M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1084 Press ~~His.~~

445-447

Dated 21st April. 1869.

Not to be folded or roughly handled

1869

Proceedings of the Madras Government, Revenue Department,
21st April 1869

Read the following papers :—

No. 445. Proceedings of the Board of Revenue, dated 18th January 1869, No. 301.

Read the following letters :—

From the Collector of Bellary, to the Acting Secretary to the Board of Revenue, dated 19th October 1868, No. 252.

I HAVE the honor to submit, for the consideration and orders of the Board of Revenue, copies of correspondence which has passed between the Consulting Engineer for Railways and myself, on the subject of certain minor irrigation channels at Gooty, which have been damaged during the south-west monsoon, owing to the works connected with the Railway.

2. Reference to the accompanying rough sketch (not drawn to scale) will enable the Board to understand the position of matters.

3. *A. A.* is one of the feeders of the Gooty tank, and to prevent its waters overflowing and inundating the low lying lands *d.d.d.d.*, an artificial embankment *D. D.* has been run along its margin for some distance on either side of the Railway. In excavating the side ditches for spoil to form the Railway bank, this protecting bund was cut through on either side of the line at the points *E. E.*, and the consequence is that the Government irrigation channels marked *G. G.* and *H. H.* have been more or less damaged, and the spring channels* *F. F.* have been almost obliterated by the overflow of water from the high level channel *A. A.* This occurred at the first burst of the south-west monsoon early in June. I was at Gooty at the time, and the parties interested immediately came and informed me of what had occurred. I went out at once and inspected the locality, and the result of that inspection and of others made subsequently, (on one occasion in company with the Deputy Chief Engineer,) was a conviction that the damage done to these channels was wholly and solely due to the protecting embankment having been cut through. I communicated this opinion to the Deputy Chief Engineer, Mr. Going, and suggested either that compensation should be made, or that the channels and the embankment should be restored to their former condition at the expense of the Railway Company; but as he demurred to both these suggestions, I submitted the case† for the opinion of the Acting Consulting Engineer for Railways. From his reply of the 12th instant, No. 424, covering a letter from the Agent and Manager of the Railway, the Board will observe that he concurs with the views expressed by the Deputy Chief Engineer in the report therein conveyed. With reference to this report, I propose to offer a few remarks.

* Private Channels.

† *Vide* letter from Collector to Consulting Engineer, No. 1,040, dated 5th September 1868.

4. It will be observed that the cutting of the protective embankment is not disputed. Mr. Going states that it is only fifteen inches above the surface, and that during the rains the water in the nullah *A. A.*, rose more than six inches above the top of the embankment, and that therefore the cause of the inundation of the low lying lands *d.d.d.d.* was not the removal of the embankment. I am not aware on what observations the statement, that the water topped the embankment by six inches is based. I can only say that I inspected the locality a day or two after

the flooding of the low lands, and that to my unprofessional eye there was no appearance of the water having gone over the embankment, but every appearance of its having gained access to the low ground at the point *E.*, where not only the embankment had been cut through, but the side ditch had been carried to a depth of about a couple of feet below the surface of the ground. This being the lowest point would appear to be the most natural place for the water to be diverted from its high level bed, and had it gone over the embankment as well, the traces which it must have left would hardly have escaped my notice, when I inspected the locality a day or two afterwards. The fresh came down on the 5th of June. I visited the place on the 6th or 7th, and I believe I am correct in saying that Mr. Going saw it for the first time on the 10th in company with the Sub-Collector to whom I had made over charge on the previous day when the water had run down. But admitting that Mr. Going is not mistaken in saying that six inches of water went over the embankment, it must be remembered that he does not dispute the cutting of the fifteen-inch embankment for a width of thirty yards, which, it is hardly necessary to observe, must have nearly trebled the volume of water which would have overflowed, had the bank not been meddled with, not to mention the depth to which the side ditch was excavated below the surface level.

5. Mr. Going further argues that as the embankment was cut through in September 1867, it was the duty either of the people interested, or of the Revenue Officers to have pointed out then the mischief which was likely to occur; and had it been observed, this doubtless should and would have been done. But the fact is, that the land traversed by the Railway at this part is entirely waste, and therefore not likely to be visited by the ryots whose lands, irrigated by the channels indicated in the sketch, are situate at a considerable distance. On the other hand, I think that a very little consideration on the part of the Engineer engaged on the Railway works would have sufficed to prevent him doing that which has caused so much mischief and loss to the people and the public revenue.

6. Mr. Going is of opinion that these spring channels are silted up every year. That they are to a certain extent, and require a yearly clearance, is perfectly true; but this year they are all but obliterated. Hardly a trace of them remains, and they will have to be remade; the question is at whose cost? They were constructed at the private expense of the ryots who cultivate under them. The other two channels are circar property, and their repair will have to be estimated for by the Public Works Department.

7. The accompanying statement shows the particulars of the land cultivated last Fusly, and the full ayacut and assessment. Owing to the partial failure of the south-west monsoon, the extent actually cultivated in Fusly 1277 fell considerably below the average; but had not this untoward accident occurred, there can be no doubt that in the magnificent season we have had this year every acre which the water could reach would have been planted. I now solicit the Board's instructions as to the course to be pursued. The Consulting Engineer, who inspected the locality three months after the mischief was done, has decided that the ryots have no just cause of complaint against the Railway Company. I submit that from my position as Collector of the district, coupled with the fact of my having been on the spot when the channels were destroyed, my judgment should carry weight with it,

Proceedings of the Madras Government, Revenue Department,
21*st April* 1869.

and I do not hesitate to give an opinion that the loss sustained in this matter, both by the ryots and the State, is owing to the act of the Officers of the Railway Company, who, I consider, are liable for the same.

ENCLOSURE No. 1.—Correspondence.

ENCLOSURE No. 2.—Sketch.

ENCLOSURE No. 3.—Statement.

From the same Officer, dated 30th October 1868, No. 263.

IN continuation of my letter, No. 252, dated 19th instant, I have the honor to forward a detailed statement showing the average extent of cultivation under the channels injured by the Railway works in the vicinity of Gooty; the estimated loss of produce sustained by the ryots; and the probable cost of restoring the channels. Taking the average revenue derived from lands cultivated under the first two channels which are Government sources of irrigation for ten Fuslies, and from those cultivated under the last two channels for four Fuslies, they having been only constructed in Fusly 1273, the loss to the State amounts to Rupees 390-4-0 for the current Fusly.

ENCLOSURE No. 1.—Statement.

SUBMITTED for the orders of Government.

2. These papers relate to certain damages to two Government and two private channels, alleged by the Collector to have been caused "by the Railway side "ditch having cut through the embankment of a high level channel which protected "the low lying lands where these minor channels rise, from inundation." The consequence has been that all the four channels are "almost obliterated" by the overflow of water from the high level channel.

3. The following abstract of the statement furnished with the Collector's second letter shows in one view the ayacut and cultivation under those channels, as well as the loss sustained, and the probable cost of restoring them to their original condition :—

Name of Channel.	Ayacut.				Average cultivation for the past ten years under the Government and for the past four years under the private channels.				Loss sustained by the ryots owing to the channels having been choked up.	Probable cost for restoring the channels to their former condition.
	Government.		Inam.		Government.		Inam.			
	Acres.	Assessment.	Acres.	Assessment.	Acres.	Assessment.	Acres.	Assessment.		
	,	Rs.		Rs.		Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Government Channels.										
Nagireddy	74	445	...	.....	26·20	159 8 0	...	.....	200 0 0	1,030 4 0
Tommala	93	536	2	18	36 00	216 8 0	2	18 0 0	300 0 0	300 0 0
Private Channels.										
Ramakiistiah's	29	13	...	.....	10 00	11 4 1	...	.....	250 0 0	583 8 0
Mahanadi	24	12	...	.....	18·00	8 15 0	...	.....	150 0 0	300 0 0
Total...	220	.....	...	.....	90·20	.....	...	.....	900 0 0	2,213 12 0

4. The damage was caused at the first burst of the south-west monsoon early in June, and the Collector happening to be at Gooty at the time, immediately inspected the spot, and his report, now submitted, is the result of that inspection; whereas the opinion of the Acting Consulting Engineer, "that the ryots have no just cause of complaint against the Madras Railway Company," would appear to have been formed on his visiting the place on the 31st August, or about three months afterwards.

5. So far as the Board have the means of forming a judgment, it seems to them clear that the injuries complained of were caused by the cutting made in the bank, and therefore that the Railway Company should be required to compensate the ryots for losses sustained, and to construct their roadway in such a manner as to prevent the water accumulating in the ditch or flowing in on the low ground.

6. In the Board's opinion, the Acting Deputy Chief Engineer's defence has been fully met by the Collector's explanation. If the spring channels are silted up every year, and require to be cleared out, that is no sufficient reason for not attending to the complaint of the ryots, when by an act of the Railway Company these spring channels come to be almost obliterated, and require to be re-made at a considerable outlay.

7. If the Company still refuse to admit their liability, the Board would suggest that the question be referred to the Superintending Engineer of the Division for final decision.

TRANSFERRED to the Department Public Works with the opinion of the Acting Secretary in this department, that the Superintending Engineer of the Division should be directed to visit the locality in question at an early date, in view to determining what portion of the damage complained of is due to the cutting of the embankment for the Railway side ditches.

FORT SAINT GEORGE,
2nd February 1869.

(Signed) R. A. DALYELL,
Acting Secretary to Government, R. D.

REFERRED to the Superintending Engineer of the 3rd Division for report after a personal inspection of the locality.

5th February 1869.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P. W. D.

No. 446. From the Superintending Engineer, 3rd Division, to the Secretary to Government, Public Works Department, dated Bellary, 15th February 1869, No. 3,975.

IN returning the accompanying four enclosures, received for report with your No. 464 of the 5th instant, I have the honor to submit a survey of the ground in the neighbourhood of the Madras Railway prepared by Mr. Assistant Engineer Porter.

1 Revenue Secretary's original endorsement.
2 Statements.
1 Sketch.
1 Copy of correspondence.
1 Survey.

Proceedings of the Madras Government, Revenue Department,
21st April 1869.

2. I am not aware who prepared the sketch submitted by the Collector of Bellary, and, before making any report, beg to state that I think it was a pity Mr. Sullivan did not in June last apply to Mr. Assistant Engineer Porter, who was in Ghooty on the 6th June 1868, and had an interview with the Collector on the 7th, for a survey of the ground and his professional opinion on the cause of the damage, as, for reasons that will be stated further on, it would have been as well to have seen how much of the damage was attributable to the cutting made for the Railway. I also was in Ghooty on the 20th and 21st July, and might easily have inspected the place, if any intimation had been sent to me.

3. On a reference to the survey you will observe that the Tommala or Narrainapah channel takes off from the Ghooty tank supply channel near *A.* to the north of the Railway: from a little above this down as far as the Railway there are signs of an embankment; but to the south I could not see any signs of the embankment shown in Mr. Sullivan's sketch, and fancy that the old embankment must have ended in some high portionof ground, either where the Railway embankment now runs, or between it and *B.* which is on the bank of an old channel.

4. At *C.* the earth of the embankment is much washed away, and on inquiry I learnt that the bank was originally much cut up by carts carrying stone for the construction of the culvert already built, and for the bridge which still remains to be built.

5. Near No. 1 stone was the site of the head of the Mahanuddy spring channel, and near No. 2 stone was the head of Ramakistniah's spring channel, that of the Nagareddy spring channel being much lower down. There is a low water shed between the Mahanuddy channel and the old irrigation channel near *B.* and also near *D.* and I can only suppose that the embankment shown lower down must have abutted on to this last mentioned ground. To the east of the Tommala channel the ground rises.

6. There are three breaches in the bank of the Mahanuddy channel, which have evidently been caused from outside; the breach between the embankment and *D.* has also been from the Ghooty tank supply channel, and by this a great quantity of sand, etc., has been carried down. I was informed that these breaches were not made in June, but later in the year: this, however, I cannot credit, as the large opening near the Railway and the low ground near stone No. 2, etc., would have carried away all flood-water, and believe that the breaches must have taken place in June; and for this reason think it is a pity Mr. Sullivan did not apply to Mr. Porter in June for his professional opinion.

7. Admitting that the embankment to the north of the Railway was overtopped, I must, however, state that in my opinion the damage is in a great measure attributable to the Railway cuttings which allowed of a greater depth of water to pass down, and the bottom of the cutting being on about the same level as the Ghooty tank supply channel, the passage of the sand. The set of the current is very perceptible in the Railway cuttings *d.d.*, and all damage to the north of the breach near *D.* must, I think, be attributed to the high ground or embankment having been cut through on either side of the Railway.

8. To the south of *D.* it is impossible to say how much of the damage is to be attributed to the Railway cuttings, and how much to the breach near *D.*, but there can, I think, be no doubt that the former has had some effect also on this lower part.

TRANSFERRED to the Revenue Department, with reference to the endorsement in that department of the 2nd February 1869.

FORT SAINT GEORGE,
22nd February 1869.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P. W. D.

No. 447. ORDER THEREON, 21st April 1869, No. 1,084.

Irrigation, No. 13.

UNDER all the circumstances of the case, the Right Honorable the Governor in Council is not satisfied that the damage, which has been sustained, is owing to the cutting of the Railway side ditches; and he is not of opinion that the Railway Company can be held in any way responsible for the same.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Public Works Department.

Exd. F. R. Bantleman.

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c. . &c., &c

Dated April, 21st.

Recd Encl

G. O., 21st April 1869, No. 1,084.

APRIL.

Nos. 445-447.

Damage to certain irrigation works in Bellary District.—Board of Revenue informed that it is not owing to the cutting of the Railway side ditches, and that consequently the Company cannot be held responsible for the same.

will be stated further on it would have been as well to have seen how much of the damage was attributable to the cutting made for the Railway. Sales was in Ceylon on the 20th and 21st July and might easily have inspected the place if any estimation had been required.

3 On a reference to the Survey you will observe that the Tommala or Parameiah Channel takes off from the Ghoby Tank Supply Channel near A of the works of the Railway: from a little above this down as far as the Railway there are an
signs of embankment, and to the north
I could not see any signs of the embankment shown in Mr Sullivan's sketch and I fancy that the old embankment must have ended in some high ground on a ground between where the Railway embankment now runs or between it and B which is on the bank of an old Channel.

4 At C the earth of the embankment is much washed away and on inquiry I learnt that the bank was originally much cut up by Carts carrying stone for the Construction of the Culvert already built and for the Bridge which still remains to be built

5 Near No 1 stone was the site of the

head of the Mahamuddy Spring Channel and near No 2 stone was the head of Ramatirichiado Spring Channel, that of the Nagareddy Spring Channel being much lower down. There is a low water shed between the Mahamuddy Channel and the old Irrigation Channel near B and also near D and I can only suppose that the embankment shown further down must have abutted on to this last mentioned ground. To the East of the Tommala Channel the ground rises

6. There are three breaches in the bank of the Mahamuddy Channel which have evidently been caused from outside, the breach between the embankment and D has also been from the Ghoby Tank supply Channel, and by this a great quantity of sand sea has been carried down. I was informed that these breaches were not made in June, but later in the year: this however I cannot credit as the large opening near the Railway and the low ground near stone No 2 would have caused away all flood water, and I believe that the breaches must have taken place in June; and for this reason think it is a pity Mr Sullivan did not apply to Mr Porter, in June for his professional opinion.

7. Admitting that the embankment to the north of the Railway was overtopped, I must however state that, in my opinion, the damage is in a great measure attributable to

12

Revenue Cons.
Fr. 1869
No 464

BOARD OF REVENUE, MADRAS.

1869.

PROCEEDINGS, 18TH JANUARY 1869, No. 301.

Dup. 23-2-69 Encl 4
Received 26th
Fr 2 Feb 69
No 404

Rev. 558/69.
From 21 April 69
JANUARY.
No. 301.

Damage done to certain minor Irrigation channels—at Gooty in Bellary District, by certain works connected with Railway,—Collector's letter forwarding correspondence with Railway Consulting Engineer on subject of, submitted to Government with remarks.

Read Recd.
Referred

Rs 5689/68/69

Referred to the Superintending Engineer 3d Division for Report after a personal inspection of the locality

Sd/ H. Cox Coll.
Secy to Govt
Pby Dept.
5th Feby 69

To the Engineer 3d Div.
with 4 Enclosures

Transferred to the Q.M. with the opinion of the Board, that the Superintending Engineer of the Division should be directed to visit the locality in question, at an early date, in order to determine what portion of the damage complained of is due to the cutting of the embankment for the Railway side ditches.

Fort St. George
2nd February 1869

Sd/ Bailey
Actg Sec. to Govt

Sd/ [illegible]
Actg Sec. to Govt

Transmitted
AAL

"channels rise, from inundation." The consequence has been that all the four channels are "almost obliterated" by the overflow of water from the high level channel.

3. The following abstract of the Statement furnished with the Collector's second letter shows in one view the ayacut and cultivation under those channels as well as the loss sustained, and the probable cost of restoring them to their original condition:—

Name of Channel.	Ayacut. Government. Acres.	Ayacut. Government. Assessment.	Ayacut. Inam. Acres.	Ayacut. Inam. Assessment	Average cultivation for the past ten years under the Government and for the past four years under the Private channels. Government. Acres.	Government. Assessment.	Inam. Acres.	Inam. Assessment	Loss sustained by the Ryots owing to the channels having been choked up.	Probable cost for restoring the channel to their former condition.
		Rs.		Rs.		Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Government Channels.										
Nagireddy	74	445	...	.....	26 20	159 8 0	...	... ...	200 0 0	1,030 4 0
Tommala	93	536	2	18	80 00	216 8 0	2	18 0 0	800 0 0	300 0 0
Private Channels.										
Ramakristiah's	29	13	...	.....	10 00	11 4 0	...	... ...	250 0 0	583 8 0
Muhanadi	24	12	...	.....	18 00	8 15 0	...	... ...	150 0 0	300 0 0
Total...	220	.....	...	.....	90 20	.....	...	... ...	900 0 0	2,213 12 0

4. The damage was caused at the first burst of the south-west monsoon early in June, and the Collector happening to be at Gooty at the time, immediately inspected the spot, and his report now submitted is the result of that inspection; whereas the opinion of the Acting Consulting Engineer "that the ryots have no just cause of complaint against the Madras Railway Company" would appear to have been formed on his visiting the place on the 31st August, or about three months afterwards.

5. So far as the Board have the means of forming a judgment, it seems to them clear that the injuries complained of were caused by the cutting made in the bank, and therefore that the Railway Company should be required to compensate the ryots for losses sustained, and to construct their roadway in such a manner as to prevent the water accumulating in the ditch or flowing in on the low ground.

6. In the Board's opinion, the Acting Deputy Chief Engineer's defence has been fully met by the Collector's explanation. If the Spring Channels are silted up every year and require to be cleared out, that is no sufficient reason for not attending to the complaint of the ryots, when by an act of the Railway Company these Spring Channels come to be almost obliterated and require to be re-made at a considerable outlay.

7. If the Company still refuse to admit their liability, the Board would suggest that the question be referred to the Superintending Engineer of the Division for final decision.

(True Copies and Extract.)

C. Hawkyard
Acting Secretary.

To the Acting Secretary to Government, Rev. Dept,
with four enclosures.

Copy to the Collector of Bellary.

Ed. T. Cartledge.

of high level channel
during a flood. The loss
occasioned was considerable
and it is estimated that
the restoration of the channel
would cost Rs 2263.12.0.
The Collector after visiting
the spot immediately stated
that the loss sustained both
by the riots & the State is
owing to the cutting of the
Railway ditches. The Board
of Rev. soon as they have any
means of judging, concur in
the Coll.r view.

The Supt. Engineer of the
Division was requested
to visit the locality and
to determine how much of
the damage was owing to
the cutting of the embankment
by the Railway ditches. He
has reported that a considerable
portion of the damage was

I fail to understand the
subject on the score on which
it has appeared to the School
in the P. W. dept. and Seamoth
below the Supt. Engr. place
beside the rivers here ✻ taken.
Perhaps, Col. Orr might be
asked to come on the place
how his opinion is formed?

WDL

A.P.

He must show it
in Council next
Tuesday.

N.

9

on caused, but it cannot
be ascertained from his letter
what is the money value of
this damage - Colonel Orr, on
the other hand, with whom the
undersigned has conferred on
the matter, considers that
the damage was occasioned
by a heavy flood in the high
level channel and was
not in anyway owing to
the cutting of the Railway
ditches. An inspection of
the plan sent by the Supt.
Engineer confirms leads to
this view ✻

AAB.

Rec'd

Clerk of Council
Acted to Crown Office
Right Hon. Earl
Granville, Railway

Re

Council

No 550

22-1084.

21st Apl 69.

Under all the circumstances of the case, the Rt. Hon'ble the Gov: in Council is not satisfied that the damage which has been sustained is owing to the cutting of the Railway Side ditches, and he is not of opinion that the Railway Company can be held in any way responsible for the same

N.

W.O.

A.J.A.

WD.

14 Copies to be Rec'd & Encld to Deputy 22d
21 By Deputy

4 6
4

C25 Granville 69 Apl

D[illegible] [illegible]

Of certain mineral [illegible]

[illegible] channels near

Gl[illegible] [illegible] [illegible]

[illegible]

[illegible]

C. 12 April 1869 [illegible]