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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	47592	Press.
B.P. No.		Mis.
Dated	21 8 1877	197

Not to be folded or roughly handled.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

4th August 1877, No. 289 R.

Railway.

Read the following paper:—

No. 36. Endorsement of the Consulting Engineer for Railways, dated Madras, 20th July 1877, No. 361.

From W. S. BETTS, Esq., Agent of the South Indian Railway, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Negapatam, 4th June 1877, No. 3,379.

The Chief Engineer informs me that Mr. Fox has reported as follows:—“Learnt whilst at Palaveram from Mr. Jones, Deputy Collector of the Chingleput District, that the great rush of water which on the 5th mile was owing to the Mambalam tank having breached in three places. The owner of the tank had been officially warned by the Collector that the tank was in a dangerous condition and that it should be repaired.”

2. Will you please tell me if, under these circumstances, Government considers the owner of the tank should be called upon to bear the cost of the damage incurred by his neglect.

From R. W. BARLOW, Esq., Collector of the Chingleput District, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Sydapet, 14th July 1877, No. 492.

In reply to your No. 967, dated the 14th ultimo, I have the honor to inform you that my opinion is that the Mambalam Zemindar is responsible for any damage caused to the South Indian Railway Company's line by his tank breaching; but I trust you will take legal advice before acting on my view.

2. Under the orders of the Board of Revenue contained in their Proceedings of the 9th September 1875, No. 2,534, the late Acting District Magistrate, Mr. Melville, issued a notice* to the Zemindar under Section 521 of the Code of Criminal

Procedure requiring him to repair his tank to this order, the Zemindar informed him that, in his opinion, the calingula

† Translation enclosed.

with the Superintending Engineer and the calingula was not constructed according to Department, he would be responsible for any d

Order under Section 521 of the

From R. J. MELVILLE, Esq., Acting District Magistrate of Chingleput, to LUTHERMEER, Esq., Zemindar of Mambalam Moottah, Sydapet.

Whereas you are the owner and have the village aforesaid, and whereas the said tank is

ed a notice* to the Zemindar under Section 521 of the Code of Criminal Procedure, requiring him to repair his tank to this order, the Zemindar informed him that, in his opinion, the calingula was not constructed according to Department, he would be responsible for any d

of Criminal Procedure.

Magistrate of Chingleput, to LUTHERMEER, Esq., Zemindar of Mambalam Moottah, Sydapet.

amount of the tank, situated in the Moottah village of utter disregard and contains

calingulah for the discharge of the surplus water, thereby exposing the railway below to great danger by the occurrence of a breach therein during the rainy season, you are hereby required to commence the repair of the tank and the erection of the calingulah within the 5th October next, and complete the work at an early date. Should you not comply with this notice, you should present yourself on the 5th at my Court at Sydapet and show cause why you should not undertake the work.

Given under my seal and signature this 16th day of September 1876.

(Free Translation.)

(Signed) R. W. BARLOW,
Collector.

TRANSLATION of Yadast from the Tahsildar of Sydapet Taluk to Latchmee Narasimhooloo Reddyar, Zemindar of Mambalum Mootah.

As it clearly appears that the calingulah constructed by you for the Mambalum village tank is not in accordance with the plan furnished by the Public Works Department, I hereby intimate to you, with reference to the Collector's tekeed No. 80, dated 13th March, that, in the event of any damage accruing either to the tank or the road, you will be held responsible for any loss arising therefrom.

16th March 1876.

(Signed) NAZUMDEEN,
Tahsildar.

(Free Translation.)

(Signed) R. W. BARLOW,
Collector.

SUBMITTED to Government. The case here referred to seems a fit one on which to take legal opinion. It would appear to be amenable to the law as defined in Proceedings of Madras Government in the Legislative Department, No. 566, dated 24th September 1874, communicated with G.O., dated 3rd November 1874, No. 25, in which it is laid down that "such persons in exercising a right which belongs to them are liable, when negligence is shown, for injury done to other persons."

2. The damage to the line is that reported in a Note by the Deputy Consulting Engineer, printed with Proceedings of Government, No. 111 R., dated 6th June 1877.

(Signed) J. H. M. SHAW-STEWART, Lt.-Col., R.E.,
Consulting Engineer for Railways.

No. 37.

ORDER THEREON, 4th August 1877, No. 289 R.

HIS GRACE the Governor in Council considers that the report of the Chief Engineer, South Indian Railway, embodied in Proceedings of Government, No. 111 R., of the 6th June 1877, negatives any claim in this case. The damage appears to have been insignificant, and the water is admitted to have been insufficient.

(Extract.)

J. H. M. Shaw-Stewart
Lt.-Col., R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Consulting Engineer for Railways
" Chief Engineer for Irrigation,
" Revenue Department.

Revenue 1877 exports
\$193754

Revenue 1877 imports
\$193754

20 August

Revenue 1877 exports

Revenue 1877 imports
\$193754