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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No.	609	Press.
B.P. No.		Mis.
Dated	7 - 3 - 1878.	197.

Not to be folded or roughly handled

609
1

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

12th September 1877 No. 410 R.

Read the following papers :—

No. 44. Endorsement of the Com-
18th Aug
From Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, to R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, dated Madras, 22nd January 1877, No. 145.

REFERRING to your letter, No. 31, forward, for your information and guidance, No. 2,519, dated 19th ultimo.

2. You will see that the Secretariat has ruled that only very exceptional conveniences for which Government

3. The Government are willing to occupy by buildings erected on class A land to payment of rent when the erection of

4. The Government will in future
Copy sent, No. 800, dated 25th August 1874.
G.O., No. 2,219, dated 12th August 1874.

dated 15th July 1874, should be adhered to, and the land be restored at once to Government.

5. Referring to paragraph 2 of the request that all lands which may have been of class A pending the decision of the Secretariat, sent with Agent's letter No. 924, dated 15th October 1874.

no stipulation was made in regard to rent, and to be favored with a report showing how much of class A land remains in the possession of the Company unused.

6. I also request that in future in forwarding estimates for buildings the class of land on which it is proposed to erect them may also be stated.

No. 44-A. From R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 22nd January 1877, No. 145.

ADVERTING to your letter No. 1,116, dated the 21st of October last, and to the Proceedings of Government forwarded therewith, I have the honor to enclose, for submission to Government, an extract, paragraphs 13 to 15, from a letter* received

* No. 589, dated 15th December 1876, from the Board of Directors, in which their views are expressed with regard to the question of rent for land.

2. I will write to you further in reply to your letter mentioned above upon receiving from the Chief Engineer the report for which I have asked him.

Chief Engineer for Railways, dated Madras, No. 420.

SHAW-STEWART, R.E., Consulting Engineer Agent and Manager of the Madras Railway Company, dated Madras, 22nd January 1877, No. 145.

In January 1876, I have the honor to refer to the Proceedings of Government, No. 1,116.

The Secretariat has ruled that only very exceptional conveniences for which Government

their claim to rent in the case of land and about which nothing was said as buildings was sanctioned.

In each case decide what buildings fall under the definition of conveniences, and direct that the procedure laid down in Government of India letter No. 1,619, that all surplus land under class A

No. 958, dated 8th October 1874, I request that all lands which may have been of class A pending the decision of the Secretariat, sent with Agent's letter No. 924, dated 15th October 1874.

Extract from a letter from the Secretary, Madras Railway Company, No. 589, dated London, the 15th December 1876.

Paragraph 13.—ADVERTING to paragraph 47 of 1,230, calling attention to the Proceedings of the Madras Government of the 19th September 1876, No. 2,519, in which is embodied a

As to question of rent for land.

despatch from the Secretary of State to Governor-General of India in Council, on the subject of the payment of rent for land on which dwelling-houses for drivers and other servants of the Company have been built, I am instructed to observe that it would appear from the second paragraph of the Marquis of Salisbury understood. The Directors did not being "conveniences" within the different, viz., that the Government, their opinion certain works are "necessary or expedient," and the Government are to erect them, and the Government are to lease, that is, on a lease lasting as long as the

14. You will of course pay strict of all surplus land handed over in class

15. In regard to future building conveyed in paragraph 13 of 562, which is. The Board cannot approve of which are not sanctioned by the Government, in which case the Government as to the payment of rent can they directed to see copy of Sir Charles India, No. 6, dated 12th January 1860, clearly laid down that "if the Government properly appertaining to the railway, same." Except, therefore, under the provided under either class A or B.

the views of this Board were not clearly as to certain dwellings being or not tract. Their contention is indeed quite sanction, "certify in writing" that in hence that this Company are bound to land, either on a temporary or permanent or work is required.

as wishes of the Government as to the return no longer required.

I am directed to refer you to the orders issued to make your guide in all future buildings or the execution of any works in their opinion either "necessary or expedient," provide land free of cost. No question of further information and guidance, I am directed to refer you to the Government of India, No. 6, dated 12th January 1860, which clearly laid down that "if the Government properly appertaining to the railway, same." Except, therefore, under the provided under either class A or B.

(Signed) R. B. ELWIN,
Agent and Manager.

Copy of Railway Despatch to the

With reference to paragraphs 3 and 4 of the 4th August last, regarding the rule of land to the Railway Companies, I observe that whether it is not the duty of Government to provide land for all the "conveniences" of the railway.

2. In the rules promulgated by the Government, engine-drivers and other persons employed on the railway are included in the class which the Railway Company are to provide land for.

3. While under clause 3 of the rules, which may be required for the railway, offices, warehouses, and other "conveniences" are included, it is reserved to them under clause 4 to state what conveniences are necessary or expedient.

4. But if the Government approve of the execution of any works as conveniences properly appertaining to the railway, they cannot, as I am advised, avoid providing the land necessary for the same. If, for instance, the Government sanction the construction of an hotel, on the ground of its being a convenience to the railway, the land on which it is built must be provided at the expense of Government. If, therefore, in any case they think that the Railway Company should pay a rent for land, they ought carefully to avoid using the word "convenience" as applicable to it, and make a separate bargain for the rent.

5. The regulations referred to would therefore appear to require modification as regard class C, and as it would be inexpedient to determine beforehand what are conveniences under clauses 3 and 4 and what are not, it is better that your Government should cancel that part of the regulations in question which bear upon this point, and pass a decision upon each case as it occurs.

6. As a general rule, I deem it inadvisable that Railway Companies should undertake the provision of hotel accommodation, and although there may be instances in which departure from this rule may be expedient in India, yet such exceptions should be rare, and when they occur care should be taken that the construction of hotels involves no disproportionate expenditure, as the circumstances will usually be such as to render a satisfactory return upon the outlay doubtful.

(Signed) C. WOOD.

No. 44-B. From R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 23rd May 1877, No. 901.

With reference to the second paragraph of my letter of the 22nd of January last, No. 145, I have the honor to enclose you the copy of a report made to me by the Chief Engineer, No. 430, dated the 9th instant, as to the question of the tenure of lands which have been made over to the Government by Government.

2. Mr. Robinson states that a certain lands, under class A, which, as far as can be seen at present, are no longer required, and have already been restored to Government.

3. With reference to the claim made by the Government for rent in respect of certain lands, I will remind you of the views expressed by the Board of Directors in their letters noted in the margin, which views are supported by a despatch from the Secretary of State to the Government of India, No. 6, dated the 12th of January 1860.

4. The Directors are of opinion that the Government by consenting their sanction "certify in writing" that in their opinion certain works are "necessary or expedient," and hence that the Company are bound to erect them, and the Government are bound to provide land, either on a temporary or permanent lease, that is, on a lease lasting as long as the building or work is required.

5. Sir Charles Wood's Despatch, dated 12th January 1860, clearly lays down that "if the Government approve of the execution of any works as conveniences properly appertaining to the railway they cannot avoid providing the land necessary for the same."

6. The Company has therefore in the past been wrong in paying rent to the Government, and instead of its being to transfer any land from class A to class C, certain lands now held by the Company under class C should be transferred to class A. These are shown in the Chief Engineer's letter.

7. This list includes all the lands which have been used as building sites since the 8th of October 1874, all, with three exceptions, being held under class A. The three exceptions are at the Jollarepet station, and are class C lands; but as the buildings erected thereon have been sanctioned by Government, they too should be transferred to class A, and I therefore enclose a plan and schedule for the sanction of Government.

8. The pieces of land which are temporarily required are few, and will be restored to Government as soon as they are no longer required, but in the meantime it does not appear that any rent is payable for them.

9. The list marked X in the Chief Engineer's letter is also enclosed herewith. It shows the lands which have been used as building sites since the 8th of October 1874, all, with three exceptions, being held under class A. The three exceptions are at the Jollarepet station, and are class C lands; but as the buildings erected thereon have been sanctioned by Government, they too should be transferred to class A, and I therefore enclose a plan and schedule for the sanction of Government.

From W. R. ROBINSON, Esq., Chief Engineer, to R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, dated Madras, 9th May 1877, No. 430.

Classification of Land.

In letter No. 1,116, dated 20th October 1873, the Consulting Engineer states that "the Government are willing to waive their claim for rent in the case of land occupied by buildings erected on class A land, and about which nothing was said as to the payment of rent when the

erection of such buildings was sanctioned." This finally disposes of all questions which have been raised regarding rents for buildings erected on class A land prior to 8th October 1874.

2. With a view to facilitate the settlement of the points now at issue and to avoid future misunderstandings on the subject of rent, I will briefly recapitulate the orders at present in force for my guidance regarding land which may be required as sites for the houses of railway employes.

3. It will be convenient to divide land which may possibly arise into three classes:—

(a). Dwellings to be built on land taken up temporarily and not permanently required for railway purposes.

(b). Dwellings to be built on land in the Company's possession.

(c). Dwellings for which land is taken up for the railway.

4. The views of the Board regarding the land taken up under the first of these classes are explained in paragraph 7 of the Secretary's letter No. 523, dated London, 19th December 1873.

These may be summarised as follows:

(a). Before any permanent building is erected on land taken up temporarily and not permanently required for railway purposes, the land is to be restored to Government, and the Board's authority obtained for taking a lease.

5. (b). In respect of lands coming under heading (b) it has been ruled that "the Company will not be asked to pay for land taken up under the terms of the contract for the railway, and proper stations, offices, warehouses and other conveniences for the railway."

Letter No. 523 quoted above, clause 6. simply because there may happen to be erected on parts of those lands habitations for workmen, and from the latest communication received from the Board on the fact of Government building which it is proposed to erect on class A land already in the Company's possession, precludes any plan and estimate of cost.

* Letter No. 589, dated 16th Dec.

from the Board on the fact of Government building which it is proposed to erect on class A land already in the Company's possession, precludes any plan and estimate of cost.

6. (c). In cases, too, where land is taken up for building purposes since 8th October 1874, the sanction accorded by Government to the railway employes is to be looked upon as an acknowledgment that the Government are willing to provide the land, and that, unless in the meantime, under heading (a), such land is to be provided free of charge.

See also clause 13 of the Secretary's letter No. 562, dated London, 5th Nov.

7. Having enumerated the rules to deal seriatim with the points raised above, I now in force for my guidance, I shall proceed to the following:

These are—

I.—Restoration of all surplus land to class A.

II.—Transfer to class C of all land taken up for building purposes since 8th October 1874.

III.—Additions to be made to list of buildings erected on class A land, for which no stipulation was made in regard to rent.

IV.—Report showing how much class A land remains in possession of the Company unused.

8. (I). With my letter No. 699, dated 16th October 1874, I sent you 55 tracings showing class A land no longer required by the Company. This has since been restored to Government.

I do not know of any land now in the Company's possession which can be considered as coming under the heading "Surplus class A land."

9. (II). The lands used as sites for buildings since 8th October 1874 are shown in the accompanying list marked X. All these buildings, with three exceptions at Jollarpett, have been erected on class A land. Under the rulings quoted in paragraph 5 no rent should be charged. I have therefore been unable to give effect to the Consulting Engineer's request that the land should be transferred to class C, as, however, the land on which the above-mentioned three bungalows at Jollarpett have been built will be required permanently. I now submit plans and schedules for its transfer from class C to class A.

10. (III). There are no additions to be made to the list referred to.

11. (IV). It is difficult to define the exact limits of "unused class A land."

There are however pieces of land which may be considered as coming under this heading at—

North-west corner, Jollarpett station compound.

South-east do. Gooty do. do.

North-east do. Bellary do. do.

South-east do. Pothanore do. do.

East side, Cuddapah station compound.

Between line and bungalows, Palghat station compound.

Between Central station, Madras, and the canal bridge.

But in order to prevent these lands being taken up for building purposes, it is advisable that these lands, which are now in the hands of the Company,

should be restored to Government, and to insure proper sanitation, value, should remain in the hands of the Company.

12. With reference to Consulting Engineer's letter No. 1,125, dated 23rd October, I have to explain that the statement marked Y is for which rent was being paid by the Company up to December 1875. Some of these have since been restored to Government. In other cases the land should be provided for the barge, and as it is required permanently should be held under class A. I now therefore submit transfer plans and schedules. In the remaining cases the land is only required temporarily, I do not propose to take any action regarding these latter lands pending an expression of opinion from the Board in reply to the reference which you are about to make.

X. List of Lands used as Sites for buildings since 8th October 1874.

Stations.	Buildings.	Class.
Jollarpett	Huts for Conservancy Staff	A.
Do.	Locomotive Foreman's house	A.
Do.	Houses for Clerks of T. & N. Co.	C.
Do.	Houses for six Policemen	C.
Do.	Houses and latrines for Native Firemen	C.
Tripattore	Dwelling houses for W. & A. Co.	A.
Do.	Dwelling houses for P. & O. Co.	A.
Do.	Latrines for Porters and coolies	A.
Salem	Guards' barracks	A.
Gooriatum	Assistant Station Master's house	A.
Sunkerrydroog	Station Master's house	A.
Shevaroy Hills	Houses for Porters, P. & O. Co.	A.
Amboor	Station Master's house	A.
Avenashy	Porters' huts	A.
Conjeevaram	Station Master's house	A.
Purly	Do. do.	A.
Puttamby	Do. do.	A.
Cootypoorum	Do. do.	A.
Tannoor	Do. do.	A.
Cadgoody	Do. do.	A.
Aroonum	Dwelling houses for Conservancy Staff	A.
Do.	Guards' barracks (swimming baths converted into barracks)	A.
Tripetty	Temporary bungalow	A.
Do.	Single Engine Driver's bungalow	A.
Cuddapah	Permanent-way Inspector's bungalow	A.
Do.	Guards' barracks	A.
Do.	Temporary bungalow	A.
Tadpatry	Station Master's house	A.
Gooty	Temporary bungalow	A.
Raichore	Do.	A.
Do.	Dwelling houses and latrine for Native Firemen	A.
Tudialore	Station Master's house	A.
Muddikerry	Do. do.	A.
Luckadycottah	Do. do.	A.
Tiroor	Do. do.	A.
Perpengady	Do. do.	A.
Condapuram	Do. do.	A.

PUBLIC WORKS DEPARTMENT, 12TH SEPTEMBER 1877, No. 410 R.

List of Plans that accompanied Chief Engineer's letter, No. 430, of the 9th May 1877.

1. Jollarpett.—Land for Native Staff quarters, &c., to be transferred to class A.
2. Salem.—Land for bungalows, &c.
3. Perandorai.—Lands for Inspector's bungalow do.
4. Pothanore.—Land for work-people's huts do.
5. Arconum.—Land for Engineers, &c., bungalows do.
6. Poody.—Lands for Inspector's bungalow do.
7. 86th Mile, North-west Line.—Land for ballast pit do.
8. Cuddapah.—Land for Eng. Manager's bungalows do.
9. Camalapur.—Land for do.
10. Bellary.—Land for Eng. do.

9th May 1877.

(Signed) W. R. ROBINSON,
Chief Engineer.

SUBMITTED to Government
dated 4th February 1876, embodied in
16th February 1876, G.O. No. 420.

2. It will be observed that the Ag
the Board of Directors, still declines to n
occupation of land under the several clas
by the Government of India in lett
No. 2,224 R, dated 1st September 1
plans and schedules with a view to
accordance with the interpretation pl

3. A reference to the Secretar
(Signed) J

No. 45.

ORDER THEREON,

ORDERED that the

(Here enter No. 41

(T

(Signed) J

Consulting Engineer's letter No. 76,
of the Madras Government, dated

ing under instructions received from
adjustments in connection with the
the Railway Company, as indicated
19 R, dated 15th July 1874, and
mits for the sanction of Government
nts of the claim by Government in
contract by the Board of Directors.

pears indispensable.

W-STEWART, Lt.-Col., R.E.,
Consulting Engineer for Railways.

er 1877, No. 410 R.

of India be addressed.

th September 1877.)

.)

AW-STEWART, Lt.-Col., R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Consulting Engineer for Railways.

Exd. A. Grubert.
Spare Copies

609
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RAILWAY.

Govt. of 1877 Madras.

PUBLIC WORKS.

THE CONSULTING ENGINEER
FOR RAILWAYS.

Dated September 12th.

Encl.

G. O. 12th September 1877, No. 410 R.

SEPTEMBER

NO. 4125.

Tenure of lands held by Railway Companies
under the Contract.—Ordered that the
Government of India be addressed on the
subject of the —.

has added

607
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PUBLIC WORKS DEPARTMENT.

Railway

No. 411

No. 46.

FROM

THE JOINT SECRETARY TO THE GOVERNMENT OF MADRAS,
Public Works Department, Railway Branch,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Public Works Department, Railway.

SIR,—With reference to your letter
No. 2,224 R of 1st September 1876,
correspondence on the subject of the
houses for drivers and other servants of the

2. This subject was referred to in
The Agent of the Madras Railway Company
the liability of the Company for rent
approved by the Government have been

3. I am directed, therefore, to re-
quested to state the practice obtaining
the conditions upon which land is to be
Presidency.

os. 1,019 R of 15th July 1874 and
directed to forward the accompanying
rent for land on which dwelling
Railway Company have been built.

G. O. 421, dated 16th February 1876.
It is to be seen, still declines to admit
it of any land on which works

The Government of India will be
Railways in India, and to settle
the Railway Companies in this

In honor to be,

Very
most obedient servant,

(Signed) J. H. LAW-STEWART, Lt.-Col., R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

FORT ST. GEORGE,
12th September 1877.

Exd. A. Grubert.
Spare Copies

be forwarded to Her Majesty's Government under the established practice of occupied similarly for residences, are conveyed in Public Works Department no difficulty will be experienced in

$$\begin{array}{r} 609 \\ \hline 6 \end{array}$$

2 PUBLIC WORKS DEPARTMENT

No. 88. ORDER THEREON, 20th

COMMUNICATED to the Consulting
No. 410 R, dated 12th September 187

1 FEBRUARY 1878, No. 182 R.

February 1878, No. 182 R.

neer for Railways with reference to G.O.,

(1) (abstract.)

Colonel, R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Consulting Engineer, I. I.
Revenue Department.

Exd. S. T. Austin.

2/3
Spare Copies

609
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RAILWAY.

Cont. of (1878) Madras.

PUBLIC WORKS.

CONSULTING ENGINEER

FOR RAILWAYS.

&c. &c. &c.

February 1878.

March

Encl.

1878, No. 182 B.

FEBRUARY.

No. 8732.

By order of the
Board of Revenue

J. M. M.

Irregular classification of the
the Madras Railway. The
Government of India regarding the
communicated to the Consulting Engineer for
Railways.

W. M. M.