

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3888

DATED 26th July

[Despatch Abstract.]

Declining to interfere on behalf of
Perianna Goundan & others of Melosattan Village
Vellore taluk, in the matter of their petition regarding
the right to the use of water of a
certain channel in the N. Arcot Dist.

BACK PAPERS.

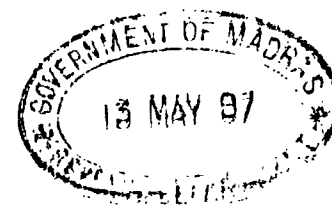
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No. 020



From
The Board of Revenue
Land Revenue

Order

No. 1386 A. Routine

Dated 7 May 1897

Received 3.5.97

Registered 14.5.97

Enclosures

Spare copies

SUBJECT.

Forwarding to Government
Revenue Department
of a letter from the
of North Arcot
in B.P. no. 3338
207.

Not
in the papers
4/5/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

North Arcot, Collector's Office
 Ref no 492 296
 Ver camp Gudiyatam, 13 May 1896.

From

G. E. L. Campbell Esquire,
 Acting Collector and District
 Magistrate,
 North Arcot.

To The Secretary to the Commissioners
 of Land Revenue,
 Board of Revenue, Madras.

Sir,

I have the honor to reply to
 Board's Reference on petition no 343
 of 1896 dated 10th February 1896
 regarding a water dispute between
 the ryots of Nil and Thibullam
 in Vellore Taluk.

2. From para 3 of the Vellore
 Tahsildar's arzi dated 17th October 1863,
 No 241, the previous history of the
 case appears to be as follows:—

(a) There is a channel known by the
 name of Eswarappa Naickan's

o dapper

odappa channel which takes its
rise within the limits of Kamien
- hadi, Vellur Taluk, and flows into
Nagavadi river. In Fasli 1268
(1858-59) Periauna Goundan and
others of Melnallam village con-
- structed a Koudam (dam) across
the odappa channel at a place
called Ponnangatti Shippai and
dug a channel therefrom for the
irrigation of their dry lands. Timungatti
was charged for the water so taken.
In Fasli 1269 one Shangi Koundan (son
of the then monegar of Vallam) and
Margha Sahaya Pillai, Kammam and
other ryots of Melnallam finding that
there was a good deal of surplus
water in the channel constructed
a Koudam and channel a little
higher up the one constructed by
Periauna Goundan and others
in Fasli 1268. to divert the
water

water of the odappa channel to
Vallam Tank under which they had
wet lands. Periauna Goundan at
first took objection to the channel
being brought through his patta lands
but withdrew it subsequently in
consideration of his being entitled
to the use of the channel water for
his dry lands once in every six days
whenever there was short supply
in the tank and without any
restriction at other times. Matters
so ^{remained} ~~remained~~ till 1862 when Nanna-
-ru Goundan and others of Melnallam
objected to the use by Periauna
Goundan & of the channel water
and petitioned the Sub-Collector,
Mr. Barlow. He received the report
quoted at the beginning of para
2 supra from which the narra-
- tive has been derived and
passed the following order: -

It appears that Periana Goundan and others ryots of Melnallam used to irrigate their dry lands from 1268 with the Javak (Spring) water of Esanaickanadai within the limits of Kanichadi paying Tins-jasti to Government for water so taken and that the complainants, Nannaru Goundan and others used to take the remaining water to the Kilnallam tank to irrigate their wet lands under the tank. It does not, however, appear that Periana Goundan and others erected a new Kandan and channel and used the water for their purposes contrary to practice as alleged in the complaint. It is therefore dismissed. Both parties should be informed accordingly."

3. In 1874 certain ryots of Irigai Koil holders of land under the Esuarappa Naickan Odappa channel objected to the water of this channel being taken by ryots of Melnallam and Kilnallam and Mr. Galtou (Sub Collector) in his order dated the 15th December 1874 recognised the right of Vallam ryots to that water and said that complainants could not reasonably object to the exercise of a right enjoyed by the Vallam people for nearly twelve years.

4. A complaint similar to that made in 882 was put in by Arumachella Goundan and others of Kilnallam in 1876 and Mr. Austin, the then Sub Collector holding that the orders sent by the

Tahsildar of Bellary prohibiting
the use of the channel water by
the ryots of Meluallam were
not in keeping with those of Mr.
Barlow in 1863 dismissed the
complaint and declined to interfere
with the order of 1863. Mr. Andrew
in 1885 dismissed a similar
complaint with reference to Mr.
Barlow's order of 1863 and Mr.
Austin's order referred to above.

5. On 1888 Chinna. Munisairi
Sdaigau, a ryot of Meluallam
complained to the subcollector
(Mr. MacLeod) that Periauna
Goundam (appellant) and others
objected to his taking the
channel water while they freely
used it to irrigate their dry
lands. Periauna Goundam contended
that the right of using the channel
water

water for dry lands was reserved
exclusively to the ryots of Meluallam
according to Mr. Barlow's order of 1863
and that the complainant had no
right to it as he was not a ryot
of Meluallam. Mr. MacLeod
inspected the spot and passed
an order on 28 October 1889 that the
distinction sought to be made as
by Periauna Goundam between
the ryots of Mel and Meluallam
in regard to the use of the channel
water was not tenable especially
as at the paimash there were no
two distinct villages of Mel and
Meluallam. He said that the complain-
ant had, though a ryot of Meluallam,
a right to the use of the channel
water in as much as he had
been using the water during the
last five faslis and had been
paying Sirmagasti for the water
so taken during those faslis.

6. An order of a temporary nature appears to have been subsequently passed by one of the Tahsildars of Vellore to the effect that the Board's appellants and others of Meluallam should use the channel water for 40 out of every 60 naligais for their dry lands and Kiluallam people for the remaining 20 naligais (60 naligais make a day). It is not apparent how and why such an order was passed.

7. In 1891 Periauna Goundam and others of Meluallam requested the Tahsildar of Vellore to instruct the ryots of Kiluallam to desist from interfering with their rights to use the channel water for their dry lands. The Tahsildar in his order dated 16 January 92 after referring to the orders passed by

by Mr. McLeod in 1889 and the later one passed by his predecessor (vide para 6 supra) said that the latter order should be held to be in force until it was revised by competent authority. Periauna Goundam appealed against this order to the Subcollector (Mr. Michelson) in 1893 who, after reviewing briefly the previous history of the case, directed, with special reference to the Tahsildar's ariji dated 17 October 1863, on which Mr. Barlow passed his order of 1863, that the dry land holders of Vallam (Meluallam and Kiluallam) should utilize the channel water for one day out of every six days and that, during the remaining five days, water should be allowed to flow into the Vallam tank for irrigating the wet lands under it whenever there was a short supply in the tank and that at other times both parties

can use the water without any restriction.

8. This briefly is the history of the case up to 1894 when it came up, on appeal, before the Collector (Mr. Power) for decision.

9. It will be seen from the foregoing paragraphs that the order of Mr. Barlow passed in 1863 is with reference to Vellore Tahsildar's arzi dated 17th October 1863 does not in any way agree with the narrative of the case given in the arzi. The references to it in subsequent orders (Mr. Andrews in 1876 and Mr. Austin in 1885) are unintelligible and it does not support any of them. The other orders passed in the meanwhile and in 1889 by Mr. McLeod do not affect the question of distribution of the channel water materially. The temporary order passed by the Tahsildar of Vellore subsequent

subsequent to Mr. McLeod's order of 1889 introduced a change in the distribution of water (vide para 6 supra). Mr. Michael's order of 1894 however set the matter right in as much as it restored the arrangements that existed in 1863 in regard to the distribution of the channel water. The matter, as already observed, came up before Mr. Power, who in view of the foregoing circumstances confirmed the order of Mr. Michael holding that the agreement (though now denied in toto by the appellant) referred to in the Vellore Tahsildar's arzi of 1863 regarding the distribution of water was quite fair and reasonable and as such it ought to be observed. This order is now appealed from on very much the same grounds as those set forth in the memorandum of appeal presented to Mr. Power. The appellant, it will be seen, talks through-out his appeal petition to the

Board of the original channel constructed
by him at his own cost and does
not refer to the other Koudam and
channel constructed by the joint labour
of the ryots of Mel and Melnallam
according to the account given by the
Tahildar in his amsi of 1863. The original
channel constructed by the appellant
would appear to have been abandoned
altogether and the present dispute
would seem therefore to relate to
the channel and Koudam constructed
subsequent to the abandonment of
the first channel. The appellant's
grievances may be true if they are
taken to refer to the original channel
constructed by him but this does
not apparently exist as it has
been abandoned in favor of the one
constructed by joint labour of the
ryots of Mel and Melnallam subsequently
and

and therefore they can only be
imaginary.

10. The Board's petition together
with its enclosures are herewith
returned.

I have the honor to be
Sir,
Your most obedient servant.
(Signed) G. E. L. Campbell.
Collector.

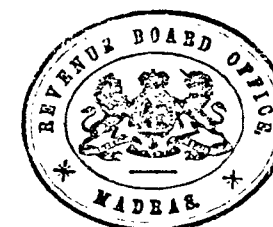
(True Copy)

K. S. Swamikanan

22.12.1937

Asst. Secretary.

sd/
[Signature]



Proceedings of the Board of Revenue

(Land Revenue),

Dated 7th May 1897.

No. 1386 A. ~~Mis.~~
Routine.

READ *Official Memorandum from the Acting
Assistant Secretary to Government,
R.D.,
dated 4th May 1897, No. 102*

Resolution.

Ordered accordingly.

(See Extract).

W. C. S.

Secretary.

To the Secretary to Govt., R.D.

*with copy of North Arcot
Collector's Report of 13-5-96, Ref. no.
cur. no. 1402/Ver.*

189 .
Board of Revenue
(Land Revenue),
MADRAS.

To

Proceedings, dated 189 ,
No. Mis.
Routine.
Subject.

Revenue (1897) Department.

CURRENT No. 4121

From

The Inhabitants of
Vellum Madra Mahan-
vellum, Vellore Taluk
No. N. West St.

Order R

P. A. C. R. S. /

Dated 11th May 1897

Received 15.5.97

Registered 17.5.97

Enclosures

Spare copies

SUBJECT.

Praying that they may
be allowed the undisturbed
use of the water of a channel
constructed by them.

V. A. P. S. /

15/5/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



PETITION

The Right Honorable
His Excellency

The Governor in Council
Fort Saint George

The humble appeal Petition of the
undersigned cultivators of the Village
of Vellum Madra Malavellum No 135
in the Vellore Taluk North Arcot District

Most Respectfully Sheweth

That your humble petitioners are the owners
of cultivated Lands situated in the Village of Vellum
Madra Malavellum as Puttadars -

2. That the water from the channel called the
Issaynaicken Adai runs into the ruin of Ramana-
dala Mattu, which being taken by the Villagers
of Malavellum for their cultivated Lands.

3. That your humble petitioners having ex-
pended a large sum of money for constructing
the Kondum by means of which the water runs
into the channel which being taken by the villagers
of Malavellum -

4. That for a period of 50 years the petitioners

5. That the villagers of Keeluelhim having unjustly taken the water from the channel for the benefit of their own Lands without the consent of the petitioners and thereby the petitioners have been deprived of their lawful rights-

April 1897 - It has been decided by the sub collector and Tahsildar that the villagers of Mala-
=vellum should take the water for 40 hours and
the Keehullum Villagers for 20 hours and again
the Malavellum Villagers have been ordered to
take the water for one day after every 6 days
which is altogether very unfair -

7. If the humble request of your petitioners is not sanctioned in which case the petitioners will be compelled to remove from Malanellum Village and proceed to some other country - as they have suffered a great loss without getting any water for their cultivated Lands, and more - over the petitioners most earnestly beg, that their Pungah Lands may be converted into Mungah Lands, as it is the customary that such transfer being made after an elapse of 5 years. For which act of rendering benevolent kindness your petitioners as in duty bound will ever pray

Please address
To Peräinen Commandant
and officers at Vellum Madra
Malanellum Vellore Taluk

Handwritten notes:

1. 507 507 507 507 507
1. 507 507 507 507 507
1. 507 507 507 507 507

Printed text:

507 507 507 507 507
507 507 507 507 507
507 507 507 507 507

Revenue (1897) Department.

CURRENT No. 5301.

From Perianen Gowenden &
other Cultivators at
Vellum Mada Machellum,
Vellur M.
No. N. arcot Dt.

Dated 21st June: 1897.

Received 25/6

Registered 25/6

Enclosures

Spare copies

SUBJECT.

Re: Certain brigatin
dispute & the conversion
of their dery lands into
het.

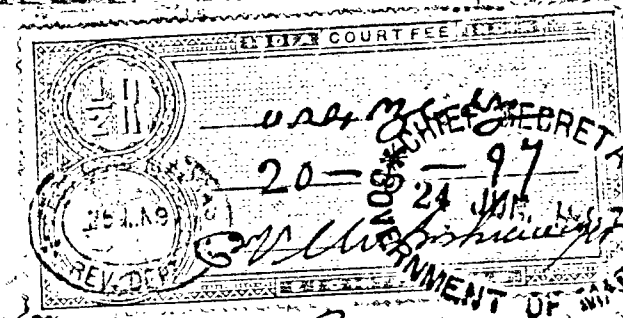
Order

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



To
The Right Honorable
His Excellency the Governor in Council.
Fort Saint George
Madras Presidency

The humble appeal petition of the under-
signed cultivators of the Village of Vellum
Madra Mailvellum in the Vellore Taluk of
North Arcot District-

Most Respectfully Sheweth,

That your humble petitioners deponentially beg
to state their grievances for your Excellency's favorable
consideration with the hope you will be graciously pleased
to enquire into the matter now represented even handed
justice being rendered-

That your humble petitioners are the owners of
cultivated Lands situated in the village of Vellum Madra
Mailvellum-

That the water from the channel of Isperanackon
Adai runs into the river of Ramandala nathi which
being taken by the Villagers of Vellum Madra Mailvellum
for the benefit of their own cultivated Lands-

That your humble petitioners having expended
a large sum of money for constructing the Kondum by
means of which the water runs into the Channel which
being taken by the Villagers of Vellum Madra Mailvellum-

That for a period of 50 years the petitioners
are paying higher amount of Land Tax for allowing
the Channel water to flow into the petitioners Lands-

aggregating in all 100 acres as mamoolnama -

That the villagers of Keelvellum having unjustly taken the water from the channel for the use and benefit of their own Lands without just cause and without obtaining the permission of the petitioners and thereby the petitioners have been deprived of the freely running of water into their cultivated Lands -

That when the matter was reported to the sub collectors Mr Barlow - Mr Galton - Mr Andrew and Mr Austin who have decided that Perianen Gouenden should be supplied with water freely and that the remaining water should be taken by Mammara Gouenden and others vide their Talukds as marginally noted.

That your humble petitioners have taken the liberty in forwarding to your Excellency all the documents connected therewith in their petition dated 17th April 1897, but regret to say that the matter still remains undecided in favor of the petitioners.

That it has been decided by the sub collector and the Talasildas that the villagers of Mailvellum should take the water for 40 hours and the villagers of Keelvellum for 20 hours and that once in every 6 days the Mailvellum villagers have been ordered to take the water which the petitioners consider it to be very unjust. The Muniagars of Ranayambadi - Tepumpulur - Pallampattin - Arasampettur - Kattalampetta - and Kattacamullur will prove to the fact of the petitioners complaint. Under these circumstances the petitioners most humbly pray, your Excellency will be graciously pleased to issue the necessary order for the

distribution of water which may be allowed in accordance to the order given by Mr Barlow and that the surplus water may be given to the Villagers of Keelvellum as there is no other Tank or channel from which they could obtain their supply of water.

That your humble petitioners beg further to request for an order may be issued that their Punjab Lands may be converted into Muzab Lands as it is the customary that such transfer being made after an elapse of 5 years - For which act of rendering benevolent kindness your petitioners as in duty bound

Will ever Pray

Vellore
21st June 1897

Please address

Perianen Gouenden
and others cultivators
at Vellum Madra Mailvellum
Vellore Taluk

+ 112250/16-11-1863
112583/15-12-94
112263/18-5-76
112189/15-10/85
1125468

Revenue (1897) Department.

5/1/97

CURRENT No. 35-1



From

H. A. Linn Esq. J.C.S.
Private Secretary to
H.E. Mr. Governor.

No.

Order

Reference. O.M. No. 102

The Board of Revenue
is requested to forward to Court
a copy of the North Arcot Collector's
report dated 13th May 1896, Ref:
on Cur. No 402. Ver, read in
B.P. No 3338 of 20. 7. 1895.

11/1/97

Cotacamund
4th May 1897

28
1-5-97
to

The Board Rev. L. R. Esq. 5/1/97
holds the paper appears necessary
for the disposal of the petition.

Dated 17th April 1897.

Received 1-1-97

Registered 22-1-97

Enclosures 14

Spare copies.

SUBJECT.

Transfers a petition dated 14th
April 1897 from Periyanna
Gavundam of Keelavallan,
Vellore Taluk, N. Arcot District
praying that he may be
allotted the right of
the water of a certain pond.

By order

21/4/97 CO. 26-97
Private Secretary

BACK PAPERS.

G.O.	No.	Department.	Date.
Cus.	7961/96	Revenue	17-11-96
No.	2174		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

His Excellency the Governor in Council
 19th Dec 1896
 Madras

PETITION The humble petition (Supplement) of
 Periyanna Landan of Melavallan
 REVENUE DEPT
 Vellor Taluk, North Arcot Circle of
 Madras District

My Excellency, Your Excellency in Council
 In my (petitioners) appeal dated
 2nd November 1896 para 12 I promised that after
 getting copies of the Collector's report I would put in
 a Supplement exposing the greatest irregularity
 injustice and inequity in allowing the Shift of

grounds on a matter of fact only in reporting
 on my appeal petition to the Board of Revenue.
 I regret very much that I have to
 submit that the Board of Revenue transferred
 the matter of North Arcot application for
 copies & finally I was given no endorsement
 refusing them to me. So I have been left in
 darkness as to how in spite of the
 records about half a century old and in spite

of what has been put down in clear terms
 in the Subdistricts (best local officers) Report
 under Appeal the Collector could have possi-
 bly reported to the Board that the channel
 I contend for is quite different from what is
 now in existence & that my channel has been abandoned.

2. My Civil Rights or Rights of property Infringed

In the Subj. Director's Progs dated 27.11.94, among lots of other older records, it has been recognised for the last time (1) that the channel was originally and at first dug by me & was exclusively mine & (2) that its extension i.e. its later part towards the Kizvallam Bank was at common cost.

Certainly the Subj. Director has viewed the whole length of the Single Channel into two Parts (1) Part I i.e. the main channel dug at first & originally by me exclusively & (2) Part II i.e. the extension of Part I at the common cost. He says I dug it in 1858. Corresponding to 1858 is nearly 40 years ago. Hence it followed that the first Part of the channel has been exclusively serviced and until I died.

3. A subsequent series of attempts to stop the water from flowing into the channel after it was first dug by me and the channel was abandoned and the existing channel is there — nothing is to be done in 1865 in 1889 in 1892 in 1894 in 1896 in 1897 in 1898 in 1899 in 1900 in 1901 in 1902 in 1903 in 1904 in 1905 in 1906 in 1907 in 1908 in 1909 in 1910 in 1911 in 1912 in 1913 in 1914 in 1915 in 1916 in 1917 in 1918 in 1919 in 1920 in 1921 in 1922 in 1923 in 1924 in 1925 in 1926 in 1927 in 1928 in 1929 in 1930 in 1931 in 1932 in 1933 in 1934 in 1935 in 1936 in 1937 in 1938 in 1939 in 1940 in 1941 in 1942 in 1943 in 1944 in 1945 in 1946 in 1947 in 1948 in 1949 in 1950 in 1951 in 1952 in 1953 in 1954 in 1955 in 1956 in 1957 in 1958 in 1959 in 1960 in 1961 in 1962 in 1963 in 1964 in 1965 in 1966 in 1967 in 1968 in 1969 in 1970 in 1971 in 1972 in 1973 in 1974 in 1975 in 1976 in 1977 in 1978 in 1979 in 1980 in 1981 in 1982 in 1983 in 1984 in 1985 in 1986 in 1987 in 1988 in 1989 in 1990 in 1991 in 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2367 in 2368 in 2369 in 2370 in 2371 in 2372 in 2373 in 2374 in 2375 in 2376 in 2377 in 2378 in 2379 in 2380 in 2381 in 2382 in 2383 in 2384 in 2385 in 2386 in 2387 in 2388 in 2389 in 2390 in 2391 in 2392 in 2393 in 2394 in 2395 in 2396 in 2397 in 2398 in 2399 in 2400 in 2401 in 2402 in 2403 in 2404 in 2405 in 2406 in 2407 in 2408 in 2409 in 2410 in 2411 in 2412 in 2413 in 2414 in 2415 in 2416 in 2417 in 2418 in 2419 in 2420 in 2421 in 2422 in 2423 in 2424 in 2425 in 2426 in 2427 in 2428 in 2429 in 2430 in 2431 in 2432 in 2433 in 2434 in 2435 in 2436 in 2437 in 2438 in 2439 in 2440 in 2441 in 2442 in 2443 in 2444 in 2445 in 2446 in 2447 in 2448 in 2449 in 2450 in 2451 in 2452 in 2453 in 2454 in 2455 in 2456 in 2457 in 2458 in 2459 in 2460 in 2461 in 2462 in 2463 in 2464 in 2465 in 2466 in 2467 in 2468 in 2469 in 2470 in 2471 in 2472 in 2473 in 2474 in 2475 in 2476 in 2477 in 2478 in 2479 in 2480 in 2481 in 2482 in 2483 in 2484 in 2485 in 2486 in 2487 in 2488 in 2489 in 2490 in 2491 in 2492 in 2493 in 2494 in 2495 in 2496 in 2497 in 2498 in 2499 in 2500 in 2501 in 2502 in 2503 in 2504 in 2505 in 2506 in 2507 in 2508 in 2509 in 2510 in 2511 in 2512 in 2513 in 2514 in 2515 in 2516 in 2517 in 2518 in 2519 in 2520 in 2521 in 2522 in 2523 in 2524 in 2525 in 2526 in 2527 in 2528 in 2529 in 2530 in 2531 in 2532 in 2533 in 2534 in 2535 in 2536 in 2537 in 2538 in 2539 in 2540 in 2541 in 2542 in 2543 in 2544 in 2545 in 2546 in 2547 in 2548 in 2549 in 2550 in 2551 in 2552 in 2553 in 2554 in 2555 in 2556 in 2557 in 2558 in 2559 in 2560 in 2561 in 2562 in 2563 in 2564 in 2565 in 2566 in 2567 in 2568 in 2569 in 2570 in 2571 in 2572 in 2573 in 2574 in 2575 in 2576 in 2577 in 2578 in 2579 in 2580 in 2581 in 2582 in 2583 in 2584 in 2585

what the Collector must have taken the whole
narration from his translation (I beg the
excuse if I am constrained to have to point out
though with greatest deference) version of the
Jasildar's arji of 1863 no 241. Envelope Piche
is no other way of guessing the shift of ground.

This misapprehension of the arji of
1863 makes our Barlow's order of 1863. Envelope E
passed on that arji quite inconsistent with the
arji. They do not agree with each other and yet
if our Barlow's order no 360
worked well for about 35 years. Subcollector
who held local inquiries upheld it.

4A. I submit the special gracious attention to the
Collector's report to see how he reconciles them. if at all.

4B. (b) Consistency - This new idea of the
Jasildar's arji of 1863. makes the fate of records
ending with Mr Michael's order dated 27.4.94
Envelope B quite incomprehensible & meaningless.

It is repeatedly been seen whether the Collector
is aware of this disagreement & whether
he has given any acceptable explanation.

For that and the forced interpretation
now put upon arji no 241 of 1863 for the very
first time has prevalented.

(1) the very order passed thereon by Mr
Barlow quite inconsistent

(2) all the subsequent records also
inconsistent.

5. Is it not a principle of interpretation

that the whole set of records should be
constructed in such a way that the

whole way stand consistent with

each other?

It is not that the order portion

of the whole set of records forms the
more operative & authoritative portion of

the records. If so, is it fair, that the arji
should now be constructed so as to destroy
all other operative records?

Is it not that even in case

of real variation between the arji & the
order, thereon the meaning is that the

the higher officer, passing the order found
reasons to set aside the arji in this case

however there is no such variation.
6. Arji no 241 of 1863 - I beg to solicit the gracious

attention to Arji no 241 of 1863, which, I append
as Enclosure P. As the Copy granted to me
does not divide the Arji into Paras, I have
done so in red ink merely for facility
of reference.

With one reference I beg to
submit that the Arji is too verbose and
perhaps it caused a misinterpretation on
that account. A large portion of the Arji
forms the direct quotation of the Contentions
of the parties and the Jasiladar's words are

4 Carefully to be picked out from the quotations
which in Tamil are not generally clearly
distinguishable.

(a) Para 1 of the Arji is a mere
purport of a certain reference and is not

(b) Para 2 is purport of the

Complaint of my opponents.

(c) Para 3 is the purport of
the Jasiladar's reference.

(d) Para 3 A manifestly purport
of my alleged petition.

of the words of a few persons who are on the
opposite side in reality but pretending to be
neutral.

(f) Para 5 contains the allegations
of my opponents.

(g) Para 6. The Jasiladar's words regretting
that the chief man who is said to have
arranged for the extension for the benefit
of Kiz Vattam, was dead and the truth
could not be got out.

(h) Para 7. The Jasiladar's repetition
of the above words is his expression of
regret for the death of the leader of
the Kiz Vattam people.

(i) Para 8. The Jasiladar's words that
the extension of the channel by Kiz Vattam
people being on 2 days later caused no

compensation was given for the loss sustained
deducted.

(k) Para 9 - The Jasiladar's words

... saying that he made a verbal report to the collector at Jamabandi.

(K) Para 10. The Tasildar recommends that the two parties be referred to the Civil Courts for a settlement of their dispute.

7. App. no 241 of 1863 - (Continued) - It will be seen

that the Tasildar who made the report does not say that he saw the spot nor does he say that he found out the truth of the dispute. He merely says that the parties be referred to a civil court for a settlement of their dispute.

He (the Tasildar) does not say

that the old channel was abandoned and that

the Kivalland Channel exists

The Tasildar merely narrates that one of the contending parties stated that there was an agreement about the distribution of water. The Tasildar

does not say (1) whether it was produced before him

(2) whether he saw it & verified.

(3) whether if any such agreement had been produced it was agreed to by all or impeached by any.

Similarly the Tasildar says that a

certain man produced a cadjan which the Tasildar very significantly & suggestively says he found in his cadjan roll.

The Tasildar does not say a word about its genuineness or otherwise. It was not proved.

The parties were not asked to say what he had to say about this cadjan.

Rather the Tasildar style (10/10)

... shows that he suspected it to be not genuine.

... counter parts or duplicated.

... not for the time.

The Jaisildar does not say whether he believed
it or not.

He could not have believed it because
the channel itself was only 3 or 4 years old
then and a water manipulation if any
for private channel (?) could not have

come into existence without the Jaisildar
knowing it.

He also says that the Jaisildar recommended
to refer the matter to a civil

court after giving a string of
quotations of his own contentions.

Under the Jaisildar's recommendation
Conclusion of fact.

8. Mr. Barlow's order dated 27.11.53. In this
order Mr. Barlow, however, did not consider it

it necessary that a reference to a civil court
should be made. He passed final orders himself

evidently on personal inspection & inquiry on the
spot.

Moreover the Jaisildar's narration

of the contentions showed that there was
no dispute on either side that I was the

person that first diverted the water by a
Dam at Pomangattipai and dug

a channel - all at my own cost for the
benefit of my own dry lands - while there

was this admission of my right by the
opposite party or ample proof to in my

favour the contention that the Kogvallam
people extended the channel at their

cost was disputed & was left unproved.
(1) The leader was dead &

could not say anything
about the work of the
Kogvallam extension.

(2) The Cadjan document
was not proved or admitted

by the Kogvallam people
whom it was forged to

It had not its
Jahuk & Hagar Copies as usual

4th and
May, the Copy with Kishnam, even in B. side
Cases of such accounts, is a false unauthenticated
Copy never used in Evidence but only as a clue
to get at the primary paper
No such primary paper was
forthcoming, although it must have been only
3 or 4 years old (ie after 1859 the date of
the extension) in 1863.

(3) The so called Agreement for the
distribution of water was not forthcoming
although it was within 3 or 4 years of its
alleged date but its necessity for filing
was felt. The contention of the opponents
was that I agreed after the Kizvallam
extension the date of which is given
as Rasi 1269 or year 1859. The dispute
arose in January 1863. Hence the agreement
if any must have been only 3 or 4
years off at best would
yet it is not forthcoming.

Thus the effect of the decree of 1863 was that
while the fact that it was I that first
diverted the huge volume of water by a
dam & made a channel was fully proved,
I have admitted also the Contention about
the alleged arrangement about the
distribution of water after the Kizvallam
extension. Disproved - Strictly speaking, it may
be held that the Contention was not only
not proved but was also actually disproved
by the very strong Circumstantial Evidence.
1st Circumstance - The mention of
an agreement or of a canal and
their non production was highly suspicious.
2nd Circumstance - While it was
admitted, as proved that I first diverted
the water at A (see the Plan Enclosed) &
dug a channel A A, B - all at my own
Cost - it is very highly probable that

if King Vallam people wanted to make the extension B.C.D.E. to feed their tank they had to infringe my rights in two ways -

1st They had to make a channel on my patta land.

2nd They had to take my water on the water diverted

to a pond brought down by me to the pond B.

If they wanted to take the water to their tank without my consent on these two points.

Now what is the compensation or compensation they gave me for those two fold infringement of my rights?

The alleged imaginary agreement is said to be that I consented to take one day's water & leave 5 days water downwards - & my being deprived of my own water for 5 days. The compensation for my land?

The answer is simply absurd & there could have been no such agreement.

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9. Mr. Bartlow's order (Continued) Evidently

for these reasons viz (1) that the alleged agreement was not produced.

(2) that it was not proved.

(3) that it was claimed by me.

(4) that it looked quite absurd that an agreement should ever have existed.

(5) that there was no dispute about my having first diverted the water by a claim & made a channel.

at my own cost -

and that I had brought down the water to confirm Singurkott limits.

Just as I was about to lay my hands on the land.

Evidently for these reasons Mr. Bartlow thought it best to decide the case above.

and that while my behalf my claim was undisputed there was not even a shadow of prima facie case for my claim on the side of the opponent regarding the

land.

land.

land.

land.

land.

land.

land.

land.

if further inquiry. Hence there was no
necessity to refer the parties to civil

argy barbed tail (C)
correctly understood the argy of 1863 is,
argy barbed tail (B)
as shown above, perfectly consistent with
the Barlow and

with Mr. Galters, with Mr. Andrews,
with Mr. Andrews orders, the interested
persons have now for the first time

are a forced interpretation which has
rendered his ^{first} ~~first~~ below order & all the
rest of his public records enumerated

position on Scapular behavior. furnished the

now, reading a letter or a public document
simply meaningless. There

The word Go means 'on' or 'onward', as in the phrases 'Go on', 'lead on' meaning 'further on'. If one reads out a paper only a few lines & if the hearer wants a few lines more to be read out & enable him to make out the meaning, he says 'Go on' or 'Go on' in the sense

On receiving thousands of the pieces in which
the friendly person uses the word God

as. (1) பஞ்சவர்ண பூக்கள், தேங்கை, பேராமரம், மலர், மலர்

అనుబంధములు

Handwritten notes at the bottom of the page, likely bleed-through from the reverse side, mentioning "مجلس" (Majlis) and other administrative details.

الحمد لله الذي جعل في كل شيء
لنا حكمة

— all meaning "further on", or "onwards".

in progress.

I would also show the wording used in the wife's will.

of 1863, when mentioning the Key Vulture

extension of this — "of our common life"

(Handwritten signature)

This phraseology is used once in para 4
 and again in para 7 of the a/c. It
 has already been pointed out in the
 analysis of the para in para 5. Even
 the wording is not that of the Tasildar
 own. If properly translated & considered

consistently, it means that "further on"
 in continuation of the channel already
 dug by me the previous year, an
 extension was dug & water taken. In
 the forced interpretation

now placed over the wording seems to be
 something like this - "a little higher
 up or westward to the channel dug
 by me the previous year, a channel
 was dug & water taken, thus giving the
 word GLEBW the sense of "higher up"
 "up" or "westward" in which sense the
 word phrase used by common people

in 170-171
 66 on me, 66 on 476 66; 68, although
 word GLEBW means, it also,

II. Forced interpretation (continued) - That the
 wording is not capable of such meaning
 in this case as has now been twisted into it
 may best be seen from the facts -
 (1) (Electromagnetic) Barton & the Sheristad

Based in his office did not understand so
 (2) that the Gallows & his staff did
 not mean, so as to

(3) that Mr. Austin & his subordinates
 did not interpret so
 (4) that Mr. Austin & his office did

not construe so
 Nor indeed the Tasildars & their subordinates
 understood it so during their third of January

(5) A reference to the plan makes this
 forced meaning absurd - For it is admitted
 on all sides that (constructed) the dam
 at Rongiang etc. appears. The plan shows

It has been shown
 that the arji of 1863 did not
 purport to be a report of the
 Jaidar's inspection of the spot
 (2) that the Jaidar did not come
 to a decision on either side but
 merely repeated the contentions &
 recommended a reference to
 the civil courts. Top is well &
 (3) that Mr Barlow who received
 the arji found that there was
 not even a shadow of prima
 facie bona fides in the contention
 of my opponents while my claim
 was proved & admitted on
 all sides. (4) that Mr Barlow's order was
 consistent with the arji of 1863
 in its right interpretation &
 (5) that the records of Mr Barlow
 show that the contention of the
 Jaidar in Andrews' orders are

Consistent with the arji in 1863
 that interpretation is consistent in themselves
 (6) that all these old records become
 unintelligible & meaningless & quite inconsistent
 if there arji is twisted to mean
 what the Collector has meant now for
 the first time i.e. 30 years after.
 (7) that on the spot there is no
 situation higher up the Ponnangathup
 & hence the forced interpretation is
 incorrect.
 (8) that the same arji describes
 the position of the Kovallam extension
 as being on my land. Hence the
 interpretation is incorrect.
 (9) that the situation of should
 show that I must have brought
 the Channel up to B in the 1863
 (10) that the Subj. Director
 himself in his order of 1894
 appeal held that the Kovallam

So far as I know this arji no 241 of 1963 was never looked into.

2nd. The copy granted to me is not a true copy of the original or its duplicate. It is copy of a copy. The original is said to have been signed by one Vijaya Raghavayya, but the copy of which the copy was given me signed by one B. Subramanya for Tasildar.

When what he was is not known. While copy of arji no 275 dated 1963 was made from the original by Vijaya Raghavayya copy of 241 of 17.10.63 is just a month or on the same subject has not from the original.

This leads me to think that

that the original arji no 241 dated 17.10.63 signed or initialed by Vijaya Raghavayya is not forthcoming in the records.

3rd. It was first endorsed to me that arji no 241 was not forthcoming & hence no copy could be granted. When I questioned again how it was used so recently against me a copy was granted after a very long time.

16. Even on the usual supposition that arji no 241 of 1963 is genuine I have shown how it is not against me at all, quite in my favour, so far as its operative parts are concerned.

Therefore my claim becomes

insusceptible

suspicion

Mr Barlow's order is beyond
all such suspicion and it has been
upheld by subsequent officers -

Mr Barlow's order has recorded
the funding - (1) that I take water
for my Dry lands
first & pay water rate
(2) that the Surplus "of"
"Zing", is taken
by Kizvahan people
& it has directed that it should be so.

A Document 30 years old

proves itself

17. I submit a kind perusal of my
printed appeal petition to the Board
enclosure A.

18. Under these circumstances I earnestly
pray that Your Excellency in Council
graciously please to cancel
Collector's order

of 40 years, standing, and as causing an
innovation in defiance of many public
records & also to cancel the Board's order
based on a false apprehension of facts
& to leave me undisturbed
enjoyment of water of my own cost
Channel the Surplus being of course
left to pass on as usual.

For this act of justice I am

I shall ever pray Sir
14 April 1897

List of Enclosures

1. my printed appeal to Board A.
2. Suby Director's order of 27.4.94 B.
3. Director's order of 7.9.94 - C
4. Board's order of 20.7.96 - D
5. Mr Barlow's order of 27.11.63 - E
6. Mr Gallons " of 15.12.74 - F.
7. Mr Austens " of 18.5.76 - P
8. Mr Andrews " of 15.10.80

- Mr. Macleod's order of 28.10.89 K
11. Tazis order of 16.11.92 L
 12. Collectors order of 6.4.92 M
 13. Suby directors order of 19.11.94
- Stating that there is no agreement for the coming in the records
14. 12-11-94 No 3797
- Stating that arji no 241 of 17.10.83 is not for the coming
15. Copy of a Copy of Tazildars arji no 241 of 17.10.83 P
 16. Copy of Tazis arji no 275 of 16.11.83 Q
 17. Survey plan with rough tracing - R
 18. Settlement Register - S
 19. Patta for 1885 - T
- 14 April 1897

Takis dated 27th November 1863 from Mr. Barlow As. Sub. Coll. of N. Arcot to the Tahsildar of Bellore

Your arjis Nos. 241 and 275 dated 17th October last and 16th instant respectively have been received. It is understood that since faizal Periyann is Sowerdan to there, up to of Melvallah have been irrigating their dry lands by the water of the Saramkan Odai running from the Kanayambadi boundary and have been paying water rate for the same, that the water that remains (after irrigating the above lands) used to be let into the tank of Kithvallam village and has been utilized by the complainants Mannara Kowrdan and others in irrigating the wet lands under the tank, and that this arrangement has been carried on for some time past. The statement of the complainants that Periyannafundam and others constructed a fresh dam and have not been irrigating dry lands by the above water appears to be devoid of foundation. The complaint therefore is dismissed and both parties should be so informed.

Co.
26.77

Takia dated 15th December 1871
from Mr. C. A. Gallion As Sub Col.
of N. Arcot to the Tahsildar of Bellary
Read your arjis Nos 265 and 26
dated 25th June & 21st August 1871
respectively.

Ramaswami Sastri Moniem of
Singirikovil complains that the
water of the Lewaranaikan which
should irrigate his village is being
used by the ryots of Vallam village
for the irrigation of their wet and
dry lands. I pray that this
may be stopped. The ryots of
Vallam allege that for a long
time they have been using the
above water for the irrigation
of dry lands. In the second of
the arjis read above it is stated
that the Vallam ryots have for the
last 12 years been using the
above channel water for their
lands and have been paying Kiriwa-
jastli while those of Singiri-
Kovil have never done the same.
It is therefore evident from this
that the ryots of Vallam have a
right to the water of the
above channel and that
the ryots of Singirikovil have
no right to obstruct them. The
Tahsildar

his side herefor will clearly
form the rights concerned of this
it in writing. If the rights
Singerikovil insist on their
exclusive right they should be
referred to the Civil Courts.

Cd
20.9.97

Exhibit C.
Tahsil dated 18th May 1876 from
Mr W.P. Austin As. Sub. Collr
of Arcot to the Tahsilwar of Vellore.
Read Vellore Tahsil arzi no. 60
and 203 dated 21st Jan & 20
April last respectively reporting
that Arunachala Gowdan & others report
of Ballem complain that the water
of the Iswara Naikan channel which
should irrigate their wet lands has
been used by the ryots of Melvatham
for the irrigation of their dry lands
and that in consequence they (the
complainants) have not enough water
left for the irrigation of their
wet lands. The Tahsilwar also
reports that he has issued an
order to the villagers stating that
the Melvatham ryots should not
use the above channel water for
the irrigation of their dry lands and
that it should irrigate the wet
lands of Kilvatham. As Mr Barlow
in his order no. 360 dated 27th
November 1863 passed on petition
from Mannara Koundan & others
of Kilvatham has decided that the
ryots of Melvatham have a right
to use the channel water in
question for the irrigation of their
dry lands, the undersigned will
not interfere.

Letter No 211 dated 17th Dec 1863 from the Tahsilwar Mr. Vijayaraghava Aiyar to the Sub Coll.

Some time ago Mannam Kowdan and others of Vallam village presented a petition to the Tahsilwar stating that they have at their own expense excavated a channel complaining that the water of this channel was utilized by one Periyanna Kowdan and others of Melvillam for the irrigation of their dry lands, and praying that this may not be allowed. Periyanna Kowdan and others thereupon presented a counterpetition stating that ~~they~~ it was with the consent of the other party that they had been utilizing the water of the said channel. This matter was referred to me for a detailed report by Encl. No 26, dated 29th January last, and I accordingly beg to submit the following:-

On the 27th November last the above Mannam Kowdan and some other ryots presented themselves before me, stating that they had excavated a channel and constructed a dam to carry the water to the tank in their village the water coming from the Issa Naikan Osai and have

Translation made
true to the original
the copy in remaining
RS

I have seen the Arzi with the Mr. who made the channel and he admits that it is not correct. I have altered the translation at the place objected to by him.

we have been utilizing the water for the irrigation of the wet lands under the tank. complained that contrary to custom Periyannan's men of Vallam irrigates their dry lands with this water, and prayed that this might be put a stop to. Accordingly on the 29th November Cissias took no. 449 to the Monegar of the village in question directing him to put a stop to the irrigation complained of if it was contrary to ~~ancient~~ custom. On the 11th December Periyanna Goundan and others presented a counter petition stating that the water of the Isaraiken Odappu was abundantly flowing into the channel. That they thereupon constructed a dam & dug a channel at their own expense and have been irrigating their dry lands. That subsequently Mannar Goundan and others and the Monegar of Vallam inspected the new channel dug by the counter petitioners and as there was abundant water entered into an agreement with

the counter petitioners to the effect that both parties should dig the channel a little farther. That in the rainy season both can utilize the water as they pleased, but ~~beginning~~ during summer the distribution of water should be in proportion to the share (of lands) of each ryot. The counter petitioners accordingly paid to the Monegar Karnam of the village their share of the contribution towards the cost of the further extension of the channel. The channel the counter petitioners stated was accordingly dug, a dam was constructed and their dry lands have been ever since irrigated. But Mannar Goundan & others ~~the dam removed~~ the above dam. The counter petitioners prayed that the matter might be enquired into and that they might be allowed the usual privilege of utilizing the water in question for the irrigation of their lands. Thereupon held an enquiry, examined the village Monegar

+ ~~dam~~ 11

Moregar and Karam and the
opposite party and the ^{enrolled} up
in enquiry ^{led to the collection of} the
papers etc in number herewith
submitted. The following facts ^{will}
be gathered from a perusal of
the above papers.

During the rainy season there was
a large quantity of spring water in
the Kewarankan Odai which runs
from the Kanayambadi boundary.
This water was abundantly flowing
into the Kamantalanaganathi river
in the year 1268 (the year Kalayuthi).
Periyanna Goundan ^{others} of Melvallen
constructed a dam in the above
odai at ^{his} own expense dug
a channel by means of which
he irrigated his pattah dry
lands & carried on wet cultivation
in these lands. Paddist was
collected from him for that year.
Thang Koundan son of Chenna Koundan
Moregar of Vallam and Karam Marga
Saja Pillai and others inspected the
above dam & channel and found
that a large quantity of water
was being wasted even after irri-
gating Periyannagoundan's dry lands.

After going thro the above
documents it is found by the
Notarials of the parties that

//

It was therefore thought that
the superfluous quantity of water
might with advantage be taken
to the Kilollam village tank for
the irrigation of the wet lands and
the rights of the village accord-
ingly raised, subscriptions amongst
themselves and in the year Sisharti
dug a channel and took water by
constructing a dam at a little
distance to the west of the dam
already constructed by Periyanna.
This new channel has to pass through
Periyanna Koundan's pattah lands
and he objected to its excavation.
Thereupon an agreement was
executed by Periyanna Goundan & others
whereby it was arranged that
when there was water in the
tank the distribution of
water can take place as
either party pleased, but that
when there was no water in
the tank Periyanna Goundan
and others should take water
only in one day out of every
six & that during the
remaining five days water
should

6
should go to irrigate the wet
lands under the Vallam tank.
It has been proved by the
depositions of Moriam Chinnagoundan
and other witnesses that the
above arrangement has been
uninterruptedly going on ever
since. That even during the current
year Periyannagoundan & his
have dug the channel and have
taken the water and that they
have a right to one ~~out of~~
in every six days. The opponents
Mannaragoundan, Subrahmanya
Goundan & others on examination
affirm that all the facts alleged
above are false, that ~~the~~ they
(Mannaragoundan &c) constructed
a dam & dug a channel
at their own expense and
utilize the water for the irrigation
of the wet lands under their tank
and of the dry lands of Pattai Palayam,
and that the dry lands of the
Counterparts (Periyannagoundan &c)
have never been irrigated
by the above water. Thampi Koundan.
S.O.

Moriam 7
Son of Sanna Koundan was
the man who collected subsidy
from those who arranged for the
excavation of the channel
but he is dead. Karam
Sabbapiti Pillai has produced a
document known as the Water
Mamulhama said to have
been found in the roll of
Accounts of Roudri year of the
village in question. A perusal
of the document shows that
the dry lands of Melvatham ryots
were irrigated in one day
out of every six days & that
the remaining 5 days water was
irrigating the lands under the
tank. The chief point to be
noticed are that the channel in
question has not been entered in
the Goul Paimach nor was its
excavation undertaken by Goul.
The water of the Isaranendad which
was wasted was originally utilized
by complainant Periyannagoundan
for ~~the~~ who constructed a dam
and dug a channel at his
own expense & took the
water to his dry lands.
The

Specimen

late Thampi Koundan of Vallam
 inspected this noticed the
 excess quantity of water and thought
 that it might be taken to the
 tank in his village and made
 to irrigate the wet lands under
 it. He therefore gathered together
 the people, raised subscriptions
 among them, entered into an
 agreement with complainant
 Periyanna Goundan to and
 constructed a dam a little
 removed to the west of the dam
 above referred to (Periyanna's
 dam) and excavated a channel.
 The ~~can~~ dry lands of the complainants
 and the wet lands of under the
 tank were uninterruptedly ~~in~~
 irrigated by the above water
 and fassal paste was collected
 from the complainants every
 year for the irrigation of their
 dry lands. As Thampi Koundan above
 referred to is dead Mannan Goundan
 and others have caused this dispute
 with the intention of stopping the
 irrigation of the complainants
 dry lands. A portion of the
 lands of complainants Periyanna Goundan
 & others has been taken up for ~~the~~

the channel, above referred to (due by Thanpoundant). The assessment on this portion has not been remitted nor has any land been given in compensation for that taken up; and it is understood that ever since complainants have been ~~paid~~ ^{been} paying this assessment incurring thereby a loss. During the Tamabandi of A.S. 1272 when pattahs were distributed in the village the complainants made a representation to the Coll. in regard to the channel water, and the Monegar and Karnam of the village reported the result of my investigation into the matter. Thereupon that officer ordered that the water should irrigate the complainants' lands also in as much as the channel passes through their lands and fassalfasti has been collected from them. I therefore submit that the claims of the parties to the said dam & channel should be settled in a court of justice.

justice & that until
such a settlement takes place
they should
conduct themselves in accordance
with the "mamul" custom with-
out any dispute.

Copy of the petition presented to the
Commissioner of the District of
Madras by the Zamindars of the
Taluk of Vallam complaining that the
water of the channel excavated
by them at their own expense
was being utilized by opponents
Periannagoundan & others for the
irrigation of their dry lands,
was referred to me for report
by Ench. No. 143, dated 10th Oct.,
and I beg to submit the following:

I have enquired into the
matter & have submitted a re-
port on the same in my arzi
No. 241 dated 17th Oct. last.
It is therefore submitted that
no more enquiry is necessary.
The Ench. is herewith returned.

Co.
1867

Arzi No. 275, dated 16
November 1863 from the Tahsil
of Vallore to Mr. Barlow A.S.
Sub. Coll. of N. Arcot.

The petition presented to the
Commissioner of the District of
Madras by the Zamindars of the
Taluk of Vallam complaining that the
water of the channel excavated
by them at their own expense
was being utilized by opponents
Periannagoundan & others for the
irrigation of their dry lands,
was referred to me for report
by Ench. No. 143, dated 10th Oct.,
and I beg to submit the following:

I have enquired into the
matter & have submitted a re-
port on the same in my arzi
No. 241 dated 17th Oct. last.
It is therefore submitted that
no more enquiry is necessary.
The Ench. is herewith returned.

Co.
1867

C No. 3317, 4020, 4121 + 5301 of 97.

From

The Hon. Secy. of the

Dated

189

FOR ORDERS.

I agree with the Secy. The
channel Periyannam Goundan ^{has} ~~learned~~
who used come after the channel
from a dam higher up the stream
was dry. Mr. Barlow's narrative
of facts is obviously wrong & we
must act on the Report on which
it was based, but it is the only
evidence we have.

But we see no reason
to interfere.

Jg

22/7/97

vide Memo A. B. D. E

Dr. 20/7/97

Flag A

Int. comm.

19.7.97

The papers read above
relate to a dispute about the right
to the use of the water of a certain
channel in the N. Arcot District.
The channel in question is a private
one, leading from a stream called
the Janakkanni Odai, and after
passing through the Melvillam village,
it empties itself in the Kil Vallam
village tank. The ryots of Kil Vallam
have from time to time during the
past 35 years been contesting the
right of the Melvillam people to use
the channel water for irrigation &
their dry lands; but the decisions
of successive Revenue officers have
always been to confirm ^{sub. collected} Mr. Barlow's
order of 1863 to the effect that the
Melvillam people had such right
and that it was the surplus water
that went to Kil Vallam. The extent
of the respective rights possessed by the

that subsequently the rights of
P. Vallam seeing that there was
scarcity of water in the channel
after irrigating Perianma Counden's
dry lands, raised subscription
of among themselves, and constructed
a dam across the said stream
a little above P. Counden's dam
and excavated a channel
to feed their village tank; (iii)
but that as the new channel
had to pass through P. Counden's
dry lands and as the latter objected
to the excavation of the channel
through his lands, an agreement
was come to the conditions of
which were that both parties
may utilize the channel water with-
out any restriction when there was
sufficient water in the tank and that
at other times P. Counden & others
should use it for one day in every
six days ^{to irrigate their dry lands} and that for the remain-
ing five days the channel water
should be allowed to go to the Kil
Vallam tank. Of these allegations
No. 1 is admitted to be a fact. No. 2
is denied by Perianma Counden who
says that the new channel was only
a continuation of his own and did

The Govt. letter P. 1.
G. from a paper
paraphrase of the note
1/19.7.97

He denies; but P. G. was
not entitled and the channel
in question was not dug by
himself.

This is ^{hold.} ~~strong~~ assertion

not supersede it. His contention
is supported by the statement in
para 2 of the Sub. collector's order
now appealed against. Allegation
No. 3 is probably the "mamool" referred
to, but it was denied at the time
by the other party whose contention
then was that P. Counden was not
entitled to take any water for his dry
lands. The allegation is, however, on the
face of it improbable, as a person
who is entitled to the unlimited
and sole use of the water of a channel
dug by himself is not likely to agree
to an extension of the channel whereby
his use of the channel water becomes
greatly restricted. The agreement
itself was at no time forthcoming;
but the Tahsildar's Arzi refers to a
village copy of it in Cadjan produced
at the time by the Karmam from
his accounts. Neither this copy nor a
copy of this copy is before Court.
Perianma Counden alleges that
there was no such agreement, that
it must have been forged, for if
genuine, it must have its Counter-
part in the Huzur and Taluk offices
but that in that district, the
records at the time were in Mahvatti.

The Trans. Arts of 1863. (flag F.)
Periguma Eumend's petition to
the B. (flag A.A) Mr. Michael's
order (flag D) A full abstract
of this case will be found in the
Census letter (flag G.)

Periguma Eumend's main
contentions are

1. That the channel in
question is his
2. That Mr. Michael's order
as to the distribution of the
water is wrong.

It seems from that the channel
is not P. G.'s for if it were
any with permission he would
have had to pay water rates as
it is a private channel.
If he were along a channel ^{but} it
has disappeared and the
existing channel is that dug
to feed the Kivallan Tank.
P. G. was allowed to take water
from this ^{channel} ~~source~~ because it
ran through his land and he
could make himself ready if not
to buy it off. Being watered all
his land from this source the
other fell into disuse.
Mr. Michael's order is quite in

REVENUE DEPARTMENT.

Current No.

From

Dated

188 .

FOR ORDERS.

accord with the Arts of 1863
as to the distribution of the
water and is clearly correct.
It is enough to show that
the channel fell into disuse
for it is only occasionally
served.

This case seems from it
illustrate what mischief
a corrupt officer not properly
supervised may do.

There is I submit no ground
for him to interfere.

Order his no. 3888 of 26th July 97

The Govt sees
no reason to interfere.
(from order).

To the pet. int. no. 2-8-97
Census letter 4121/11) no. 2-8-97
Board of R. & L. 1897

The Treasurer
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CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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