

25
Revenue (1892) Department.

MISCELLANEOUS SERIES.

G.O., No. 2192

DATED 29 April 1892

[Despatch Abstract.]

Regarding the lease of Kottagudi
valley in the Madras District

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 1892. Dept. Board of Revenue

(Land Revenue),

MADRAS.

Current Number 2094.

To

*The Secretary to Government
R. D.*

Recd 2 Mar.

Proceedings, dated *1st March* 1892
Forest No. *194*

Subject.

*Submitting to Government,
in Continuation of Board's
Proceedings dated 9 February
1892, N^o 62, letter from
the Conservator of Forests
Southern Circle, requesting
sanction for the excess
expenditure in the Survey
of Kottagudi valley,
Madura District.*

*Chm
2/3*



Proceedings of the Board of Revenue

(Land Revenue),

Dated 1st March 1892.

Forest No. 194 Miscellaneous.

The Hon. J. G. G. G.

READ the following office note from the District Forest Officer of Madras, to the Conservator of Forests, Southern Circle, dated 29th October 1891, No 1711, and the endorsement of the latter officer thereon dated 14th January 1892, No 38.

Referring to para 7 of Revenue Board's Proceedings, dated 3rd October 1890, Forest No 607, I beg to bring to your notice that while the sum therein sanctioned for the survey of the Kottagudi Valley is Rs 1000, the total expenditure up to date amounts Rs 1320. 4-8, or Rs 320. 4-8 in excess of the former; and as the Examiner objects to admit this excess charge for want of supplemental sanction. I request that the same may be obtained from the Board.

The survey has cost very heavily and this was, as explained already in my office note to the Collector. No 1150, dated 26th August last, due

due in a large measure to the dilatory manner in which ^{it} was carried on by the Surveyor, M. Chinnappa Pillai, whose services were lent for the purpose by the Survey Department. The work was done incomplete and the time occupied for it was spun out from August 1890 to February 1891.

Copy forwarded for consideration.

I cannot trace the Board's Proceedings, nor the District Forest Officer's Note referred to, unless, as regards the latter, it is the note referred to by the Collector in his No 25 of 3rd September 1891, which was forwarded to the Board in original, with this office Endorsement No 1618 of 22nd September 1891.

Resolution.

Submitted to Government, with reference to para 5 of Board's Proceedings dated 9th February 1892, Forest No 62.

(True copy and Extract),



Acting Secretary.

To The Secretary to Govt R.D.
Copy to Commr of Forests. & C

Revenue Department
Proceedings of the Madras Government
Read the following:

BOARD OF REVENUE (LAND REVENUE), 9TH FEBRUARY 1892, FOREST No. 62.

CONFIDENTIAL.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—the following letter from S. H. WYNNE, Esq., Acting Collector of Madura, to the Secretary to the Commissioners of Land Revenue (through the Conservator of Forests, Southern Circle), dated Madura, 3rd September 1891, No. 25:—

I have the honour, in reply to Board's Proceedings, Mis. No. 112 (Forests), dated 13th February 1891, and to Board's Proceedings, Mis. No. 1248 (Forests), dated 3rd December 1890, to submit copy of an office-note received from the District Forest-officer with enclosures. I had arranged to conduct the negotiations myself, but, on receipt of Board's Proceedings, No. 229, Routine (Forests), dated 15th June 1891, as I had to proceed to Palni for the jamabandi there, I requested Mr. Gass to undertake them.

2. With respect to the Kottagudi forests, it will be seen that the situation is completely changed. The leases in respect of which the Advocate-General's opinion recorded in the Government Order embodied in the former Board's Proceedings under reply was given and upon which these negotiations were ordered have been superseded by a permanent lease granted to Appasami Naidu. There will always be a doubt on the point mentioned in para. 3 of the Advocate-General's opinion, but I think that the claims to validity which this latter instrument has are neither more nor less than those of the former leases. We can therefore obtain a permanent lease from Appasami Naidu which will give us as good a title as we could have got from the signatories of the former leases.

3. Appasami Naidu refuses to bear any part of the cost of survey and I do not think we have any power of compulsion.

4. It will be seen that negotiations with the Zemindarni of Bodinayakanur about blocks A and B are impossible. If their control or acquisition is decided on, sections 29—31 of the Forest Act must be made use of.

5. With regard to para. 3 of the Government Order, No. 918 (Revenue), dated 17th November 1890, referred to in the latter of the Proceedings under reply, I have the honour to refer to the letter read in Board's Proceedings, No. 160 (Forests), dated 21st February 1891.

ENCLOSURE No. 1.

From H. A. GASS, Esq., District Forest-officer, to the Collector of Madura, dated Madura, 26th August 1891, No. 1150.

[Reference.—Your No. 1194, dated 1st July 1891, communicating Board's Resolution, Forest No. 229, dated 15th June 1891, on the subject of entering into fresh negotiations with Mr. Appasami Naidu, the lessee of Kottagudi valley.]

In my office-note, No. 642 of 25th June 1891, to you, I had already stated that I did not consider it would be of any use attempting to obtain a sub-lease from Mr. Appasami Naidu for the remainder of his lease, unless by some arrangement with the Mannadis (the lessors) it could be made permanent and I suggested that a meeting might be arranged with Mr. Appasami Naidu in Madura and that he should be instructed to bring his Mannadis there as it was not of much use my going to see them in his absence, even if my time had permitted of my doing so.

2. I succeeded in getting Mr. Appasami Naidu to come and see me at Madura on the 16th July and I discussed the matter with him and explained the difficulties to him. He produced another lease-bond, bearing date 6th March 1891, and I send, herewith, an authenticated copy of

the same, marked A, and a translation, marked B. This supersedes the previous bond entirely and purports to be a permanent lease granted to Mr. Appasami Naidu by the Mannadis. Four of the signatories are said to have also signed the original bond, the fifth Adaiyappa Mannadi, who was chief man among them at that time, having recently died, his place being taken now by one Kumara Mannadi, who has signed the present bond and is referred to in it as the chief man.

3. The legal value of this new bond must be ascertained before anything further is done. What led up to it being granted is not apparent nor do I understand how the acts of those five Mannadis, who have signed this bond, can be held to be binding on the remainder of the village and I also do not know how Kumara Mannadi comes to be recognized as the successor to Adaiyappa Mannadi, the former chief among them, and as I was not able to get any explanation from Mr. Appasami Naidu, I suggested that he should produce the Mannadis before me in order that I might ask them some questions, and this he promised most faithfully to do between the 26th and 30th July at Periyakulam, a place very conveniently situated for the Mannadis and a little more than 20 miles only from Kottagudi. The promise was not fulfilled and several weeks have since elapsed and I have neither seen nor heard anything further of Mr. Appasami Naidu.

4. In my office-note No. 2546 of the 27th January last, I informed you that the recommendation contained in the Order of Government, No. 918 of the 17th November last, that the costs of the survey of the tract required should be borne in equal parts by Government and Mr. Appasami Naidu had been communicated to him and he was addressed on several occasions very strongly on the subject, but he took no notice and failed to contribute anything at all towards the costs. When I asked him about this at our last meeting, his excuse was that, when he originally undertook to pay the costs of the survey, he thought we intended to survey the whole village and not the portion only which was required by Government.

5. The survey work was so far highly unsatisfactory, in that it was very costly, due, in a large measure, to the dilatory manner in which it was carried on by the deputy surveyor, whose services were lent by the Survey Department, and that at the end it was incomplete, as an outline survey only had been done and none of the topography. The total expenditure comes to Rs. 1,320-4-8 and was borne by the Forest Department and the time occupied for the small outturn of work was spun out from August 1890 to February 1891.

6. I reported the facts to the Deputy Superintendent in charge of No. III Party and I am not aware of what steps he took regarding the surveyor. I called his attention to my letter to him, No. 2007 of 17th November last, copy of which I send, marked C, in which I pointed out the necessity for and the nature of the topographical details I required, but I do not know that anything further has been done by him, at all events, so far, I am not in possession of any map whatever.

7. In my office-note quoted above, I also referred to the fact that all endeavours to induce the Zemindarni of Bodinayakanur to enter into negotiations for the lease of the two blocks A and B, referred to in para. 2 of the Government Order, quoted in para. 4, had failed. I enclose copies of the correspondence, marked D, which took place between myself and the Tahsildar of Periyakulam and which will explain to you that everything possible was done at the time. It would appear that the zemindarni has again leased B, but has determined to keep A under her own management. Any further action regarding these blocks must of necessity be taken under chapter IV of the Forest Act and in the case of acquisition by purchase I should anticipate that not less than Rs. 20,000 would be required and the revenue to be derived from them directly would probably be very small; nevertheless, their possession would, as explained in paras. 19 and 20 of my office-note to the Acting Conservator of Forests, No. 2819 of 29th March 1890, printed in Board's Proceedings, Forest No. 270, dated 13th May 1890, indirectly benefit us greatly by enabling us to work the Government forests lying between A and Periyakulam in a proper and remunerative manner to effectually protect all from fire and to close entirely all such portions as require a rest.

Endorsement by the Acting Conservator of Forests, Southern Circle, dated Madras, 22nd September 1891, No. 1618.

Forwarded.

RESOLUTION—dated 9th February 1892, No. 62, Forest.

Submitted to Government.

2. In para. 2 of Government Order, dated 17th November 1890, No. 918, Government decided that a lease of the blocks, marked A and B in the accompanying sketch, should be obtained from the Zemindarni of Bodinayakanur. The Tahsildar of Periyakulam was accordingly deputed to negotiate with the zemindarni with the result that the zemindarni is reported not to be willing to give up the control of either of the blocks to Government; block A, she says, she desires to

keep under her own management in order to give it rest from the over-felling by former contractors, to whom it was leased out by her husband, and block B, she says, she has already leased out to a third party for three years from 1890.

3. The control over these forests is required mainly to protect the adjoining Government forests and to enable Government to work them in a proper and remunerative manner. To acquire this control, the application of section 29 of the Forest Act is not likely to be satisfactory, as the forest will even then remain in the zemindarni's hands and most of the objections, viz., the possibility of stealing from and setting fire to Government forests will still remain. The Board, therefore, recommends that the land may be acquired under the Land Acquisition Act. The cost is estimated by the District Forest-officer at Rs. 20,000. Block A is already reported to be worth Rs. 700 a year (*vide* para. 20 of Mr. Gass' note, printed in Board's Proceedings, dated 13th May 1890, No. 270, Forest) and the zemindarni says he has leased out block B for Rs. 400 a year. Rs. 20,000 for the two blocks should, therefore, be cheap.

4. As regards block F in the sketch, which lies at the head of the tract known as the Kottagudi valley, Government desired that negotiations should be made with M.R.Ry. Appasami Naidu either to obtain a sub-lease from him to the extent of his right under the usufructuary mortgage which he had obtained from the Mannadis, to whom the forest in question was decreed by the High Court to belong, or else to buy him out altogether and obtain a permanent lease directly from the Mannadis themselves (Government Order, dated 9th January 1891, No. 14). The Collector states that M.R.Ry. Appasami Naidu has since obtained a permanent lease of the forest in his favour from the Mannadis, and that Government can obtain as good a title from him as from the Mannadis who had executed the former mortgage in his favour; but, as the validity of the new lease seems open to question; so far as the other Mannadis who have not executed it or their heirs or assignees are concerned, the Board begs to suggest that the opinion of the Advocate-General may be obtained on the point. If Government thinks it can obtain a valid title from M.R.Ry. Appasami Naidu, the Collector will be instructed to negotiate with him and report the result. In this connection the Board begs to point out that, under the law as recently laid down in the High Court as regards the rights of riparian proprietors, (Board's Proceedings, dated 1st August 1891, No. 456), the only result of improving the water-supply of the Thaniar would apparently be to give the whole of the improvement in the water-supply to the Bodinayakanur zemindarni, through which the river first flows and which is only bound to pass on to the Government ryots below, their existing easements. The Board begs to suggest that this question also may be referred to the Advocate-General for opinion. It is hardly worth while for Government to effect improvements at the public expense solely for the benefit of the Bodinayakanur zemindarni, and if this is the state of the law, some preliminary negotiations with that proprietor will evidently be necessary.

5. As regards the unsatisfactory work of the Deputy Surveyor employed in surveying the Kottagudi valley, the Superintendent, Madras Survey, will be requested to take due notice of his conduct. The inordinate cost of the survey is reported to be due to the dilatory manner in which the work was carried on by the Deputy Surveyor, and, seeing how little use it will be to M.R.Ry. Appasami Naidu, the Board considers that that gentleman is almost justified in declining to pay for it.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with five enclosures (to be returned).
" Conservator of Forests, Southern Circle.
" Collector of Madura.
" Superintendent, Madras Survey.
Copy to the Examiner of Forest Accounts.

Exd. A. D. Xavier.

P.T.O.

REVENUE DEPARTMENT.

1892.

Board of Revenue

(Land Revenue),

MADRAS.

CONFIDENTIAL.

Printed March, 12th.

Proceedings, 9th February 1892, Forest
No. 62.

Submitting to Government, with remarks,
Madura Collector's letter reporting on the ques-
tion of the acquisition of certain private forests in
the Bodinayakanur Zemindari in the Madura
district.

P.T.O.

Order thereon: No 1526 d/19.3.92

The Hon. the Advocate-General
will be requested to advise on
the first question raised in
para 4 of the Board's Proceedings
read above, namely, as to the
validity of the new lease
obtained by Appasami Naider
from the Mammadi.

(True extract.)

Chatterjee
Secretary to Govt.

To the Advocate-General
with 5 enclosures

Confidential No 29
(1892.)

REVENUE DEPARTMENT.

ABSTRACT.

Current Number 2833.

From the Hon. the Advocate-
General.

Dated 24 } March 1892
Received 24 }
Enclosures 6.

No.

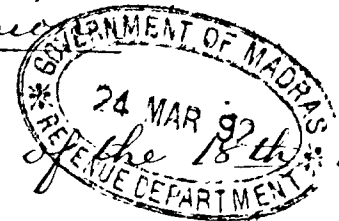
SUBJECT.

Giving his opinion as to the
validity of the new lease of
certain forests in the Bodin-
ayakanur Zemindari,
obtained by Appasami Naider.

Confidential.

The order of Government No 1526 dated the 19th March 1892, Revenue Department.

Opinion



December
November

1. Since my opinion of the 18th 1890, a permanent lease of the Kottagudi Village has been executed in favor of Appasami Naidu by the executors of the prior "lease", and in substitution therefor. The question now referred to me is - Whether this permanent lease is valid?

2. The lessors can only deal with their own interest in the property leased, and, under certain circumstances, bind their heirs. I have no information as to what that interest is. By the lease they profess to deal with the whole Kottagudi village, but if there are other ryots jointly entitled, their interests of such ryots are not affected by ~~such~~^{the} lease. As only the interests of the lessors can be dealt with by them, it may be that Appasami Naidu merely became jointly entitled with the ^{other} ryots.

3. With regard to the "heirs" of the lessors, they are, I think, under the circumstances set forth in the lease, bound thereby.

4. My answer to the question put to me is that the permanent lease is valid.

as against the lessors and their heirs, and
so far as their rights, whatever they may
be, extend.

J. H. Spring Branson.

Madras

24th March

1892.

Advocate General

G.O. 1526
19. 3. 92

C No. 2833 of 92 + 2097 of 92.

From

Dated

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FOR ORDERS.

The Board came to the
and up to for. and of
the High Ct. Division relating
to the Kottapudi valley (the
that it was the property of the
Rannad. I with their P. O. of
Oct 3. 90. P. O. No. 607. But
it is not among the papers
now put up. Probably it
is retained at the P. O. I
wish to see this judgment
as it may have an important
bearing on the question of the
rights of the Rannad to the
belonging parts of the
I also claim that the Rannad
Kottapudi, or at least
to have a perpetual lease
of the valley from the Rannad.
I cannot give an explicit
title. If he acquired a
outlet from him, any
Rannad who has not, or
pretended not to have him,
a part to the Rannad
himself might start up &
pretend to claim the
land as in a leasehold.
We are hostile in order
to recover of the valley before
the Rannad. I hope the
Ct. Now it is done at
a cost of 1300 Rs.

The current Board's proceedings
relate to three blocks of forest
which it is proposed to acquire on
behalf of Govt. These blocks are
marked A, B & F in the
Sketch map attached to C No 2833.
2. As regards blocks A & B
Govt. originally decided to lease
them from the Zamindars of
Puduchakur and ordered
in G.O. No 918 of 17th Nov. 1890
para 2 that the Collector should
be instructed to expedite negotiations
with the Zamindars in regard to
a lease. The result of the negotiations
is now reported to be unsatisfactory,
the Zamindars being unwilling to
part with the control of the two blocks
A & B on any conditions. The Board
reports that the control over these
forests is required mainly to protect

2 In para. 4 of the
Board's ^{and in the first Council}
~~Council~~ Proceedings the Board
discusses the matter of leasing
Block 4. (in the sketch map)
from Mr. R. P. Appasani. Under
it refers to the Gen. L. O. No 14
Rec. of 9th Jan'y 1891 that the
Collector was instructed to negotiate
with Mr. R. P. Appasani, and
the Indians, from whom the four

FOR ORDERS

had obtained an usufructuary mortgage of the Block in question, and to report whether it would be preferable for us to obtain a sublease of the block from Mr. R. R. Appasami Rader for the remainder of the term of his lease under the Mortgage Bond, or to bring him out to obtain a fresh lease of the tract direct from the Maimadis. The Board was reported that since the passing of G.O. No. 146 of 9th January 1892, Mr. R. R. Appasami Rader has obtained a permanent lease in his favour from the Maimadis and that, in the Collector's opinion, Govt. can obtain as good a title from him as from the Maimadis who had executed the former mortgage in his favour. The opinion of the Advoct General as to the validity of the new lease (so far as the other Maimadis who have not executed it or their heirs or assigns are concerned) was ~~then~~ asked in G.O. No. 1526 of 19th March 1892 and the ^{first} ~~second~~ current read at the head of this note contains the Advoct General's opinion on the point, which is to the effect that the lease can

3

REVENUE DEPARTMENT.

No.

From

Dated

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FOR ORDERS.

only bind only such of the Maimadis as have joined in executing the same as well as their heirs, and does not affect the interests of the other rights who may be joint owners with the lessors. Mr. R. R. Appasami Rader has probably taken good care to deal with the representation of the whole Maimadi Community and to acquire the rights of all them under the lease ^(by adding to the list from Mr. Appasami Rader) but it would be as well, it is submitted, to find out, from the Collector how many persons or families possess rights over the forest, and whether such of those Maimadis, if any, as are not parties to the new lease are willing to be bound by the same

or to sell their rights to Govt,

3. The question of the rights of
upstream proprietors (referred to in Para.
4 of the B.P.) has been dealt with in
the G.O. in B.P. 456 dt 1st Aug. 1891
the draft of which is now in circulation
and the Board may be referred
on this point to the said G.O.

5. The Board also brings to
attention para 5 of its Proceedings
that the cost of the Survey of
Kollegal Valley which has now
been completed has been incurred
(Rs. 1320-4-5) owing to the
delatory manner in which it
has been carried out by the
Dy Surveyor. The latter's conduct
^{as it may be seen}
has been brought to the notice of
the Superintendent Surveyor. The
question has ^{however} again arisen as to
who should pay the cost of the Survey.
It may be seen from ^{para 7} the B.P. read
in G.O. No 918 R. dt 17th Nov 1890
that Mr. Appasami Raidu asked for
the Survey and said that he would
pay first and from ^{the} G.O. above
mentioned it may appear that the
Govt decided that the cost of Surveying
the tract should be borne by Govt
the Govt in equal shares

FOR ORDERS

REVENUE DEPARTMENT.

No.

From

Dated

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FOR ORDERS.

It now appears from the letter of
Madura's letter No 25 dt 3rd
Sept. 1891 read in the Board's
^{No 62 dt 9th Feb 1892}
Proceedings that Mr. Appasami
Raidu refuses to pay any
part of the cost of the Survey, and
the Collector thinks that he has
no power to compel him to do
so. It is submitted that whatever
may have been his original
promise on the subject, it must
be ill advised on the part of Govt
to try & compel him to fulfil
it, even if it could legally do
so, as it is its interest to ^{maintain} ~~keep~~
^{friendly relations} ~~correspondence~~ with him and
obtain the Forest from him on
the most favourable terms
possible. The reason he gives for
refusing to share the cost is that when
he originally undertook to pay the

Confidential

FOR ORDERS

Costs of the Survey, he thought that
lost included to Survey the whole
village and not the portion which was
acquired by Govt. The Board is of opinion
that considering the standard cost
of the Survey, and seeing that it will
be of little use to Mr. P. Appasami
Naider, the latter is almost justified
in refusing to pay for it.

It is submitted that under the circum-
stances Govt may pay the whole
cost.

Order

6. 4. 92

Ch
7/4

Re: the acquisition of
the Bodinayakam
font.

The Hon^{ble} Mr. Harston C.S.
The Hon^{ble} Mr. Stokes C.S.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again G.O. 1526
19. 5. 92

also C nos 2097 & 2833 of 92

Order: 29th April 1892 2192

From the papers read above
it is clear that the Govt will not secure
a valid title by taking a sub-lease
of the Kottagudi Valley from Mr. P. Appasami
Naider, inasmuch as the
latter has taken his permanent lease
from a portion only of the Maunadi
Community, if Govt were to sub-lease
the Valley from him, it would be open
to any Maunadi, who was not a party
to the permanent lease, to come forward
and advance a claim which would involve
the Govt in a vexatious law-suit. The
Govt also considers that the conservation
of the Kottagudi Valley would not
materially increase the water-supply
for irrigation purposes of any Govt
village, as the drainage of the Valley
affects only the Trimmurri banks of
Bodinayakam, and all that the adjoin-
ing Govt villages would gain would
be a chance of ^{the} diversion of the overflow

L.H.S.
27/4/92

Res
28/4/92

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read

from the tanks. ^{On} the above considerations
H.E. the G. in C. resolves to abandon
all idea of protecting the Forests in
the Kottayudi Valley.

2. It is a matter for regret
that the Survey of the valley
was undertaken before Appasaiah
had deposited ^{the} ~~the~~ ^{authority of} ~~half~~ the
cost of the Survey promised by
him; As he now refuses to pay
anything the Govt has no alternative
but to bear the whole cost.

3. The negotiations for securing a lease of blocks A & B from the Government of Prodiackaia having failed, the Board recommends, in its Prop^s embodied in the first of the papers read above, that they should be acquired by Govt under the Land Acquisition Act, but the Govt is not ~~however~~ prepared to accept the Board's recommendation for the following reasons. In the first place no funds are available to meet the cost of the acquisition which is likely to exceed considerably the District Forest Officer's estimate of Rs 20,000.

3. ^{In the best place} ~~Blocks~~, the revenue derived from the blocks would be very small, while the only noticeable advantages to be gained by their reservation would be, to quote the words of the District Forest Officer, that the Forest Department would be able to work the forest lying between them & Periyakulam in a proper & remunerative manner, to effectually protect all from fire, and to close all such portions as require rest. These advantages are not, the Govt considers sufficiently material to justify the expenditure of large sum in purchasing the blocks. It is presumed that the block C₂ entered in the sketch map, which is the property of Govt, has natural boundaries such as water sheds & streams ^{and that} ~~not necessary~~ for the acquisition of the two blocks as mentioned ^{is} ~~is~~ ^{therefor} ~~is~~ necessary to its proper working. For the reasons

above stated. H & G in C considers
that no further action should be
taken with regard to acquiring
control over blocks A & B.

Chal
24-4-92

U
26/4

To
The Commissioners of Land Revenue
(From orders).

The judgment of the High
Court in regard to the
Kottayam Railway has been
obtained from the District
and is put up.

Ch

His Majesty's Secretary
W.W.

Confidential

2192
29-4-92

Draft order
declining to acquire
the Prodiackamur &
Kottayam Forests.

Secretary

(from orders)

The Hon'ble Secy to Govt
in the P.W.D. Dept.

When given for copying _____
When copied _____
When examined _____
When signed _____

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READ AGAIN G.O., No.
189

DATED

CURRENT No.
2

ENCLOSURES TO G. 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.
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