

- (1) Number of pages 22
 (2) Date of repair 19.6.1973
 (3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU
Revenue DEPARTMENT

G.O. No.	1948	Press
B.P. No.		Mis.
Dated	11.6.1877	197

Not to be folded or roughly handled

82

1948
1

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

11th June 1877, No. 1,948.

Read the following paper:—

No. 174. Proceedings of the Board of Revenue, dated 7th June 1877.

Read the following letter from W. McQUHAE, Esq., Collector of Madura, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Peraculam, 22nd May 1877, No. 346.

REFERRING to paragraph 6 of my letter, No. 305, of the 8th instant, I have the honor to state that the plaintiff consents to withdraw the suit for a compensation of Rs. 105, each party bearing its own costs. The Tahsildar of Melur and the Temporary Deputy Collector are of opinion that the amount is a fair compensation and that it can be paid him. The plaintiff having put himself to the expense of constructing the pond on the strength of the Assistant Collector's order, I request sanction for the payment of the above sum.

2. The Range Officer who inspected the locality is strongly of opinion that the bund of the pond should be removed, as it certainly is within the waterspread of the Maranthangudi Tank, and besides interfering with its water-supply will diminish the waterspread.

SUBMITTED with copy of Board's Proceedings, dated 19th May 1877, No. 2,308, for the orders of Government.

2. The Assistant Collector, without proper inquiry, permitted plaintiff to construct a tank at his own expense. Subsequently, the Executive Engineer brought to notice that the new work interfered with the supply of a Government tank and diminished its waterspread. The Collector, therefore, cancelled the Assistant Collector's order, and directed the removal of the bund of the new tank. Upon this plaintiff filed a suit praying that the Collector might be prohibited from interfering with the tank, or, if this request could not be granted, that Rs. 510 might be awarded as compensation.

3. In the circumstances plaintiff was entitled to some consideration; but as the amount of compensation claimed was excessive, and he refused to accept less, the Board sanctioned the defence of the suit.

4. The Collector now reports that plaintiff has agreed to withdraw the suit on the following terms, viz., payment of Rs. 105 as compensation, each party bearing his own costs. As the terms appear fair and equitable, the Board recommend that payment to plaintiff of Rupees (105) one hundred and five be sanctioned on the understanding that he withdraws the suit and agrees to the removal of the tank-bund, and that razinamah is filed accordingly.

The Collector will report the amount of the costs incurred on behalf of Government.

(A true Copy and Extract.)

(Signed)

H. E. STOKES,
Secretary.

No. 175.

Miscellaneous.

ORDER THEREON, 11th June 1877, No. 1,948.

The Government concur with the Board and sanction the payment of Rs. 105 on the terms stated in paragraph 4 of the foregoing Proceedings.

(True Extract.)

(Signed)

C. G. MASTER,
Offg. Secretary to Government.

To the Board of Revenue.
" the Accountant-General.
Exd. F. R. Bantleman.

1948

N 2644

Revenue Department

Proceedings of the Board of Revenue
Dated 7th June 1877.

Read the following
No 346.

not by Ret. 5820.

From

W. Mc L. whar Esq^r
Collector of Madras

To

H. E. Stokes Esq^r
Secretary to the
Board of Revenue
Madras.

Sir,

Referring to para 6 of my
letter No 305 of the 8th Instant, I
have the honor to state that the
Plaintiff consents to withdraw the
suit for a compensation of Rs 105, each
party bearing its own costs. The
Tahsildar of Madur and the
Temporary

Govt. of 1877
REVENUE.
THE BOARD OF REVENUE.
G.O. 11th June 1877, No. 1,918.
JUNE.
Nos. 174-175.
Said No. 40 of 1877 on the file of the Dis-
tressed Members of Madras. — Sanctioning the payment
of compensation to plaintiff in " on the terms
stated by the Board of Revenue.

Temporary Deputy Collector are of opinion that the amount is a fair compensation and that it can be paid him. The Plaintiff having put himself to the expense of constructing the pond on the strength of the Assistant Collector's order. I request sanction for the payment of the above sum.

2. The Range officer who inspected the locality is strongly of opinion that the bund of the pond should be removed, as it certainly is with in the waterspread of the Maroo Changuddi Tank and besides interfering with its water supply will diminish the waterspread.

Madura Collr's office
Srinuit Cutcherry.
Camp. Peracolum
Peracolum Talug.
22nd May 1877

I have &c
(S^d) W. M. C. Duhar,
Collector

Submitted with Copy of Board's
Proceeding

19458
Proceeding of 19th May 1877. No 2308 for the order of Govt.

2. The Asst. Collector without proper enquiry permitted Plaintiff to construct a tank at his own expense. Subsequently the Executive Engineer brought to notice that the new work interfered with the supply of a government tank and diminished its waterspread. The Collr. therefore cancelled the Asst. Collr's order and directed the removal of the bund of the new tank. Upon this Plaintiff filed a suit praying that the Collr. might be prohibited from interfering with regard to the tank or if this request could not be granted that Rs. 510-0-0 might be awarded as compensation.

3. In the circumstances Plaintiff was

was entitled to some consideration but as the amount of Compensation claimed was excessive and he refused to accept less the Board sanctioned the defence of the suit.

4. The Collector now reports that Plaintiff has agreed to withdraw the suit on the following terms viz. payment of Rs. 105-0-0 as Compensation each party bearing his own costs. As these terms appear fair and equitable the Board recommend that payment to Plaintiff of Rupees one hundred and five (105) be sanctioned on the understanding that he withdraws the suit and agrees to the removal of the tank bund, and that Razinama is filed accordingly.

The

1948
H

5. The Collector will report the amount of the costs incurred on behalf of Govt.

(True Copy & Extract)

W. G. W. S.
Secretary.

To The Secretary to Govt. P. D.
with Copy of B. G. Pro. of 19th May 1877.
No 2308.
(Its 3 origl. enclot. to be returned)

copy to be made

Dec: 1877 Del.
No 2823.

Postmaster
Compendium

Proceedings of the
Board of Revenue

1916 Nov

Recd - 7th June 1877

Enc 3 Recd Enc 4

1877-78

Sub. No 10 of 1877 on file of
District Muzaffargarh
regarding the issue of certain
bank vouchers by plaintiff
Submitting to Govt for perusal
subject of — recommending
that payment of Rs 105 to plaintiff
be cancelled, and
requesting Collector to report
the amount of such amounts
on behalf of Govt.

C 8 June 1877 A. 1877

his

1948
6

Revenue Department

N^o 1948

Proceedings of the Madras Government
Under date the 11 June 1877.

Read Proceedings of the
Board of Revenue dated 7th June
1877 N^o 2644 submitting to Gov^t
papers on subject of Suit N^o 40
of 1877 on file of District Munsiff
of Madurai regarding the bund of
certain tank constructed by plain-
tiff and recommending that pay-
ment of Rs. 105 to plaintiff be
sanctioned &c.

The Government concur
with the Board and sanction
the payment of Rs. 105 on the
terms stated in paragraph 4
of the foregoing Proceedings.

[Signature]

Let paper Order

*Re. S. C. M. S. to the H. of Revenue 11-6-77 with 3 Enc.
6. Acct. of ... 18-6-77*

Ed. H.

Sanct. pay-
ment of Rs. 105 to
the Plaintiff in said
No. 40 of 1877 on file of
District Moonsiff of Madras

174-75

No. 2908.

Revenue Department

Proceedings of the Board of Revenue
Dated 19th May 1877.

Read the following
No 305.

From

W. M. Lahaie Esqre
Collector of Madras

To,

H. E. Stokes Esqre
Secretary to the
Board of Revenue
Madras.

Sir,

I have the honor to submit herewith
translation of a plaint in C. S. No 40 of 1877 on
the file of the District Moonsiff of Madras.
brought against the Collector, together with a
draft of Written Statement. I propose to put
in and a sketch showing the disputed
locality and I request the sanction of the
Board for defending the suit on the usual
terms.

2. The circumstances connected with the
suit

suit, are as follows.

3. On the 24th April 1874, the Plaintiff applied to the Assistant Collector Mr. Sewell for permission to dig an Orany (pond) for charitable purposes, in his puttah land measuring 1-15-0 cawnies and assessed at Rupees 7-5-1. One Peria Pooliam objected to the Plaintiff's request on the ground that it would cut off the water supply of the Maruthangudy Tank under which he holds lands. The Assistant Collector under date the 22nd October 1874 in No 411 permitted the formation of the new pond on the strength of a report from the late Tahsildar of Madur, to the effect that it would not affect the water supply to that tank and that it is a work useful to the public. The Assistant Collector did not, however, consult the Department of

1928
9
of Public Works before he complied with the Plaintiff's request. The Executive Engineer in charge of the Madura Range, when inspecting the Maruthangudy tank in September 1875, reported that the new bund is near the verge but certainly within the watershed of the tank, and independent of interfering with the supply will diminish the watershed, and that the new bund should not simply be braced but entirely removed. Mr. Polles the then Acting Collector Phereupon cancelled the Assistant Collector's orders granting permission to the Plaintiff, and directed the Tahsildar to see that the bund complained against was immediately removed. The Plaintiff would not remove the bund but has brought the present civil suit.

4. The Temporary Deputy Collector in charge of the Taluk inspected the spot and

and is strongly of opinion that the Plaintiff must have intended the new oorany more as an irrigation tank than as a pond intended for charity from the fact that there exists a channel to take water from the new oorany to a field of the Plaintiff at a distance. It is also clear that the late Tahsildar intended that a space marked "waste" in the sketch should be left between B (Thani Rock) and A, the new oorany in question, so that the rain water falling on the rock as well as the surplus water from C (Thani Yandal) might unimpededly flow to D (Maruthanandy Tank). But the Plaintiff has not left any space between the said rock and his new oorany and has extended the southern bund to the rock itself, thus blocking up the flow of

1948
10
of water into D. It seems that Plaintiff taking advantage of the permission granted him to dig an oorany for a charitable purpose has constructed an irrigation tank a course which is highly objectionable in the interests of Government. The Range Officer has therefore rightly urged the removal of the bund in question. The Plaintiff claims damages amounting to Rupees 510, viz. Rupees 200 for the cost of construction of the oorany, Rs. 240 on account of the value of crops on the lands in question and Rupees 70 for filling up the oorany. The Deputy Collector considers it very exorbitant and estimates the cost of digging the pond at Rupees 53-2-0 and of removing the bund at Rupees 15, and further states that no compensation for loss of crops

crop should be granted as it was at his
own request that he was permitted to
construct the Orany and as he culti-
-vated fields Nos 2563 and 2564 this
year.

6. As however the Plaintiff constructed
the pond under the permission of the
Assistant Collector an attempt was made
to settle the matter amicably by paying
the actual loss sustained by him but
he refuses to compromise the matter unless
the full damages claimed by him are
paid.

7. The value of the suit is Rupees 570 and
it comes on for hearing on the 11th June 1877.

Madura Coll^r Office
District Court
Camp Shrinagar
8th May 1877

I have
(S^d) W. M. Lohal
Collector.

The defence of the suit is save
toward and the answer approved.

(True Copy & Extract)
(S^d) H. C. Stokes
Secretary
(True Copy)

W. M. Lohal
Secretary

Epistolae in Bonis
Procedendo 1/2 the
Sevenday to Gentile 1/2

Dated 7th June 1977
No 2644

Age 2823/77

Feb 11-6-77 1948