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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—again the following G.O., dated 5th November 1891, Mis. No. 5733, Rev. :—
On G.O., dated 15th October 1891, Mis. No. 1757 M., Local and Municipal.

ABSTRACT.—Referring for remarks correspondence regarding the water-supply project of the Adóni town.

Order—dated 5th November 1891, Mis. No. 5733, Revenue.

Referred to the Commissioners of Land Revenue for report.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue,
with copy of G.O., dated 4th September 1891, No. 1429 M.,
and the reports of the Sanitary Engineer and Chief Engineer,
and other enclosures in original, to be returned.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 15th August 1892, Mis. No. 5059 :—

Read—G.O., Revenue Department, dated 5th November 1891, No. 5733 and Reference thereon, dated 27th November 1891.

Read—the following letter from R. SEWELL, Esq., Collector of Bellary, to the Secretary to the Commissioners of Land Revenue, dated 25th April 1892, Ref. No. 2109 :—

In reply to Board's Reference, dated 27th November 1891, on Government Register No. 2937 of 1891, regarding the water-supply project of the Adóni town, which is returned with the file of papers received, I have the honour to submit the following report.

2. Since submitting the statement containing the provision of Rs. 7,630 for compensation for land required, survey areas and the new settlement rates have been introduced into the taluk, wet ayacuts under all sources of irrigation have been revised by the Settlement Department and changes have occurred in the area of inam and Government land under occupation. The figures of compensation and capitalisation of abatement of land revenue already supplied are therefore now entirely out of date. A fresh statement obtained from the taluk giving all the information up to date is enclosed.

3. The present estimate of compensation comes to Rs. 12,465-9-3 as calculated on the assessment according to Board's Standing Order No. 11, para. 3. It includes also Rs. 833 on account of value of trees and buildings on the land. According to the prevailing selling prices of similar lands the amount of compensation, including the value of trees and buildings, comes to Rs. 21,033-15-0. As all lands required for public purposes by Government or local bodies have, according to the marginally-noted order, to be acquired under Act X of 1870, I think it is safe to take the latter amount, namely, Rs. 24,083-15-0, as the approximately correct sum required for compensation. It is to be noted that this amount covers the purchase outright of the dry and wet occupied land, inam and Government, both in the bed of the tank to be submerged and the wet land irrigable from the tank and its supply-channel separately.

4. The capitalised charge on the amount of revenue lost to Government is Rs. 17,546-11-11. If the Government wet land in occupation under the tank and supply-channel is assessed at the dry block rates and assigned to ryots, part of the loss can be obviated. The capitalised amount of avoidable loss is Rs. 4,148-7-0. The particulars of capitalised charge are entered at the foot of the statement referred to in para. 2.

5. If the absolute purchase of the wet land irrigable from the tank and supply-channel is not considered necessary and it is decided that the Municipal Council need only pay for partial deterioration of value of lands, the amount of compensation may be reduced. If the owners of wet lands are not considered entitled to compensation for loss of irrigation, then all that has to be paid for is Rs. 3,542-11-0 for the land destined to be submerged.

6. Whether owners of wet lands are entitled to compensation for loss of irrigation when the source of irrigation is removed by Government is a question which should, I think, be referred to the Government law officers for opinion. It does not appear to me to have been authoritatively settled when a tank breaches and the Government does not find it profitable to repair it, the owners of wet land do not get any compensation, and when new settlement is introduced in a district and wet ayacuts are revised by transfer of wet land to dry and *vice versa*, no compensation is given. So, perhaps, none is due in this case.

7. Copy of Adóni Deputy Collector's letter, dated 17th April 1892, No. 436, is herewith submitted.

ENCLOSURE.

From M.R.Ry. K. SUBBARAYADU PANTULU Garu, Deputy Collector of Adóni Division, to the Collector of Bellary, dated 17th April 1892, No. 436.

Referring to your Proceedings, Reference No. 5107, dated 15th December last, I have the honour to forward, herewith, Adóni Tahsildar's report, No. 1423, dated 12th instant, together with its enclosures.

2. From statements A and B accompanying the Tahsildar's report it will be observed that as regards the Nallachoru tank, he has proposed the acquisition of all wet lands, both Government and inam, under the tank and its supply-channel, as also of lands in the tank-bed liable to be submerged. As detailed in the statements A and B, the amount of compensation for the above lands and the trees, &c., situated on them comes to Rs. 24,033-15-0 if calculated at the market rates and to Rs. 12,465-9-3 if calculated according to the rates given in Board's Standing Order, No. 11, paragraph 3; and the reason why the former amount is nearly double the latter has been sufficiently explained in the Tahsildar's report. The market rates adopted by the Tahsildar seem to me quite reasonable, considering the proximity of the lands to an important town like Adóni, and their fairness is also evidenced by certain documents sent for and referred to.

3. When what the Municipality actually requires in connection with the water-supply scheme is the tank and its supply-channel and the lands in the tank-bed liable to be submerged, it may, perhaps, be questioned why the wet lands under the tank and its supply-channel should be acquired in their entirety and why compensation for such lands should not

be calculated only on the difference between their wet assessment and corresponding dry assessment. The objection, however, is that the holders of almost all the wet lands have expressed their unwillingness to part with the lands and that the lands themselves will consequently have to be acquired under the Land Acquisition Act. It seems, moreover, doubtful whether, in the circumstances of the case, the wet lands under the tank and its supply-channel can be converted from wet to dry, and their holders compelled to continue to hold them as dry lands or to relinquish them without any claims for compensation. Board's Standing Order No. 18 speaks of the conversion of wet into dry lands under certain circumstances, but that order does not seem to me to cover the present case. It seems also a point worth consideration that (a) the smallness of the extent of the holdings, (b) the possibility of the lands becoming unfit for dry cultivation in consequence of dampness or moisture that must necessarily result from their situation under the tank, and (c) the situation of most of the lands concerned within municipal limits and the liability of such lands to municipal land-tax which will be more than their dry assessment itself, would naturally stand in the way of the present holders of the wet lands consenting to hold the lands even after their conversion into dry.

4. The only course open seems to me, therefore, to be for the Government to acquire all the lands required under the Land Acquisition Act, and make over to the Municipality the tank, its supply-channel and the lands situated in the tank-bed and liable to be submerged required in connection with the water-supply scheme, the wet lands under the tank and the supply-channel being retained by Government to be converted into dry and disposed of as other Government unoccupied dry lands, and the amount of compensation on the lands to be retained by Government being borne by the Municipality and the Government in due proportions. The above arrangement would no doubt mean some loss to Government, but, considering the nature of the work contemplated, I feel confident that the ever-kind and benevolent Government would raise no objection to it.

5. As regards the contemplated utilization of the Ramzari spring water for the water-supply project, I beg to submit that the small tank under the Ramzari spring having other adequate sources of supply, and the holder of the wet inam lands irrigable under that tank having eventually consented to forego his right to excess water flowing into the tank from the Ramzari spring, provided the small tank and its other sources are not interfered with in any way, I see no necessity to make any proposal in connection with the wet lands under the small tank.

6. A statement made before me by the holder of the wet inam lands under the small tank is also enclosed; and it will be observed that this his subsequent statement supersedes the statement previously made by him before the Tahsildar and to be found among the enclosures to the Tahsildar's arzi.

Reference on the above, dated 8th June 1892.

With reference to paragraph 6 of the Collector's letter read above, the Board considers that the owners of the wet lands in question are entitled to compensation equivalent to the difference between the market values of the lands when *wet* and *dry* for the loss of irrigation, as in the case disposed of in G.O., dated 14th March 1890, No. 1774, Revenue. The Collector is requested to submit at an early date a revised statement accordingly.

Read—official memorandum from the Acting Under Secretary to Government, Revenue Department, dated 2nd June 1892, No. 147 R., and reference thereon, dated 24th June 1892.

Read—Board's Proceedings, dated 15th July 1892, Mis. No. 4297.

ABSTRACT.—Communicating to the Collector of Bellary Government Order, Revenue Department, embodying Government Order, Local and Municipal Department, and requesting to expedite the report called for in Government Order, regarding the water-supply of Adóni and the drainage scheme for Tirupati.

Read—the following letter from R. SEWELL, Esq., Collector of Bellary, to the Secretary to the Commissioners of Land Revenue, dated 1st August 1892, No. 3779:—

In reply to Board's Reference on General Register No. 1211 of 1892, dated 8th June 1892, on Sub-Register No. 1313 of 1892 and Board's Proceedings, Mis. No. 4297, dated 15th July 1892, I have the honour to submit a revised statement showing compensation payable for loss of irrigation, &c., in connection with the Adóni water-project.

2. The statement contains information on all the points desired by the Board. Regarding the submersion in the tank of certain old Muhammadan tombs and a mosque in the ayacut assessed waste land, further information will be supplied as soon as the Tahsildar's report is received (*vide* the first entry in the remark column of the enclosed statement).

3. The enclosures received with the first of the references noted above are retransmitted.

STATEMENT showing the amount of compensation payable for the land to be submerged in the bed of Nallacharu tank for that to be deprived of irrigation under it and for trees, &c., on the land to be submerged, as well as the amount of capitalized value of revenue to be lost by the Government in fasli 1301.

Items.	Wet or dry.	Extent.	Assessment.	Dry assessment at the block rates.	Difference between columns 4 and 5.	Jodi or quit-rent as existing.	Jodi or quit-rent calculated on dry block rates.	Difference between columns 7 and 8.	Capitalized value of loss under		Compensation payable according to the market value of the land, trees, &c.			
									Land Revenue.	Village Service fund.	Of the land as wet.	Of the land as dry.	Of trees and buildings, &c.	Amount payable, including the value of trees.
1. Land to be submerged.														
Government—														
Patta ..	Dry.	31 02	44 8 0	..	..	..	..	..	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
Unoccupied land ..	Wet.	17 15	44 7 0	..	..	..	..	..	1,104 11 0	..	666 9 0	602 13 0	115 0 0	777 13 0
Forambole in the tank ..	Dry.	8 62	3 3 0	..	..	..	..	..	1,110 15 0	..	..	..	75 0 0	666 9 0
	Do.	43 7	..	..	..	..	..	..	..	..	..	..	..	75 0 0
Total ..	..	104 86	91 13 0	..	..	..	..	..	2,215 10 0	..	666 9 0	662 13 0	190 0 0	1,519 6 0
Isam, personal ..	Dry.	7 88	7 14 0	..	..	0 7 6	..	..	11 11 6	..	..	229 3 6	80 0 0	309 3 6
Total ..	..	112 74	99 11 0	..	..	0 7 6	..	..	2,227 6 6	..	666 9 0	892 0 0	270 0 0	1,828 9 6
2. Land to be deprived of irrigation and transferred from wet to dry.														
Government—														
Patta land ..	Wet.	109 89	521 8 0	150 13 0	370 11 0	..	..	..	9,267 3 0	..	15,651 4 0	2,560 12 9	..	12,990 7 3
Aracut waste ..	Do.	0 93	4 10 0	1 6 0	3 4 0	..	..	..	81 4 0	..	..	..	..	..
Up to fasli 1301 ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Isam—														
Personal, irrigable ..	Do.	3 59	17 15 0	6 6 0	..	12 12 4	3 8 11	9 3 5	230 5 6	..	718 0 0	107 11 2	..	610 4 10
Unirrigable ..	Do.	4 10	16 8 0	4 2 0	..	1 12 0	0 7 0	1 5 0	32 13 0	..	922 0 0	138 4 10	..	783 11 2
Village service, irrigable ..	..	4 61	23 1 0	6 15 0	..	15 4 3	4 7 0	10 13 3	..	270 11 3	..	..	..	..
Total ..	..	123 12	583 10 0	..	..	29 12 7	..	..	9,611 9 6	270 11 3	17,191 4 0	2,806 12 9	..	14,384 7 3
(3) Under the supply-channel of the tank.														
Government patta ..	Wet.	25 93	68 9 0	15 2 0	43 7 0	..	..	..	1,085 15 0	..	2,116 0 0	349 3 2	..	1,766 12 10
Total ..	..	149 06	642 3 0	..	..	29 12 7	..	..	10,697 8 6	270 11 3	19,307 4 0	3,155 15 11	..	16,151 4 1
Grand Total ..	..	261 79	741 14 0	..	..	30 4 1	..	..	12,994 13 11	270 11 3	..	..	..	17,979 13 7

* The land is unfit for cultivation and contains many old Muhammadan tombs and a mosque with several trees. Compensation is provided here for the value of trees. As to the mosque and tombs being allowed to be sub-merged, the Tahsildar's further report is awaited and the result thereof will be communicated as soon as possible.

† The compensation is calculated to be the difference between the value of the land at present and its value when transferred to dry.

‡ No compensation is provided for unirrigable wet land which sustains no real loss by transfer to dry.

Read—the following letter from M.R.Ry. T. KOTHANDARAM NAIDU Garu, Tahsildar of Adóni, to the Collector of Bellary, dated 2nd August 1892, No. 2734 :—

In reply to your takeed No. 3690, dated the 28th ultimo, I beg to report as follows :—

Ayacut waste No. 66 represents Muhammadan burial ground. The tombs are scattered and are in disrepair. They may be about 200 in number. The Muhammadan Committee do not consent to the tombs being submerged. They say that worship is still being performed there. I can find no signs of worship. The tombs are dilapidated and a large number of them have scarcely one stone over the other. They are apparently abandoned, but the followers of the Prophet will not say so. The Committee admit that some of the tombs now lie under water when the tank is full, and they know for a fact that if the tank-bund is raised, the other tombs will also be submerged. The tomb, Muhammadan Committee most revere, is that of a person known as Peer Balai Sahib. This tomb is on a hill rising on the outskirts of No. 66. An "urus" or annual festival takes place in the month of Jalabet. About 2,000 persons assemble and they accommodate themselves amidst the tombs. From its position Balai Sahib's tomb will not come under water under any circumstances. If the Muhammadan community has the will, it can see its way to give its consent. There is a small masonry masjid amidst the tombs, all of which are overgrown with trees. The Committee are not willing to receive compensation.

Endorsement by the Collector of Bellary, dated 4th August 1892, Reference No. 3855.

Submitted to the Secretary to the Commissioners of Land Revenue, Madras, in continuation of this office Reference No. 3779, dated 1st instant.

Resolution—dated 15th August 1892, Mis. No. 5059.

The Collector's letters read above will be submitted to Government with reference to its endorsement, dated 5th November 1891, No. 5733, and Order No. 1421, Routine, dated 24th June 1892.

2. The figures of compensation and capitalization of abatement of land revenue originally supplied by the Collector required revision owing to the introduction of survey and settlement and the revision of wet ayacuts. A revised statement has now been submitted, from which it will be seen that the Collector estimates the amount under each of the above items at Rs. 17,979-13-7 and Rs. 13,195-9-2, respectively.

3. The compensation due to owners of wet lands who will be deprived of irrigation has been calculated on the difference between the market values of the land when wet and dry, as was done in the case disposed of in G.O., No. 1774, dated 14th March 1890.

(True Copies and Extract.)

(Signed) W. S. MEYER,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with enclosures in G. R. No. 2937/91 returned, and with
G. R. No. 1211/92 and its enclosure, G. R. No. 2147/92
and its enclosure, and G. R. No. 2201/92 to be returned.

READ—endorsement by the Joint Secretary to Government, Public Works Department, Irrigation Branch, dated 25th January 1893, No. 332-C.

ABSTRACT.—Forwarding note from the Chief Engineer for Irrigation showing what action the Government has taken from time to time in respect of the Red Hills tank and the irrigation under it.

ORDER—dated 15th February 1893, No. 163, Revenue.

Irrigation, No. 4.

The Government agrees with the Board in considering that the Adóni Municipal Council is liable to pay to the landholders concerned the value of all land taken up for, or submerged in consequence of, the water-supply scheme, and, in the case of land not taken up but converted from wet to dry, the loss in market-value caused by the change in classification.

2. The Municipal Council should also pay in both the above cases the capitalized value of the land revenue lost by Government.

3. The statement submitted with the Board's Proceedings read above shows the estimated amount of compensation payable under each head. The totals are—

	RS.	A.	P.
Amount payable to Government	13,195	9	2
„ „ to landholders	17,979	13	7
Total ...	31,175	6	9

(True Extract.)

(Signed) E. GIBSON,
Ag. Secretary to Government.

To the Local and Municipal Department,
with G.O., dated 4th September 1891,
No. 1429-M., in original, returned.
„ the Commissioners of Land Revenue, with five enclosures, returned.
„ the Public Works Department (Irrigation Branch).

Exd. T. K. Narayana Aiyangar.

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Encl.

G.O., 15th February 1893, No. 163.

FEBRUARY.

Adoni water-supply scheme.

Agreeing with the Board in considering that the Adoni Municipal Council is liable to pay to the landholders concerned the value of all land taken up for or submerged in consequence of the —, together with the loss in market-value caused by the change from wet to dry, and directing that the Council should also pay the capitalized value of all land revenue lost by Government.