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Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1098

DATED 24th Feb. 97

[Despatch Abstract.]

Informing Mr. A. Jayaram Pillai, Municipality
village, Sivavallur Saluk, Chingleput Dt., that the Govt.
does not mean to interfere with the order passed
by the Board of Revenue in the matter of water rate
levied from him.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No.

The Hon'ble Mr. J. G. S. S.

Order mis No. 1098 of 24 Feb: 97 From Mr. S. Jayaram Pillai
Puttadur 160 Kanniputhur village

The Govt sees no reason to interfere with the orders passed by the Board of Revenue

LD 14-2-97

Dated 30-1-97.

Received 3-2-97.

Registered 4-2-97.

Enclosures 2

Spare copies

S. The Petitioner with enc. 215-26-2-97

SUBJECT.

note The pet's complaint that water rate was unjustly levied from him when he had taken no water from any govt source. Praying that the water rate of Rs 91 unjustly imposed on his lands may be remitted to him. But the pet admits that surplus drainage from the lands above flows through his fields and finds its way into Kanningappai tank. From a glance at the sketch which the pet has forwarded it is plain that he could and must have intercepted the flow, however small it might be, into

ox 2/97 20/2/97

the tank. He does not also deny that the previous cultivators took water and paid for it. The field is very favorably situated in the foreground of the tank and the peti seems to have taken advantage of its position and contends that water came into his fields quite against his will. The ponnabandy officer, the Col^l and the Board of Res have all found that the peti raised 'Samba Paddy' which requires watering at regular intervals and there is no doubt the peti must have done this. Even the Tahsildar whose reports the peti considers so favorable to him, recommends that the peti's 'dry lands' are fit for wet cultivation and that as the surplus water of Panapakam and adjacent wet fields pass over his fields, they may be transferred to wet.

The Board of Res observes that the peti's request that the land may be classed as 'manavari' (irrigated) is under the consideration of the Col^l.

It is clear that peti lands are so situated that they cannot make good water. He was charged with water for the extent covered by Samba alone, & there is no reason to suppose that the charge was not proper. The lands are apparently really wet & should be transferred to wet.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.
		The Col ^l says "an inferior kind of paddy; he says nothing about Samba"	
		D G. H.	

To,

His Excellency

The Right Honourable

The Governor in Council

Fort St. George

PETITION Chadrar.

The humble petition of M. A. Jeyaram Pillai Puttadar 160 Kunnipattur Village 173 Tiruvallur Taluq and a Government pensioner.

Most respectfully sheweth,

That the petitioner bought at the end of November 1895 a piece of punja land measuring 90 acres contained in No. 917 in the Kunnipattur Village No. 173 Tiruvallur Taluq.

Enclosures 6.

1. True extract containing ponnabandy officer's decision together with Kurnams and Tahsildars remarks. Exhibit "A".
2. True copy of Revenue Inspector's report in Tamil. Exhibit "B".
3. Estimate in Tamil signed by a member of the Agricultural College. Exhibit "C".
4. True copy of collector's order on appeal. Exhibit "D".
5. Revenue Board's resolution No. 5397. Dtd. 2nd November 1896. Original. Exhibit "E".
6. Sketch showing the position of the petitioner's land contained in No. 917 of the Village.

There were standing crops consisting of different kinds of inferior paddy and Baragu. Owing to the unusual heavy fall of rain, the fields above those belonging to him, were over flowing in January 1896, and openings were made in the Marappus (field bank) by his neighbours to drain their fields of the surplus water, which it was necessary for them to avoid before

harvesting their produce. These surplus waters found their way into the petitioner's land as there was no provision made for proper drainage of their fields. Some of the

the crops in his fields were harvested before the heavy fall of rain in December 1895 and for the others which were then nearing harvest, the drainage waters from the adjoining fields did more harm than good, of which Varagu was entirely spoiled. The petitioners' neighbours have replied that it is usual for them to receive drainage waters into their fields through cuts made by the owners of the lands just above them and that they meted out the same treatment to the petitioner, situated as his fields are below theirs.

The petitioner by way of easy reference begs to quote hereunder, the remarks made by the various officers in this case.

1. By Village officers:- Translation.

The petitioner did not intentionally divert the water going into the tank or caused open cuts to be made in the banks of the adjoining fields to irrigate his land and thus get a crop. The supply to the tank was not obstructed in any way. Vide Exhibit "A"

2. By Revenue Inspector:- Translation.

I journeyed the village in January last. I saw in person that the excess waters of the Panapakam fields which were damaging the crops on them, were drained over the petitioner's fields through open cuts. The Panapakam

tank is fed by a river channel. Even when there is a small rain fall, water largely overflows the petitioner's lands and passes on to Kaniipattur tank. It is impossible for the petitioner to stop this overflow even if he attempts to divert it. The field banks put up by the petitioner are ordinary and there are no special achookattus (high bunds) vide Exhibit "B"

3. By the Tahsildar.

From the Revenue Inspector's report received on the subject and from the Kurnami's statement it is understood that dry fields to the extent of 90 acres lie in the fore shore of Kaniipattur tank and that the surplus water of Panapakam tank which is above these fields flow over them and that there was no action of the petitioner utilizing waters to his fields. As it is clear that water was not taken by the petitioner, I do not see sufficient grounds for charging water rate. x x Vide Exhibit "A"

Notwithstanding these recorded opinions, the Deputy collector who conducted the jamabundy of the Tiruvallur Taluq charged the petitioner's lands on the 10 March 1896 with

with water rate and his reasons for so doing are stated as follows:

"The lands in question were charged last year and the petitioner states that water was taken by cultivators last year but water flowed without their efforts this year. It is likely that water would have been taken this year. The cuts, the Revenue Inspector saw up the wet fields above, might have been made for irrigation. No water is however likely to have been taken for Varagu which requires little water. Teervajasti will be charged for Samba alone." Vide Exhibit "A"

It will thus be seen that the Deputy Collector acted on his own imagination rather than upon actual facts recorded after inspection. It will also be seen from the Revenue Inspector's report (Exhibit "B") that the charge even last year was made erroneously under similar circumstances. The petitioner was not the owner of the lands last year, and he could not have taken anything to justify an assertion on his part as stated by the Deputy Collector. The Deputy Collector's presumption, that the cuts in the upper-lying wet fields might have been made for irrigation purposes, is inconsistent in itself, since in the penultimate sentence of his order quoted above, he says that no water is likely to have been taken for Varagu. These open cuts existed even above the fields cultivated with Varagu, which as he stated required very little water. If the cuts were made for irrigation purposes, the owners of

of the upperlying fields which, situated as they are at the extremity of the Paapakam tank's ayacut, generally receive a very limited supply from it, would not have been so insane as to allow water of vital importance to them to be availed of by the petitioner at their expense. The fact is that the cuts were not made for irrigation but for draining the surplus water which was injuring the existing crops of the neighbours, as already stated above.

The collector's order on appeal confirming the charge made by the Deputy Collector runs as follows:-

"The lands are classed 'dry' and not 'Manavari'. There is no allegation that there was any other source of supply than Government water, and even before January rains set in, it appears that inferior paddy had been planted in expectation of utilizing excess overflow.

It is clear from the Tahildar's report at Jamabundi that the lands hitherto depended on such excess. It is not made out that the charge was improper and I dismiss the appeal."

The Revenue Board's resolution dated 2nd November 1896 on appeal is quoted below:-

"The Board sees no reason to cancel the charge of water rate made on petitioner's lands. The crop raised was not an inferior paddy crop which might be grown on dry lands with the aid of rain water as alleged by the petitioner but Samba a five months' crop which can only be raised on land regularly watered and the collector's

6.

endorsement shows that the crop was watered not by the mere surface flow of the drainage of the wet lands higher up but by intercepting by means of high bunds the drainage washings off the lands which form a source of supply to the Kunniputtur tank.

Since the matter has gone up to the Board, it has taken a new turn. Things that were nowhere mentioned before have now been brought in. What was inferior paddy with the collector is not so with the Board with whom it was Sauba of five months' growth and as such was regularly watered. In what month account the water is shown to have been taken, the petitioner is at a loss to know. There are Saubas of from two to eight months' growth and almost all kinds of paddy with the exception perhaps of "Karu" and "Manakattai" are returned under the general term "Sauba" and the Board are well aware that inferior kinds of paddy such as "Seumbalai", "Erakkumettai", and "Vadalauba" the crops raised in the petitioner's land and shown in the account under the general term "Sauba" are as much dry crops when they are cultivated in dry lands as they are wet crops when raised in wet lands. There are hosts of dry villages cultivated with dry paddy alone and in all these cases the cultivation is made solely or with the aid of rain water and not in expectation of any water from a Government source.

The Board is also aware that in dry lands which are situated in the fore-
shore of tanks or in which there is a

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a general percolation in consequence of the proximity of wet lands, that inferior paddy alone can be raised, and not the ordinarily recognized dry crops except perhaps Varagu. The lands in question were cultivated long before January rains and in fact a portion of them had already been cut before the time when the excess water overflowed. In January there was no necessity for water as the standing crops had then reached maturity and were ready for harvest. In fact the action of the owners of the up-lying fields caused damage to the petitioner's crops as will be seen from the out turn recorded by a member of the Agricultural College, Saidapet who inspected the crops and made the estimate in January with the permission of the Principal of the college. Vide exhibit "C" from which it will be seen that the out turn from two acres in the 1st case, was 22 Merkals of 'Erakkumettai' and 'Seumbalai' together of which 11 Merkals fell to the share of the petitioner who obtained only 2 merkals from the $1\frac{1}{2}$ acres in the 2nd case. The whole extent shown in the exhibit is $5\frac{1}{4}$ acres which yielded to the owner 27 merkals in all while the assessment including the prohibitory charge amounted to Rs 28. The Market value of the 27 merkals at the time of the harvest was only about Rs 9-8-0.

There are no bunds worth the name in the petitioner's lands. Only ordinary Varappus exist

There still
remain 28
acres

vide Revenue Inspector's report Exhibit "B". These barrages of about 6 inches high which only the portion on which inferior paddy crop is raised contains, are not such as to cut off or tend to cut off the supply to the Government tank thereby causing injury to other ryots. It might be remembered that cases in which the bunds were 2 feet high were treated by the Board and Government to be insufficient to justify a charge of water rate. If the bunds in the petitioner's land were so high as to intercept the drainage washings of the lands which form a source of supply to the Kanniputtur tank, the ryots would not have been quiet without making hitherto complaints against the petitioner. The tank has got its own well defined water courses as will be seen from the accompanying sketch through which it receives its supply. The Tahsildar inspected the land in person on the 20th December 1896 and was satisfied that there were no high bunds on it.

In these circumstances the humble petitioner most respectfully begs to request that a more impartial enquiry into the case may be instituted and justice done to him by remitting the water rate of Rs 91 unjustly imposed on his land, for which act of justice, the petitioner will, as in duty bound, ever feel thankful.

The petitioner begs to subscribe himself

M. S. Jayaram Pillai

Puttadar, Kanniputtur Village

Via Pudukkottai

Residing at 21, Kariappah Mada Street
Madras.

Madras

5 January 1897

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When signed _____

189

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189

DATED

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DEBTS

PAPERS NOT FILLED UP, BEING WANT FOR DISPATCH
IN ORIGINAL.

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