M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 141 Press ~~Mis.~~

280-281

Dated 19-1-1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
19th January 1861.

No. 280. Read the following Proceedings of the Board of Revenue, dated 8th January 1861, No. 92 :—

Read the following letter from B. CUNLIFFE, Esq., Collector of Madras, to W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Sydapet, 30th November 1860, No. 472.

SIR,

1. In forwarding copy of a letter to my address from the Sub-Collector, with its original enclosure and sketch plan, I have the honor to support his recommendation, that the land required be taken under Act VI of 1857.

2. I am not aware of the Act having been hitherto applied for the purpose of securing land for an irrigation channel; but if such application is legal, I think that it is desirable to enforce its provisions, when, as in the present instance, the construction of an useful work, profitable to certain portions of the community, and injurious to no party, is prevented by the jealousy and ill-will of neighbours.

3. Mr. Ellis' Memorandum shows that the objections raised to the proposed channel, are groundless.

4. The specification given below, will, I think, satisfy the provisions of Section 33 of the Act.

The land requisite for the construction of a channel, from a certain spot situated in the village of Reddipalyam, and proceeds in an easterly direction, for about 800 yards, and of about 8 yards in breadth.

(Signed) B. CUNLIFFE, *Collector.*

From R. S. ELLIS, Esq., Sub-Collector, to B. CUNLIFFE, Esq., Collector of Madras, dated Madras, 31st October 1860, No. 216.

SIR,

1. With reference to the enclosed correspondence* and plan, I have the honor to suggest that the land, necessary for the channel marked AA, be acquired for public purposes, under the provisions of Act VI of 1857, and to request that you will obtain from the Government the usual declaration.

* *To be returned.*

2. The facts of the case are briefly as follows :—The tanks of the villages of Teruvithypullum and Nathapet, are at present supplied by the tortuous channel marked BB.

3. This channel requiring repair in 1858, the Assistant District Engineer visited it, and perceived that the line marked AA would be a much more direct and efficient course for the channel.

4. He accordingly directed an estimate to be prepared for the work, and this was sanctioned by the then Collector Mr. Shubrick, but under a misapprehension regarding the nature of the intended work. Mr. Shubrick was under the idea that he was sanctioning a repair and not a new work.

5. After the new channel was commenced, some of the villagers through whose land the channel passed, and some others, who considered that the irrigation of their lands would be injured by the new channel, objected to its construction. Upon these objections being made, Mr. Shubrick withdrew his sanction to the estimate, and ordered the discontinuance of the work.

6. The parties who would have received most benefit from the construction of this new channel, protested against the objections raised, as being without any just foundation, and the validity of these objections has been fully investigated, first by Overseer Mr. Lee, and next by the Assistant District Engineer Lieutenant J. O. Hasted. These objections have further been inquired into by the Tahsíldár and by myself, and the result of all these investigations has been to establish the fact that no real injury will be caused to the objecting parties, nor have they any real ground of complaint. Of course, it will be necessary to compensate the villagers of Tirucalicadu, for Káni 0-6-10, and Arapannujory, for Káni 0-3-2 of their lands, required for the course of the channel. The amount of compensation will be about 60 Rupees. The cost of the work

both

will be Rupees 635, for the construction of the channel, and Rupees 60 to be paid as compensation for the land taken as shown above, making a total of Rupees 713.

7. The additional revenue to Government will be Rupees 450. From this must be deducted a remission to Srotriyamdár of Rupees 3-8-1, on account of Srotriyam jodi on land taken up for the channel, leaving a net increase of revenue, Rupees 446-7-11. I have endeavoured to convince the parties, who have objected to the new channel, that they have no right to oppose this work, which will greatly benefit the villages of Uppukolum and Nattapettah ; but they decline to consent to the new work, and those whose lands are required refuse to sell or in any way receive compensation. It is under these circumstances that I suggest that the provisions of Act VI of 1857 be put in force.

8. I believe that, if it is known that the provisions of Act VI of 1857 are as applicable to land required for minor works of irrigation, as to land required for other public purposes, much of the opposition raised in this poorly irrigated District, to the improvement of the means of irrigation, and consequent increase of cultivation, will cease.

9. The annexed Memorandum shows in detail the objections raised, and the answers thereto.

(True Copy.)

(Signed) B. CUNLIFFE, *Collector.*

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1. Ordered to be submitted for the decision of Government.

2. There may be some question whether the construction of an Irrigation Channel is a "public purpose" within the meaning of Act VI of 1857, but it appears to the Board that a work tending materially to improve the Public Revenues may fairly be viewed in this light, although no precedent can be found to establish the point.

3. If, therefore, Government consider that the law admits of application in such cases, the Board recommend that the necessary authority be given for bringing it into operation, as proposed by the Collector.

(True Copies and Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 281. ORDER THEREON, 19th January 1861, No. 141.

1. The papers submitted by the Board of Revenue have reference to a case in which an improved line for an irrigation channel in the Madras District was proposed by the District Engineer and approved by the Collector, but the execution of the work is opposed by the holders of the land on the proposed line of channel. The Board and the Collector both recommend the prosecution of the work, and advise that the land shall be taken under Act VI of 1857, if that Act is applicable to such cases.

2. The Government agree with the Board that the work is an improvement and that it ought to be proceeded with. They have no doubt that it is a "public purpose" within the meaning of the Act; and they accordingly direct that if the land cannot be purchased by private agreement it shall be taken under the Act above quoted, and they resolve that the following declaration be made and recorded under Section 33 :—

"Whereas a certain piece of land measuring about 800 yards in length, from a certain spot situated in the village of Reddipalyam and proceeding in an easterly direction, and of about 8 yards in breadth, is required for the purpose of excavating a Government irrigation channel, the Governor in Council in the exercise of the authority vested in him by the provisions of Act VI of 1857, does hereby declare the said land to be land required for a public purpose."

3. The Governor in Council also resolves under Section 3 of the said Act to direct Mr. B. Cunliffe, Collector of Madras, to take the necessary measures for the acquisition of the said land, and to adjust the claims to compensation on account of it in the manner provided by the Act.

4. The Collector will however be instructed to at first offer the owners of the land Rupees 60 which is stated to be its value, and he will only proceed under the Act if the parties refuse this offer.

(Signed) J. D. BOURDILLON,
Secretary to Government.

2

Note.

The Act does not define what is a "public purpose". It is left to Govt to decide and declare, and the declaration is "conclusive evidence that the purpose for which the land is needed is a public purpose".

Act VI of 1857 Sect II

But even where there is no doubt on this point, Govt have declared that they will bring the act into operation only when the land cannot be obtained on fair terms by private agreement.

The Collr should have made a specific offer

of compensation
per forma at least -
Calculating & likely
of course - This in
all probability would
have been effected but
it would show that
pts are willing & treat
fairly -
I see nothing to
present the act being
applied alternately in
such cases as this - No
property of peculiar
value or home-proud
be is injured - the op-
-position is clearly from
Mutual jealousy - & the
Object is a public one, viz
the improvement of the
public resources -
The people will not give
land now a days as they used
did on a Cl. order" J. D. S.

Dr. Ld. Bd. Pat.
10 cent Sp.

3

The objecting parties have gone blaw
& there seems no prospect of their consenting
to sell the land - I would therefore give
permission to take it under the act
first instructing the Collr. that he may
first offer it to the stated value - I
have no doubt that an irrigation
channel is a publick work & the
present case seems to me one which
the act was intended to meet

Ellis
W M G

Revenue

1861 Department

Pro: of Govt for January

No 117.

Proceedings of the Board of Revenue

Dated 8th } January 1861.
Desp 18th }
Rec 11th

Exs 2 Encls not recd in the Record Office

From Govt 10 Jany / 19 Oct 60 in Rev.

No 92.

Submitting for the decision of Government with the Boards observations a letter from the Collector of Madras supporting the Sub Collectors recommendation that the land required for an irrigation Channel be taken under act VI of 1857.

No 280.

Collr 16 Jany

No 141. 19 January.

Rev. Dept

No 141

Proceedings of the Madras Govt

Under date the 19 January

Read the following

Proc: of the Board of Revenue

Submitting for the decision of Government with the Board's observations a letter from the Collector of Madras supporting the Sub Collector's recommendation that the land required for an Irrigation Channel be taken under Act VI of 1857.

Here enter 8th January 1861 No 92

The papers submitted by the Board of Revenue have reference to a case in which an improved line for an irrigation channel in the Madras District was proposed by the District Engineer and approved by the Collector, but the execution of the work is opposed by the holders of the land on the proposed line of channel. The Board and the Collector both

both recommend the prosecution of the work, and advise that the land shall be taken under Act VI of 1857, if that Act is applicable to such cases -

2 The Government agree with the Board that the work is an improvement and that it ought to be proceeded with. They have no doubt that it is a "public purpose" within the meaning of the Act; and they accordingly direct that if the land cannot be purchased by private agreement it shall be taken under the Act above quoted, and they resolve that the following declaration be

be made and recorded under Section 33 -

"Whereas a certain piece of land measuring about 1800 yards in length, from a certain spot situated in the village of Reddipalayam and proceeding in an easterly direction, and of about 8 Yards in breadth is required for the purpose of excavating a Govt. irrigation Channel, the Governor in Council in the exercise of the authority vested in him by the provisions of Act VI of 1857, does hereby declare the said land to be land required for a public purpose."

3 The Governor in Council also resolves under Section III of the said Act to direct Mr. B. Cunliffe, Collector

of

Purchase of land required for a channel in Canjeveram Talug

of Madras, to take the necessary measures for the acquisition of the said land and adjust the claims to compensation on account of it in the manner provided by the Act

4. The Collector will however be instructed to at first offer the owners of the land Rupees 60 which is stated to be its value: and he will only proceed under the Act if the parties refuse this offer

Dist

Som

Today

13 Copies
To the Board of Revenue
Dispd 21st

19th Jany 1861 No 271-273

30-8-06

283-691

Revenue 1861 Departt.
Pro: of Govt for January

No 141.

Pro: of the Madras Govt.
Dd 19th January 1861.

Directing that if the land required for an irrigation Channel in the Madras District cannot be purchased by private agreement, it shall be taken under Act VI of 1857.