

305 P. 13-9-97
410 P. 13-1-97

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2707

DATED 27th May

[Despatch Abstract.]

Reference to the 18th of Rev. for no part to be taken from Haripur Hindia in Camille and to praying to cancel the classification of certain lands in the original grant as for sale & include them in his pottah.

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. 2907

From

K. Venkatabrishna Iyer,
Ryot of Komaralingam Village,
Adumulpet taluk,
No. Coimbatore Dt.

Order

Dated 20th March 1897

Received 2.4.97

Registered

Enclosures

Spare copies

SUBJECT.

Praying to cancel the
classification of certain lands
in the original grant as
Porembake and include them
in his puttah.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

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0/	257		

Petn from K. Venkatakrishnaiah C No 2907 of 1897
Coimbatore Dist.

For orders.

Secy.

1. The office note is premature
2. The petition is a long one

containing several requests, in
regard to lands which were
given in 63 to petn-ancestors
on condition that they repaired
the tank in the neighbourhood of which
the lands were. The matter
needs local knowledge & hence
the draft order at an end
to the Secy for report. The previous
correspondence has been with
Govt and so the petn has
not been referred to the
Petn Rules

22/5/97

11/7/97

In 1863, the petn's
father, Kanigera Krishna Aiyar,
and another individual ap-
plied to the Collector of Coim-
batore for permission to re-
pair the ruined tank of
Ramasaundra in Komarali-
gum village, Udumulpet Taluk,
to excavate a supply channel
from the Rallapuram Channel,
and to bring under cultivation
all the lands lying ^{under} the
tank. The original applica-
tion is reported to be not
forthcoming in the records of
the Collector's office. From
the unauthenticated copy
submitted by the petitioner,
it appears that the appli-
cants asked for the assign-
ment to them of ^{475 bhallas} all the
lands under the Ramasaun-
dra tank. Comprised in
paimash 10482, with the
exception of 83 3/4 bhallas which
were held on putta by one
Muthappaiah & others, that

they offered to pay 2 Rs an acre on wet Cultivation and 2 Rs per bullah on dry Cultivation, and that they also requested that 100 bullahs of rocky land ^{in the block, which was} unfit for Cultivation might be granted free of assessment.

The then Collector, Mr Grant, thereupon addressed the Board of Revenue, his letter being in the following terms:—

"I beg to propose with the Board's sanction that they be allowed to repair the tank and hold the lands (all punjah) on the following terms viz, so much of the land as may be watered and brought under wet Cultivation to pay Rs 2-8- per acre and the remainder to be assessed at the original punjah rate viz 9 annas 10 pice per acre. My reason for ~~as the~~ making this suggestion is that although Rs 10,000 will be required to carry out the necessary

"Necessary repairs, a portion of the old work is still in existence, and petitioners will have the benefit of the same. The total estimated extent of land lying waste under the tank (all punjah) is about 475 bullahs or 1,815 acres; of which 100 bullahs are said to be rocky and useless, the remainder fit for Cultivation is 375 bullahs or 1,433 acres. About 400 acres of this extent are ~~for~~ said to be fit for wet Cultivation and the remainder for dry Cultivation.

3. One of the present applicants stated verbally on his own account and on behalf of his Co-partner.

1st that they will complete the works in four years.

2ndly that they will pay Rupees 2.8.0 per acre on such portion of the land as may be brought under wet Cultivation in each year within the term of four years.

3rdly

3rdly. That they will pay after the expiration of four years at Rs 2.8.0 per acre for the 400 acres whether the actual wet Cultivation has or has not reached that standard; all wet Cultivation in excess of the 400 acres being charged at the rate of Rs 2.8.0 per acre.

4thly. That with the exception of lands brought under wet Cultivation and the rocky and useless land about 100 bhallas in extent they will pay the original Punjab assessment of Rs 18.00 per Anas and 10 pice per Acre on all the remaining land from fasli 1271.

On this letter the Board of Revenue passed a proceedings (no 5878 of 16.9.63) authorizing the Collector to make over the ruined tank and to the applicants and to levy the rates proposed by him on

on wet and dry Cultivation. The question now raised by the petitioners has reference to the intention of the Collector ~~after~~ ^{Board of Revenue who support} ^{put in by the petitioner's father in 1863} ~~ed the application and of the~~ Board of Revenue which sanctioned it, ^{as} ~~and~~ will be ^{seen} ~~discussed~~ below.

The petitioner's father who undertook to excavate a supply channel to his tank from the Kallapuram Channel and also agreed to have the head of his channel closed during the dry months found it impossible to adhere to the original design and dug a channel direct from the river Amravati above the Kallapuram anicut. This was however, eventually acquiesced in by the Revenue Authorities, and in the litigation that ensued between the ryots under the Kallapuram anicut and the petitioner, the Govt admitted the right of the petitioner's father to an interrupted

19/10/63 10/11/63

use of water from the river, Anuravati thro' his private channel.

In 1891, the Hon^{ble} Mr. Sturrock then Collector of the District, pointed out that it would be unfair in the interests of the Ryots under the various Anuravati channels, to allow the petitioner to go on extending his wet cultivation indefinitely, and after full discussion, the Govt, in its order No 1418/10.2.93, accepted the Board's recommendation that to allow the petitioner as much water as might be necessary for irrigating the whole Ayacut of the Ramasamudra Tank, less the area 'unfit for cultivation', provided the cost of the head-slices of the channel which it was proposed to construct, was borne by the petitioner. The extent of the irrigable area to which the pet^r was entitled under the grant of 1803, was

in accordance with this decision fixed by Govt at 1450.70 acres as shown below:- Out of 1837.56 acres which appeared to be the Survey area of the 475 bhallahs mentioned in the grant of 1803, 386.86 acres were deducted, as being the proportionate Survey area of the 100 bhallahs which were mentioned as rocky and useless, and the remainder is 1450.70 acres was declared to be the area which the pet^r could bring under wet cultivation under the tank. Subsequently, however, as it was reported that the Survey area of the whole block was 1987.50 acres, and the extent of the pet^r's irrigable lands was accordingly corrected into 1569.08 acres. In February 1894, the pet^r addressed a petition to Govt, in which he referred to ^{two} other petitions which he said he had presented to the Head Board^g Collector & to the ~~Collector~~ ^{Boardg. Collector} regarding the actual extent of the lands covered by the grant.

of 1863. and also the right of
the petr to an adequate
supply of water to his channel.

In these petitions, the petr
alleged that the block of
lands granted to his father
^{Covered} ~~comprised~~ 2033.57 acres,
that out of this extent, however,
lands had been unjustly ex-
cluded, some, as having been
classified as poramboke at
the time of the settlement,
~~other~~ and some, as having been
held on putta by a few private
individuals in 1863, that
under the terms of the grant,
however, he was entitled to
hold all the Cultivable area
namely 1847.56 acres on payment
of the rates sanctioned in 1863,
& the uncultivable area, ^{namely} 186.01
acres which was classed as
poramboke at the time of the
Survey in 1878, free of assess-
ment. He further urged
that he was entitled to
bring under soil cultivation
all such portions within the
Cultivable area, as could be
irrigated and to have a

x 1847.56 acres Cultivable
x 186.01 .. uncultivable
2033.57

a sluice constructed at the
head of his channel at his
own cost to provide water
for the entire irrigable area.
In his petition to Govt, however,
he said that he had no
objection to have the total
irrigable area restricted to
1589.08 acres as ~~from~~ decided
by Govt; but he requested
that the extent of the lands
covered by the grant of 1863
~~area~~ might be declared to
be 2033.57 acres, and after
urging the necessity for the
construction of a head sluice
to his channel so as to afford
an adequate supply for the
entire irrigable area, concluded
by saying that the seven
prayers mentioned in para
49 of his petition to the
Board of Revenue might be
granted.

The orders passed on this
petition ~~was~~ are contained
in G.O. No 1096 dated 13.3.94.
It would appear that the question
as to what was the actual extent
of the lands covered by the

the grant of 1863 was not specifically raised and decided as requested by the petr. The G.O. quoted was confined to the ^{determination of} the total irrigable area, the petr's alleged right to a full supply from the channel & the construction of the head sluices.

The petr therefore now comes up to Govt, ~~again~~ ^{He} has evidently been driven to raise the question as to what was the extent of the grant of 1863, ^{as} the Govt ^{has} ~~having~~ in its order of 1788 of 4.5.94. accepted the Board's recommendation to impose a prohibitory assessment on ~~the~~ the irrigation of lands outside the limits of the grant of 1863, even though the ~~maximum~~ ^{irrigable} area of 1569.08 acres might not be exceeded, total area irrigated might not exceed the maximum limit of 1569.08 acres fixed in B.P. No 4778 of 31/1/94.

1/2 of Govt? = = =

1/2 of Govt? = = =

It appears that Paimash No 482 under the Ramasa. Mudram Tank was sub. divided at settlement into a number of survey fields.

256.46 acres were classed as poramboke but of this extent, 70.53 acres, ^{which was} ~~having been~~ found to be cultivable, was subsequently included in the petr's putta; 134.89 acres were entered as tank-poramboke; 46.7 acres were entered as the private holding of Ramien Angama Naicken & Tirumana-hen; & 25.30 acres were classed as the putta holding of Muthappien.

The present petition refers to the above lands, all of which appear to have been treated as lying outside the limits of the original grant of 1863 and therefore liable to penal assessment if irrigated. The petr contends that

that all the lands in Paimash
No 482 with the exception
of the 8 $\frac{3}{4}$ bullahs or 25.30
acres held on putta by
Muthappien were granted
to him in 1863, that the
Settlement Department
had ~~not~~ erroneously
classed 256.46 acres as
Circular waste, 134.89 acres
as tank-poramboke and
46.7 acres as the private
holding of certain individuals.
In support of this contention,
the petr quotes among
other things the opinion
expressed by Govt in
its order No 5306 of
15.9.88, that it is dis-
posed to think that the
whole of Paimash No
482 ~~with~~ both Cultiv-
able and uncultivable
with the exception of
the portion held by
Muthappien was granted
to the petr's father in
1863. This was based
on the note of the then
Secretary Mr Gallon,

Copy of

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Q. quoted in the order of 15.9.88

Gallon, who observed as follows:—

"In the first place, the intention of the Collector, Mr Grant, in supporting the application of the petr's father in 1863 for the whole of Pymash No 482 (which comprised the field 1125 ^{now in dispute}) appears to have been to grant the whole of the Cultivable portion on the terms offered. The applicant distinctly asked that the land which was rocky and unfit for ^{about 100 bullahs in extent} cultivation might be granted free of assessment. Mr Grant does not expressly notice this point but I think the tenor of his letter goes to show that he meant the whole block of 475 bullahs or 1815 acres to be made over, assess-
ment being levied only on so much as was fit for cultivation. In taking up so large an extent, it was natural that the

the applicant should wish to have the whole block assigned in order that outsiders might not come in and acquire some of the rocky bits interspersed here and there for the purpose of annoyance....

The petitioner now requests that the 186.01 acres which are still left as Gunt Poramboke & the 734.89 acres which were classed as tank-poramboke may be included in his putta, and that if necessary, the ordinary dry assessment or any reasonable low rate of assessment may be levied on them.

With regard to the 46.07 acres which are treated as lying outside the limits of the grant, on the ground that the area was entered at settlement as the private holding of a few individuals, the petitioner adduces grounds

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in paras 16 to 20 of the ^{his} petition to show that ~~they were~~ it formed part of the grant of 1863, and he asks for a declaration from Govt to that effect, so that for the irrigation of these lands he may not be charged with prohibitory assessment under G.O. No 1788 of 4.5.94. With reference to the 25.30 acres which were originally held on putta by Muthap. pien sothens, & which is admittedly outside the limits of the grant, the petitioner asks that he may be permitted to cultivate the extent with wet crops on payment of the ordinary wet rate. He urges that these lands as well as the 46.07 acres above referred to are unfit for ~~any~~ ^{dry} cultivation, and that out of the lands included in the irrigable ^{of 1569.08 acres} area fixed by Govt, there are 200 acres unfit for wet cultivation.

Some of the requests which

which the petr now prefers
 do not appear to have been
 made in his petition to the
 Board of Revenue d 27.12.93
 but the Board has merely
 recorded that petition with
 reference to G.O. No 1096
 d 13.3.94.

It is thought that a full
 report may be called
 for from the Board of
 Revenue on the petr's claims
 and allegations before passing
 orders in the case.

The following draft order is

Submitted:- G.O. No. 2707 of 27th May 97

Referred to the
 Board of Revenue for re-
 port.

22/5/97
 27.5.97

To the Board (L.R.)
 with petn. Encls. attached

26.9.97

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189

READ AGAIN G.O., No
 189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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