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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 5
~~B.P. No.~~

Press
~~Mis.~~

Dated 4-1-1876 196- .

Not to be folded or roughly handled

51

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

No. 9. Read the following Proceedings of the Board of Revenue, dated 12th November 1875, No. 3,096:—

Read the following Proceedings of the Madras Government, dated 29th September 1875, No. 1,435, Revenue Department:—

ABSTRACT.—*Kondakirla Ava Project in the Vizagapatam District.*—Referring to the Board of Revenue for report Proceedings, Public Works Department, forwarding certain papers regarding the — in view to its being ascertained what action has been taken on the subject with respect to the rights of Government.

THE order referred to in the Vizagapatam District Engineer's letter of the 24th July 1875, No. 1,287, is contained in Board's Proceedings, dated 1st July 1875, No. 1,820, copy of which will now be submitted to Government.

2. The Acting Principal Assistant Collector having declined to recognize a claim preferred by the proprietor of the Ankapilly and Munagapaka Estates to have the water of the Kondakirla Ava let out gradually after the 15th December every year, to admit of the cultivation of a Dalwa crop in the waterspread of the lake, the Board decided, after receipt of a report from the Acting Collector on the subject, that the practice, which has been recognized by successive District Officers since 1851, should not be disturbed until the whole question of the future treatment of the — is settled. The rights asserted by the appellant are not to be held to have been in any way conceded.

3. The question has been before the Board on several occasions since a scheme for the improvement of irrigation from the Ava was first mooted, and the papers embodied in G.Os., dated 15th May 1871, No. 1,334, and 12th December 1873, No. 2,994, afford all the material information that is available. In the latter order it was directed that the rights of Government in connection with the Kondakirla Ava should be clearly and definitely ascertained and effectively maintained, and the District Engineer was directed to afford the Collector all requisite assistance in determining the proper boundaries of the Ava. In a subsequent order, dated 20th May 1874, No. 1,339, Public Works Department, the Government referred for consideration the question of the incidence of the expenditure requisite to render the Kristamraz Channel, which supplies the Ava, efficient, and called for an estimate of the amount of land-compensation which will have to be paid. The decision of these two questions is a necessary preliminary to the consideration of the best method of extending irrigation in this locality, and the Collector recently reported that the consideration of the former had been delayed owing to the difficulty experienced in securing Surveyors. From the Range Officer's letter of the 4th April 1875, which formed an enclosure to the G.O. under reply, it appears that the surveys are now being rapidly pushed on.

4. As the claims put forward by the proprietor of the Ankapilly and Munagapaka Estates will have to be investigated and considered in the inquiry ordered in G.O., dated 12th December 1873, No. 2,994, and it is possible that further

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

light may be thrown on the subject by that investigation, the Board deemed it premature to pass a final decision at this stage of the Proceedings, and inasmuch as Mr. Daniel's Order of the 27th October 1873 revoked a privilege which had been conceded for more than twenty years previously, they directed the continuance of the arrangements in force up to the date of that order.

The information at present available is not sufficient to enable the Board to decide whether the claim is valid, and in order to avoid litigation, which would probably be more expensive than non-interference with the existing usage, it seems preferable to let matters remain as they are.

5. The Board observe that in the Memorandum by the Chief Engineer for Irrigation embodied in G.O., dated 12th December 1873, and in the District Engineer's letter of the 11th October 1873, recorded in G.O., dated 20th May 1874, stress is laid upon that part of the agreement between the Collector and the Ankapilly proprietrix in 1860, by which it was settled that water should be drawn off from the 15th December, "as required for cultivation below the calingulah;" and the interpretation placed on this sentence is that the water was only to be let off for purposes of cultivation and not for the benefit of those holding land in the bed of the Ava. A reference to the Collector's letter of the 17th October 1860, embodied in G.O., dated 15th May 1871, however, shows that the arrangement was agreed to by the proprietrix with a view to the cultivation of a Dalwa crop, and that the Collector expressly recognized the fact that compensation might be demanded whenever the water was retained beyond the stipulated date, and the proprietrix in a subsequent letter, under date 15th March 1867, maintains that this was an essential part of the agreement.

6. This claim to compensation does not appear among the conditions upon which the proprietrix consented to a modified scheme of improvement brought forward in 1869, viz., extension of irrigation by raising the calingulah six feet, and constructing a bund at the present high-water contour line, because it was anticipated that the loss arising from the obstacle to cultivation in the bed of the lake would be counterbalanced by the gain resulting from extension of the area irrigable under the proposed arrangement. This scheme was referred back to the Superintending Engineer for reconsideration in G.O., dated 10th July 1872, No. 1,663, and as the benefits which would have been derived by the proprietrix have not been conferred, the claim to compensation remains a part of the agreement to which the proprietrix was a party in 1860.

(A true Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 10.

ORDER THEREON, 4th January 1876, No. 5.

Irrigation, No. 1.

COMMUNICATED to the Public Works
Department in continuation of G.O.,
29th September 1875, No. 1,435.

2. It is hoped that the surveys requisite for ascertaining the proper boundaries of the Kondakirala Ava will be completed very shortly, if they have not been already;

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4th January 1876.*

and that when this is done, no time will be lost in furnishing the information required on the points specified in the Public Works Department Order, dated 1st October 1875, No. 2,833, communicated to the Board of Revenue in G. O., dated 29th idem, No. 2,310.

(True Extract.)

(Signed)

D. F. CARMICHAEL,
Secretary to Government.

To the Public Works Department.
„ the Board of Revenue.

Exd. W. H. French.

No. 3,096!

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th November 1875.
Read the following Proceedings of the Madras Government, dated 29th September 1875, No. 1,435, Revenue Department:—

ABSTRACT.—*Kondakirla Ava Project in the Vizagapatam District.*—Referring to the Board of Revenue for report Proceedings, Public Works Department, forwarding certain papers regarding the — in view to its being ascertained what action has been taken on the subject with respect to the rights of Government.

THE order referred to in the Vizagapatam District Engineer's letter of the 24th July 1875, No. 1,287, is contained in Board's Proceedings, dated 1st July 1875, No. 1,820, copy of which will now be submitted to Government.

2. The Acting Principal Assistant Collector having declined to recognize a claim preferred by the proprietor of the Ankapilly and Munagapaka Estates to have the water of the Kondakirla Ava let out gradually after the 15th December every year, to admit of the cultivation of a Dalwa crop in the waterspread of the lake, the Board decided, after receipt of a report from the Acting Collector on the subject, that the practice, which has been recognized by successive District Officers since 1851, should not be disturbed until the whole question of the future treatment of the Ava is ripe for settlement, on the express understanding that the rights asserted by the appellant are not to be held to have been in any way conceded.

3. The question has been before the Board on several occasions since a scheme for the improvement of irrigation from the Ava was first mooted, and the papers embodied in G.Os., dated 15th May 1871, No. 1,334, and 12th December 1873, No. 2,994, afford all the material information that is available. In the latter order it was directed that the rights of Government in connection with the Kondakirla Ava should be clearly and definitely ascertained and effectively maintained, and the District Engineer was directed to afford the Collector all requisite assistance in determining the proper boundaries of the Ava. In a subsequent order, dated 20th May 1874, No. 1,339, Public Works Department, the Government referred for consideration the question of the incidence of the expenditure requisite to render the Kristamraz Channel, which supplies the Ava, efficient, and called for an estimate of the amount of land compensation which will have to be paid. The decision of these two questions is a necessary preliminary to the consideration of the best method of extending irrigation in this locality, and the Collector recently reported that the consideration of the former had been delayed owing to the difficulty experienced in securing Surveyors. From the Range Officer's letter of the 4th April 1875, which formed an enclosure to the G.O. under reply, it appears that the surveys are now being rapidly pushed on.

4. As the claims put forward by the proprietor of the Ankapilly and Munagapaka Estates will have to be investigated and considered in the inquiry ordered in G.O., dated 12th December 1873, No. 2,994, and it is possible that further light may be thrown on the subject by that investigation, the Board deemed it premature to pass a final decision at this stage of the Proceedings, and inasmuch as Mr. Daniel's Order of the 27th October 1873 revoked a privilege which had been conceded for more than twenty years previously, they directed the continuance of the arrangements in force up to the date of that order.

7. 11. 1875

Kondakirla Ava Project in Vizagapatam District.—Communicating to the Public Works Department Proceedings of the Board of Revenue relating to the question relating to the rights of Government in connection with the same.

JANUARY
Nos. 9-10.

G. O., 4th January 1876, No. 5.

Recd.

Dated January, 4th.

Encl.

THE PUBLIC WORKS DEPARTMENT

to,

Secy,

G.

REVENUE.

GOVT. OF 1876

The information at present available is not sufficient to enable the Board to decide whether the claim is valid, and in order to avoid litigation, which would probably be more expensive than non-interference with the existing usage, it seems preferable to let matters remain as they are.

5. The Board observe that in the Memorandum by the Chief Engineer for Irrigation embodied in G.O., dated 12th December 1873, and in the District Engineer's letter of the 11th October 1873, recorded in G.O., dated 20th May 1874, stress is laid upon that part of the agreement between the Collector and the Ankapilly proprietrix in 1860, by which it was settled that water should be drawn off from the 15th December, "as required for cultivation below the calingulah;" and the interpretation placed on this sentence is that the water was only to be let off for purposes of cultivation and not for the benefit of those holding land in the bed of the Ava. A reference to the Collector's letter of the 17th October 1860, embodied in G.O., dated 15th May 1871, however, shows that the arrangement was agreed to by the proprietrix with a view to the cultivation of a Dalwa crop, and that the Collector expressly recognized the fact that compensation might be demanded whenever the water was retained beyond the stipulated date, and the proprietrix in a subsequent letter, under date 19th March 1869, maintains that this was an essential part of the agreement.

6. This claim to compensation does not appear among the conditions upon which the proprietrix consented to a modified scheme of improvement brought forward in 1869, viz., extension of irrigation by raising the calingulah six feet, and constructing a bund at the present high-water contour line, because it was anticipated that the loss arising from the obstacle to cultivation in the bed of the lake would be counterbalanced by the gain resulting from extension of the area irrigable under the proposed arrangement. This scheme was referred back to the Superintending Engineer for reconsideration in G.O., dated 10th July 1872, No. 1,663, and as the benefits which would have been derived by the proprietrix have not been conferred, the claim to compensation remains a part of the agreement to which the proprietrix was a party in 1860.

(A true Extract.)

Calcutta
Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with eight enclosures returned, and copy of Board's Proceedings,
dated 1st July 1875, No. 1,820.

Copy to the Collector of Vizagapatam,
with copy of Government Order, and of four enclosures.

Exd. W. H. French.

Kondakirila Ava Project—in Vizagapatam District.—Submitting remarks with reference to Government Order referring for report certain papers regarding the—in view to its being ascertained what action has been taken on the subject with respect to the rights of Government.

NOVEMBER.
No. 3,096.

Received 26th Nov/75

26th Nov/75

PROCEEDINGS, 12TH NOVEMBER 1875, No. 3,096.
26th Nov/75

BOARD of REVENUE,
MADRAS.

28th Nov/75

28th Nov/75

No 5

RD

Pres: of the Madras Govt.
Under date the 4th January 1876

Read the following
Pres: of the Bd of Rev

Submitting with re-
marks, certain papers
regarding the Konda
Kirla Ava Project in
Vizagapatam Dist.

H.E. 12th Nov/75
No 3096

Communicated
to the P.W.D. in con-
tinuation of G.O. 29th
Sep/75, No 1435.-
2. It is hoped that
the surveys requisite for
ascertaining the pro-
per boundaries of
the Konda Kirla Ava
will be completed
very shortly, if they
have not been already
and

and that when
this is done, no
time will be lost
in furnishing the
information required
on the points spe-
cified in the P.W.
D order of 1st Oct.
1875 No. 2833, com-
municated to the
Bd of Rev in G.O.
of 29th idem No. 2310.

21 To the O W O of Jan 5
14 the Board of O W S

604

W. H. D.

G.O.

Konda Kurla Pua
Project in Vijaf-
apataw -

Hon. W. Ellis

Es