

CONFIDENTIAL.

G.O., No. 1482 Mis

Confidential No. 919.

DATED 18th March 1897

[Despatch Abstract.]

Passing orders on D.O. regarding the water rate suit filed
by the Zemindar of Devan Kote at the Sub Court, Manipal.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
10.	2683	Rev.	6-7-95.				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3754/97						
	1976	Rev.	13-4-97				

Revenue (1897) Department.

CURRENT No. 2231



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

From

The Board of Revenue
Rev. Secy. Land Record and
Agriculture, Chennai
No. 1820 Div.

Order no.

H. E. the Governor in Council
is pleased to sanction public
expense the defence of the suit
brought by the Challepalli Zaminदार
in the Sule Court at Masulipatam
for the recovery of the penal water
rate levied from him.

Dated 11th March 1897

Received 11th

Registered 12th

Enclosures 8.

Spare copies

Ordered that the following
telegram be despatched to the
Colls of Kistna:-

'Defend Challepalli Zaminदार
suit regarding penal water
rate'

To The Board of Revenue (R.S.)
with encs
" Colls of Kistna

note and 12/3/97

SUBJECT.

Submitting for the
orders of Government
letter from the Collector
of Kistna requesting
to sanction the defence
of a civil suit regarding
water-rate filed by the
Zaminदार of Challepalli
at public cost.

Note: The facts of the case are clearly given by the Board of Revenue. The case is posted for hearing to the 20 instant. The current has not been marked & nor has it been put in ^{an} urgent pad.

BACK PAPERS.

G.O.	No.	Department.	Date.
"	2683		6-7-95
	when 23-10-96		
	4408		7-11-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

(Sett. 24-2,000-29-10-96)



Proceeding of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture.)

Dated 11th March — 1897.

No. 1820 His.

READ

Letters from the Collector of Kistna, dated 23rd February 1897 and 28th February 1897, Ref on C No. 6164^{Ver} of 1896 and.

Resolution

Submitted to Government, with the request that the defence of the suit may be sanctioned.

2. The facts of the case are stated fully in the Collector's letter. The Zemindar of Devarakota was one of those who during the water-strike agitation in 1895 relinquished water in respect of his home farm lands. He subsequently applied both to the Tahsildar of Bandar and the Collector, under date the 26th June 1895, for permission to withdraw

1895

and
15/3/77

the relinquishment applications and to take water for the irrigation of his wet lands. The Tahsildar appears to have written back to say that the relinquishments already filed could not be withdrawn but that the collector had issued orders to the effect that if the relinquishers desired again to irrigate their lands, they might do so after notifying their intention, and that only single water rate would be charged. The collector states that the order quoted by the Tahsildar was intended for ryots other than agitators. The Zemindar's application to the collector was disposed of by that officer's endorsement dated 7th July 1895, which was to the effect that the collector had now power either to permit the withdrawal of water-relinquishments or to extend the time for presenting applications for water; interference, however, would be the authorities if the take water, but that

asd
15/3/97

that if he took water, the charge for irrigation would be at the discretion of the collector. This is the B form endorsement approved in G.O. No. 2683 Mis. Revenue dated 6th July 1895, and the circumstances under which that form of endorsement was given in certain cases, are fully known to government. It is stated that the endorsement was despatched from the collector's office on 12th July 1895, received by the Tahsildar on 14th July and despatched by him to the Zemindar on the 18th idem.

3. In accordance with this endorsement, the Zemindar was charged penal (double) water rate by the jamabandi officer, and that officer's orders were confirmed by the collector on appeal. Against the collector's order, the Zemindar appealed to the Board, which, after obtaining the collector's report dated 23rd February 1897, passed

Proceedings

Note
given
is for
the
not

Proceedings declining to interfere on the
Zemindar's behalf (vide Board's Proceed-
ings, 1823-24: dated 11th March 1887).

4. The Zemindar has, since submitting
his appeal to the Board, filed a suit
in the Sub-Court at Masulipatam against
the levy of water-rate and the collector
Requests sanction for the defence of the
suit at public expense.

5. The Board considers that in the cir-
cumstances, the collector's request
may be sanctioned. The collector
points out that double water-rate
was charged in respect of four classes
of cases, in three of which the Zemindar
is clearly liable to the penal charge. The
only doubtful case is the one in which
the Zemindar took water in respect
of lands which were registered as wet
in 1304 and for which, after first
relinquishing irrigation, he applied for water
and took it notwithstanding that he
received the B. form endorsement above
referred to. The Board considers that
if, as stated by the collector, most of the
lands were irrigated only in August and
in subsequent months, while the
collector's endorsement was despatched
to him by the Tahsildar on the 18th
July, the Zemindar must have known the
conditions under which he took water;
that in these circumstances the Zamindari officers
discretion in the matter of the water-
rate

- rate charge need not be interfered
with and the defence of the suit
brought by the Zemindar may
be sanctioned. The Board
suggests that the following
may be added at the end
of para 7 of the draft written
statement submitted by the
collector.

"Rule V clearly applies
to the first three classes of
cases specified in para 5.
As regards the land included
in the fourth class, the
plaintiff's contention that
he reapplied for water before
his relinquishment appli-
cations had been accepted
is untenable, as the rule
does not require that
such

Such applications should
have been accepted or admitted
to justify ^{penal} ~~penal~~ charges.
It is sufficient that irrigation
was relinquished and water
was taken after the Zamindar
received the Collector's order
which clearly stated that the
charge for irrigation would
be at his discretion. Even if
the Zamindar took water
before he received the Collector's
endorsement, he would still
be liable to double water rate
under rule V, which declares
that such penal rate is
leviable, if water is taken
before a formal application
for water has been made
by the ryot concerned and
accepted by the Tahsildar.

The Board presumes that the
Tahsildar's reply to the Zamindar
on his agent, dated 29th June 1875
referred to in para 2 of the
Collector's letter was not equi-
valent to an acceptance of
the Zamindar's application
for water. The Zamindar
makes no mention of this
letter of the Tahsildar either
in his appeal petition to the
Board or in the plaint filed
by him in the Sub Court; and
even if the Tahsildar's letter
were construed into an accept-
ance of an application for
irrigation, it cannot help the
Zamindar, as the Collector's
endorsement of a later date
must be held to have cancelled
the Tahsildar's order.

~~(Due Extract)~~

Para 6.

~~For the Secretary to Government Secretary~~
~~Revenue Department with 3 copies.~~

6.

Very early orders are requested
for hearing on
as the suit is posted ~~to~~ the 20th Instant
(True extract)

R. B. Shrivastava
Secretary

Recd Sept
The Secretary to Govt, with enclosures and
the Collector's ² Letters Ref. 6164 & 2304284 Dtd 18/7/95
are
to be returned

Encl
4/8/95

Humble M. Fox etc. REVENUE DEPARTMENT.

No.

From

The suit is filed for the
20th inst.

C. 22 M

Dated

189

FOR ORDERS.

Please see the classification of the various cases in which water has been taken - ~~note~~ page of Coler's letter flagged. - For the first three classes there is no objection to defending the suit. Class (4), it is submitted, falls into a different category. The Zamindar applied to the Sd/- on the 26th June 1895 for water, with drawing his relinquishment. Pet^r, & made a similar application to the Collector on the 29th inst. Now the notes in G.O. no 2683 Rev. dt 6-7-95 (filed B) show clearly that Govt intended to give every one - even the most abandoned of agitators - time to "repent" up to the 20th July; & the Collector's reason for punishing the Zamindar in this case is that he was a leading agitator. In these circumstances it is for

consideration whether the following telegram shd not be despatched.

FOR ORDERS.

to the Collector.

More for adjournment Devarakota Zamindar's water-rate suit. Govt accepts ~~agrees~~ considers land falling under fourth class. specified in para 3 of your letter 23rd February to Board shld. not have been penally charged.

LD
16.3.97

See 4

~~The Govt observes that G.O. no. 2683 Rev. of 6-7-95 was intended to allow all persons concerned, whether holders of the agitation against the enhancement of the water rate or not, an opportunity of reconsidering themselves. All applications for leave to withdraw or relinquish must petitions shd. have been disposed of by order of the Govt.~~

Govt will have the draft tomorrow

LD
16.3.97

Recd 16/3/97

Issue 65
LD
16.3.97

LD
16/3/97

See 4

P.O. 2271 of 1897
18 March 1897 No. 1482 Mies

The Govt observes that when P.O. no. 2683 Rev. of 6-7-95 was issued it was not intended to exclude agitators responsible for misleading the mass of the ryots from the concession granted to individuals who put in petitions before the 20th July 1895 asking for leave to withdraw ~~application~~ relinquishment applications. - The Collector shd. therefore have given the Zamindar the more favourable endorsement in reply to his petition of the 29th June & shd. not have charged him penal rates in respect of water taken for ^{the} lands registered as wet in Sale 1804, which ~~the~~ petition formed the subject of his fresh application for water. - The penal charges levied thereon shd. now be refunded & the written statement of defence amended accordingly. The imposition of penal rates with regard to the three classes of land specified in para 3 of the Collector's letter of the 23rd February 1897 meets with the approval of Govt. & shd.

be justified in the manner proposed
The following telegram ^{has} been
despatched to the Col.

"More for adjournment Dera Ghote
Zamindari water rate suit. To
consider land falling under fourth
class specified in para 3 of
letter 28th February to Board
shes. not been been heavily
charged"

for 17/8/87
The Board of R 900 with each ret
The Col. of R 900
17/8/87

Copy sent to Press.

ed for Signature.

tched.

MAIN G.O., No.

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