Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1156

DATED 27th Feby

[Despatch Abstract.]

Recording Progs. 1-10. Departt. authorizing the defence, at the public expense, of the Suit to be instituted by the Ryots of Mogalarevupuram, Kistna Western Division, for compensation for land occupied by the Public Works Departt. for river conservancy purposes.

BACK PAPERS.

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

FURTHER PAPERS.

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

IRRIGATION.
ESTABLISHMENT.

Government {1897} of Madras.

PUBLIC WORKS.

29 FEB 97

Recd. } 1897. *Enclosures*

Regd. } *Spare copies* 6

G.O., No. 141 I, 12th February 1897.

G.O. No. 1156 dt. 27 July 97
Recorded.

FEBRUARY.

Lit A. 25/2/97
9 copy to Board Rs.
7 — — Lr.
24/2/97

Approved.

Suit

Authorizing the defence, at the public expense, of the — to be instituted by the ryots of Mogalrajapuram, Kistna Western Division, for compensation for land occupied by the Public Works Department for river conservancy purposes.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.
Establishment.

Read—the following papers:—

From W. C. LEWIS, Esq., Executive Engineer, Kistna Western Division, to the Superintending Engineer, II Circle, dated 12th December 1896, No. 396 S.

I have the honour to forward herewith copy of Telugu notice of action by ryots of Mogalrajapuram with English translation in regard to land occupied for river conservancy purposes, and to request that you will be so good as to obtain sanction of Government to defend the suit.

2. Mr. Malet's No. 1756 M., dated 26th February 1896, to the Head Assistant Collector, Kistna, on this subject, copy of which is enclosed, will show the lines on which he intended to defend the suit, and having inspected the ground, I quite agree with him.

3. When copy of the tracing referred to has been received, it will be forwarded with a further report.

Enclosures.

To the Executive Engineer, Kistna Western Division.

Notice given by the undersigned ryots of Mogalrajapuram, Bezwada taluk, under section 424 of the Civil Procedure Code.

Without our knowledge the Public Works Department officers have planted nanel by occupying 3·25 acres of land belonging to us in Serilanka of Kistna, in Mogalrajapuram; that, on our previous representations through petitions in regard to the occupation of the land and in regard to the loss of crop thereon, the overseer measured the land and reported that 3·25 acres of land has been occupied; that we have put in petitions to give us land in exchange double in extent of Public Works Department poramboke, being accretions newly formed which adjoin the said lanka, or to give us equitable compensation.

No land in exchange nor compensation has been granted, therefore we give this as a notice that we intend to file a suit in Civil Court for value of land and compensation for loss of produce, if from date of this notice the records connected with this lanka are not perused and final orders given within the time prescribed in section 424 of the Civil Procedure Code.

(Signed) Gadlamudi Venkata Narasiah.

Copy of this office No. 1711 M., dated 20th February 1896, to the Head Assistant Collector, Kistna.

In reply to petition forwarded with your No. 270-camp, dated 6th November 1895, herewith returned, I have the honour to enclose a tracing in which the land in question is coloured lake. The land adjoins Divisions Nos. 116, 115, 114 and 111 and aggregates about 3·29 acres (excluding Division No. 115). It forms the slope of the river bank, and as far as I can gather this sloping portion on which I have planted nanel grass has not been cultivated by petitioners. Divisions Nos. 116, 114 and 111 are patta land. Division No. 115 is Government waste.

I have entered on this land and planted nanel under section 17 of Act VI of 1884, and my action has not caused any loss to petitioners.

Their claims will be respected, and if the land belongs and continues to belong to them, it will be handed back to them as soon as the River Conservator considers it to be in a fit state for permanent occupation.

No compensation is due to petitioners.

No. 270-camp of 1895.

Returned.

From the report I understand that the ground planted with grass, whether or no it is slope, and whether or no it is cultivated, has been entered on by the Public Works Department and is patta land. Under these circumstances it seems to me that it must be acquired; the value of the land may be made, that however, is a matter for subsequent settlement.

21st February 1896. (Signed) F. D. OLDFIELD,
Ag. Head Assistant Collector.

From W. C. LEWIS, Esq., Executive Engineer, Kistna Western Division, to the Head Assistant Collector of Kistna, dated 26th February 1896, No. 1576 M.

I consider (as River Conservator) that I am at liberty to enter on patta land under section 17 of Act VI of 1884, without being obliged to acquire the land.

This case is part of my general action for conserving the river, with regard to which I have already reported to the Collector as required by section 17 of the Act.

In this case I consider no compensation is claimable by petitioners on account of my action, and so I have not offered any.

It remains with petitioners to prefer a claim for compensation should they consider themselves entitled to any.

I have so many similar cases in the river that I shall be glad of a test case, and if petitioners bring a suit against me, I will apply to Government for permission to defend it. They must, of course, proceed in accordance with Act VI of 1884.

No. 2752 K.W.

Forwarded to the Chief Engineer for Irrigation for favour of obtaining the sanction of Government to defend the suit at the public expense.

4th January 1897. (Signed) L. L. WICKHAM,
for Suptg. Engr., II Circle.

To the Government Solicitor, Madras, dated 14th January 1897, No. 19 M.
From the Government Solicitor, Madras, dated 20th January 1897, No. 31.
From the Superintending Engineer, II Circle, dated 31st January 1897, No. 3075 K.W.

Order—No. 141 I., dated 12th February 1897.

The defence of the suit is authorized at the public expense and the result will 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.

Exd. Shaik Karim.

When given for copying _____
When copied _____ } 189 .
When examined _____
When signed _____

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT								
STATEMENT WITH DITTO								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—

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