

Printed by J. S. J. 10/15/7 & 10/15/8.
Public Works (1896) Department.

G.O., No. 956

DATED 14th November 1896

[Despatch Abstract.]

Encl.: Authorizing the defence, at the public expense of the — against the suit filed by the Zamindar of Challa, Patti in the District Court of Madras — for recovery of damages for alleged trespass & for cutting & carrying away "Nellu" grass from a tank within the Zamindari.

T.C. 14/11.

14/11

[illegible][illegible]

Authorizing the defence, at the public expense, of the — against Mr. Malet, Executive Engineer, filed by the Zemindar of Challapalli in the District Munsifs Court at Masulipatam for recovery of damages for alleged trespass and for cutting and carrying away "rellu" grass from a lanka within the Zemindari.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.
Establishment.

Read—the following papers:—

From the Executive Engineer, Kistna Western Division, to the Superintending Engineer, dated 24th June 1896, No. 107 S.

In reply to your No. 595 K.W., dated 4th June 1896, I have the honour to inform you that I had an interview with the Government Pleader, District Court, Masulipatam, on the 16th instant.

2. With the assistance of the Government Pleader I drafted a letter to the Manager of the Devarakota Zemindari, offering him fair compensation and repudiating his other claims.

3. We must now await a reply to this letter and the filing of the suit, should plaintiff decide on doing so, unless the Chief Engineer is prepared to apply for permission to defend the suit on the information now before him, which seems to be sufficient for that purpose.

4. If permission to defend the suit is obtained, subsequent action will be expedited should a suit be filed.

5. The suit if brought will, I believe, be brought in the Court of the District Munsif of Masulipatam.

6. The Government Pleader, District Court, Masulipatam, does not practise in the District Munsif's Court, but only in the District Court. It will therefore be necessary to engage the services of the Government Pleader, District Munsif's Court, in this case.

7. The Government Pleader has, however, expressed his willingness to appear in the Munsif's Court when the case is actually being heard if the case is considered to be of sufficient importance.

8. I have spoken to the Collector on the subject, and he recommends that if the suit is filed the case should be placed in the hands of the Government Pleader, Munsif's Court, and that the services of the Government Pleader, District Court, should only be requisitioned in the event of an appeal.

9. In applying to the Collector for the services of the Government Pleader, it will therefore be necessary that you should specify the Government Pleader, District Munsif's Court, Masulipatam. Please obtain his services.

No. 854 K.W.

Forwarded to the Chief Engineer for Irrigation with reference to Memo. No. II/89 K.S., dated 29th May 1896, for favour of permission being obtained from Government for defending the suit.

4th July 1896. (Signed) W. L. C. BADDELEY, Major, R.E.,
Superintending Engineer, II Circle.

From the Superintending Engineer, II Circle, No. II/109 K.S., dated 17th July 1896.

From W. C. LEWIS, Esq., Executive Engineer, Kistna Western Division, to the Superintending Engineer, II Circle, dated Nizampatam, 30th October 1896, No. 323 S.

With reference to your No. 1075 K.W., dated 27th July 1896, I have the honour to forward a translation of a plaint laid against Mr. Malet, and request sanction to defend the suit at Government expense, and that the Government Pleader at Masulipatam may be instructed to take up the case.

2. The case has probably been incorrectly filed against Mr. Malet as Executive Engineer, Coimbatore division, and may be dismissed on that ground, but it will be necessary to enter on appearance on 30th proximo.

No. 2093 K.W.

Forwarded to the Chief Engineer for Irrigation with reference to his Memo. No. II/109 K.S., dated 17th July 1896, for favour of permission being obtained from Government for defending the suit at the public expense.

3rd November 1896. (Signed) W. L. C. BADDELEY, Major, R.E.,
Superintending Engineer, II Circle.

ORDER—No. 956 I., dated 14th November 1896.

The defence of the suit is authorized at the public expense and the result should be duly reported.

(True Extract.)

Under Secretary to Government,
Irrigation Branch.

To the Superintending Engineer, II Circle.
" Chief Engineer for Irrigation.
" Examiner, Public Works Accounts.
" Revenue Department.

Ezd. Shaik Karim.

PROCEEDINGS OF THE MADRAS GOVT

10 956 J. 27/4/56

Under date the

Read the following

From the Supery. Engineer, Second Circle. (H.E. 10 834 - KIV dated 4.7.56)
do do do do (H.E. 10 109-KS, dated 17.7.56)
do do do do (H.E. 10 2073-KIV dated 3.11.56)

The defense of the point is
authorized, at the public ex-
pense, and the result should
be duly reported.

2.4.56
12.11.56

W.H.
10/11

W.H. 13/11

To the Supy. Engineer, Second Circle.
- Chief Engineer for Irrigation
- Examiner, P. W. Accounts
- Revenue Dept.

12/11/56

12/11/56

Public Works (189) Department.

CURRENT No. 10158

5

Urgent

R360K

Order

From

Majr W. L. C. B. & Co.
R.F.
Supergrs II Cinc.

No. 2093 H.W.

Dated 3 ^{November} October 1896

Received 5-11-96
Enclosures 1 (One)

Spare copies

SUBJECT.

Leint suit brought
against Mr. Malot, Sur.
Engineer by Kallapalle
Lemidat. Recommend
the defence of the - at
Government expense.

Supergrs II Cinc.

5-11-96 7-11-96

BACK PAPERS.

G.O.	No.	Department.	Date.
J	109	Ks	17-7-76

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Letter from W. C. Lewis Esquire, Executive Engineer, Kistna Westm D^o, to the Sup^rg Engineer, 2nd Circle, Madras, 3rd October 76, No. 323 S.

(With reference to your No. 1075 K.W. of 27th July 1876) I have the honour to forward a translation of a plaint laid against Mr. Chait and request sanction to defend the suit at Govt. expense and that the Government Pleader at Masulipatam may be instructed to take up the case.

2. The case has probably been incorrectly filed against Mr. Chait as Executive Engineer, Coimbatore D^o and may be dismissed on that ground, but it will be necessary to enter an appearance on 30th 9th Prox.

Encl 1.

No. 2093 K.W.

3. 11. 76 - Forwarded to the Chief Engineer for Irrigation with reference to his Memo. No. 11/109 K.S. of 17th 4th July 1876 for favour of permission being obtained from Government for defending the suit at the public expense.

W. C. Lewis

2/11/76

Majist

Supdngt. 11th Cir.

As 165-13.3 will be paid to him if he cannot
 receive the same.
 (6) The Plaintiff informed the Defendant
 that he would receive Rs 207 only for the
 grass and fuel paid for the loss sustained
 in trespassing upon his land. If the loss
 sustained by the Defendant is insisted
 upon to be paid Rs 165-13.3 will be received
 and claim for other losses made.
 When this matter was referred to the
 Sub-Div. Officer for disposal he did not
 pay any amount.
 (7) Plaintiff having determined not to settle
 the Defendant decided to receive Rs 207
 as per account prepared by the latter
 and Rs 15-12-0 for trespass.
 (8) Cause of suit as a ground upon by the
 Defendant on 22 June 1906 was that
 from 25 December 1905 to 26 January 1906
 grass was cut each day by the D/W
 people from the premises of the Plaintiff.
 The Plaintiff therefore requests that the
 amount awarded be paid by the Defendant
 for grass cut from the island. Rs 207-00
 less by trespass 15-12-0
 Rs 191-12-0
 may be decreed by the Court, or any reasonable
 sum, as may be determined by the Court.

Dated 25 July 1906
 Signed in 7-7-06
 Signature of Plaintiff
 True Copy of translation
 of Plaintiff
 By order
 C. M. M. M. M.
 11/11/06. Manager
 Executive Engineer
 Office K. W. M.

From
 To
 C. Rangacharyulu ang.
 Vakil, High Court.
 A. A. G. Makhrogi
 Exc. Engineer, Conservancy
 Districts Division.

Sir,
 Under instructions from
 Mr. H. Krishna Rao, at Chalapalli
 Mainpuri and Makhrogi Agents under
 General power of attorney of the
 Ramindar of Devarakota Sree-
 manta Raja Entayadda Malli-
 Karjuna Prasada Raju Bahadur
 Ramindar Garu, I demand from the
 payment of Rs 400 as damages for
 trespass & for cutting & carrying
 away "kellu" or Galadisha within
 the limits of Potavaraulanka
 in the Ramindar without the
 permission and against the
 consent of the Ramindar or
 his agent.

Overseer Mr. Venkata
 Ramayya in charge of the River
 Conservancy under your orders

... it then if he consents.

trespass upon Galidada and cut
and removed between the 26th day
of December 1905 and 25th January 1906,
about 38425 bundles of rellu as
aforesaid - i.e. without the permission
and against the consent of my
client or his agent.

Section 17 of the Madras Act
VI of 1884 (Rivers Conservancy Act)
under the color of which you and
your subordinates seem to have
acted do not justify you to enter
upon the land of my client and
taking therefrom "rellu" without his
permission and against his consent
for the purpose of using the said
rellu in some other part of the river.

The details of the claim Rs 400/-
are as follow.

(1) Value of the rellu at Rs 10 per
thousand bundles for 38425 ————— 384-4-0
Damage for trespass upon the
land and for taking away the
"rellu" without permission ——— 15-12-4
400-0-0

I shall if the sum be not paid
to my client or his agent Mr. S. Krishna
Rao

or to me a suit will be instituted
against you and your subordinates
the said Mr. Venkata Ramayya soon
after the expiry of the period of
3 months as stated in Section 25
of the said Act VI of 1884 (Rivers
Conservancy Act).

I have &c
/s/ C. Rungacharapuram
High Court Vakil.

Maoulipatam
23rd March 1896.

When of the contents.

Krishna Western Office

From

A. A. G. M. A. K. K. K. K.
Exe. Engineer Krishna
Western Office

To

The Superintending Engineer, Second Class

Sir,

* to be kind
re:

I have the honor to forward
notice of suit received from Mr. B. B.
C. Rungacharyulu Avarga! High Court
Tahsil acting under the instructions
of Mr. D. Krishna Rao the Manager
of Devanacottah Zamindari.

The demand made is for Rs 400 viz
Value of peltu grass ----- 384-4-0
Damage for trespass ----- 15-12-0
Rs 400-0-0

2. The cause of action is
stated to be that one of my subordi-
nates acting under my orders
entered on a formation (commonly
called a lanka) known as Galli Dibba
in the bed of the Krishna river and
cut and removed peltu grass growing
on Galli Dibba without the consent
of the Zamindar or his Manager.

3. It is admitted in the notice
that I acted under section 17 of

to him if he consents.

Madras Act VI of 1884 and the Plains appears to be that I am not justified under section 17 of Act VI of 1884, in entering on land belonging to the Zamindars of Dev Aracattal and cutting & removing rellu grass therefrom without the permission and against the consent of the Zamindars and in using the said rellu grass in some other part of the river.

4. It is true that I ordered the River Conservancy subdivision officer to enter on & cut and remove rellu grass on Galli Dibba under section 17 of Act VI of 1884. I also furnished the Collector with a report as required by the Act.

5. Galli Dibba was entered on & rellu grass cut and removed under the immediate supervision of P. A. Venkatarao Iyer the overseer in charge of the section in which Galli Dibba is situated.

6. The rellu grass cut & removed by me from Galli Dibba was required and utilized to prevent erosion and breach of embankments & encroachments by the stream and danger to property and possibly danger to life also.

7. My action in taking this

rellu was therefore justified under section 17 of Act VI of 1884. I had exhausted all the rellu available on Government land and was forced to take that growing on private land.

8. The quantity of rellu said to have been removed by me is as stated in the notice.

9. I had prepared a statement of compensation due to the Zamindar for rellu grass cut and removed from Galli Dibba amounting to Rs 2-7-3-3-41-10-0 = Rs 165-9-3 when I ascertained that Galli Dibba was a new formation subsequent to the making of the survey and so I delayed offering this compensation until I had ascertained whether compensation was due on grass removed from such formation.

10. I am now writing to you separately on this point. In the meantime I request you will obtain permission to deposit the suit.

11. I am unable and it would probably be only waste of time to go into greater details until I receive the Plaintiff's filed in Court.

... to him if he consents.

12. In connection with this case, I have the honor to draw your attention to this office no. 407-S.

13. I might bring a cross suit under Section 19 of act of 1884 but it is necessary that the powers of the Conservator should be tested in a court or constant disputes will arise and it will be as well to let this suit take its course.

I have &c
1/21 A. A. G. M. A. S.
Ex. Eng. Krishna Western Dn.

No 319-S
85-96.

I forward to the Chief Engineer for designation for favor of obtaining sanction to defend the suit at the cost of Government.

The matter is one of considerable importance, for it has been evident for some time past that the R. C. Act will be resisted by the owners of land in a bordering in the District.

1/51 W. L. C. B. S. S. S.
Major R. S.
Sup. Eng. II Circle

To be returned

No 216. M. dated 15 May 1896.
Deferred to the Govt. Solicitor for favor of opinion.
Sd/- J. J. Wilson
for Secy to Govt. P. W. D.

No 260 Madras, 27 May 96.

From Ernest Barclay.
Govt. Solicitor, Madras.
To
The Chief Eng. & Secy to Govt.
P. W. D. Insp. Branch.
D. O. Facsimile.

Sir,
1. With reference to your letter of 15th instant, No 216 M, in a letter, without date or number, from the Ex. Engineer, Krishna Western Dn. to the Supt. Engineer, Second circle, I beg to advise that the suit of which notice is given in the letter from Vakil C. Rungacharyulu to the Ex. Eng. should be defended. There is however nothing to be done until the suit is filed & the summons & other papers served.
2. Unless the suit be filed in Madras, which is hardly likely, I shall not be able to act for the defence, and the Govt. Pleader in the Dn. in which the suit is filed should be employed to defend same. It would be as well if the Ex. Eng. were to at once communicate with him.

... when it is possible.

121

3. ... the finger sent me

d-c.

I have to

120/ ... B ...
... ..

B
12-89 ... 29-5-96
... ..

— Forwarded to the ... Engineer
Second ... for immediate action
in connection with the local
... . Please report results
to this office for ...
... being obtained from the Government
for defending the ...

120/
... ..

Public Works (1896) Department.

CURRENT No.

111

Order

From

The Chief Engineer
... ..
No. 109K

Dated 17-7-96

Received

Enclosures

Spare copies

SUBJECT.

... for
... ..
... ..
... ..
... ..
... ..
... ..

Recd 4/56

Public Works (1896) Department.

CURRENT No. 10157

Order

From

The Supy Engineer
B. G. G. G.

No. 854 K.W.

Dated 4-7-56

Received

Enclosures

Spare copies

SUBJECT.

Letter - Requesting to
obtain sanction of
Govt for the defences
of - the place by Dava
- Kote Gendras for cutting
roads in the area in
Kashmir -

[illegible][illegible]

Subsequent action will be expedited
should a suit be filed.

5. The suit if brought will, I believe, be brought in the Court of the District Munsiff of Masulipatam.

6. The Government Pleader District Court
Mauritius does not practise in the
District Munsiff's Court but only in
the District Court. It will therefore be
necessary to engage the services of the
Govt Pleader District Munsiff's Court
in this case.

7. The Hook-pleader has however expressed his willingness to appear in the Minisiff's Court when the Case is actually being heard if the Case is Considered to be of sufficient importance.

8. I have spoken to the Collector on the subject and he recommends that if the suit is filed the Case should be placed in the hands of the Government pleader Munsiff's Court

Letter from the Executive Engineer
Kistna Western Divn to the Dy. Engg
dated 24th June 196 No. 107 S.

In reply to your n^o: $\frac{595KW}{4-6-96}$, I have the honor to inform you that I had an interview with the Government Pleader District Court, Masulipatam on the 16th Instant

2. With the assistance of the Government pleader I drafted a letter to the Manager of the Devarakota Zemindari offering him fair compensation and repudiating his other claims.

3. We must now await a reply to this letter and the filing of the suit, should plaintiff decide on doing so, unless the Chief Engineer is prepared to apply for permission to defend the suit on the information now before him, which seems to be sufficient for that purpose.

4. If permission to defend the fish is obtained

and that the services of the Government
Pleader District Court should only be
requisitioned in the event of an appeal.
9. In applying to the Collector for the services
of the Government Pleader it will therefore
be necessary that you should specify the
Government Pleader District Muzoff's
Court Masulipatam - Please obtain his
services.

№ 854 Кв
4.7.96

4. 7. 10
Forwarded to the Chief Engineer
for Irrigation with reference to memo No.
II dated 29 May 1896 for favor of permission
89 No
being obtained from Government for
defending the suit.

Wm. B. Astor Major &c.
Supt. Engineer. U. S. A.

CHIEF ENGINEER
FOR IRRIGATION.

1-10-96

No.

1797-4

The Supg Engineer
Second Circle

To The Chief Engineer
P. W. Department
For Irrigation

Dated 4th July 1896

No. 854 NW

Referent & removed on
Gall. Dibba - Suit to
be filed by Davarakhote
Zamindar in connection
with the - Requesting
to obtain sanction of
Govt. for the defence of
at Govt expense.

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