# Revenue (189/) Department.

ROUTINE SERIES.

G.O., No. 2217

DATED 1st Dec

[Despatch Abstract.]

Requesting the Collector of Nuntapur to forward certain records connected with the petition from one Krishna Row, furnished Zilla Magte., Nuntapur.

5-4-6 Proc IX 2187

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| Cl† | 457/98 - | | | | | | |
| | 1432 | | 23.12.98 | | | | |

# Revenue (1897) Department.

**CURRENT No.** 9717

Note: The petitioner forwarded translations of documents in the original petition. Translations have been prepared in the Survey Office and are herewith. 29/11/97.

*From* H. A. Sim Esq. I.C.S.
Ag. Private Secretary to
H.E. the Governor.

*Order*

No.

*Dated* 4th November '97

*Received* 11th

*Registered* 12th

*Enclosures* 28.

*Spare copies*

## SUBJECT.

Transfers a petition dt 28th October '97 from A.D. Kristalow contained sub haste. Annotations praying that a certain piece of land may be included in his grant &c.

(Papers)

Replied vide Trans 13/11

Approach Secretary

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
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| | 825 | | |
| | 15-7-95 | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
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# PETITION

0274

REVENUE DEPT.

To

His Excellency

The Right Honorable

## The Governor of Fort St. George.

May it Please Your Excellency.

*The humble memorial of* Desai Krista Row, *of Anantapur in the Anantapur Taluk, Anantapur District.*

Most Respectfully Showeth,

The following fields were on the 20th Sept. 1804 granted as free inam to the memorialist's grand-father by the Honorable His Excellency the Governor Major Munro in the village of Bekkacherla Anantapur Taluk, Anantapur District.

| | | Extent | *a* | Kuntas. | |
|---|---|---|---|---|---|
| Wet under Nala No. | | | | | The name of the irrigation source |
| „ | 16 | | „ | 36-0 | I. |
| „ | 17 | | 4 | 36-0 | being Pedda Kalva *alias* Desayula Kalva. |
| „ | 20 | | 8 | 2 | |
| „ | 23 | | 4 | 25-0 | |
| „ | 21 | | 9 | 25-0 | |
| | | | 28 | 4 0 | |
| „ | 29 | | 2 | 17 8 | II. |
| „ | 33 | | 3 | 1 8 | Paramatamittu Bhavi. |
| | | | 33 | 23 0 | |
| Dry | „ | 89 | 16 | 29 1 | III. ~~II.~~ |
| | | | 50 | 12 1 | Godagala Kunta. |

This extent as well as the several irrigation sources have since then been in the undisturbed possession and enjoyment of the memorialist's family. The extents covered by the irrigation sources were not measured in the Pimash and no assessment is fixed thereon except the spring head which was called Talapara Bhavi in Pimash and measures 8 kuntas and it has been set apart as Peramboke (*vide* Enclosure No. 18). They have all along been enjoyed as part and parcel of the inam. But in the recent survey the last two sources (II. III.) were included in the memorialist's inam and the former (I. channal.) was demarcated separately and classed under Peramboke. To this the memorialist objected as prejudicial to his long standing rights of 94 years and petitioned the settlement commissioner with a request to include the extent in the memorialist's inam. That officer held an inquiry and found that the Nala was a private one, but could not include the same in the inam for a portion of it was already granted to the memorialist on ryotwari patta and he therefore gave an endorsement to the memorialist to obtain the remaining extent also on Dharkast on 16th December 1895 (*vide* Enclosure No. 4). The memorialist accordingly applied to the Collector, who refused to grant. On appeal the Revenue Board declined to interfere (Enclosure 1, 2 and 3.)

Hence this memorial.

The Collector's reasons for not granting patta are not known to the memorialist, for a copy thereof was refused to him even on application. If he had known those reasons he would have been in a position to meet his objections with documentary evidences. Nevertheless the memorialist would respectfully beg to state the grounds as follows:—

(1) Before the grant of the inam to the memorialist's grand-father and at the time of Pimash in 1802, the Nala was in utter ruins and its ayacutt was then being irrigated by wells as is clearly shown by the Tarwar accounts prepared in 1803.

(2) After the grant of inam to the memorialist's grand-father the Nala was brought to its ~~primitive~~ state at a great cost of 7 or 8 hundred rupees. And it has been undergoing a repair ~~for~~ every year at 60 or 75 Rs. Not a pie of Government money was ever spent on the work. Under ~~an~~ act of 1865, memorialist ventures to think that Government have no claims to such works. The Pedda Kalva has always been named Desayi Kalva and is so recorded in Government accounts such as irrigation accounts annually prepared and register of irrigation sources prepared from time to time. (Enclosure Nos. 5 and 6.)

(3) In 1863 some ryots put a dam across the Nala and took water to their fields, but the then Sub-Collector and Joint Magistrate decided that the ryots should not do so and those who nevertheless did so subsequently were convicted by Taluk Magistrate (*vide* Enclosure Nos. 7, 8 & 9).

(4) The tenants of the memorialists have executed leases to him on condition that they do not allow water of the Nala to any others without the permission of the memorialist (Enclosure 10 to 14).

(5) When the Nala water was with the permission of the memorialist used to second crop on Government land in Fasli in 1297 & 1302, the Jamabandi officers, one of whom was Mr. F. A. Nicholson the then Collector, after due enquiry remitted Fasaljasti on the ground that water of the Inam Nala was used (Enclosure 15 & 16.)

(6) In Fasli 1303 Fasaljasti was in spite of the above orders charged by the Collector Mr. K. C. Manavedan Raja and the Board on appeal remitted it (*vide* B. D.'s Proceedings No. $\frac{1402}{30\text{-}5\text{-}95}$ and $\frac{2694}{28\text{-}5\text{-}95}$) and the Collector's report in connection with it. (Enclosure No. 17.)

(7) The most important part of the Nala, *i.e.*, the part which contains the spring head and a portion of the Nala has been in the Patta of the memorialist for the last 35 years and the existence of such a patta is sufficient to outweigh all objections to grant away the other insignificant portion. Further, the grass, the trees, leaves, etc., growing on the other portions of the Nala have all along been in the enjoyment of the memorialist for upwards of 94 years. According to the limitation act 60 years' undisputed enjoyment is sufficient to establish a right in the case of immoveable property and the Collector appears to have lost sight of this fact which affords a cause for civil action.



(8) Further in G. O. No. $\frac{825}{15\text{-}7\text{-}85}$ R. D. Government has ruled that Pattas might be granted for irrigation sources such as wells, where the exclusive right to the water thereof belongs to private person and that if he refuses to take Patta it should be put to Dharkast. This principle is clear and should have been applied to the memorialist's case as the exclusive right to the water of the channel is vested in him. The channel flows from a spring head, which is for all the practical purposes a well.

(9) Some small inams are entered in the accounts as depending on the Nala. Their extent is 1-30-2 of which 0-29-4 is owned by the memorialist and the rest 1-0-14 is held by 4 persons. These have deposed that they are only entitled to surplus water flowing over the memorialist's lands and that they have no objection to the grant of patta. Please *vide* copies of their depositions enclosed (Exhibit No. 19 and 22). Some circar lands are said to be dependent on the Nala. The owners of these circar lands have also deposed that they have no right to the Nala water and that their lands are irrigated directly by the tank, *vide* also the deposition (Exhibit No. 23, 24 and 25). By classing as Peramboke an extent which has been 94 years in the enjoyment of the memorialist, he fears that his rights will be infringed and that he will be compelled to fight out his right. If by such action his rights are not infringed, the memorialist does not mind taking the extent as Patta and there will be no cause of action.

(10) The memorialist humbly prays that a perusal of the permanent Collector, Mr. Nicholson's report to the Board of Revenue Department $\frac{1179}{5\text{-}4\text{-}95}$ and the records of the Settlement Department (including Tahsildar's Deputy Collector's, Taramdar's and Supervisor's reports in connection therewith) on the subjects will undoubtedly prove favourable to the memorialist. Copies of these documents were refused to be granted to the memorialist and they will have to be sent for or orders issued to the Department concerned to grant the required copies and enable the memorialist to obtain and submit them.

In conclusion, he humbly prays that His Excellency the Governor-in-Council be pleased to include the land in question in his Inam or to grant Patta or to declare that the memorialist's rights will not be infringed by including the same under Peramboke.

His Excellency's most humble and
Obedient servant,
A. D. KRISTA ROW,
*Pensioned, Sub-Magistrate.*

25-10-97
Anantapoor

C no. 9717 of 97

L. O. (Rev) No. 22170 / 1st Dec 97.

The Collector of Anantapur is requested to forward the records referred to in para 1 of his letter of 19. February 1897 Ref on C.No. 233, to the Board of Rev (L.R.).

Lrib.

To The Collector of Anantapur.
dd. 3-12-97

Note. In the concluding para of the above letter, the Collector invites the special attention of the Board to the Head Quarters by Collector's report contained in Collector's No. 37093 5.10.96, which he is now asked to forward. is one of the papers

CR.
30 Nov. 97

29.11.97

S-46 Appendix 1852