

Revenue (1896) Department.

MISCELLANEOUS SERIES.

G.O., No. 4108-4109

DATED 13th October 1896.

[Despatch Abstract.]

Requesting the Resident in Mysore
to obtain the permission of the Mysore
Darbar for the execution of certain
repairs to the Gowdanakunte Channel
in the Mysore Province.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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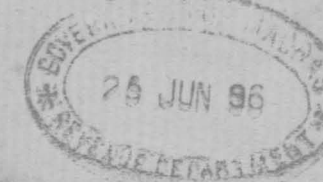
REVENUE DEPARTMENT.

1896.

Board of Revenue

(Revenue Settlement, Land Records
and Agriculture),

MADRAS.



Current Number 4542

Printed June 1h.

Recd 25-6-96

Proceedings, 28th May 1896, No. 106.

Minor Irrigation Works.—Submitting to Government papers connected with the objection taken by the Mysore authorities to certain repairs proposed to be executed to a channel passing through Mysore territory and supplying some Government tanks in the Madakasira taluk, Anantapur district; and requesting that the Mysore Darbar may be addressed.

Recd 25-6-96

PROCEEDINGS OF THE BOARD OF REVENUE

(REVENUE SETTLEMENT, LAND RECORDS AND AGRICULTURE).

READ—again Proceedings of the Board of Revenue (R. S., L. R. and Agri.), dated 26th January 1893, Mis. No. 488.

ABSTRACT.—Requesting the Collector of Anantapur with reference to his letter bringing to notice that the Tahsildar of Pavagadu in Mysore stopped the repairs which were being carried out to Gowdanakunta supply-channel—a Minor Irrigation work sanctioned for 1892-93—on the ground that some of the lands belonging to the ryots of Pavagadu taluk would be submerged, to state clearly the nature of the work being carried out and to report when the breaches, which were being closed, occurred.

READ—again the following Proceedings of the Board of Revenue (R. S., L. R. and Agri.), dated 28th April 1893, Mis. No. 2530.

Read—the following letter from F. A. NICHOLSON, Esq., Acting Collector of Anantapur, to the Secretary to the Commissioner of Revenue Settlement, Land Records and Agriculture, dated 8th April 1893, Ref. on C. Nos. 78 and 315 :—

In reply to Board's Proceedings, dated 26th January 1893, Mis. No. 488, I have the honour to submit copy of letter No. 189, dated the 5th March 1893, from the Head Assistant Collector based on the report of the Madakasira Tahsildar. From the above and a rough sketch forming one of the enclosures, it will be seen that the supply channel feeding the Gowdanakunta tank in the Madakasira taluk was breached in three places some 4 or 5 years ago and repairs thereto were sanctioned, as also the raising of the anicut by $1\frac{1}{2}$ feet. The tank (Gowdanakunta) is in British territory, but the supply channel runs partly in Mysore. The above repairs, as reported by the Madakasira Tahsildar, do not appear to be new, so as to justify any interference by the Mysore authorities. Further, it has been customary to execute such repairs without consulting the Mysore authorities. The chief objection of the Deputy Commissioner (Tumkur district) is that some lands of the Mysore ryots adjoining the work may be submerged if the above repairs are effected. But the Madakasira Tahsildar is of opinion that lands to the south and west of the channel are on a higher level and cannot possibly be inundated, and the interference by the Pavagadu Tahsildar and the removal of the repairs already done was due to ill-feeling existing between the ryots of Gowdanakunta and Tummidihalli (villages in Madakasira taluk).

2. In conclusion, I beg to state that the action of the Pavagadu Tahsildar in undoing the repairs already effected without representing matters either to the Mysore or the British officers is high-handed in the extreme and to request that the Mysore Government may be addressed to take suitable steps for punishing his conduct, which would never be tolerated in the case of one of our own men, whether he was right or wrong in his claims. The amount of loss (Rs. 279-6-0) should also be made good.

1. Head Assistant Collector's letter, dated 5th March 1893, No. 189.
2. Madakasira Tahsildar's arzi, dated 24th February 1893, No. 113, with sketch.
3. Tumkur Deputy Commissioner's letter, dated 29th January 1893, No. 1153.

I further request that a meeting of two officers representing both sides should be arranged to decide whether the objections raised are valid or not.

3 The marginally-noted papers are submitted herewith.

ENCLOSURE No. 1.

From M.R.Ry. B. VENKATAVARADA IYENGAR, Deputy Commissioner Tumkur, to the Collector of Anantapur, dated Camp, Haliyur, 29th January 1893, Mis. No. 1153.

I have the honour to bring to your notice that Ramappa Patal of Gowdanakunta in the Madakasira taluk of your district has trespassed on survey No. 8 in the village of Kyataganhalli in the Pavagadu taluk of this (Tumkur) district, excavated pits in it, and thereby caused loss to the owner of the field by name Moodu Ranga Gowd who has complained of the act.

2. It would appear that the pits were excavated on account of earth to raise a bund along a stream which runs through the Mysore territory into the said Madakasira taluk of your district and feeds the Tummidihalli and the Gowdanakunta tanks therein. His raising of a bund is within the Mysore territory, and it has been reported that it has the effect of inundating some lands of Mysore.

3. Thus the complaint is two fold: firstly, trespassing on a Mysore land and doing damage to it by excavating pits in it, and secondly, raising a bund thereon and causing some lands to be submerged.

4. When a similar attempt was made in 1888 and the Mysore ryot concerned complained of it, the Head Assistant Collector of Anantapur, on a personal inspection of the locality, passed the following order on the ryot's petition:—

"The anicut is admittedly in Mysore territory and at present I have no intention of repairing it or constructing the bund since no permission has been obtained. I merely visited the spot, because an estimate had been prepared by the Minor Irrigation Department. I personally disapprove of the anicut altogether."

5. The person who did the act now complained of says that he acted on the authority of the Tahsildar of Madakasira, and so I beg to be informed how far this is true.

ENCLOSURE No. 2.

From A. OOMER KHAN, Tahsildar of Madakasira, to the Head Assistant Collector, Penunkonda, dated 24th February 1893, No. 113.

In reply to your footnote, dated the 9th and 13th instant, to Collector's Reference on Cur. No. 78, dated 1st February 1893, and No. 315, 11th February 1893, I beg to report as follows.

2. The supply channel referred to takes its rise in Pavagadu taluk, Mysore Province, and passes to a greater extent through the same. It feeds the tank of Gowdanakunta of this taluk, being the only main source to supply it, and the surplus water of this tank flows into the Amarapur big tank which has an ayacut of over 200 acres and much drupair is grown under it. Hence the ryots of Gowdanakunta and Amarapur are interested for the upkeep of the supply channel in question. The sketch of the channel is herewith sent. At four places the repairs to the supply channel were proposed and sanctioned, and the damages to the supply channel are said to have occurred by rains about 4 or 5 years ago.

(1) The large breach at B marked in the sketch has been sanctioned to be closed and revetted.

(2) At C marked in the sketch, the bank of the channel is less than half a yard above the level of the bed of the channel and in the rear, the ground is cut down by flow of water, and a bund with revetment is sanctioned.

(3) At D marked in the sketch, it was sanctioned to put a bund with revetment. This is close to the anicut and from which the water takes its direction towards west to flow into Gowdanakunta tank. There is great force of water towards the northern bank of the channel and the bank itself varies nearly from less than half to one yard in height above the bed of the channel and in the rear of the bank, the soil is chowdu and there are already large ruts and in course of time they may prove dangerous to the supply channel. It will be seen from the portion marked in red ink in the sketch that the course of the channel is towards its northern banks and the ground to the north of it is low in level as it slopes down to supply vanka of Tummidihalli tank, which is about two and half or three yards low in level to that of Gowdanakunta supply channel.

* K. L. A.

This is apparent from the changes the channel has made in its course.

(4) The present anicut is sanctioned to be raised by one and half feet as it is in equal level with that of the bed of the channel and thus it allows the whole water to flow into the supply vanka of Tummidihalli tank through the anicut, as the portion of Gowdanakunta supply channel from anicut towards west is in high level by half or one foot from the collection of sand. These repairs will not affect the cultivation of the Mysore ryots as their lands, south and west to it, are on high level. The western bank of the channel from the place marked F in the sketch, where the channel takes its turn towards north directly to the anicut, is hard or overgrown with grass and its level is from three-quarter to two yards, and the portion where the water forces

its course when turning is revetted with stone and the bund at this place is also two yards high above the level of the channel, and the other portions * are not affected by the channel as it takes its course along the north-eastern bank leaving high sandy bed towards west.

3. The objections of Mysore authorities, so far I gather from the order of Pavagadu Tahsildar to his Revenue Inspector are (1) that the construction and repairs now sanctioned are new ones and (2) that the earth was taken from patta, lands, &c.

In reply to the above objection (1), I beg to say that the supply channel marked A in the sketch, which feeds the Gowdanakunta tank, and the anicut to flow its surplus water into Tummidihalli vanka, which is close to it, have been in existence from time immemorial. The ryots of Gowdanakunta have been constantly repairing the portions which gave way from the earth in the adjoining lands. It may not be denied that these ryots of Gowdanakunta have right to the water of the channel. Under these circumstances they are justified to have its banks repaired. Hence it is urged that the work now undertaken is not a new one, and this fact is also supported by the following correspondence. Where the level of the channel was very low, nine small vents were allowed to the anicut to escape the surplus water from them to the Tummidihalli vanka, besides the flow over the anicut when the supply was full. In 1874, both the ryots of Tummidihalli and Gowdanakunta were in dispute for the right of the water through the vents of the anicut, and it was decided by the Head Assistant Collector in his order No. 296, dated 19th February 1874, to the effect that the channel should flow to Gowdanakunta tank and the ryots of Gowdanakunta may also close the vents when found necessary. As the channel had gradually silted up, it was urged in 1891 by the ryots of Gowdanakunta for raising the anicut to a height of one and half feet to enable proper flow to their tank.

The then Tahsildar enquired the ryots of both the villages and on the agreement of Tummidihalli ryots, the matter was put before the late Head Assistant Collector who sanctioned the proposal in his order No. 60, dated 19th February 1881, and ordered that this work must be done by the ryots themselves, who accordingly did it with stones without chunam. In 1886, the ryots of Tummidihalli seem to have removed the stones and reduced the level of the anicut. The matter was enquired into by the then Tahsildar on the complaints raised by the ryots of Gowdanakunta and warned both the village officers and the ryots of Tummidihalli not to interfere with the said channel and anicut and requested the then Head Assistant Collector to sanction its repairs. As to the objection that these repairs would damage the lands of Mysore Province by submerging their lands, I beg to say that the lands to the south and west of the channel are on high level and further, on the south, the lands close to the channel seem to be waste and on the western direction, there is a bund partly revetted. The height of this bund varies from three-quarters to two yards which is hard and grown with grass. The anicut is raised to one and half feet above the bed of this channel and surplus water would be carried away by the anicut. Considering the level of the bund on the west of the channel and the flow of water generally through it, there may not be any damage to the lands lying west to the channel. The water-course of the channel is towards its north-eastern banks. This is apparent from the dots shown in the red ink in the sketch. The north-eastern banks are further in low level as they slope down the vanka which supplies the Tummidihalli tank, the level of which is two and a half yards lower than that of the supply channel in question. The land which adjoins the north-eastern banks is the only one from which earth is said to have been taken. This has never been cultivated either before or is under cultivation now, it being damaged with ruts and its soil being of chowdu nature.

4. With regard to the objection that pits have been dug in patta land for the purpose of taking earth, I beg to say that the so-called patta land is on the north of the channel, and I have described it fully in paragraph 3. The contractor and ryots of Gowdanakunta were under the impression that it was waste land as it has never been cultivated and it adjoins the channel. It was intended to take earth from it for embankment, for, generally the lands adjoining channels are never given over on patta and the same land had been used for taking earth for the purpose of repairs. As the land is unfit for cultivation and has never been cultivated, they say that the land might have been taken on patta by the reddi of Kodigahalli to throw obstacles in the repairs of the channel through the instigation of the reddi and the reddi mirasidars of Tummidihalli of this taluk who have been for a long time in dispute with the ryots of Gowdanakunta for the water and upkeep of the channel and its anicut. They are said to have sought the help of Moodu Ranga Gowd, the reddi of Kodigahalli, for the purpose of gaining their object. They were successful in their attempt and the repairs done have been entirely removed under the orders issued by the Tahsildar of Pavagadu within three or four days by employing sixty or seventy Wudders. The ryots of Gowdanakunta say that the expenses for this removal were met by raising subscriptions in the village of Tummidihalli among the ryots at Rs. 2-12-0 per acre by the reddi and reddi mirasidars of Tummidihalli. If the ryots of Mysore Province had really considered the repairs of the channel, &c., objectionable, they would have objected when the work was first started or represented to the inspecting officers. When I had been to inspect the work, I saw the ryots working in the fields west of the channel, and they did not say anything to me. This is the field which is supposed to be submerged. This, I believe, is a mere imagination set up by the reddi of Kodigahalli at the instigation of the reddi in office and reddi mirasidars of Tummidihalli of this taluk. I strongly believe that the latter are at the bottom for these

objections and removal of the work done. The Tummidihalli tank has a separate large vanka to feed it besides the surplus water which flows over the anicut of the supply channel in question. I therefore recommend that the reddy of Tummidihalli may be severely dealt with for his gross and malicious conduct and that the Mysore authorities may be addressed to take notice of the conduct of the reddy of Kodigahalli and Muddaganahalli; the former of these is one and a half miles and the latter is only two furlongs from the work.

5. This work was proposed by my predecessor in 1891, and he does not seem to be aware of the orders passed by the Head Assistant Collector in 1888 as referred to by the Deputy Commissioner in his letter as the clerk who was then (1888) in charge of Minor Irrigation Work was not in office when the proposal was made in 1891. On a search made in this office, no such order seems to have been communicated to this office except Collector's Proceedings, dated 19th July 1888, No. 1904, with Head Assistant Collector's footnote of 25th idem in which the transfer of allotment sanctioned for Gowdanakunta tank to Kanajanaahalli tank was ordered. From this the reasons of transfer are not apparent.

6. The work is a beneficial one to carry out from Minor Irrigation Funds. As the channel and anicut are proved to be in existence from a very long time, I do not think it necessary to obtain a fresh permission of Mysore authorities as no new project has been now proposed. If at all any compensation is required by the pattadar for taking earth from his lands, the villagers of Gowdanakunta are ready to pay it at reasonable rates. Under these circumstances the Mysore authorities have no proper grounds to have the whole work done removed at once, and thus cause loss to this Government without consulting the authorities of this district. The Tahsildar of Pavagadu was informed of your orders to proceed with the work.

ENCLOSURE No. 3.

From A. T. PITT, Esq., Acting Head Assistant Collector of Anantapur, to the Collector of Anantapur, dated 5th March 1893, No. 189.

With reference (1) to your reference on C. No. 78, dated 1st February 1893, to Board's Proceedings, dated 26th January 1893, No. 488, and (2) Ref. on C. No. 315, dated 11th February 1893, to letter Mis. No. 1153, from the Deputy Commissioner, Tumkur, I have the honour to submit the Tahsildar's report with sketch. When I was in Madakasira taluk in January, the papers had not reached me, and as I am engaged on the jamabandi of Penukonda taluk, it is impossible for me to make personal inspection and enquiry.

2. The Tahsildar's report and sketch clearly show the supply channel which is being repaired and the nature of the repairs.

3. The objections raised by the Mysore Deputy Commissioner are—(1) the contractor in charge of the repairs has trespassed on a Mysore field, and dug pits therein (2) a bund has been raised with the result that Mysore fields adjoining it will be submerged.

4. The Tahsildar's report shows that the supply channel in question brings water to a British tank, but it runs partly in Mysore territory. British ryots have done repairs to its banks before.

5. As regards the first complaint of trespass, the Tahsildar reports that the land, in which the excavation was made was regarded as waste by the contractor, was never cultivated, and does not look cultivable, but if it is held on patta, reasonable compensation is promised by the ryots of Gowdanakunta.

6. With regard to second complaint, the Tahsildar denies that there is any chance of the raising of the bund causing the neighbouring lands to be submerged, because these lands are on a higher level than the lands on the other side. He points out that the channel bears northwards all along its course, which shows that the lands south and west are on higher level. He adds that the lands to the south seem waste, and that before the lands on the west there is a bund which is higher than the anicut on the other side of the channel, so that even supposing the lands south and west are not on a higher level, the water would still escape by the anicut, and would not submerge these lands.

7. The Tahsildar adds that there has been a dispute of long-standing between the ryots of Gowdanakunta and Tummidihalli, two British villages, about the water of this channel and that the present dispute has originated from Tummidihalli. He quotes former decisions on this dispute between our two villages.

8. He adds that the Head Assistant Collector's order of 1888 referred to by the Deputy Commissioner is not forthcoming in his office and I cannot find it in my office.

9. The Tahsildar also states that though on his visit to this work Mysore ryots were working in the direction of the fields alleged to be threatened with submersion, they did not complain.

10. The complaint of trespass seems to me a very frivolous one and may be dismissed with the remark that if any damage has been done to the field of a Mysore ryot, the ryots of Gowdanakunta will pay reasonable compensation.

11. The second question is one of levels, and I hazard no opinion. If the Tahsildar is correct, the complaint that the fields will be submerged is as frivolous and vexatious as the first.

12. But the matter is one that should be decided, both sides being represented. Our Tahsildar did not consult the Mysore Tahsildar.

13. Considering, however, the nature of the land which, if the Mysore authorities are correct, would be submerged, I absolutely fail to see any justification for the act of the Tahsildar of Pavagadu, in removing our repairs which had been executed at a cost of Rs. 279-6-0, and I submit that exemplary notice should be taken of his procedure by the Mysore authorities at the request of Government. The loss to us must also be made good.

14. I think the Tahsildar's report now submitted throws on Mysore authorities the burden of proving that the proposed repairs injuriously affect their interests.

15. I have the honour to request you to bring the conduct of the Tahsildar of Pavagadu to notice, and to request Government to move the Mysore authorities for a meeting between two officers, representing British and Mysore interests, to decide whether repairs should proceed.

Resolution—dated 28th April 1893, Mis. No. 2530.

The Board is disposed to agree with the Collector in his opinion regarding the conduct of the Amildar of Pavagadu, but does not think that a reference to the Mysore Government is necessary at present. It is admitted that the work undertaken includes the raising of the anicut in the northern bank of the channel and this will entail the raising of the water-level, though it does not follow, or indeed seem probable, that any injury by submersion of adjacent lands will ensue.

2. The Collector is requested to communicate with the Superintending Engineer upon the subject and obtain a professional opinion upon the point. Mr. Nicholson will then be in a position to make a further representation to the Deputy Commissioner of Tumkur with a view to the settlement of the dispute. If a settlement cannot be arrived at in this way, the Collector can address the Board again.

3. As regards the order issued in 1888 by the Head Assistant Collector, it is observed that such an order, if intended to operate as a bar to further repairs to the anicut or channel, was altogether *ultra vires*.

(True Copy and Extract.)

(Signed) P. RAJARATNA MUDALIAR,
Secretary.

To the Collector of Anantapur.

READ—again Proceedings of the Board of Revenue (R. S., L. R. and Agri.), dated 22nd November 1893, Mis. No. 6640.

ABSTRACT.—Requesting the Collector of Anantapur to furnish certain further information with reference to his letter reporting that criminal proceedings had been taken in Mysore territory against one Ramappa of British territory for acts done in connection with the repairs of Gowdanakunta channel.

READ—again the following Proceedings of the Board of Revenue (R. S., L. R. and Agri.), dated 18th December 1893, Mis. No. 7190:—

Read—the following letter from K. C. MANAVEDAN RAJA, Esq., Acting Collector of Anantapur, to the Secretary to the Commissioner of Revenue Settlement, Land Records and Agriculture, dated 6th December 1893, Ref. on Petn. No. 1260:—

With reference to Board's Proceedings, Mis. No. 2530, dated 28th April 1893, and to the first sentence of Board's Proceedings, Mis. No. 6640, dated 22nd November 1893, relating to the objections raised by the Mysore officials regarding the

matter of repairs to the Gowdanakunta supply channel, in the Madakasira taluk of this district, I have the honour to submit herewith a copy of the Superintending Engineer's letter No. 2089, dated 15th November 1893, from which the Board will be pleased to see that (1) closing breaches and putting 2 feet more earth on the bank of the supply channel now under dispute will not submerge any land in Mysore territory, that (2) the operation seems opposed because water is at present drawn off through the gaps for cultivation, and that (3) the raising of the weir crest is, however, unnecessary, as there are dam stones which can be filled in with turf. As regards this third and last point, I beg to differ from the opinion of the Superintending Engineer, because temporary blocking up of the interstices of the dam stones with turf would lead to further trouble and quarrel between the ryots of Gowdanakunta and those of Tummidihalli villages. I am given to understand that there has been a long-standing dispute between the ryots of the above two villages about the flow of water into their tanks (*vide* paragraph 3 of the Madakasira Tahsildar's arzi No. 113, dated 24th February 1893, a copy of which has already been forwarded to the Board with this office letter Nos. 78 and 315, dated 8th April 1893). The present removal of the repairs by the ryots, especially Muddu Runga Gowd and others of the Pavagadu taluk, assisted by one Naga Gowd Reddi and other ryots of Tummidihalli, a British village, is the outcome of this long-standing dispute. This Naga Gowd is said to be a close relative of Muddu Runga Gowd of Mysore and has been all along instrumental in undoing the repairs executed last year, and has been under suspension for alleged extortion of money from the ryots of Tummidihalli, who have also been interested in the matter, as the raising of the bank and anicut of the supply channel would deprive them of the benefit of the water now being drawn off by them through the gaps for cultivation (*vide* original and other copies of records submitted to Board with this office letter, Ref. on Petn. No. 1260, dated 20th October 1893). I have, however, asked the Head Assistant Collector to submit a full report as regards the third point noted above, the results of which I shall communicate to the Board in due course.

2. With reference to the concluding portion of Board's Proceedings, Mis. No. 6640, dated 22nd November 1893, I have this day addressed the Head Assistant Collector to ascertain and report, if Ramappa attended in obedience to the summons of the Taluk Magistrate of Pavagadu, and if he did so, to report the result of the criminal proceedings and to furnish a copy of the Magistrate's judgment, if he (Ramappa) had obtained one from the court.

3. As regards paragraph 2 of Board's Proceedings, No. 2530, dated 28th April 1893, I am addressing the Deputy Commissioner of Tumkur district and the Head Assistant Collector of Anantapur with a view that the two officers, together with the concerned Tahsildars, may meet at the spot and settle the dispute if possible.

4. As regards the third and last paragraph of the same Board's Proceedings, I herewith submit, for the perusal of the Board, the older records of 1888 regarding the subject matter of repairing the channel in question. The older records of 1874 and 1881, referred to in paragraph 3 of the Madakasira Tahsildar's arzi No. 113, dated 24th February 1893, were probably destroyed, as this district was formed only in 1882.

ENCLOSURE.

From Colonel A. T. FRASER, R.E., Superintending Engineer, III Circle, to the Collector of Anantapur, dated Bellary, 15th November 1893, No. 2089.

In returning the enclosures of your Nos. 315 and 78, dated 14th May 1893, I have the honour to mention the Executive Engineer, Bellary, has ascertained that closing breaches and putting 2 feet more earth on the supply-channel of Gowdana and Amarapur tanks supply-channel will not submerge any land in Mysore territory.

2. The operation seems opposed because water is at present drawn off through the gaps for cultivation.

3. Raising the weir crest is, however, unnecessary as there are dam stones which can be filled between with.

Resolution—dated 18th December 1893, Mis. No. 7190.

Recorded pending further report. The records of 1874 and 1881 referred to in paragraph 4 may perhaps be found in the Bellary Collector's office.

(True Copy and Extract.)

(Signed) P. RAJARATNA MUDALIAR,
Secretary.

To the Collector of Anantapur.

Read—again the following Proceedings of the Board of Revenue (R. S., L. R. and Agri.), dated 23rd February 1894, Mis. No. 1299:—

Read—the following letter from K. C. MANAVEDAN RAJA, Esq., Acting Collector of Anantapur, to the Secretary to the Commissioner of Revenue Settlement, Land Records and Agriculture, dated 10th February 1894, Ref. on Cur. Nos. 78 and 315:—

In continuation of my letter, Ref. on Cur. Petn. No. 1260 of 1893, dated 4th

- (1) Madakasira Tahsildar's arzi No. 362, dated 14th August 1874, to Mr. Davies, the then Head Assistant Collector, with translation.
- (2) Madakasira Tahsildar's arzi No. 56, dated 10th February 1881, to Mr. Davies, the then Head Assistant Collector, with translation.
- (3) Takid No. 60, dated 19th February 1881, by Mr. Thorburn, with translation.
- (4) Takid No. 296, dated 19th September 1874, by Mr. Davies, with translation.
- (5) Order, dated 13th March 1886, by Mr. Macleod, with translation.
- (6) Madakasira Tahsildar's arzi No. 35, dated 5th February 1886, with translation.
- (7) Copy of Head Assistant Collector Mr. Pitt's letter, Ref. on C No. 1400, dated 12th January 1894, with the Tahsildar's arzi No. 989, dated 21st December 1893, and No. 21 of 13th January 1894.

2. As regards paragraph 2 of this office letter referred to above, the Head Assistant Collector states that Ramappa did not attend the Pavagadu Taluk Magistrate's Court and that the case was thrown out for default (*vide* Madakasira Tahsildar's arzi No. 989, dated 21st December 1893).

3. As regards paragraph 3 of the same letter, I have instructed the Head Assistant Collector to meet the Deputy Commissioner, Tumkur district, or any officer deputed by him on behalf of the Mysore Government, for the settlement of this dispute, as the Deputy Commissioner has no objection to such a proposal.

4. The Tahsildar of Madakasira states that no more records throwing light on the subject are forthcoming in his office. The Bellary Collector, who was addressed for the records connected with the subject, as ordered in Board's Proceedings, Mis. No. 7190, dated 18th December 1893, also states that no papers are forthcoming even though careful search was made for them.

5. The enclosures herewith forwarded may be returned when done with.

ENCLOSURE No. 1.

From A. OOMER KHAN, Tahsildar of Madakasira, to the Head Assistant Collector of Penukonda, dated Madakasira, 21st December 1893, No. 989.

In reply to your reference on current No. 1400, dated 7th December 1893, I beg to report as follows.

2. As regards the necessity of raising the crest of the weir, I beg to state that the present level of the crest is equal or a little low to that of the bed of the channel and thus the water will not flow to Gowdanakunta tank but will flow into the vanka supplying Tummidihalli tank which is very low in level. Hence the raising was proposed, but it will not in any way affect the cultivation of the Mysore ryots. Without this the other repairs will not be of much use. The proposal of filling up the dam stones with turf will lead to quarrels between the ryots and will not be substantial. Hence the proposed raising is necessary.

3. It is understood from Ramappa's reply enclosed, that when the Pavagadu Taluk Magistrate's summons was received he was not present; that he never appeared before him; that he has not received any more summons in the case; that the case was dismissed because the complainant also was not present and he has not obtained a copy of the judgment. It is true the Pavagadu Taluk Magistrate issued summons through this office but it was not served on Ramappa as he was absent from the village and the same was returned to the Taluk Magistrate and nothing is known about it since.

4. The marginally-noted records of 1874 and 1881 on the subject are forthcoming and copies of the same are herein enclosed. From these records, it is clear that the ancient and supply channel to Gowdanakunta tank have not been newly proposed now and the raising of the crest of the weir was also proposed and sanctioned in 1881. Under these circumstances, I beg that the raising of the crest and other repairs proposed last year may be sanctioned.

5. The records received with the reference quoted above are herewith returned.

ENCLOSURE No. 2.

From A. T. PITT, Esq., Acting Head Assistant Collector of Anantapur, to the Collector of Anantapur, dated Penukonda, 12th January 1894, Ref. on C. No. 1400.

With reference to your endorsement, reference on petition No. 1260 of 1893, dated 6th December 1893, I have the honour to forward herewith Madakasira Tahsildar's arzi No. 989, dated 21st December 1893, for your perusal, and to state that it is clear from the Tahsildar's report that Ramappa did not attend the Panagadu Taluk Magistrate's Court and that the case was thrown out for default of the complainant. Copies of the records of 1874 and 1881 alluded to by the Tahsildar are submitted, of which Mr. Thorburn's takid No. 60, dated 19th February 1881, throws additional light on the question of raising the weir crest which will be dealt with further on. The records of 1886 called for in your reference on current petition No. 1260 of 1893 of the 9th current will be submitted on receipt from the Tahsildar.

2. As to the question of raising the weir crest, I am decidedly of opinion that it must be permanently raised; because anything temporary e.g., turfing the interstices is sure to lead to fresh dispute, and, I believe the level of the weir has been the real point of dispute all along.

Resolution—dated 23rd February 1894, Mis. No. 1299.

Recorded, pending further report as to the result of the meeting referred to in paragraph 3 of the Collector's letter.

(True Copy and Extract.)

(Signed) P. RAJARATNA MUDALIAR,
Secretary.

READ—again Proceedings of the Board of Revenue (R. S., L. R. and Agri.), dated 17th May 1894, Mis. No. 2930.

ABSTRACT.—Recording endorsement from the Collector of Anantapur submitting copy of his Head Assistant Collector's letter reporting the cause of delay in holding a conference with the Mysore officers regarding the Gowdanakunta tank supply-channel dispute.

READ—again the following Proceedings of the Board of Revenue (R. S., L. R. and Agri.), dated 5th October 1894, Mis. No. 6037.

Read—the following letter from F. A. NICHOLSON, Esq., Acting Collector of Anantapur, to the Secretary to the Commissioner of Revenue Settlement, Land Records and Agriculture, dated 15th September 1894, Ref. on Cur. Nos. 78 and 315:—

With reference to paragraph 2 of Board's Proceedings, Mis. No. 2530, dated 28th April 1893, and to the marginally-noted papers, I have the honour to report that, as stated in this office letter, Ref. on Cur. No. 78 and 315, dated 6th May 1894, no settlement of the Gowdanakunta supply channel dispute has been arrived at, as the dates twice fixed for the meeting by the Head Assistant Collector did not suit the Tumkur Assistant Commissioner and the date fixed for the third time by the Mysore authorities clashed with the date on which the Head Assistant Collector had to hand over charge of the Collectorate to me on the 29th June 1894. Even if a meeting had taken place, I think that no settlement could, with advantage, have been arrived at since the Deputy Commissioner, Tumkur (*vide* his letters Nos. 1231 and 159, dated 19th February 1893 and 22nd July 1894, respectively), was disposed to think that the adjacent lands in Mysore were actually inundated and thus he justified the action of the Tahsildar of Panagadu taluk of his district in having allowed the Mysore ryots to remove the work done by the contractor and valued at Rs. 279-6-0. The opinion expressed by the Mysore officer (Mr. Knight) in paragraphs 7 and 8 of his memorandum also confirms this. But from the levels and plans drawn up and the opinion expressed by the Sub-divisional Officer, Public Works Department, and forwarded by the Superintending Engineer, it will be seen that putting 2 feet more earth on the right bank of the channel and closing a breach in the bund will not in any way cause submersion of any lands in Mysore, since the fall of the country is from the Mysore fields towards the Tummidihalli tank Vanka and the lands alleged to be threatened with submersion are on a higher level.

2. As it has been already reported in this office letters, Ref. on Petn. No. 1260, dated 20th October 1893 and 6th December 1893, the real point of the dispute is between the ryots of Gowdanakunta and Tummidihalli, two British villages. The ryots of the latter village brought about the destruction by the Mysore ryots, of the repairs carried out by the Madakasira Tahsildar, since they thought that by closing the breach and raising the bank, the supply of water to the Tummidihalli tank would be diminished (*vide* also paragraph II of the Public Works Department Officer's report, No. 429-1024, dated 18th August 1893, to the Executive Engineer, Bellary).

3. The complaints of the Tumkur Deputy Commissioner are—

- (i) Trespassing on a Mysore land and causing damage to it by excavating pits.
- (ii) Raising the bund of the supply channel, and causing some lands to be submerged.

The first point has been settled by recovering Rs. 20 from the contractor of Gowdanakunta who caused damages to the Mysore field and remitting the same to the Deputy Commissioner, Tumkur, for payment to the party as compensation, as settled by the Deputy Commissioner himself. The second point under dispute has to be settled now. For the settlement of this dispute, I request that the Board will be pleased to address the Mysore Government and convince it at the same time of the fact, as strongly expressed by the professional department, that the raising of the channel bank and weir crest of the ancient with a corresponding deepening of the bed of the channel, which is extensively silted up, would not cause any submersion of lands in Mysore territory, and indeed the owners of the fields denied to the Public Works Officers that these fields had been inundated as supposed.

4. From the Head Assistant Collector's detailed report and other old records of 1874 to 1888, which throw a good deal of light on this long-standing dispute, it will be seen that permission need not be taken from the Mysore officials, when repairs are

proposed on the old lines; and the proposed repair of last year (1892-93) was not a new one. Since the Mysore authorities report (incorrectly according to our Public Works Officers) that the proposed repairs, even when they were only half completed, will cause the inundation of certain Mysore fields, I think that formal permission may now be obtained pointing out to that Government at the same time that the execution of the repairs to the channel bank and the anicut of the Gowdanakunta would not prejudice the Mysore interests.

5. When this point is settled, the long-standing dispute existing between the Tummidihalli and Gowdanakunta ryots and the difficulty now experienced by the several officers in carrying out the repairs will, as a matter of course, be obviated.

6. I have the honour, therefore, to request that the Board will be pleased to move Government to address the Mysore Government as to the settlement of the question in hand and also to obtain a general permission to the effect that repairs to the existing irrigation works on the frontier may be carried out on their old lines, without any objection or the observance of unnecessary formalities. Further, that the loss, Rs. 279-6-0, sustained by our Government by the removal by the Panagadu Tahsildar of our repairs may also be asked to be made good by the Mysore authorities.

7. The Head Assistant Collector's report and Mr. Knight's report in addition to all the old records as per list are submitted for perusal and return.

ENCLOSURE.

From A. T. PITT, Esq., Acting Head Assistant Collector of Anantapur, to the Collector of Anantapur, dated 4th August 1894, Ref. on Cur. Nos. 78 and 315.

With reference to your Ref. on Cur. Nos. 78 and 315 of 1893, dated 17th March 1894, regarding the settlement of the Gowdanakunta channel dispute, Madakasira taluk, I have the honour to state that I have twice proposed dates for the meeting with the Mysore officers, but have not been able to suit them; and for the third time, the Mysore Assistant Commissioner proposed a date which clashed with the date on which I had to hand over charge of the Collectorate to you in June. From a perusal of all the papers I am inclined to think that there is no real question at all for me to settle at a conference with the Mysore officer, as the only controversial matter arising out of the dispute is the liability of some Mysore lands to submersion if the crest of a certain weir in our territory is raised; on which question our Public Works Department authorities have given a professional opinion in our favour. Since writing the above, I have received Mr. Knight's memorandum forwarded with your Ref. on Cur. Nos. 78 and 315 of 1893, dated 30th July 1894, and I have made my remarks on the margin of that memorandum relating to the liability of the Mysore fields to submersion. The real issue lies between two of our own villages. As therefore I see no advantage in waiting for a personal meeting with the Mysore officials, and as I notice that in the correspondence that has taken place, the real dispute (between our own villages) has been ignored, I propose to submit a report showing clearly the nature of the existing dispute, and the light thrown on it, by certain old orders, which have apparently not received due consideration.

2. Your letter under reference gives "eight important points," which I was told to consider, and, if possible, have decided at a meeting with the officers of Mysore. I will refer to them by number. Points I, II and III relate to the excavation in Mysore fields by the contractor in charge of the repairs to the supply channel; as pointed out in your Ref. on Cur. P. Regr. No. 1260, dated 11th September 1893, we have nothing to do with that; further, if we had, compensation has been settled (*vide* Tumkur Deputy Commissioner's letter No. 1356, dated 17th March 1894)—*vide* also your order forwarding Mr. Knight's memorandum. The Tahsildar has been directed to collect the amount settled. Points IV, V, VI, VII are already settled, so far as we are concerned, by letter No. 2089, dated 15th November 1893, from the Superintending Engineer to you to the effect that closing the breaches, and putting 2 feet more earth on the supply channel of Gowdanakunta and Amarapur tanks, will not submerge any land in Mysore territory, but please *vide* Mr. Knight's and my own remarks on this point in his memorandum; this opinion was based on a report from the local Public Works Department Officers after inspection and the taking of levels; the plan and levels are in the records.

Point VIII does not relate to the dispute but to the damage caused by the destruction of our repairs to the supply channel and will be taken separately at the end of this report.

3. The sketch prepared by the Public Works Department authorities clearly shows the connection between the Gowdanakunta supply channel and the Tummidihalli tank supply channel. There is a calingula in the former, which allows a certain proportion of the water to flow to the latter; but above this calingula, there is a breach in the supply channel (Gowdanakunta) through which the water goes into the Tummidihalli supply channel. Obviously the latter channel thereby gets more water than would ordinarily come into it by the calingula, and it is therefore to

the interest of the Tummidihalli ryots to prevent the repair of this breach. The taluk reports will show how they managed to effect their object by "putting up" a dispute with Mysore, and the real question to settle is what are the respective rights of the Gowdanakunta and the Tummidihalli tanks to the water flowing down the supply channel.

4. The old records available throw a deal of light on this question. The word anicut used hereafter refers to the existing calingula. In his arzi No. 362 to the Head Assistant Collector, dated 14th August 1874, the then Tahsildar of Madakasira reported on certain petitions from the Tummidihalli ryots, complaining that the Gowdanakunta ryots had interfered with the "anicut" by which water in the Gowdanakunta supply channel was distributed between Gowdanakunta and Tummidihalli tanks. That arzi shows that there was an "anicut" to the Gowdanakunta supply channel, by which water was distributed between these two channels; that in this anicut there were "openings," vents I suppose, which the Tummidihalli ryots declared were made to allow them more water than what came over the anicut, and which the Gowdanakunta ryots declared were made simply to discharge sand and rubbish from the supply channel. The former party complained that the latter party had stopped up these "openings" and thereby diminished the supply to the Tummidihalli tank. The Tahsildar stated in the arzi referred to that there were no previous records to show what purpose these "openings" were intended to serve; that each side could produce as much oral evidence to support its contention as might be called for, and suggested that the two parties be called upon to settle the dispute by arbitration, in case a reference to the Range Officer, Public Works Department, failed to clear up the doubt as to what the openings were intended for. On that arzi, Mr. Davies, the then Head Assistant Collector, passed his order No. 296, dated 19th September 1874, which was to the effect that a reference had been made to the Range Officer, who gave his opinion that the water of the vanka should go to the Gowdanakunta tank; and that accordingly that water should go to that tank, and that Gowdanakunta ryots might, when necessary, stop up the openings in the anicut. In 1881, the dispute revived in a somewhat different form. This time the Gowdanakunta party petitioned to the effect that owing to the accumulation of sand near the anicut to the supply channel, the wall of the anicut had given way by the overflow of water, and all the water had gone to the Tummidihalli tank: that relying on Head Assistant Collector's order No. 296 (quoted above), they began to raise the anicut wall, but the Tummidihalli ryots objected. In his arzi No. 56, dated 10th February 1881, the Tahsildar reported that both parties had agreed to abide by the decision of some panchayat-dars, which was to the following effect: "A body-wall of a cubit's height shall be constructed over the present anicut, so that the water received within the limit of the wall should go to the Gowdanakunta tank alone, and that flowing over the wall should be equally distributed to the tanks of both the villages." The Head Assistant Collector (Mr. Thorburn) in his order, No. 60, dated 19th February 1881, sanctioned this proposal. In his arzi No. 25, dated 5th February 1886, the Tahsildar of Madakasira reported to the Head Assistant Collector that, owing to the accumulation of sand in the vanka, the level of the anicut had become lower than the surface of the sand and that consequently about 20 years before the anicut had been raised, and nine small openings made in it; that on account of further accumulation of sand in the vanka, the water had flowed into the Tummidihalli supply channel instead of equally in both; and the Gowdanakunta ryots had therefore obtained orders (evidently the order of 1881) to raise the anicut, but the work was not permanently done; besides, the bed of the vanka had been "cut away" (scoured?); that a dispute had arisen between the two parties, on which the Minor Irrigation Overseer had reported to the Tahsildar, which report the Tahsildar concurred in and submitted for the Head Assistant Collector's orders. The Overseer's letter and sketch forwarded with that arzi are apparently not forthcoming, and were not expressly noted as read in the Head Assistant Collector's order (passed by Mr. Macleod, dated 13th March 1886), on that arzi, which simply ordered the preparation and submission of an estimate for the repairs to Gowdanakunta anicut; the Gowdanakunta ryots to bear half the cost. In his letter No. 425, dated 30th May 1888 (which is the next record), Mr. Pinhey (Head Assistant Collector) explains the late submission of an estimate for the Gowdanakunta supply channel by the fact that a dispute had arisen about the repairs; and remarked that the whole work lay in Mysore, and he could not see how it could be executed without first obtaining permission which the villagers seem unwilling to give. Subsequently, the same officer (in his letter No. 481, dated 20th June 1888,) reported that since the former letter was written he had visited one or two similar irrigation works for supplying our tanks which lie inside the Mysore boundary, and had found that these works have been habitually repaired by us on their old lines without permission asked or by objection made; but that recently some Mysore ryots had raised objection in one village to our ryots deepening a spring channel which had been silted up, on the ground that the nala ran past their gardens, and if it was deepened, the water from their gardens would be drawn off. On this the Mysore Deputy Commissioner had visited the spot and the decision arrived at was that our ryots might generally execute repairs, &c., in Mysore territory on the condition that notice of the fact was given to the Mysore Tahsildar concerned. Mr. Pinhey thought that this was a reasonable settlement of the question, and promised to see that the Panagadu Tahsildar, was informed, if he (Mr. Pinhey) thought it advisable to repair the anicut at Gowdanakunta on its old lines. He added that the "present scheme" (*viz.*, the repairs proposed at that time) was preposterous as it allowed for the construction of an entirely new bund of 400 yards in length to which the Mysore ryots naturally objected.

Later on (in letter No. 558, dated 11th July 1888,) the same officer reported that the Madakasira Tahsildar was of opinion that the repairs to the supply-channel of Gowdanakunta were not worth doing as they were not in any way useful to Amarapur tank, while on the other hand they were fatal to Tummidahalli tank, the only tank that *does* benefit being the Gowdanakunta which is comparatively insignificant and might be left as it was. Mr. Pinhey entirely concurred in the views so expressed by his Tahsildar.

In 1891, an estimate for the repairs to the Gowdanakunta supply channel was sanctioned with the result reported. The estimate included (1) the closing of a breach (B in the Tahsildar's sketch in the records, accompanying his arzi No. 113, dated 24th February 1893), the raising of the bund C D by two feet, as it was much scoured and weakened and the raising of the anicut by $1\frac{1}{2}$ feet. The Sub-divisional Officer (Public Works Department) is of opinion that this can be done without damage to the surrounding fields (*vide* his letter No. 429-1024, to the Executing Engineer with plan and sketch). It is to be noted that the crest of the anicut properly speaking, a calingula) is practically level with the bed of the vanka, so that it is improbable that it was ever raised in pursuance of the convention of 1881.

5. To sum up. The distribution of water between the two supply channels has given rise to disputes since 1874 and probably before then, owing to the fluctuation in the level of the channel bed above the anicut, caused by the accumulation of silt. Before 1888, Mysore interests were not touched upon in the dispute. In 1874, the Gowdanakunta ryots were allowed to stop up the "openings" in the anicut, when necessary; in 1881, they were allowed to raise the anicut level by a cubit. The openings in the anicut referred to in this correspondence must, I think, refer to the spaces between the dam stones, which it is now proposed to fill up to raise the calingula level by $1\frac{1}{2}$ or 2 feet. So far therefore as the disputes between the two British villages are concerned, I think it is clear that the Gowdanakunta ryots have a right to raise the calingula as proposed, a right established by the convention of 1881, it being clear from the Tahsildar's report in 1886, and also by the fact that the calingula level is *almost* the vanka bed level, that the calingula was *not* raised in pursuance of the agreement of 1881, and that therefore the proposal to raise it now is no innovation. Their right to repair the breach in the channel is, I think, beyond dispute, although it has been slept over for some years.

6. The next question is how Mysore interests are concerned. Mr. Pinhey raised the question in 1888 and found that our irrigation works in Mysore territory were *habitually* repaired on the old lines without permission asked, or objection made, and this practice was specially sanctioned by a Mysore Deputy Commissioner in the case of one dispute (in Hanumanahalli) with the addition that notice should be given to the Mysore Tahsildar in whose taluk the irrigation work was situated. Apparently no notice was given to the Panagadu Tahsildar about the repairs to the Gowdanakunta channel. But his objection, if on that score, should have been made at the commencement of the work; as to the repairs being on the old lines, it is true they involved the raising of the level of a weir and a bank to the supply channel; but this was a necessity because the level of the channel bed had been raised by the accumulation of silt, and I think such repairs can be said to be done "on the old lines." If such repairs are not done, the channel silts up more and more, and finally breaches and the vanka confined originally within our channel banks escapes and floods the neighbouring ground. I see no advantage in that contingency to the Mysore ryots. It is curious that such questions as these have never been settled as regards principles by the two Governments. Accepting Mr. Pinhey's conclusions as correct, I think that the Mysore officers had no right to object to the repairs to the Gowdanakunta channel, inasmuch as they were on the old lines; but they might, at the outset, have objected that no notice of the repairs had been given them. So far as Government is concerned, I should be inclined to concur in the opinion expressed by Mr. Pinhey in his letter, No. 558, dated 11th July 1888, as to the advisability of repairing the Gowdanakunta supply channel, viz., that, if done, the work would injure Tummidahalli tank considerably, and only benefit the comparatively insignificant tank of Gowdanakunta, the supply to Amarapur tank from the discharge of Gowdanakunta, not being so far, as I can see, very important. I append (statements A₁ and A₂) figures showing the ayacut, vasakat and extent of cultivation charged under each tank—Gowdanakunta and Tummidahalli—from fasli 1281 to fasli 1302, excluding famine faslis 1886-87 and 1888. They show that practically the whole of the irrigable area under Gowdanakunta tank has been in holdings for years, and that an average of 90 acres yearly out of vasakat of 97 acres has been charged as cultivated ever since fasli 1281, while under Tummidahalli tank, nearly one-third of the so-called ayakat has never been in holdings, and only 162 acres out of vasakat of about 230 acres have on an average been charged as cultivated since fasli 1281. The eighth point for report, the value of the work done by our contractor, will be reported on separately. From an arzi in the records it appears that the Tahsildar of Panagadu measured up the work done in the presence of our Minor Irrigation Overseer just before the work was removed, and according to bills prepared and paid by the Madakasira Tahsildar (the measurements having been taken by the Minor Irrigation Overseer) the amount of work done and paid for was of the value of Rs. 279-6-0.

Resolution—dated 5th October 1894, Mis. No. 6037.

The main point for consideration is whether the raising of the calingula as proposed in the correspondence will not submerge the Mysore lands on the left bank

of the channel. Mr. Knight, the officer deputed by the Mysore Government, is positive that the proposed work will inundate and damage the garden lands of the Mysore ryots lying on the left bank. The Sub-divisional Officer, on the other hand, maintains that the lands will not be submerged and that the owners of the gardens themselves admitted that they will not suffer damage. The report of the Sub-divisional Officer is, however, very meagre, and does not give any details of the levels taken by him. Apparently his report is based on that of an Overseer. It is necessary, therefore, before addressing the Mysore Government, to have the locality carefully surveyed by a professional officer of standing and experience, and with this view the Collector is requested to ask the Executive Engineer to inspect the place and take levels and report how far the statements of the Sub-divisional Officer may be accepted as correct. A sketch drawn to scale should also be furnished showing the position of the calingula, the lands said to be liable to be submerged, the height of the calingula, as it now stands and as it would be when raised above the level of these fields, and above the left bank of the channel at different points above the calingula.

2. It should also be considered whether it would be possible to take off a new branch channel either to the Tummidahalli or to the Gowdanakunta tank from a point higher up the stream and thus obviate all chance of the Mysore lands being submerged. If necessary, the lands required for the new channel might be obtained through the Mysore Government on payment of compensation. The present channel, at the point of the calingula, is evidently too much silted up to carry sufficient supply to the Gowdanakunta tank as originally designed, and the raising of the calingula will merely tend to raise the bed of the stream still higher. This will always be a ground of complaint from the Mysore ryots and it is desirable therefore either to construct a new channel or throw a dam higher up to regulate the supply or to build scouring sluices in the calingula to prevent the channel silting up.

3. If possible, the Collector should ask the Deputy Commissioner of Tumkur division to depute a professional officer to meet the Executive Engineer at the time of his inspection.

(True Copies and Extract.)

(Signed) P. RAJARATNA MUDALIAR,
Secretary.

To the Collector of Anantapur,
with the original records returned.

Read—again the following Proceedings of the Board of Revenue (R.S., L.R. and Agri.), dated 14th November 1895, Mis. No. 6115:—

Read—the following letter from N. S. BRODIE, Esq., Acting Collector of Anantapur, to the Secretary to the Commissioner of Revenue Settlement, Land Records and Agriculture, dated Anantapur, 5th October 1895, Reference on C. Nos. 78 and 315:—

In reply to Board's Proceedings, Mis. No. 6037, dated the 5th October 1894, and

- 1 Executive Engineer's letter, No. 4194, dated 1st September 1895.
- 2 Level sections.
- 1 Survey plan.
- 1 Plan of weir.
- 1 Memorandum.
- 4 Calculation sheets.
- 1 Detail estimate.
- 1 Abstract estimate.

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in continuation of this office letter Reference on C. Nos. 78 and 315 of 1893—15th September 1894, I have the honour to submit herewith the marginally-noted tracings, memorandum, estimates, &c., prepared and forwarded by the Executive Engineer, Bellary division, after personal inspection of the Gowdanakunta supply channel in the Madakasira taluk.

2. It will be observed that in order to restore to the Gowdanakunta tank the supply which it formerly received, it will be necessary to raise the crest of the anicut by 1' 6". If this is done, however, the land

lying between C.S. No. 5 and contour at 51.50 (shown in the survey plan) will be flooded and the Executive Engineer therefore proposes to construct a bank from A to B, on the left bank of the channel, and another from C to D on the right bank. In the circumstances reported, this seems to be the simplest solution of the difficulty. The suggestion made by the Board in the concluding portion of paragraph 1 of Board's Proceedings, Mis. No. 6037, dated 5th October 1894, under reply, is reported to be impracticable, and the construction of a new branch channel would not obviate the difficulty of apportioning the supply to the Tummidahalli tank. The estimate provides for all the necessary repairs and improvements to the supply channel, viz.:

- (1) Raising the channel banks.
- (2) Excavating supply channel at C.S. Nos. 1 and 2.
- (3) Raising the crest of anicut.
- (4) Providing a pipe sluice.
- (5) Removing upright stones in the dam.
- (6) Amount of compensation for lands to be taken up from the Mysore ryots, for repairs to be executed to the banks.

3. Referring to paragraph 2 of the Board's Proceedings under reply, I have the honour to state that the Deputy Commissioner, Tumkur district, was not addressed, as the Executive Engineer inspected the locality without previously intimating his intention to this office although he had been requested to do so.

4. The original records received with the Board's Proceedings under reply are re-submitted for the Board's reference and return when no longer required.

Resolution—dated 14th November 1895, Mis. No. 6115.

The papers received with the letter read above will be returned to the Collector of Anantapur, with the request that the Executive Engineer's report and plan may be forwarded to the Deputy Commissioner of Tumkur for his opinion as to whether the proposed embankment will suffice to save the Mysore lands from submersion and thus obviate the objection taken to the raising of the anikat.

(True Copy and Extract.)

(Signed) P. RAJARATNA MUDALIAR,
Secretary.

To the Collector of Anantapur, with papers.

READ—again Proceedings of the Board of Revenue (R. S., L. R. and Agri.), dated 5th March 1896, Mis. No. 1141.

ABSTRACT—(With reference to his letter reporting that he wrote to the Deputy Commissioner, Tumkur, but that that officer suggested the desirability of Government addressing the Mysore Darbar) requesting the Collector of Anantapur to furnish the Board with a map showing the boundary between Mysore and Anantapur, showing the position of the channels and of the work proposed to be executed in connection with the Gowdanakunta channel.

READ—also letter from the Collector of Anantapur, dated 20th May 1896, Ref. on C. Nos. 78 and 315.

ABSTRACT—Forwarding a new map showing the boundary between Mysore and Anantapur in connection with the Gowdanakunta supply channel dispute.

RESOLUTION—dated 28th May 1896, No. 106.

The papers read above, which relate to the objection taken by the officials of the Mysore State, to certain repairs proposed to be executed to a channel supplying some Government tanks, in the Madakasira taluk of the Anantapur district, will be submitted for the orders of Government.

2. The supply channel takes its rise in the Panagadu taluk of the Mysore Province, and forms the main feeder of two Government tanks, in the Madakasira taluk, in British territory, viz., Gowdanakunta tank, in the village of that name, and another Government tank in Tummidahalli. There is an anikat on the right bank of the channel for regulating the supply between the two tanks referred to above. The bed of the channel is silted up and is now almost on a level with the crest of the anikat. The channel above the anikat breached some years ago, so that a considerable portion of the supply which should flow into the Gowdanakunta tank finds its way into the Tummidahalli tank. This led to constant disputes between the two villages, and, in 1891, an estimate was sanctioned for closing the breach and raising the anikat by $1\frac{1}{2}$ feet. Before, however, the repairs were completed, an Amildar of the Mysore Government, acting apparently on his own responsibility, interfered, and caused the work already executed, to the extent of Rs. 279-6-0, to be summarily removed.

3. The Head Assistant Collector of the Penukonda division explains in his letter which forms an enclosure to the Collector's letter read in Board's Proceedings, Mis. No. 6037, dated 5th October 1894, the reasons under which the repair was undertaken, without the permission of the Mysore officials. The latter, however, appear to have held that the work was not confined to mere repairs but was new work, and, as such, ought not to have been commenced without the permission of the Mysore Government, more especially as it tends to affect prejudicially the Mysore lands on the left bank of the channel.

4. In Board's Proceedings, Mis. No. 2530, dated 28th April 1893, the Board requested the Collector to communicate with the Superintending Engineer, and obtain professional opinion on the point, and then make a further representation to the Deputy Commissioner, Tumkur division, with a view to the settlement of the dispute, if possible. In reply, the Collector of Anantapur reported that the Sub-divisional Officer of the Public Works Department, who was deputed to inspect the locality, was of opinion that the closing of the breaches and the raising of the anikat would not submerge any land in Mysore territory, and that his attempts to arrange for a meeting between the representatives of the British and the Mysore Governments to settle the dispute were unsuccessful. He pointed out that even if a meeting had taken place, no settlement could, with advantage, have been arrived at. The Board felt some hesitation in accepting the statement of the Sub-divisional Officer regarding the submersion of the Mysore lands, as that statement was apparently based on the report of an Overseer and was opposed to the opinion recorded by the Public Works Officer, deputed by the Tumkur division Deputy Commissioner, and requested the Collector (in Board's Proceedings, Mis. No. 6037, dated 5th October 1894), to have the locality carefully surveyed by a Public Works Officer of standing and experience, and to obtain the opinion of the Executive Engineer on the subject. This was accordingly done with the result that the Executive Engineer found, as a fact, that some lands of the Mysore ryots will be submerged, unless an embankment was put up on the left bank also. His proposal was to raise the crest of the anikat by $1\frac{1}{2}$ feet, and to construct embankments both on the left and right banks of the channel, at an aggregate cost of Rs. 830. The Collector of Anantapur was requested to forward the Executive Engineer's plan and report to the Deputy Commissioner, Tumkur division, for his opinion as to whether the proposed embankments will suffice to save the Mysore lands from submersion, and thus obviate the objection taken to the raising of the anikat. The Deputy Commissioner suggests, however, that the matter be referred to the Mysore Darbar through the Local Government.

5. The Board requests, therefore, that the Mysore Government may be addressed in view to the necessary permission being granted for the execution of the works proposed by the Executive Engineer of Bellary division on the understanding that arrangements will be made by this Government to prevent the submersion of lands belonging to the ryots of the Mysore territory and that reasonable compensation be paid to the owners of land from which earth may be taken for repairing the channel. A plan prepared to scale and showing the position of the channels, the anikat and embankments, &c., received with the Collector's letter of 20th May (Reference on Cur. Nos. 78 and 315), is submitted for the information of Government.

16 BOARD OF REVENUE (REV. SETT., L. RDS. AND AGRI.), 28TH MAY 1896, No. 106.

6. It is much to be regretted that the Head Assistant Collector of Penukonda sanctioned the commencement of the work without addressing the Mysore officials. At the same time the Board is constrained to remark that the action of the Mysore Amildar in summarily demolishing work which had been carried out to the extent of Rs. 279, to secure the supply to which ryots in British territory had an undoubted right, was most improper.

(True Copies and Extract.)

[Signature]
Secretary.

To the Secretary to Government, Revenue Department,
with enclosures in original. *(will follow separately)*
Copy to the Collector of Anantapur. with original enclosures
to his letter, Ref. on P.t. No. 1260,
dated 20th October 1893 (returned).

DP 12/10

C. No. 4542 of 96.

Re: the repairs of certain channel in the Mysore
Province.

The Hon. Mr. C. R.

Revenue Dep^y

Lead L. No: 4542 of '96.

Order: N^o 41087/13 October 1896.

Ordered that the Resident
in Mysore be addressed.

11/10/96.

N^o 4109.

To

The Board of Rev^y
(Rev: Sett. &c).

11/10/96

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11/10/96

To
11/10/96

The Resident in Mysore.
Sir,

I am directed to state
that a channel which takes its
rise in the Pavagadu Tk. of the
Mysore State ~~and~~ forms the
main feeder of ~~the~~ two Government
tanks in the Madakasira taluk,
Anantapur Dt. - known as
Gowdanna Kunte

of the Gowdanna Kunte tank

Gawdana Kunta and Tummi
- Sahalli breached in three
places within the Drypore limits
and became silted up to the
crest of the ^{supply weir} Anikat which ~~regu-~~
~~lates the supply between the~~
~~two tanks~~. The result is that
a ~~considerable portion of the~~
supply which should flow
into the Gawdana Kunta tank has
found its way into the Tummi-
dalli tank and ~~disrupted~~
~~the supply~~ between the ryots
of the two villages in which the
tanks are situated. Arrange-
ments were, therefore, made by
the Collector for closing the
breaches and raising the anikat
by 1 1/2 ft. But before the re-
pairs were completed, the
Amildar of Pavagadu, acting
arbitrarily on his own responsi-
bility, interfered, and caused
the work already executed,
to the extent of Rs 279-6-0, to be
mainly removed on the
ground that the previous per-
mission of the Drypore officials
for the execution of the work was
not

In this feeder channel
is a weir whereby the
surplus water of this channel
flows into the supply tank
of the Tummidalli tank
another tank in the
same neighbourhood. The
feeder channel above referred to
is ~~broken~~ at this place in
the ~~feeder~~

to that the Gawdana Kunta
tank might receive its
share of the supply.

that in explanation of it it is
urged that it has always been
customary to execute repairs
without any reference to
superior authorities

The opinion of the

that the ryots should be
allowed to deal suitably with
their own land at least.
to make good the loss caused

This is it is found likely to
result to some extent.

not obtained. This omission
on the part of the D^y Officials
who sanctioned the commence-
ment of the work is much re-
gretted. ^{I am to say that in any case} At the same time it
appears to this Govt that the ac-
tion of the Drypore Amildar
in summarily demolishing
work which had been executed
to secure the supply to which
ryots in British territory had
an undoubted right, was ~~some-~~
~~what unnecessary &~~
~~what improper and to regret.~~

2. The main objection
of this ~~action put forward~~
~~urged by the Drypore Authori-~~
ties was that the proposed re-
pairs would have the effect
of submerging some of the
cultivated lands in the
Drypore Province on the left
bank of the channel. To avoid
this result it was proposed to
put up embankments on both
sides of the channel, ^{before} ~~while~~ raising
the crest of the Anikat by 1 1/2 feet.
The Dy. Commissioner, Tum-
kur D^y was, at the instance of
the Board of Revenue, request-
ed by the Collector to report
whether

whether, in his opinion, the proposed embankments would suffice to save the Darysore lands from submersion and thus obviate the objection taken to the raising of the Anikat. That officers however, suggests that the matter be referred to the Darysore Darbar for orders.

3. In the foregoing circumstances, I am directed to forward a copy of the marginally noted Proceedings of the Board of Revenue embodying the correspondence on the subject and to request that you will be so good as to address the Darysore Govt. ^{on the subject,} in view to the necessary permission being granted for the execution of the works proposed, on the understanding that arrangements will be made by this Govt. to prevent the submersion of lands belonging to ryots of the Darysore Territory and that reasonable compensation will be paid to the owners of land from which earth may be taken for

It will be possible by clearing out the silt in the channel to restore the status quo ante but no doubt functions of Darysore have widened the deep & deep to restore the course to raise the ^{water} and construct banks on this course is probably easier of the two.

M 106 d. 20.5.96.

C.R.
3/10/96-

for repairing the channel.
4. A plan showing the position of the channels, the anikat and embankments is forwarded herewith for reference and return. A copy of the marginally noted Pro: of the Board of Rev. on the subject is also enclosed.

whether, in his opinion, the pro-
posed is

When given for copying _____
When copied _____
When examined _____
When signed _____

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AGAIN G.O., No. _____
189 , DATED _____

RENT No. _____

COPIES TO C. No. _____

OF GOVERNMENT A A A A A A A

OF GOVERNMENT.

EMENT WITH DITTO.

FILED UP, BEING MEANT FOR DESPATCH
ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.