M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2516 — Press Mis.

504-505

Dated 25—10—1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 25th October 1867.

No. 504. Read the following Proceedings of the Board of Revenue, dated 14th October 1867, No. 6,677.

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated Camp at Paumbaur, 25th September 1867, No. 261:—

1. I have the honor to bring to the notice of the Board that, in consequence of the bursting of the Ayenkottah tank (belonging to the Ammayanaiknur Polygar) in December 1866, the Government tank of Todanary has breached in ten places necessitating an estimate of Rupees 780, and also another of Rupees 190 for damage done to the Road No. 15 between the 9th and 12th mile-stones. The Superintending Engineer has reported that the injuries to both the Todanary tank and the Road No. 15 have resulted from the bursting of the Ayenkottah tank, which the Renter of the estate neglected to keep in proper order, notwithstanding that the head of the village has been frequently told by the Officer in charge of the 1st Range and the Overseer of the division, of the dangerous condition it was in.

2. The agent to the Renter, whom I called upon to make good the loss sustained by Government, denies his liability to pay anything.

3. I therefore request the sanction of the Board to file the enclosed draft plaint against the Renter's agent.

Draft of a proposed plaint to be filed in the District Munsiff's Court at Dindigul.

Plaintiff,	*versus*	*Defendant.*
The Honorable D. Arbuthnott, Collector of Madura.		Narainan Chetty, agent to the lessee of the Ammayanaiknur estate in the same district.

1. This is an action under Section 26, Act No. VIII of 1859, to recover from the defendant Rupees 970, being the loss sustained by Government by the bursting of the Tanichiam tank belonging to the said estate, of which the defendant is the representing lessee.

2. In December 1866 the said tank of Tanichiam, owing to its neglected state, burst and caused mischief to the Todanary tank belonging to Government, which in consequence breached in ten places; it also injured Road No. 15 between the 9th and 12th mile-stones, and the plaintiff on behalf of Government was thereby put to an expense of Rupees 780 for closing the breaches of the said Todanary tank, and Rupees 190 for repairing the road.

3. The Superintending Engineer, who is the head of the Department of Public Works in the district, has reported that the mischief resulted solely by the bursting of the defendant's tank, which he neglected to keep in order, notwithstanding that the head of the village had been often told of the dangerous state it was in.

4. The defendant, who was called upon by the plaintiff to make good the loss, denies his liability for the same. Hence the present suit.

5. I therefore request that a decree may be passed directing the defendant, Narainan Chetty, to pay the abovesaid sum of Rupees 970 to plaintiff, with costs.

(Signed) D. ARBUTHNOTT,
Collector.

Proceedings of the Madras Government, Revenue Department,
25th October 1867.

1. Resolved that the foregoing letter be submitted to Government, with the Board's recommendation that the Collector be authorized to prosecute the suit, in order that the important question involved may be brought to an issue.

2. The Board would suggest that the Government Law Officers should be consulted in the matter.

No. 505. ORDER THEREON, 25th October 1867, No. 2516.

Irrigation, No. 14.

The Government desire that this opportunity be taken if possible to try the question at law; but the Board will consult the Government Law Officers on the subject. It seems by no means clear that the lessee and not the Zemindar is the responsible party.

(True Extract.)

(Signed) W. HUDLESTON,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 2516.

Inform him that the
opportunity he states is
in the Province at Law.
but he will like wise the
Govt Law Officers on the
subject. Meanwhile you
may inform him that he can
not sue the Zemindar in the
Courts of Law

W.
Col.
N.

3rd Nov

I think he
is certainly
in error in
supposing
that the Govt
would
grant
him
redress.

25th October 1863.

What he claims is these bottle-ii =
-ed Claims as Dept. of the Zemindar, as
-sell as the Ryots..? In such pursuit shall
the Dept may be rendered liable to the
claim which if the Courts should the
plea, will subject the Collector to
heavy
damages

Noted