Paper taken out [illegible] Records [illegible] charge of the Record-keeper.

Regular / Miscellaneous No of 189 .

For what Current.		To whom given.	When taken out.
No.	Year.		

2,000—5-5-98.

Revenue (189) Department.

MISCELLANEOUS SERIES.

G.O., No. 195

DATED 12—1—99

[Despatch Abstract.]

Approving and ordering the publication of a notification for the acquisition of a piece of land in Vasudevanallur Village Tirunelveli Dt required for opening two branch channels.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1898) Department.

CURRENT No. 8281

From

The Collector of Tinnevelly.

Order

Dio: No. 2294/H of 98:

Dated 23rd November 1898:

Received 4th Dec: "

Registered 5th "

Enclosures 3.

Spare copies DESPATCHED

11 DEC 1898

SUBJECT.

Submitting a draft declaration for the acquisition of land in Vasudevanallur village, required for opening two branch channels;

BACK PAPERS.

G.O.	No.	Department.	Date.
Ceo 8142/38			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Tinnevelly District Collector's Office,

Dated 23rd. November 1898

Lr. No. 2294/1898.

From

A.W.B. Higgens Esquire,

Collector of the

Tinnevelly *District*,

To

The Secretary to Government,

Revenue Department,

Madras.

Sir,

I have the honour to submit herewith a draft declaration for the acquisition of 21 cents of Inam wet lands in Vasudeva--nallur village, Sankaranainarkoil Taluk required for opening up of certain field channels for the irrigation of Government wet lands.

2. The channels now proposed to be opened are in continua--tion of those marked in the survey plan of the village and -- were constructed about 1883 in S.Nos.550, 546 and 547 which form -a portion of inam wet lands assigned for the performance of -- morning worship Kalasandi kattalai in the Sankaranainarkoil temple with the --- consent of the then inamdar. It was on the strength of the ir--rigation secured by these channels that Government in 1884 --- sanctioned the conversion of certain dry lands, S.Nos.518, 519-A -to C, 520, 552-B and 554-A & B to wet. These dry lands continued to be irrigated by the channels until 1894 when one Sivanalla--kannu Pillai the purchaser of the Inam lands blocked up por--tions of the channels. The obstruction commenced in 1894 and was completed in 1896 by the channels being completely filled up and made to form part of the fields. A criminal prosecution was instituted by the holder of the Government lands and the Inamdar's party was convicted of mischief under Section 430 -- I.P.C. by the Sub-Magistrate, but the conviction was set aside on appeal on the ground that no fresh loss could have been caused in 1896 as the channels were blocked up in 1894.

3. Owing to the closing of the channels, a remission of ----- Rs 80-15/- was granted in Fasli 1306 to the Government ryot and similar remissions have been granted subsequently. The channels not having been in existence for a period of over 12 years, no legal right can be established on the ground of adverse posses--sion or easement. In the circumstances of the case, I consider that the best course will be for Government to acquire the --- lands required for the two channels and accordingly request -- that the draft notification may be approved and ordered to be published in the Fort St. George Gazette. The owner of the Go--vernment fields(Sankaranarayanier) in whose interest the sites for the channels are to be acquired agrees to pay the cost of acquision amounting to Rs 54-7-4 including the 15 percent for the compulsory nature of acquision, but as under Section 6(1) of Act I of 1894 the cost of acquisition should be paid wholly or partly from public revenues, a nominal sum-say-Rs 5 may be debit--ed to Government. The question of converting the money compen--sation into any other form will be considered at the time of acquisition.

4. The Inamdar is not willing to part with the lands and -- objects to their acquisition on the following grounds:- (1) -- that the lands being inam, he could not sell them, (2) that the lands for which field channels are sought to be provided are not ayacut wet lands, (3) that Sankaranarayana Aiyar can extend the channel through his own lands, (4) that the southern channel is unnecessary, (5) that there existed no channels before and (6) that the proposed channel will afford facilities for steal--thily taking water from his own tank Kurukalkulam. Objections (1), (2), (5) and (6) are not valid. As for (3), the patta Govern--ment lands are in a lower level than that required for the -- channel and the cost of raising S.No.552 is comparatively pro--hibitive. Hence the necessity to acquire the inam lands. As to objection No.(4), S.No.518 is on a higher level than the proposed northern channel and can be commanded only by the southern --- channel.

The Inamdar's written statement is enclosed. A sketch --- showing the channels to be opened is also enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

E Ash-

Ag.Collector.

S.T.T.

akk
26.11.45.

From

The Collector of the

District,

To

The Secretary to Government,

Department,

Madras.

Dated

Despatched 189

Received

No.

Enclosures.

Subject.

6th July 1898

Before the Revenue Board
of Vasudevanallur.
The deposition of Sivaramakrishna Pillai
son of Swaminatha Pillai
of Vasudevanallur.
I am the Inamdar
of the entire Inam
village called Kurumbalakkudi
I heard the orders
just read over to me
I saw the plan shewed me.
The said Sankaranarayana
Iyer has no right
to open a channel
on my Inam lands
As the land is Inam
I have no authority
to give up land for
the purpose of opening
the channels, neither
do I like to part with
the land receiving
Consideration. I do am
not willing to give
10 cents of land for
channel marked A
& 11 cents for channel B
as no channels
existed in the portions
marked red in the
plan. As regards
this matter there was
a Magisterial enquiry
in which Sankara-
narayanan was
unsuccessful.
The lands referred
to by him are
not adjacent
Nanjah lands.

He has no right to the channel marked A & B. The channel marked B was opened on my inam lands for the irrigation of my own inam lands from the A y & the ayacut S.No. 548 is my entire inam Oramboke. The channel passing along it & the water from the sluice in my tank both form the source of irrigation to my inam lands. The channel marked A extends up to the western extremity of S.No. 551. I have no objection to the water being taken along S.No. 551 in continuation of the channel so marked blue. The channel marked B runs up to the western end of S.No. 546 as marked in the blue pencil. If this channel is extended eastward my double crop Composited inam lands will suffer. There is no law authorizing the alienation of inam lands on payment of compensation.

Even if the channels marked A & B are opened, S.No. 578 B cannot be irrigated if the channel A is to extended eastwards through S.No. 551 it may be taken through S.No. 578 southwards. the pet. takes a good deal of trouble for opening the channel on the inam lands. with a view to cause loss to me.

(Sd) Swaminathaiyan Pillai
Mandai.

Before me

D 2 1,000—7-9-98.

REVENUE DEPARTMENT.

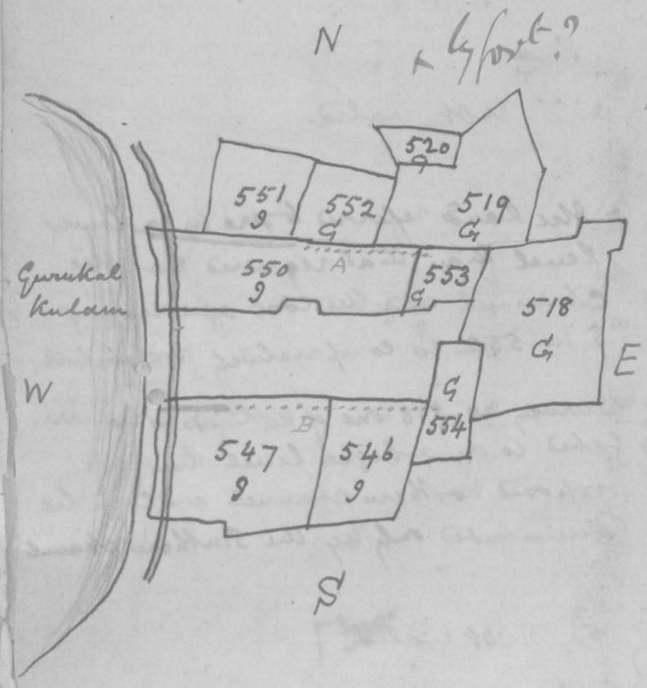
Current No. 8281 of 1898

From the Collector of Tinnevelly.

Dis. No. 2294/G. Dated 23. 11. 1898.

~~FOR ORDERS.~~ To Rs

The Collector of Tinnevelly submits a draft declaration for the acquisition of 21 cents of main wetlands required for opening up two field channels for the irrigation of certain Govt. wet-lands.



The necessity for the acquisition — A+B

Two channels, were constructed in 1884 in certain temple inam lands (S. nos. 550, 546 and 547), but the land was not acquired under the Act. On the strength of irrigation by these channels certain Govt. dry lands (S. nos. 518, 519, 520, 552 & 554) were converted into wet. These channels were, however, blocked up by the inamdar between 1894 and 1896. As they were not in existence for over 12 years no

1898
REVENUE DEPT.
Encl. to No. 3
8281

no legal right could be established on the ground of adverse possession or easement. Owing to the closing of the channels, a remission of Rs 81 had to be granted in Fasli 1306 to the Jeenmkt. Hence the proposal for the acquisition of the land for restoring the channels.

The objections urged by the Inamdar with the Collector's remarks thereon are as shown below:—

Inamdar's objections	Collector's remarks
(1) The lands being Inam, he has no power to sell them.	(1) Is not valid.
(2) The lands for which Channels are sought to be provided are not ayacut wetlands	(2) Not valid.
(3) The Jeenmkt cannot cut the Channel through his own land (S. No. 552. of the Jeen lands	(3) The lands referred to are in a lower level than that required for the Channel and the cost of raising S. No. 552 is comparatively prohibitive.
(4) The Southern Channel (B) is unnecessary	(4) Survey no. 518 one of the lands to be irrigated is on a higher level than the proposed Northern Channel and can be Commanded only by the Southern Channel.
(5) (For the lands now proposed to be irrigated) there existed no channels before	(5) Not valid.
(6) The proposed channels will afford facilities for stealthily taking water from the Inamdar's own tank (Kunukal Kulam) to which they adjoin.	(6) Not valid.

The cost of acquisition — is estimated at Rs 54-7-4, and the owners of the Jeen fields in whose interest the land is to be acquired agrees to pay it. In view, however, of complying with the provisions of Sec. 6 (1) of Act I of 1894, the Collector proposes to debit a nominal sum of Rs 5 to Jeen. This, it is submitted, is hardly necessary. vide Note under fo. 2808 & 2-7-98 ~~3688 & 4-4-98~~.

For orders as to whether the Collector should be told that any debit to Jeen is unnecessary.

Compensation for the lands to be acquired — The form which the compensation should take has not been settled yet. The Collector says that the question of commuting the money compensation into any other form will be considered at the time of acquisition. If it is to take the form of land, the recipient being a trustee of the temple, the sanction of Jeen is necessary, under para 11 II of S.O. no 11.

D.

It is presumed that the Collr will come up to Govt in case the compensation is decided to take the form of land. In a recent case the Collector's attention was drawn to this point. (Para 2 of G.O. 3683 & 9-9-98.)

A draft order is submitted for approval.

Sec

The proposal seems of doubtful expediency.

CS 12-12-98
RS 14-12-98

16/12/98

If it were a large project we shd take up the required land without the slightest doubt or compunction — From the Coll^r's letter it appears that by taking up 21 cents of land at a cost of about Rs 55, we obtain an increase of Rs 81 to the public revenues —

I am clearly of opinion that the acquisition is justifiable & proper —

At the same time I entertain grave doubt as to the correctness of the view in Flag C — It wd pay Govt to acquire the land at its own cost, but under the circumstances I wd contribute the Rs 5 as proposed by the Coll^r — RS 10-1-99 —

H.M. I am disposed to think that it wd be rather an abuse of the powers given by the Act to acquire the land under it required for the irrigating channels of these few fields.

If it is impracticable in this case to construct adequate channels thro' Govt lands, the irrigation of the abandoned & the fields or such of them as cannot be so supplied reverted to "dry"

H.M. 7-1-(

C 7.1.99.
A. 11.1.99

Same draft as alld

Read letter from the Collector of Tinnevelly No. 2294 dated 23-11-98 (Encl (Cos 8281).

G.O. Mis No 1950 dated 12-1-99

The draft notification is approved and will be published in the Fort St George Gazette.

2. The Govt sees no necessity for any portion of the expenditure being debited to Govt. It pays for the acquisition in the first instance and it is immaterial that the parties interested in it contribute an equal amount to the public revenues.

RS 14-12-98

2. The Govt will contribute Rs 5 towards the acquisition

S.R. 11/1/99

Draft 14.1.99

To the Collector of Tinnevelly
" The Board of Rev (L.R.)
" Supdt, Govt Press (with notifn)

CS 12-12-98

When given for copying ——
When copied ——
When examined ——
When signed ——
} 189 .

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.