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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. 1736 Revenue. Press.
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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 Varadiapalem, 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.
Ramasaamy 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 peishch and payment of money compensation was sanctioned in the case of certain lands belonging to Shrotriendars 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 Copy 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
2

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.		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 peisheush and payment of money compensation was sanctioned in the case of certain lands belonging to Shrotriendars 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.

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. 15:—

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 Arambakum 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.

Board of Revenue,
MADRAS.

1878.

PROCEEDINGS, 9th July 1878, No. 1,887.

Copy 1/17/78

Enc. 1

JULY.
No. 1,887.

Interest—due to the Muttahdar of Arambakum 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.

Oct 31 33 7 1878.

Revenue Department

Proceedings of the Madras Government under
date the

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

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

15/10

The matter is briefly
this. Certain land in Aram-
bakkam was taken up
in 1862. There was some
trouble about it and
the Collector nominated ar-
bitrators to consider the
value. They decided in
1865 that the Muttahdar
should be paid Rs 3000 for
the occupancy right, with
interest at 8 annas ^{percent} a month
from 1 July 1862 till the
money was paid.

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
Nothing was done on this communicating Financial Depart-
till with reference to a call
made by the Board in 1875
1875 the Collector in 1875 and they are requested to re-
make the report disposed
of in G.O. 25 Nov 1875 no. 1690. Whether the charge can be met

BOARD OF REVENUE,
MADRAS.

1877.

Proceedings, 28th November 1877, No. 5,099.

NOVEMBER.

No. 5,096.

Money Compensation—granted for certain
land in Arambakkam Muttah in Chingleput
District taken up for the East Coast Canal.
Expressing opinion that the Muttahdar 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.

9. 10. 25. 1877/78. L. 1690.

from the current year's Budget
provision under the head
"Cochranes and Sachas and
Buckingham Canal Fund",

and if not home
CJL

vide paper referred to
in letter No 28 Nov 1877
No 5096 - recd with the
current paper.

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

Under the sanction
given in the order given
the Muttahdar received
over Rs 6000 composed
of this sum of Rs 3000 &
a sum of Rs 3014-9-0 on ac-
count of reduction of
peshkash for the years
since 1862.

When this was paid
he made a claim for
interest on Rs 3000 in
terms of the arbitrator's
award and the claim
was considered by the
Board and who now
recommend that a
further sum of Rs 2460
odd should be paid as in-
terest to the Muttahdar
on this sum of Rs 3000.

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

CJL

27/9/78
The draft is all
right if the appli-
cation is a reason-
able one. Compen-
sation in account
of past years amount-
ing to Rs 3014-9-0
was paid to the
Muttahdar on
account of this
very land, as well
as Rs 3000 for the
land itself. He
got 27 acres odd.
Surely this compen-
sation includes
the interest? He
gives no explanation
in view of the omis-
sion to enter the
interest in the
reports disposed
of by G.O. 25 Nov
1875 or 1690. It
is hardly possible
that a mistake has
been made but still
better send for the
papers alluded
to in letter No 28 Nov 1877.

C. N 3133

Please see the notes attached.

The tabular report A. received
with Chinghat Collector's letter of
9th April 1875 (G.O. 25th Nov 1875
No 1690) is obtained from the
Board's Office and is herewith sub-
mitted.

2. A translation of the award as
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), show that the
arbitrators were appointed by
the Collector. (Mr. Cunliffe). The
following particulars are gathered
from the award.

A sole arbitrator was first

The papers required are herewith
submitted.

Then Collector's letter recorded in
D.O. No. 24th Novr 1876 his no.
10318, the claim to compensation
seems to be preposterous, and com-
pliance with it may lead to
several similar claims. Vide
para. the concluding sentence of the letter.
But in the face of the D.O. No. 28th
Novr 1877 no 5096^{the claim} can not possibly
be refused. The Rs 3000 do not
include the interest claimed, but
please see D.O. Sudl. on petition no 798
of 1876 in which it was held that
the Rs 3000 included interest, that
further info was called for. The
arbitrator's award is in Tamil, & the
Collr says there is a provision in it
for interest from the date of entry in
July 1862.

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

The draft S.O. is herewith
submitted

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 Tahsildar of Chingla-
pur Taluk was also appointed
2nd Arbitrator on 22nd Nov^r
1862 to work conjointly with
the other arbitrator. It does not
appear ^{whether} that in nominating these
arbitrators the wishes of the
Mokhasadar were consulted.

These arbitrators placed
themselves in communication
with several officers and
did not succeed in coming to
a decision until 3rd June 1865.

Hence the matter suddenly
dropped, for there was no more
action taken to settle the claim
until the Board, in their O.S.

para. 8.

1736/80
dated 13th October 1871 No. 4377,
called upon the Collector of Chingla-
pur 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 Nov-
-mber 1875. It is evident that
nothing was done in the meantime
at least to settle ^{particular} the case under
reference. The Compensation con-
-tained 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
interim period. The arbitration
decision / vide extract enclosed /
awards interest on the Rs 3000 only
from 1st July 1862 to date of payment.

In his letter dated 6th Nov 1876
no 622 disposed of in 633 & 634
d/24th Nov 1876 no. 10318 (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 Canong"

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

Both these objections, the
Board having overruled, the
first because the collector's
statement is not borne out by the
remarks in the register, the
second because the non-observ-
-ance of the formalities prescribed
in Act VI of 1857 for the appoint-
-ment 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 ~~which~~
and interest, which others might have had
in it, ceases, and the land becomes the pro-
-perty 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 Mr.
Ramaswamy Mudali, the Mirasidar of
the said lands, and the zemindar of the said
Arumbankum with the value of —
Canonis 20 - 9 - a as detailed above amounting
to Rupees 2675, the portion allowed in the esti-
-mated 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 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) ~~and has paid~~
interest

1236
10

736
10

translation of a portion
of the award -

1736
18

6. 3133 of 1878

Draft No.

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

The delay in the disposal
of the claim is entirely
justified as
pointed out by the Sec.
but the Proprietor is
the person injured
rather than the State.
He took his land &
used it for years
without paying

It is therefore desired
to inform the Office
of the District that the Canal
fund can meet
the charges

Cal-10-78
Oct 10-10-78
Recd-10-78
22-25-10-78

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 24.00.13.2
is sanctioned.

2. In naming the source
from which this charge is to
be met, the Board have over-
looked G.O. of 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.

can be met from the current
year's Budget provision under
the head "Cochranes & Ladras
and Buckingham Canal Fund."

Q. M.

List from orders

¹⁴
To the Board of Revenue & Co.
the Accountant General

11/11

1736
13

C.B.

Interest payable to a
Muttahdar in Chingpud
District

1736
13

Pl

Job 277. 278