

(1) Number of Pages 12
(2) Date of repair 8
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1892 Press
B.P. No. _____ Mis. _____

Dated 4.12.1876 196 .

Not to be folded or roughly handled

1892/6

*Proceedings of the Madras Government, Revenue Department,
4th December 1876.*

No. 41. Read the following Proceedings of the Board of Revenue, dated 9th October 1876, No. 2,537:—

Read the following Proceedings of the Madras Government, dated 13th September 1876, Petition Department.

~~Abstract~~—Passing orders on petition from P. Streeniyassa Chariar, Bhatavirty Inamdar in Dindigul Taluq, Madura District, regarding levy of penal assessment on his lands.

COMMUNICATED to the Collector of Madura for information and guidance.

2. The reference to Standing Order, No. 137-A, in the Board's endorsement of the 11th April 1876 was made through inadvertence. The fact that the order did not apply to Madura was duly considered before the second endorsement was passed, but the Board held that the principle was one of general application, and that the action taken by the Collector was not affected by the circumstance that the new rules had not been extended to his district.

3. As regards Board's Proceedings, dated 6th April 1875, No. 826, the Board respectfully submit that those Proceedings relate to the unauthorised occupation of waste land, whereas the present case refers to the right of a Revenue Officer to regulate the charge for water.

(A true Extract.)

(Signed) E. GIBSON,
Acting Sub Secretary.

No. 42. ORDER THEREON, 4th December 1876, No. 1,892.

Land Revenue, No. 2.

ALTHOUGH, as pointed in the previous order, this case does not fall within the scope of Board's Proceedings, dated 6th April 1875, No. 826, the Government are still of opinion that the levy of penal assessment under all its circumstances was of doubtful legality, and one in which the right of a Revenue officer to regulate the charge for water should not have been exercised. If an arbitrary remedy were necessary, the remedy should have been the prevention of the petitioner from taking the water from the river at all, provided such taking could have been shown to have been unlawful. Upon this point, however, the Collector will obtain the necessary evidence before suggesting that action be taken upon any recommendation of the District Engineer. In such an event, he will report results of his inquiry for the information of Government.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.
Exd. F. R. Bantleman.

1892/2

No. 2,537.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th October 1876.

Read the following Proceedings of the Madras Government, dated 13th September 1876, Petition Department:—

ABSTRACT.—Passing orders on petition from P. Streenivassa Chariar, Bhativirty Inamdar in Dindigul Taluq, Madura District, regarding levy of penal assessment on his lands.

COMMUNICATED to the Collector of Madura for information and guidance.

2. The reference to Standing Order, No. 137-A., in the Board's endorsement of the 11th April 1876 was made through inadvertence. The fact that the order did not apply to Madura was duly considered before the second endorsement was passed, but the Board held that the principle was one of general application, and that the action taken by the Collector was not affected by the circumstance that the new rules had not been extended to his district.

3. As regards Board's Proceedings, dated 6th April 1875, No. 826, the Board respectfully submit that those Proceedings relate to the unauthorized occupation of waste land, whereas the present case refers to the right of a Revenue Officer to regulate the charge for water.

(A true Extract.)

Handwritten signature
Acting Sub-Secretary.

To the Collector of Madura, with Petition
and enclosure, and copy of Government Order.
„ the Secretary to Government, Revenue Department.

Exd. J. Tulloch:

RECEIVED
11 OCT 1876
MADRAS
GOVERNMENT
REVENUE
DEPARTMENT

Di. No. 8: Oct. 76 No. 2537

The facts of this case are related in the memo for return to P. W. No. 898 1550 and Di. No. 898 - 1st April 76.

- the Board was entitled to the rule laid down in the 15th March 75. No. 2537 is later to the unauthorized occupation of waste land, and not to the population of the waste lands - and that the rule (No. 111. St. M. 111) - the not intended to Madras issued a principle of general application. There is little question that the case of waste land is authorized by the order of 6th April 75 - but the point in issue here is whether the principle that the State has right to impose pecuniary assessment for the unauthorized use

I do not think the facts are quite clear -

1876.

Board of Revenue,
MADRAS.

Proceedings, 9th October 1876, No. 2537.

20/10/76

Encl.

1876

Received 2/11/76

OCTOBER
No. 2537.

Final Assessment - on lands held by certain Bhaktavirya Iyengar of Thiruvannamalai village in Thiruvannamalai Taluk, Madurai District - Commencing to Collector Government order regarding levy of - and submitting Board's views with reference to remarks of Government on subject.

R.C. 23: 1876 C. 23: 1876
and 23: 1876 C. 23: 1876
- 23: 1876 C. 23: 1876

use of water was properly
applied in this case -

Is it with the State except
from exercising its rights
taking all the facts &
the case into consideration

The investigation report
referred to in the petition
are not put up - the
petition attorney explained -

I think the imposition
of a penal assessment
of doubtful legality
under the circ. described

The arbitrary coming down
have been preventing us
taking fork water from
the stream at all rates
an excessive penal. water
rate upon the lands
2 distinct questions
exist 1st has petitioners
cultivated fork
waste land? 2nd has the
water lawfully taken fork.

water to irrigate it - and can hardly be regarded as
thus an elusive - sol. property

The commission to be
taken is I think to
order an immediate
investigation of the
circumstances -
was the ancient unlawful?
Has it stood so long as to be
unmovable - ?

Is it any injury to the
river -
Does it deprive any
land before irrigated of
water?

When was ancient fur
constructed?
Does it pass water to
any other land than
that of petitioners?
By 2/11

It is also to be observed in
this case that the collector
is charging for water
for a private tank, the
tank is supplied
by means of a private
channel for a goat
sauce - If said are
to charge water into
the charge reservoir
made for the supply
at the head - water
for the quantity
supplied - This of course
is not practical -
When the water has
reached the tank it
is beyond control.

and water for the tank is ill-contrived

in District of ...

1876 No. 2537

...

Memo for ...

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Sent to Mr. ...
C.D. ... - R.H. ...

Revenue Dept. 1876

Proceedings of the Madras Government
in December 1876

Read Pro. of the Board
of Revenue.

H.E. G. Act. 1876. No 2537

Communicating to ...
Order regarding levy of penal
appt. on lands held by certain
Mistairish Inamdar, of ...
...

Although, as pointed
in the previous order this
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of the District Engineer.
In such an event
he will report results
of his enquiry for
the

the information of
Government.

14 Lake O'Connell Rec
Sunder

Edw. A. H.

G.O.

Barcl. Assent on the
the Protection of
Cand. in the
Best -

c. 23, N. 76. R. 23. N. W.