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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue. DEPARTMENT

G.O. No. / B.P. No.	1736, Revenue.	Press. / Mis.

Dated 28-10-1878. 197 .

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

28th October 1878, No. 1,736.

Read the following paper :—

No. 297. Proceedings of the Board of Revenue, dated 9th July 1878, No. 1,887.

Read again G.O., dated 25th November 1875, No. 1,690.

Read also Board's Proceedings, dated 28th November 1877, No. 5,096.

Read also the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Varadiapaliem, 31st January 1878, No. 40 :—

ADVERTING to the Proceedings of the Board, dated 28th November 1877, No. 5,096, I have the honor to enclose a memorandum showing the amount of interest due to the Muttahdar of Arambakkam.

2. It will be observed that I have calculated interest from 1st July 1862, not 1st June 1862, the date on which Government entered upon the land, as shown also in the arbitrator's award to 1st March 1876, the compensation money having been disbursed on the 2nd idem. This interest will be paid to the Muttahdar as soon as sanction is obtained for the disbursement of the same from Provincial Funds, as observed by the Board in the above-quoted Proceedings.

ENCLOSURE No. 1.

MEMORANDUM showing the Amount of Compensation paid to the Muttahdar of Arambakkam for Lands and Trees taken up for the East Coast Canal and the Interest due from 1st July 1862 to 1st March 1876.

Name of the Recipient.	Amount of Compensation paid.	Date of Payment.	Interest due from 1st July 1862 to 1st March 1876 at 6 per cent.
	RS. A. P.		RS. A. P.
Ramasamy Moodelliar Muttahdar of Arambakkam in the Chingleput District ...	3,000 0 0	1876. March 2nd	2,460 13 2

VARADIAPALIEM,
31st January 1878.

(Signed) R. W. BARLOW,
Collector.

SUBMITTED for the orders of Government with reference to the Government Order read above.

2. In this order reduction of peishcush and payment of money compensation was sanctioned in the case of certain lands belonging to Shrotriemdars and Muttahdars taken up for public purposes. The Muttahdar of Arambakkam to whom money compensation to the amount of Rupees 3,000 on account of his occupancy right was granted

petitioned for payment of interest on that sum on the ground that interest was allowed in the award of the arbitrators appointed by the Collector to dispose of his claim. The Muttahdar's lands were taken up under the Act, and the award passed in the case provides for payment of the interest claimed which is now reported by the Collector to amount to Rupees 2,460-13-2. Sanction is therefore requested for payment of this amount from Provincial Funds, the money compensation previously sanctioned having been paid from that source as directed in the Order of the 25th November 1875, No. 1,690, quoted above.

(True Copies and Extract.)

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

No. 298. ORDER THEREON, 28th October 1878, No. 1,736.

Land Revenue, No. 11.

THE payment of the interest claimed, viz., Rs. 2,460-13-2, is sanctioned.

2. In naming the source from which this charge is to be met, the Board have overlooked G.O., 17th January 1876, No. 108, communicating Financial Department G.O., of the 4th idem, No. 4, and they are requested to report whether the charge can be met from the current year's Budget provision under the head "Cochrane's and Sadras and Buckingham Canal Fund."

(True Extract.)

(Signed) L. A. CAMPBELL,
Under Secretary to Government.

To the Board of Revenue.
„ the Accountant-General.

Exd. W. H. French.

1736

No. 1,887.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th July 1878.

Read again G.O., dated 25th November 1875, No. 1,690.

Read also Board's Proceedings, dated 28th November 1877, No. 5,096.

Read also the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Varadiapaliem, 31st January 1878, No. 40 :—

ADVERTING to the Proceedings of the Board, dated 28th November 1877, No. 5,096, I have the honor to enclose a memorandum showing the amount of interest due to the Muttahdar of Arambakkam.

2. It will be observed that I have calculated interest from 1st July 1862, not 1st June 1862, the date on which Government entered upon the land, as shown also in the arbitrator's award to 1st March 1876, the compensation money having been disbursed on the 2nd idem. This interest will be paid to the Muttahdar as soon as sanction is obtained for the disbursement of the same from Provincial Funds, as observed by the Board in the above-quoted Proceedings.

ENCLOSURE No. 1.

MEMORANDUM showing the Amount of Compensation paid to the Muttahdar of Arambakkam for Lands and Trees taken up for the East Coast Canal and the Interest due from 1st July 1862 to 1st March 1876.

Name of the Recipient.	Amount of Compensation paid.	Date of Payment.	Interest due from 1st July 1862 to 1st March 1876 at 6 per cent.
	RS. A. P.	1876.	RS. A. P.
Ramasamy Moodelliar, Muttahdar of Arambakkam in the Chingleput District... ...	3,000 0 0	March 2nd	2,460 13 2

VARADIAPALIEM,
31st January 1878.

(Signed) R. W. BARLOW,
Collector.

SUBMITTED for the orders of Government with reference to the Government Order read above.

2. In this order reduction of peishcush and payment of money compensation was sanctioned in the case of certain lands belonging to Shrotriemdars and Muttahdars taken up for public purposes. The Muttahdar of Arambakkam to whom money compensation to the amount of Rupees 3,000 on account of his occupancy right was granted petitioned for payment of interest on that sum on the ground that interest was allowed in the award of the arbitrators appointed by the Collector to dispose of his claim. The Muttahdar's lands were taken up under the Act, and the award passed in the case provides for payment of the interest claimed which is now reported by the Collector to amount to Rupees 2,460-13-2. Sanction is therefore requested for payment of this amount from Provincial Funds, the money compensation previously sanctioned having been paid from that source as directed in the Order of the 25th November 1875, No. 1,690, quoted above.

(True Copies and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department, with copy of Board's Proceedings, 28th November 1877, No. 5,096.

Copy to the Collector of the Chingleput District.

Exd. A. Grubert.

1236/4

No. 5,096.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th November 1877.

Read again G.O., dated 25th November 1875, No. 1,696, recorded in Board's Proceedings, dated 1st December 1875, Miscellaneous No. 10,725.

Read again Board's Petition, No. 798, of 1876.

Read again Collector's letter, 6th November 1876, No. 622, recorded in Board's Proceedings, dated 24th November 1876, Miscellaneous No. 10,318.

Read also the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Chingleput, 23rd February 1877, No. 125:—

IN reply to Board's Miscellaneous Proceedings, No. 10,318, regarding petition No. 798 of 1876, I have the honor to forward the award of the arbitrator. There is a provision for interest from the date of entry in July 1862.

2. Petitioner claims interest at 6 per cent. on the total price paid to him from the date of entry by the Public Works Department in 1862 and not from the date of the Collector's application as surmised by the Board; the amount involved being Rupees 2,460.

ENCLOSURE No. 1.—Petition.

ENCLOSURE No. 2.—Arbitrator's Award.

FROM the foregoing papers it appears that the petitioner, the Muttahdar of Arambakkam in the Chingleput District, is fairly entitled to the interest awarded by the arbitrator on Rupees 3,000, the sum fixed as the value of the land and trees in his estate taken up for the East Coast Canal. The non-observance of the formalities prescribed in Act VI of 1857 for the appointment of arbitrators, referred to by the Collector in his letter, 6th November 1876, No. 622, was due to no fault on the part of the petitioner as appears from the register, and his claim to interest cannot on that account be rejected. The statement that the amount of the compensation settled by the arbitrators was exceptionally liberal is not borne out by the remarks in the register. Under these circumstances the Board are of opinion that the award of the arbitrators is binding, and that, as provided therein, the petitioner should receive interest on the money compensation from the date of acquisition of the land. The Collector should satisfy himself whether this date (1st June 1862) is correctly given in the award, and calculate the interest at 6 per cent. from that date up to the date of payment of the compensation, reporting the total amount due to the petitioner in order that the sanction of Government may be obtained for its payment from Provincial Funds.

(A true Copy and Extract.)

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

To the Collector of Chingleput, with two enclosures to be returned.

Exd. W. H. French.

Received 1878
Board of Revenue,
MADRAS.

PROCEEDINGS, 9TH JULY 1878, No. 1,887.

Read

Encl.

JULY.
No. 1,887.

Interest—due to the Muttahdar of Arambakkam in Chingleput on the money compensation sanctioned for his lands taken up for the East Coast Canal.—Requesting sanction of Government for payment of — from Provincial Funds.

1877.

Board of Revenue,

MADRAS.

PROCEED. Nos. 28TH NOVEMBER 1877, No. 5,006.

Rec'd

Read

Sent

NOVEMBER.

No. 5,006.

Money Compensation—granted for certain land in Arambakam Mudun in Chingleput District, taken up for the East Coast Canal—Expressing opinion that the Mahalder should receive interest on the — from the date of the acquisition of the land and requesting Collector to report the amount due on this account.

G.O. 25th October 1877 No. 1890.

Cost 3133.g 1878.

Revenue Department

Proceedings of the Madras Government under date the

Read the following Proceedings of the Board of Revenue dated 9th July 1878 no. 1887.

The payment of the interest claimed viz Rupees 2460-13-2 is sanctioned.

2. In naming the source from which this charge is to be met, the Board have overlooked G.O. 17th January 1876 no. 108 Communicating Financial Department G.O. of the 4th Idem No. 4, and they are requested to report whether the charge can be met

Note. This is a most unsatisfactory way of spending public funds. There seems no help for it but to submit the office notes & have passed for consideration.

The matter in this case is briefly certain land in Arambakkam was taken up in 1862. There was some trouble about it and the Collector nominated Arbitrators to consider the value. They decided in 1865 - that the Muttadar should be paid Rs 3000 for the occupancy right, with interest at 8 annas per cent a month from 1 July 1862 till the money was paid.

Nothing was done on the till with reference to a call made by the Board in 1870 the Collector in 1875 made the reports disposed of in G.O. 25 Nov 1875 No 1690.

from the current year's Budget provision under the head "Cochranes and Sachas and Buckingham Canal Fund", and if not there

CCC

vide papers referred to in their P.C. 28th Nov 1877 No 5096 — rec'd with the current papers.

With that report was forwarded a Statement (A) giving a history of this case, among others, but not a word was said about the question of interest.

Under the sanction given in the order quoted the Buttabdar received over Rs 6000 composed of the sum of Rs 3000 & a sum of 3014-9-0 on account of reduction of Jeshemah for the years since 1862.

When this was paid he made a claim for interest on Rs 3000 in terms of the Arbitrators award and the claim was considered by the Board — who now recommend that a further sum of Rs 2460 odd shall be paid as interest to the Buttabdar on the sum of Rs 3000 —

Of course the Buttabdar knew all along how the case stood but he never said a word from 1862 or 1865 until 1876.

CCC

Papers returned 27/9/78

1736

The draft to all right of the application is reasonable enough. Compensation on account of last year's amount Rs 3014-9-0 was paid to the Buttabdar on account of the sum duly found, as well as Rs 3000 for the land taken for 27 acres odd. Strictly this compensation includes the interest? Besides no explanation is given of the omission to refer the interest in the reports disposed of by G.O. 25 Nov 1875 No 1690 — It is hardly possible that a mistake has been made but still better send for the papers alluded to in P.C. Rs 28 Nov 77 No 5096

C. No 3133

Please see the notes attached.

The tabular report B. received with Chingleput Collector's letter dy 9th April 1877 (G.O 25th Nov 1875 no 1690) are is obtained from the Board's Office and is hereunto submitted.

2. A translation of the award so far as it relates to interest is also submitted.

3. The award itself, as well as the account of the case given in the Register A (enclosed), shew that the arbitrators were appointed by the Collector. (Mr Cumberlege). The following particulars are gathered from the award.

A sole arbitrator was first

The papers required are henceforth submitted.

From Collector's letter recorded in Bds Procs 24th Novr 1876 this No. 1031 8, the claim to compensation seems to be preposterous, and compliance with it may lead to several similar claims. Vide the concluding sentence of the letter. But in the face of the Bds Procs 28th Novr 1877 no 5096 the claim cannot perhaps be refused. The Rs 3000 do not include the interest claimed, but there see Bds Subl. on petition No 798 of 1876 in which it was held that the Rs 3000 included interest, the further int was called for. The arbitrators award is in Tamil, & the Coll. says there is a provision in it for interest from the date of entry in July 1862.

If the claim be refused, perhaps a suit will be filed. as section 27 act VI of 1857 allows interest in such cases.

The draft S.O. is henceforth

amendment

appointed by Mr Cunliffe on 28th June 1862 to decide the amount of Compensation. On the ground that he delayed in settling the matter, the Talookdar of Chungle-hut Taluk was also appointed 2nd Arbitrator on 22nd Nov. 1862 to work conjointly with the other Arbitrator. It does not appear whether in nominating these Arbitrators the wishes of the Inokhasadar were consulted.

These arbitrators placed themselves in Communication with several Officers and (not) did not succeed in coming to a decision until 3rd June 1865.

Since the matter evidently dropped, for there was no further action taken to settle the claim until the Board, in their Proc. para. 8. dated 13th October 1871 No. 4377, called upon the Collector of Chingleput to submit a statement showing among other things an estimate of the amount of Compensation that could legally be claimed and allowed in the more recent Cases that were then pending.

To this Call, the Collector replied by letter dated 9th April 1875 No. 172 disposed of in G.O 25th November 1875. It is evident that nothing was done in the meantime to settle the case under reference. The Compensation sanctioned in November 1875 was paid on 2nd March 1876, the land having been taken up on 1st July 1862. Interest is therefore claimed on the Rs 8000 only (not on the remaining Rs 3014 also) for the intervening period. The arbitrators decision / vide extract enclosed / awards interest on the Rs 30000 only from 1st July 1862 to date of payment.

In his letter dated 6th Nov 1876 no 6222 despatched in the 633 Rev d/24th Nov 1876 no. 10818 (Mis) the Collector objected to the payment of interest,—

(1) Because the amount of Compensation settled by the arbitrators was "exceptionally liberal being at the average rate of Rs 130 per Cawny" &c.

(2) Because the appointment of the Arbitrators was not strictly in accordance with the provisions of the Act.

Both these objections the Board have overruled, the first because the Collectors statement is not borne out by the remarks in the register, the second because the non-observance of the formalities prescribed in Act VI of 1857 for the appointment of Arbitrators was due to

vide their proceedings 28th Nov 1877 no 5096

(Translation of that portion of the award of the arbitrators, which relates to interest.)

As it is stated in section 8 of Act 6 of 1857 that immediately after the appointment of arbitrators to settle the value of the land, it may be taken up by Government, that from that period all kind of claims and interest, which others might have had in it, ceases, and the land becomes the property of Government: and as it is provided in section 27 of the said Act, that interest should be allowed on the value of the land from that period, it must be considered that the land was sold to Government at from that time only. It is a world-wide known fact that if any thing is hidden in a land is discovered after its sale, the former owner has no claim whatever to such things.

For these reasons we reject the claim for the price of the wells and award to K. Ramaswamy Mudaly, the Miraseidar of the said lands, and the Zemindar of the said Arumbakkum whilst the value of Cawnies 20-9-0 as detailed above amounting to Rupees 2675, the portion allowed in the estimated value of a well in good condition & a spring tank amounting to Rs 300, and the estimated value of the trees amounting to Rs 25;

in

in all aggregating to Rs 2000 with interest thereon
under section 27,
at 8 annas per cent a month from 1st July
1862, on which date the Government took up the
lands, ~~under section 27,~~ and with subsequent
interest. (Darimilla Vaddy) ~~to be paid~~
in trust

12/36
19

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1736/1

Translation of a Charter of to award -

Revenue Department

No 1706

Proceedings of the Madras Government
Under date the 28 October 1878

Read the following
Proceedings of the Board
of Revenue dated 9 July 1878.
No 1887.

The payment of the
interest claimed viz Rs 2460-13-2
is sanctioned.

2. In naming the source
from which this charge is to
be met, the Board have over-
looked G.O. 17 January 1878
No 108, Communicating Financial
Department G.O. of the 4 Idem
No 4, and they are requested
to report whether the charge
can.

G.O. 3133 of 101

Draft G.O.

Regarding interest pay-
-able to a Muttahdar
in Chingleput District.

In delaying the disposal
of the claim is entirely
Government as
pointed out by the Sec.
but the Proprietor is
the person injured
& not the State.
If the Govt. wish his Land to
revert for non-
payment of
the Govt dues
V.R.
I see therefore no
reason to differ
from the Board
& I would direct the Canal
Head Cess
the charge

C 4-10-78
R 16-10-78
Re 16-10-78
R 25-10-78

1736/13.

can be met from the current years Budget provision under the head "Cochranes & Sadras and Buckinghams Canal Fund."

List from orders

14 To the Board of Revenue Dec 4th
& the Accountant General

11/4

G.O.

Interest payable to a
Mutakadar in Chingleput
District

1236/13

Ad 297. 895