observe that nothing was said in the order above quoted regarding the rate of assessment to be levied on the lands cultivated by the use of the channel-water.

8. The petitioner Kamiah at once commenced repairs to the channel, and completed the same by November 1872. In the meantime he requested of Mr. Robinson, by petition, that the special rate of Rupees 2-8-0 per acre may be charged on all his lands (acres 12) which lie under the irrigation of that channel, and this concession was accordingly sanctioned in Takeed, No. 55, dated 9th February 1872.

9. It appears from the records of inquiry that of the total extent of the nunjah area under the channel in question, a portion was transferred from the head of wet to dry, another portion was charged with the special rate of Rupees 2-8-0 per acre, and the Katubadi Inam and a piece of unoccupied waste (cawnies 3-14-12) still remain under the head of nunjah.

10. Kamiah; the petitioner above referred to, having since purchased from Vencataroyadu another dry field, measuring cawny 0-14-8, requested the Tahsildar during the Jamabundi of fasli 1282 that the above extent, which was cultivated with wet crops by means of water from the above channel, may also be charged with the special rate of Rupees 2-8-0 per acre, as in the case of all his other lands under the same channel. This claim was submitted for my consideration during my settlement of the taluq in fasli 1282, and I then ordered a full inquiry into the circumstances of the case. The result of that inquiry is detailed above.

11. The Tahsildar has reported that the channel in question, after it was made over to the petitioner, was repaired, and the probable cost of the repairs was about 500 Rupees. The

+ Letter, No. 1,073, dated 21st February 1874.

Wallajah Range Officer, however, whose opinion was also sought for on the point, reports that no repairs at all were executed to the channel, and if it is now to be repaired, it would cost 500 Rupees. The repairs are said to have been completed in 1872, and the inspection of the Range Officer took place in 1874. It may perhaps be that after the completion of the repairs the channel was silted up, and so no trace of the improvement could be discerned by the Range Officer, though, in view of the very peculiar circumstances of the case, I am inclined to suspect that Lieutenant Smithers is right in his opinion. The Tahsildar's report on the point is based on the testimony of village officers who very likely had private motives of their own.

12. The Tahsildar's inquiry elicited that the channel in question runs within the distance of ten yards from an adjoining Government channel. Hence there is reason to suppose that the so-called private channel draws off, by percolation, the water of the Government channel above referred to.

13. Under the above circumstances, I am not prepared to comply with the request of the petitioner that his newly-acquired dry land, cawny 0-14-8, may now be charged with the special rate of Rupees 2-8-0 per acre.

14. The question, however, for the decision of the Board is, whether, under the orders issued by Mr. Robinson, the channel in question should continue to remain a private work of irrigation and the special rate of Rupees 2-8-0 per acre for certain lands under it be left undisturbed, or the channel should henceforward be treated as Government property and the special rate be changed to taram assessment with tirvajasti or fasaljasti for all cultivation under the channel by the use of its water. My reason for bringing this matter prominently to the notice

Proceedings of the Madras Government, Revenue Department,  
11th May 1876.

of the Board is that a ruined channel does not fall within the rules for "ruined tanks," and the channel in question affects a Government source of irrigation as shown above.

The grant made by the late Collector does not seem to have been warranted by the rules. The Board are of opinion that the taram assessment, &c., should be levied in future, and the channel repaired at the cost of Government.

(True Copy Extract.)

(Signed)

H. E. STOKES,

Acting Secretary.

No. 89.

ORDER THEREON, 11th May 1876, No. 599.

Irrigation, No. 1.

HIS GRACE the Governor in Council

not concur in the opinion of the Board

or. Hevenie that the special rate fixed by

a former Collector, Mr. J. D. Robinson, in 1872 should be ignored, and that the petitioner should be charged the "taram assessment with tirvajasti or fasaljasti for all cultivation under the channel by the use of its water." That the petitioner went to some considerable expense, and that he did so in the expectation that he would be treated liberally, there can be no question. Before the completion of the repairs, apparently, he renewed his request to be charged a special rate of Rs. 2-8-0. The request was granted. This order of the Collector cannot now be cancelled, as respects the land owned by the petitioner at the time, without a breach of faith. Such a course would be quite opposed to the liberal policy heretofore pursued by Government. — a policy which was insisted on so recently as September 1875 in connection with this very district (G.O., 10th September 1875, No. 1,347).

2. Nor can His Grace the Governor admit the fine distinction drawn by Mr. Whiteside between "a ruined tank" and "a ruined channel," under the circumstances of the case. The channel in question was not strictly a Government but a Dusavundum channel. The Dusavundumdars neglected to repair it, and Government fifteen years ago withdrew their contribution by the resumption of the Inam. The petitioner, in undertaking a duty neglected by the Dusavundumdars, was clearly entitled to some consideration, and that consideration was allowed under the Collector's order of 1872.

3. As regards, however, the land recently acquired by the petitioner, the case is different. The land was purchased without any understanding that a special rate should be charged, and no doubt the petitioner paid a price fixed accordingly. Under these circumstances the Government consider that the taram assessment here may fairly be charged. The following endorsement will be passed on the petition.

"The petitioner will be referred to the Collector, who has received orders in the matter of this petition."

(True Extract.)

(Signed)

D. F. CARMICHAEL,

Secretary to Government.

To the Board of Revenue.

„ the Accountant-General.

„ the Petition Department.

Exd. F. R. Bantleman.

Vol. of 1876

REVENUE.

THE BOARD OF REVENUE.

Filed May 11th.

G.O. No. 111 of 1876, No. 599.

Petition No. 291 of 1870 relative to assessment on lands held by Kamiah of Ramachan in North Arcot District. — Remarking that the opinion of the Board of Revenue relative to the special rate fixed by a former Collector in 1872 on certain lands held by the petitioner cannot be concurred in by Government; concluding that the tax assessment may fairly be charged as regards the lands recently acquired by the petitioner and directing the petitioner to the Collector for orders on the matter of his petition.



No. 2,579.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 15th September 1875.

Read the following letter from W. S. WHITESIDE, Esq., Collector of North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Palmanair, 23rd August 1875, No. 453:—

I HAVE the honor to lay the following case before the Board of Revenue for their consideration and orders.

2. In the village of Ramachen, in the Chendraghiri Taluq, there exists a spring channel called "Kamasami Talva," which was originally constructed on Dasabandam tenure and irrigated an area of about 24 Cawnies, including Government lands and Dasabandam and Kattubadi Inams.

3. The up-keep of the channel in question having been neglected by the Dasabandamdars it gradually fell into a dilapidated condition, and it is alleged was useless for about forty years. The Dasabandamdars were therefore called upon to execute the necessary repairs to the channel, but they having failed to do so, the Inam under it was finally resumed in 1861, under the orders of the Assistant Collector.

4. In 1866, on complaint of certain ryots, certain lands under the channel, both occupied and waste, were transferred under the orders of A. Narayana Row, the then General Deputy Collector, from wet to dry, owing to want of water-supply from a Government source of irrigation, and charged with the highest rate of dry assessment (Rupees 12-0 per Cawni).

5. In 1870, Nundibatla Kamiah, one of the above ryots, addressed a petition to the Collector, applying for the repairs of the channel in question, and it was referred to the Executive Engineer in charge of the Chendraghiri Range for his opinion. That officer, in his letter No. 209, dated 20th December 1870, reported that "it is not advisable to do any work to the channel, as the lands under it are on too high a level."

6. The petitioner thereupon requested the Collector that he might be allowed to repair the channel at his own cost, and to pay either the taram assessment of the lands irrigated by it, minus the water-tax, or the special rate of Rupees 2-8-0 per acre. The Tahsildar was called on to report on this subject. That officer, in his Arzi No. 142, dated 22nd May 1871, strongly objected to the grant of the channel to the petitioner for private repairs, on the ground that it interfered with other Government works of irrigation. Mr. Robinson accordingly declined to comply with the petitioner's request, and passed an endorsement to that effect on his petition under date the 29th May 1871.

7. The petitioner, however, again presented a petition on the same subject to Mr. Robinson, who thereupon issued an order\* to the Tahsildar, directing that the channel in question should

be made over to the petitioner for private repairs, which was accordingly done. I must here observe that nothing was said in the order above quoted regarding the rate of assessment to be levied on the lands cultivated by the use of the channel water.

8. The petitioner Kamiah at once commenced repairs to the channel, and completed the same by November 1872. In the mean time, he requested of Mr. Robinson by petition that the special rate of Rupees 2-8-0 per acre may be charged on all his lands (Acres 12) which lie under the irrigation of that channel, and this concession was accordingly sanctioned in Takeed No. 55, dated 9th February 1872.

9. It appears from the records of inquiry that of the total extent of the nunjah area under the channel in question, a portion was transferred from the head of wet to dry, another portion was charged with the special rate of Rupees 2-8-0 acre, and the Kattubadi Inam and a piece of unoccupied waste (Cawnies 3-14-12) still remain under the head of nunjah.

No 391 of 1876 29<sup>th</sup> Feb 1876

Recd 14<sup>th</sup> —

From N. Gammah, Inhabitant of Ramachendrapuram, Chendragiri Taluk, North Arcot District.  
(With a Copy of Board's Proceedings dated 15<sup>th</sup> September 1875, No 2579.)

Appealing against the Endorsements of the Board of Revenue dated 18<sup>th</sup> January 1876 No 2814, States that there is an

old ruined Channel called Raimasamy Calva in the said village; that on application being made to the Collector to have the said Channel repaired or to class the Nanja lands under it as Poonjah, he wrote to the Engineer to repair it; that the Engineer inspected it and reported that its repair would be useless, though a large sum would be required for the purpose; that the Collector then

M<sup>r</sup> W. Whitehead, below 23<sup>rd</sup> Aug. 75 - N 466, - gives the history of the case - It is to be noted that the Board might be asked to reconsider their Order - New can be little doubt - the capital was expended for the purpose & that he was allowed

391

For Order

10. Kaniab, the petitioner above referred to, having since purchased from Venkataroyada another dry field, measuring Cawales 0-14-8, requested the Tahsildar, during the Jambundi of Fasli 1282, that the above extent, which was cultivated with wet crops by means of water from the above channel, may also be charged with the special rate of Rupees 2-8-0 per acre, as in the case of all his other lands under the same channel. This claim was submitted for my orders during my settlement of the taluq in Fasli 1282, and I then ordered a full inquiry into the circumstances of the case. The result of that inquiry is detailed above.

11. The Tahsildar has reported that the channel in question, after it was made over to the petitioner, was repaired, and the probable cost of the repairs was about 500 Rupees. The Range Officer, however, reports that was also sought for on the point, reports that no repairs at all were executed to the channel, and if it is now to be repaired, it would cost 500 Rupees. The repairs are said to have been completed in 1872, and the inspection of the Range Officer took place in 1874. It may perhaps be that after the completion of the repairs, the channel was silted up, and so no trace of the improvement could be discerned by the Range Officer, though, in view of the very peculiar circumstances of the case, I am inclined to suspect that Lieutenant Smithers is right in his opinion. The Tahsildar's report on the point is based on the testimony of village officers who very likely had private motives of their own.

12. The Tahsildar's inquiry elicited that the channel in question runs within the distance of ten yards from an adjoining Government channel. Hence there is reason to suppose that the so-called private channel draws off, by percolation, the water of the Government channel above referred to.

13. Under the above circumstances, I am not prepared to comply with the request of the petitioner that his newly-acquired dry land, Cawales 0-14-8, may now be charged with the special rate of Rupees 2-8-0 per acre.

14. The question, however, for the decision of the Board is, whether, under the orders issued by Mr. Robinson, the channel in question should continue to remain a private work of irrigation and the special rate of Rupees 2-8-0 per acre for certain lands under it be left undisturbed, or the channel should henceforward be treated as Government property and the special rate changed to taram assessment with tirwajasti or fannjasti for all cultivation under the channel by the use of its water. My reason for bringing this matter prominently to the notice of the Board is that a ruined channel does not fall within the rules for "ruined tanks," and the channels in question affects a Government source of irrigation, as shown above.

The grant made by the late Collector does not seem to have been warranted by the rules. The Board are of opinion that the taram assessment, &c., should be levied in future, and the channel repaired at the cost of Government.

(A true Copy and Extract.)

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

To the Collector of North Arcot.  
Exd. W. H. French.

|                                                                                                                                                                                                                                                                                                                                                                 |                                 |                                                              |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------|------------------------------------------------|
| <p>Spring Channel in Ramachendrapuram Village of Chendragiri Taluk, North Arcot District, made over by late Collector to one Kaniab for private repairs. - Collector informed that this grant does not seem warranted by the rules, and that the taram assessment, &amp;c., should be levied in future, and the channel repaired at the cost of Government.</p> | <p>Received<br/>By 12/26/76</p> | <p>PROCEEDINGS, 15<sup>th</sup> SEPTEMBER 1876, No 2579.</p> | <p>1875.<br/>BOARD OF REVENUE,<br/>MADRAS.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------|------------------------------------------------|

then referred the matter to the  
 Dy. Collector who decided that the  
 lands under the channel should be  
 treated as Pongah and Rs 2 3/4  
 per Cawnee should be collected  
 from peto and others, that ac-  
 cordingly they paid at the said  
 rate till Fual 1280; that on per-  
 missioners application Mr. Robin-  
 son permitted him to repair  
 the channel at his own costs  
 and directed that the lands  
 under the channel should be  
 assessed at the dry rate of Rs 2 1/2  
 per acre; that peto repaired  
 the channel at a cost of Rs 3592,  
 that Mr. Whiteside, without refer-  
 ring to the former records, sub-  
 mitted a report to the Board of  
 Revenue, who in their Proceedings  
 dated 15<sup>th</sup> September 1875, No 2579,  
 directed that the channel should  
 be repaired by Gote and the  
 lands under it should be assessed  
 with the full tarām; that ac-  
 cordingly peto has to pay Rs 15  
 per Cawnee instead of Rs 2 1/2 per  
 acre.

the benefit of his ally  
 for two years. The  
 position of the rate of  
 assessment came up  
 in peto's purchase of  
 piece land adjacent  
 to the channel  
 and the charges  
 as in his own land  
 as he himself bought  
 the new acquired  
 fields under irrigation  
 which he had  
 supplied at his  
 own cost. The  
 result of this application  
 was that the rate  
 to be charged full  
 rate for this field  
 but the whole land  
 is bought under  
 the wet rates, & the

acre.  
 Referring to G.O. 10<sup>th</sup> Sept  
 1875, No 1347 and the Board's  
 Proceedings dated 23<sup>rd</sup> November  
 1875, No 3191 which the Gote ap-  
 proved, prays that the amount  
 expended for the repair of the  
 channel may be refunded to him  
 or that his lands may be assessed  
 at the dry rates.

10:50:45: N 1347.

In the order let  
 the petition be  
 dismissed.

82

He also  
 Board's Proceedings  
 23<sup>rd</sup> Nov. 75 No 3191

This case is ruled  
 by decision of Govt. in  
 G.O. 10<sup>th</sup> Sept 1875 No 1347  
 I consider that the  
 distinction

the channel taken  
 out of soil - the  
 channel is not a  
 work upon it cost  
 of Rs 500 had been  
 executed, - & the  
 land in the range  
 of the river,  
 the river is now  
 to now back to  
 per took water for  
 the for. channel -  
 it is difficult to  
 understand how water  
 obtained "by  
 percolation" for  
 the for. channel is  
 irrigate at least  
 12 acres of land  
 as appears from para 8  
 of D. Whiteside's letter  
 17.

distinction between  
 "ruined channel" and  
 "ruined tank" is  
 fair-splitting under  
 the circumstances and  
 should not be allowed  
 to prevail. The channel  
 is a ruined irrigation  
 work which has been  
 deliberately abandoned  
 by Govt. and the previous  
 owners. <sup>The Channel</sup> never was in  
 fact a Govt. work  
 properly so called. It  
 is a Duvandam channel  
 neglected by the Duv-  
 vandamdar and the  
 Govt. withdrew their  
 contribution towards  
 the upkeep by resumption  
 of the land 15 years ago.  
 The channel was  
 therefore made over  
 to another person  
 (the Duvandamdar not  
 objecting) to be maintained  
 at his own cost in  
 default of the obligation  
 of the Duvandamdar and  
 Govt. aid.

The order of the Collector  
 cannot now be cancelled  
 as respects the old land  
 without breach of faith. The  
 unreasonable (as it happens  
 to me) argument that  
 may be "supposed" that the  
 channel drains off water  
 from a short adjoining  
 unimproved Vanka or natural  
 brook (no doubt dry for the  
 greater part of the year) is  
 unsupported by evidence  
 and fact and is clearly  
 untenable in support of a  
 basis of breach of faith  
 with a person who has for  
 years enjoyed the fruits of his  
 own labor & outlay under the  
 rules and by direct Govt.  
 Govt. agent.

As regards the extension  
 of the privilege to the <sup>additional</sup>  
 land now proposed to be  
 a dry assessment <sup>conveyed</sup> to  
 I would refuse the claim as it  
 is new & we are entitled to share  
 of the crop. The claimant not only  
 only paid for the new piece the  
 value of the land as it stands with  
 its assessment whatever that  
 may be.

cannot  
 for since the former is cancelled & small to incur in the opinion of the Board of the  
 that the revenue note paid by W. Robinson in 1872 should be repaid & that the 1873  
 should be charged to the channel & the revenue note paid by Robinson in 1874  
 collection under the channel & the revenue note paid by Robinson in 1874  
 expense & that he should be in the expectation that he would be treated laterally here  
 can be no question - before the completion of the repairs, apparently, he would  
 his request to be charged a special rate of Rs 2 1/4 - This request was granted -  
 This order of the Collector cannot now be cancelled as respects the land  
 & let it be as the time without a breach of faith and  
 such a case would be quite opposed to the literal policy here before pursued

No. 391 of 1876  
 Dated  
 R. ORDERS

599  
 on 12th inst. a  
 receipt on 12th inst. 75.  
 in case connected with  
 this case  
 187  
 The case  
 2. This is a case in which  
 a sum of Rs. 1000 is due  
 to the Government  
 1876  
 6/5/76  
 1876

by W. Whelan the balance "a mixed trust" & "a mixed channel" under  
the circumstances of the case. The channel in question was not strictly a gift  
channel, but a discretionary channel - The circumstances respecting the payment of  
J.P.R. 15 years ago with new terms in the future by the trustees of the  
Trust - The P.R. is understood as being respected of the circumstances, which  
were entitled to more consideration - that consideration was  
allowed under the collection rules of 1892 -

As regards income the land recently acquired by the P.R. has  
been in dispute - ~~the property~~ ~~land~~ ~~the land~~ ~~with the~~ ~~land~~  
as the land was purchased without any understanding that a special  
note should be charged, & no doubt the P.R. paid a price for the  
property - under these circumstances the Govt. considers that the land  
acquired by way of being charged ~~as the~~

- The P.R. was to be upon the estate, who has received orders to  
the extent of his P.R.

File 391 of 1876

FOR ORDERS

2 Revenue Board Office  
Madras  
599  
1004 March 1876

No 497

Official Memorandum

As requested in his official Memorandum dated 17 March 1876, No 28, Petition Department, the undersigned has the honor to forward to the Acting Under Secretary to Government, Revenue Department, copy of Board's Proceedings dated 15 September 1875, No 2579, referred to in their endorsement on petition No 2814 of 1875.

By Order,

L. A. S. S. S.

Ag Sub-Secretary

To

The Ag Under Secretary to Government  
Revenue Dept<sup>to</sup> with copy of  
Board's Proceedings dated 15 Sept<sup>r</sup>  
1875, No 2579

*[Signature]*

20/3/76

1288

Received 1976 of the  
 Official Board  
 of the Board of Revenue  
 to the Hon. Secretary  
 to Govt. Revenue Deptt  
 Dated 27 March 1876.  
 and Dec. 18. 5 76  
 Dated 27 March 1876  
 Forwarding a copy  
 of Board's Proceedings dated  
 15 September 1875, to 2076

Revenue Department

No 599

599/10

Proceedings of the Madras Government

Under date the 11 May 1876.

Read the following papers:-

Petition N. 391 of 1876 - appealing  
 against the order of the Board of Revenue, that a channel  
 on which the petitioners claimed a right of navigation, should be  
 repaired by Govt., and that the lands irrigated from the  
 channel should be assessed with the full taram assessment, although  
 petitions had been allowed to pay the dry rate for the same in  
 former years.

Offl. Memo N. 197 of 27 March 1876 forwarding a copy  
 of Board's Dec. 15 September 1875 N. 2578.

Print

Abstract only of the Petition

As former Colr,

His Grace the  
 Governor in Council cannot  
 concur in the opinion of the  
 Board of Revenue that the  
 special rate fixed by Mr. Robinson  
 in 1872 should be ignored, 1872  
 and that the Petitioners should  
 be charged the "taram"  
 assessed with taramjasti  
 or fasaljasti for all cultivation  
 under the channel by  
 the

the use of its water -

That the Petitioner would incur some considerable expense, and that he did so in the expectation that he would be treated liberally, there can be no question.

Before the completion of the repairs, apparently, he renewed his request to be

granted a special rate of 10/- per acre.

This order of the Collector cannot now be cancelled, as respects the land owned by the Petitioner at the time, without a breach of faith. Such a course would

be quite opposed to the liberal policy heretofore pursued by Government - a policy which was insisted on so recently as September 1875 in connection with this very District. (G.O.

10<sup>th</sup> September 1875. 1347)

2. Nor can His Grace the

the Governor admit the fine distinction drawn by Mr. Whiteside between a "ruined tank" and a "ruined channel", under the circumstances of the case. The channel in question was not strictly a forerunner, but a Dussarundam Channel. The Dussarundams, neglected to repair it, and Government 15 years ago in the year 1860, their contribution by the assumption of the Suran. The Petitioner, in undertaking a duty neglected by the Dussarundams, was clearly entitled to some consideration, and that consideration was allowed under the Collector's order of 1872.

As regards land, the land recently acquired by the Petitioner, the case is different. The land was purchased without any understanding that

a special rate should be  
charged, and no doubt the  
Petitioners paid a price fixed  
accordingly. Under these circum-  
stances the Government considers  
that the taram assessment

here may fairly be charged.  
The following reasons have been expressed  
in the petition

The Petitioners will be  
referred to the Magistrate, who  
has received orders in the  
matter of this petition.

114 To the Doon Dug (New 4000) May  
to the District Magistrate  
, the Bahadur Dug

599  
12

Ms. Petition 3/1 of 1873

N. West District

This has been copied  
in the same manner  
as the original printed