3,000—5-3-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4809

DATED 7th December 98

[Despatch Abstract.]

Informing with remarks the calls of the Vizianagram Zamindar ~~with~~ that he might commence the theodolite survey of the estate as suggested by him.

BACK PAPERS.

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

FURTHER PAPERS.

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

O/18 2,000— 1-98.

Revenue (1898) Department.

CURRENT No. 6894

Order

From

The Ag Collector & Guardian
Vizianagram Zamindari
Vizagapatam Dist.

No. 1/Sur

Dated 2 Oct.

Received 6 "

Registered 7 "

Enclosures 3.

Spare copies

SUBJECT.

Submitting letter No 2889/M dated 23 Sept/98 from the Superintendent Madras Survey for sanction of his proposals and soliciting issue of a notification of Survey of the Zamindari of Vizianagram.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.
2022 d	6-6-99		

No. 1 Sur of 98

VIZIANAGRAM,

2nd October 1898.

Enclosures

FROM

H. F. W. GILLMAN ESQR.

Ag. Collector & Guardian

Vizianagram Zemindary

To

The Hon'ble Mr. G. S. Forbes

Revenue Secretary to the Government

Fort St. George, Madras

SIR,

With reference to para 2 of G. O. No. 3322 Mis: dated 11th August 1898 I have the honor to enclose copies of the correspondence that has subsequently passed between the Superintendent of Survey and myself regarding the survey of this zamindari.

My letter No. 635 d/- 5th Sep 98.
Survey Superintendent's reply No. 2889/m of 23 Sep 98.

2. You will observe that during the ensuing six months, i.e. until the close of the official year, it is proposed to carry out the Theodolite survey of village boundaries in seven of the zamindari tanahs, and also to survey experimentally one or two villages in order the better to be enabled to prepare the detailed estimate of the cadastral survey. Mr. Greene estimates the cost of the six months' working at Rs 10000/- plus cost of stones

and

and I am ready to place the amount at his disposal. I shall also easily be able to meet the anticipated yearly cost of the survey until its completion.

3. I apprehend considerable difficulty in carrying out even the simple work that has been set down for the next six months, and am sure that there will be disputes as to boundaries in almost every village. I expect, however, to be able to settle many of these without the assistance of a survey officer; but some will be beyond my powers, such as where villages border those of other estates or inam villages or lands.

4. If, therefore, Government is of opinion that it is competent to notify a survey of the Estate on my application under section 17(a) of the Madras Survey and Boundaries Act (IV of 1897) I beg that it will be pleased to do so, and appoint a survey officer under section 4 (1) to settle disputes that may arise and sanction the superintendent's present proposals. I may mention that through oversight the minor Rajah has not yet been registered as proprietor of the whole estate in the District Collector's office. I am taking immediate steps to remedy the technical flaw in his title.

5. The other course open is that without such a notification, I should with the approval of Government commence the survey on my own initiative and ask the Superintendent of Survey to organize the subordinate staff enumerated by him and direct them to commence work without delay. Of course, it will not be possible to carry out the whole survey satisfactorily in an unofficial manner and a Government notification under the Act will have to issue before the interior survey of villages is commenced.

6. What I beg to impress upon Government is the great advisability of carrying out the survey of this zamindary with the least possible delay, and to this end, of utilizing to the full the present working season. If owing to a defect in the Act or in my power to apply for a survey under it, Government is of opinion that some time must elapse before the survey can be commenced in the regular manner, I earnestly request that I may be permitted to commence it at once in the second manner proposed, on the understanding that disputes which cannot be settled amicably

will be postponed till after the issue of the Government notification, and that the Superintendent of Survey may be instructed to detail the Establishment proposed by him for the work that has to be done.

I have the honor to be

Sir,

Your Most obedient servant

H W Pieman

Ag. Collector and Guardian

From

The Ag. Collector & Guardian
Vizianagram zamindary

To,

The Hon'ble Mr. G. S. Forbes
Revenue Secretary to
the Government, Fort St.
George, Madras.

Enclosures: Two:

Subject

Submitting letter No 2889/m
d/23rd Sep 98 from the Superintendent, Madras Survey for sanction of his proposals and soliciting issue of a notification of Survey of the zamindary of Vizianagram.

1898
REVENUE DEPT.
7814

No 635 5 Vizianagram

5th September 1898

To,

G. P. Greene Esquire,
Assistant Supdt of Survey, Madras,
Madras

Sir,

Having had the advantage of a conversation with you at Madras, I now write with a view to arrange preliminaries of the Survey of the Vizianagram Zamindari which according to para 2 of G. O. No 3322 Mis dated 11th August 1898 are to be arranged between us.

(2) I enclose a portion of Atlas sheet No 108 which contains that portion of the Zamindari on which I desire to commence survey operations. The following Tanahs marked therein require first attention.

Chodaveram	Bonangi
Alamanda	Gajapatinagram
Lakanarapukota	Vizianagram
Bheemasinghy	

The greater portion of the land in these Tanahs is under wet cultivation. I enclose also a list of the villages in each Tanah.

(3) What I propose, if you can find the establishment is that the theodolite Survey of the village boundaries in these Tanahs should be commenced next month and

if

if possible completed in the six months that will have still
to elapse before the official year closes. It will be well
also to complete the Survey of two typical villages (wet and dry)
so that we may get a line as to the difficulties that
will be probably experienced, the most suitable areas for
survey field work and dry we I shall say a reliable
upper subordinate of your Department would be competent
to supervise this work in which mathematical accuracy
alone is required.

(4) From the 1st April 1899 (or a some date if practicable)
the internal Survey of the villages should commence. In
view of the numerous disputes that are likely to arise and
the importance of the issues involved, it will be absolutely
necessary to have an experienced Gazetted officer in charge
of the work. I should like to have the services of Mr. Abbott,
who is now the Survey Officer in charge of the Sathon
Division. I doubt, though if he would be able to attend
both to the Vizagapatam Survey and his Government work
properly and am quite willing that he should be put
on special duty.

(5) I hope it will be found possible to collect an
establishment sufficient to complete the whole, or, at
any rate the greater portion, of the Survey of the
State cultivated lands (about 2000 sqr miles) in the

next,

next two years. Please let me know what such an establish-
-ment would probably cost per annum.

(6) In reference to the preliminary work to be done
before 1st April, I shall be glad to know the establishment
that you propose to entertain, and its probable cost for the
six months. Please also offer your suggestions as to the
steps to be taken for the supply of Survey stones,
form in which tenders should be called for, size,
probable price, and probable quantity of stones,
number of depôts that will probably be required
&c &c

(7) I shall be obliged if you will return the
Atlas sheet when no longer required.

I have &c

(Sd) H.W. Gillman

Ag Collector and Guardian

/True Copy/

H.W. Gillman

Ag Coll & Guardian

4

Enclosure (1)

In letter no 1/Sur of 98 dy 2d October 1898 addressed by the acting Collector and Guardian Vizianagram Zamindari to the Honble Mr G. S. Forbes Revenue Secretary to the Government Fort St George Madras.

Letter No 635 dy 5d Septr 98 from the Acting Collector & Guardian Vizianagram to the Superintendent Madras Survey regarding Survey of Senor of the Tanas of the Vizianagram Zamindari.

1898
REVENUE DEPT.
Encl. No. 1
Cur. No. 6896

1898
REVENUE DEPT.
Encl. No. 2
No. 7814

Survey Office, Madras
23d September 1898.

No 2889/m

From

G. P. Greene Esqre
ag Superintendent, Madras Survey

To

H. W. Gillman Esqre I.C.S
ag Collector and Guardian
Vizianagram

Reference. Your letter No 635 dated 5d September 1898 requesting to be furnished with an Estimate of cost and other particulars in connection with the Survey of the Vizianagram Zamindari.

Sir

I have the honor to state that, to run a main Theodolite Traverse for the boundary of each Tannah and a minor Theodolite traverse for the boundary of each village, I estimate (see statement A) that, for the 7 Tannahs referred to in your letter and the villages they comprise, 1300/- linear miles of traverse Survey will have to be completed.

2. A Theodolite Surveyor should be able

able to complete 40 linear miles per annum.
So about 6 theodolite Surveyors will com-
plete the full mileage in six months.

2. In my Estimate B attached, I have estimated
for 8 Theodolite Surveyors and a similar
number of Station Markers (Field
Surveyors) the two additional theodolite
and Field Surveyors to take the place
of those sick, absentee. No further
remarks on the Estimate appear necessary
as you, of course, know that Computors,
Draftsmen and Chainmen are essential.

3. If you will arrange to supply
the funds (Rs 10000) I will arrange to start
the work at once.

I have already selected a
Competent upper Subordinate to take
charge of the work and do not anticipate
much difficulty in getting together the
full Establishment required.

4. The Sick Assistant, who is
put in charge of the Theodolite Survey, may
be directed to make an Experimental
survey of the two villages as suggested. We
should be able to pay for this Survey out
of savings from the Theodolite Survey
Estimate.

Your

5. You ask what the probable cost
per annum of an Establishment sufficient
to complete 2000 Square miles in two years
would be. Rupees 150 per Square mile may be
taken as a liberal Estimate or Rupees 150000
for 1000 Square miles. I am however of opinion
that it is over sanguine to expect more than
500 Square miles a year as it is no easy
matter to get together a sufficiently large
and Competent Establishment to complete
even that area.

6. If the Theodolite Survey is to be
started, tenders for the supply of theodolite
Station Stones should be called for at once.
I attach a form of Contract for the supply
of Stones now in use by the Madras Revenue
Survey. This gives two classes of Station
Stones, Boundary and Division, but, as it
is proposed to have theodolite stations on
village boundaries alone, I would suggest
that only 1st class stones i.e. boundary
Station Stones be tendered for and used. The
usual Cost of a theodolite station stone,
3 feet x 9" x 9" is from Rs 6 to 8 annas but this
Cost, of course, varies according to the locality.
About 8 Stones will be required for each
linear mile or 10400 Stones for 1300 miles.

Your

Their Cost should be added to Estimate

A. Stone Depôts should, if possible, be so selected that no stone will have to be carted for more than 10 miles

7. I would suggest that the detailed Estimate for the Cadastral Survey of the Zamindary be allowed to stand over until the experimental Survey of one or two villages has been completed.

I have &c

(Sd) G. P. Greene.

Ag Superintendent

Madras Survey

(True copy)

H W Cleeman

Ag Collector and Guardian

Vizianagram Zamindari

1
REVENUE DEPT.
Encl. No. 2
Cur. No. 6894

1878
REVENUE DEPT.
Encl. No. 3
Cur. No. 7894

Statement A

Vizianagram Zamindars'

No	Jaunah Name	Total number of villages	Total area of Jaunah	Average size of each village	Length of Jaunah boundary ble surveyed with Theodolite	Length of village boundaries written each Jaunah	Total of Columns 6 and 7	Remarks.
1	2	3	4	5	6	7	8	9
			Sq. miles	Sq. miles	Miles	Miles	Miles	
1	Chodavaram	34	52	1.53	33	70	103	
2	Alamanda	58	100	1.72	43	130	173	
3	Lakavarapukota	45	81	1.78	30	100	130	
4	Bheemasinghi	45	104	2.31	34	120	154	
5	Bonangi	65	119	1.83	37	154	191	
6	Gajapatinagram	100	175	1.75	66	238	304	
7	Vizianagram	47	140	2.98	27	140	167	
	Total	394	771		270 Say 300	952 Say 1000	1222 Say 1300	

Data for Calculation

Total length of the boundary to be surveyed with theodolite as shown within, is — 1300 Miles

Time required to complete 1300 miles is — 6 months

Monthly outturn required is — 1300 Miles / 6 months = 217 Miles

Outturn of a theodolite Surveyor per month of 20 working days at 2 miles a day — 20 days × 2 miles = 40 Miles

No. of theodolite Surveyors required to turn out 217 miles a month is — 217 Miles / 40 Miles = 6 Surveyors

Estimate of Cost

Total area for theodolite Survey — 771 Square Miles

Grade	No. of men	Rate of pay	Total Monthly Cost	Total Cost for 6 months	Remarks.
			Rs	Rs	Rs
Sub Assistant	1	250	250	1500	
Theodolite Surveyors	8	80	640	3840	
Field Surveyors Station markers	8	12	96	576	
Deputy Surveyors	2	40	80	480	For preparing preliminary Sketches
Computers	2	20	40	120	For 3 months
Draftsman	2	20	40	120	Do
Peons (Sub Asstt)	6	6	36	216	
Do (Theodolite Surveyors)	8	6	48	288	
Do (Dy Surveyors)	2	6	12	72	
Chainmen	40	5	200	1200	
Clerk	1	20	20	120	
Contingencies	—	—	100	600	
			1562	9132	
		Margin		868	
		Total		10,000	

Rate per Square mile Rs 13

Survey office
Madras
23 September 98

(Sd) G. P. Greene
Ag. Superintendent
Madras Survey

Enclosure II

In letter no 1/Sur of 98 dy 2d Oct. 98 addressed by the Acting Collr and Guardian Vizianagaram Zamindari to the Hon'ble Mr G S Forbes Revenue Secretary to Government Fort Saint George Madras.

Copy of letter no 2889/m dy 23d Sept 98 from the Acting Supdt Madras Survey to the Acting Collr and Guardian Vizianagram Zamindari forwarding proposals for the Survey of Seven of the Tanahs of Vizianagram Zamindari.

(Enc: one)

1 98
REVENUE DEPT.
Encl. No. 3
Cur. No. 6634

Revenue Department.

No. 245

OFFICIAL MEMORANDUM.

With reference to his letter no 1/Sur dated 2-10-98, the Collr of the Vizianagram Zamindari is requested to submit a formal application in writing as required by S. 17 of the Madras Survey and Boundaries Act (IV of 1897).

Acknowledged 14th October 1898

To the Collr of the Vizianagram Zam'y

KD
13/10/98

14/10/8

Dt. 19-10-98

Remunder No. 282 d/11-11-98

O. No. No. 246 Rev. Dept.

In forwarding a letter No. 1/Sur dated 2-10-98 from the Collr of the Vizia-Nagram Zamindari appointed under the Guardians and Wards Act (VIII of 1890), the Advocate-General is requested to be good enough to favour Govt. with his opinion whether the Plaintiff written application for the survey of the Zamindari with reference to S. 27 of that Act may be dealt with as an application in writing by the proprietor within the meaning of S. 17 of the Madras Survey and Boundaries Act (IV of 1897).

Cotacamund
14th Oct. 1898

Ans-19-10-98

To the Advocate-General
thro' the Govt. Solr.
with the Collr's letter
in original.

KG
13/10/98

[signature]
1/10/98

$\frac{O}{18}$ 2,000-8-3-98.

Revenue (1898) Department.

CURRENT No. 7316

From

The Collector and Guardian of the Vizianagram Zamindari

Order

No. $\frac{1}{Sur}$ of 98

Dated 22nd Oct.
Received 25th " } 1898.
Registered 26th

Enclosures 1

Spare copies

SUBJECT.

Enclosing a formal application in writing for the Survey of the Vizianagram Zamindari.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 1 of 98
Secr

VIZIANAGRAM,
22nd October 1898.

Enclosures 1

FROM

H. F. W. GILLMAN Esqr.
Ag. Collector & Guardian
Vizianagram Zamindary.

To

The Hon'ble Mr G. S. Forbes.
Revenue Secretary to the
Government, Fort St George
Madras.

SIR,

With reference to G.O. no 245 Rev. dated 14th Instt I beg to enclose a formal application in writing for the Survey of the Vizianagram zamindari.

I have the honor to be
Sir,
Your most obedient servant
H. F. W. Gillman
Ag Collector and Guardian

1898

From

The Acting Collector & Guardian

Vizianagram Zamindari

To

The Revenue Secretary

to Govt Fort Saint George

Madras

No 1/Sur of 98

Dated 23d Octr } 1898
Received }

Encs. One

Submitting formal Application

for the Survey of the Vizianagram Zamindari

Under Section 17 (a) of the Madras Survey and Boundaries Act (IV of 1897) I, H. W. Gillman, Ag Collector of the Vizianagram zemindari appointed under the Guardian and Wards Act (VIII of 90), beg to apply to Government for the Survey of the whole of the Vizianagram zemindari situate within the Districts of Vizagapatam, Ganjam and Godavari, and hereby consent to defray the entire cost of such Survey from the funds of the Estate.

Vizianagram }
22nd October 1898 }

H. W. Gillman
Ag. Collector
Vizianagram Zamindari

Enclosure

In letter No. 1/Sur of 1898 dy 22d October 1898 from the Acting Collector & Guardian Vizianagram Zamindari to the Revenue Secretary to Govt. Fort Saint George

Application from the Ag Collector Vizianagram Zamindari for a Survey of the whole of the Zamindari situate within the Districts of Vizagapatam, Ganjam & Godavery.

1898
REVENUE DEPT.
Encl. No. 1
Cur. No. 7316

Remainder No. 132 dy 11-11-98

Revenue (1898) Department.

CURRENT No. 7609

From
The Superintendent
Madras Survey

Order

No. 132

Dated 5 November 98.
Received 6/11
Registered 7/11
Enclosures –
Spare copies

SUBJECT.

Cadastral Survey of the Vizianagram Estate —

Reporting that the can, if sanctioned, be included in the Survey programme for next official year 1899-1900.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

(C. O. Form No. 13-A 2.)

SURVEY OFFICE, MADRAS,
5 November 1898.

No. 152

From

H. O'C. Cardozo, Esq., C.I.E.,

Superintendent, Madras Survey,

To

The Secretary to Government,

Revenue Department.

REFERENCE. G. O. No. 3322, Revenue, dated 11 August 1898, referring for remarks letter from the Collector and Guardian of Vizianagram regarding the Survey of the Estate.

Sir,

I have the honour to report that the Cadastral Survey of the Vizianagram Estate can, if sanctioned, be included in the Survey programme for next official year 1899-1900 by full Cadastral Party (Appendix No. VII to my last Administration

report printed with G.O. No. 566 Revenue dated 4 October 1898) will have to be organised - This will take at least Six months -

2. Preliminary details are being arranged with the Collector and Guardian as authorised in para 2 of the G.O. under reply -

I understand that the Collector has recommended for Sanction the immediate employment of a Small Theodolite Survey Party which can begin work as soon as orders are received -

I have the honour to be
Sir
Most Obdt. Servant
[illegible]
[illegible]
[illegible]
[illegible] Survey.

O/18 2,000-[illegible]-98.

Revenue (1898) Department.

CURRENT No. 7814

From

The Government Solicitor - Madras.

Order

No. 527

Dated 14th Nov: 1898
Received 15th " "
Registered 17th
Enclosures — ~~not rec'd~~ 3 ([illegible])
Spare copies

SUBJECT.

Forwarding the opinion of the Hon'ble the Advocate - General on the subject of the cost of the Survey of the Vizianagram Zamindari.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

OPINION.

1. For the purposes of the Madras Survey and Boundaries Act (IV of 1897) proprietor is defined as "any person in whose name any estate is for the time being registered in the office of the Collector of the district wherein the estate is situated". Under Section 17 Clause (a) of the same Act, the Local Government may, by notification, direct the survey of any estate on the application in writing of the proprietor of such estate.

2. It is clear that the Vizianagram Zemindary is an "estate" within the meaning of Section 2 of Madras Act IV of 1897, and it is equally clear that the Minor Rajah, as soon as the estate is registered in his name in the office of the Collector, could, if he were sui juris, apply under Clause (a) of Section 17 of the Act of 1897 for an order directing the Survey of the Zemindary. Mr. H. F. W. Gillman is the guardian of the Minor Rajah appointed under the Guardian and Wards Act, 1890, and the question for consideration is whether the Government can take action under Clause (a) of Section 17 of the Act of 1897 on the written application of the Guardian.

3. [Section 27 of the Guardians and Wards Act 1890 empowers the Guardian of a Ward to do all acts which are reasonable and proper for the realization, protection or benefit of the property. There can be no question that the survey of the estate in question would be for the protection and benefit of the property; but it seems to me that the general powers conferred upon the Guardian do not constitute him the "proprietor" of the estate for the purpose of enabling him to apply under Section 17 Clause (a) of Act IV of 1897] The narrowness of the definition of "proprietor" in Act IV of 1897 is unfortunate, but as the law stands, I do not think that Government can direct the survey of the estate in question under Clause (a) of Section 17.

4. There seems no reason, however, why the survey should not be directed under Clause (b) of the Section in question, or why, pending the issue of the notification, the work should not be commenced as suggested by Mr. Gillman in paras 5 and 6 of his letter

(1898) Department

From

Ernest Barclay
Government Solicitor
Madras

To

The Secretary to Government
Revenue Department
Madras

No 527

Dated 14th November 1898
Recd 3

Enclos 3.

Forwarded with enclosures with reference to the Official Memorandum of Government No 246 dated 14th October 1898 Revenue

Ernest Barclay
Government Solicitor

D
4 1,000—8-4-97.

Revenue Department.

No.

From the Collector of the Vizianagram Zamindari

No 1—Survey Dated 2—10—98 (C no 6894) —189—.

~~FOR ORDERS.~~

To Secy

The Collr of the Vizianagram Zamindari proposed that the Zamindari should be surveyed and that he should be allowed to settle details with the Supt, Madras Survey. These proposals were approved in G.O. no 3322 dated 11—8—98.

2. The Collector proposes——

(i) that a theodolite Survey of the village boundaries in seven Taluks should be commenced at once and finished by the end of the Current official year;

(ii) that the internal Survey of the villages should commence on 1—4—99 and be finished in two years.

3. The Supt, Madras Survey, has selected a Competent upper Subordinate to take charge of the theodolite Survey and hopes to be able to get together an establishment consisting of eight theodolite Surveyors, 80 main field Surveyors and the usual Complement of Computers, draftsmen and Chainmen.

Current, page 1.

Ibid, pages 2 & 3

Ibid, page 4

estimates the probable cost at Rs 10,000 exclusive of the cost of the demarcation stones.

The Supt would leave the detailed estimate for the cadastral survey for discussion after surveying two villages experimentally.

4. The Colr requests sanction to the immediate commencement of the theodolite survey, and suggests—

(i) the notification of the survey under S 17(a) of Act IV of 1897;

(ii) the appointment of a Survey Officer under S 4(1) of the Act.

These proposals may, it is thought, be approved.

Under S. 17 of Act IV of 1897, the Local Govt. may direct the survey of any estate "on the ~~written~~ "application in writing of the proprietor + + + "accompanied by a written statement of his "consent to defray the whole cost of the Survey". The proprietor being a minor in the present case, the Colr, who is also the guardian of the Minor's property, may make the application. Under S. 27 of the Guardians and Wards Act (viii of 1890) "he may do all acts which are "reasonable and proper for the + + + benefit "of the property," and it is submitted that the [illegible] mindari is one of these acts. [illegible] Colr—guardian has not submitted [illegible] ment of his consent to defray [illegible] Survey; but in para 2 of [illegible] I am ready to place the

~~FOR ORDERS.~~

Current, page 8

Ibid, page 10

A

Ibid, page ~~10~~ 2

"amount (Rs 10,000) at his (the Supt's) "disposal. I shall also be able to meet the "anticipated yearly cost of the Survey until "its completion." May this be regarded as equivalent to the written statement prescribed by S. 17(a) of the Act? If not, may the Colr be asked by telegram to forward the statement?

6. The Supt, Madras Survey, has to be asked to nominate a person to be appointed Survey officer under S 4(1) of the Act.

Yes, may use it should be read B

KO
13/10/98

Ask the Adv. Genl. to advise on the legal question involved at A — whether an application in writing by the proprietor under Sec 17(a) of the Survey Act is sufficiently satisfied by the written application of the Collector appt'd. under the Guardians & Wards Act with reference to Sec 27 thereof.

As to B above ask the Collr for a formal written application

SK 13/10/98

To Secy

Please see drafts below.

KG
13/10/98

[signature]
14/10/98

Read again O.Ms. nos 245 and 246 dated 14-10-98.

From the Collr of the Vizianagram Zamindari no 1/Sur dated 22-10-98 (C no 7316)

" Supt, Madras Survey, no 132/G dated 5-11-98 (C no 7609)

" ~~Advocate General~~ Govt solicitor no 527 dated 14-11-98 (C no 7814).

To Secy

Attention is solicited to para 4 of the office note on page 2.

2. The Collector of the Vizianagram Zamindari requests sanction to the immediate commencement of the theodolite survey of village boundaries, and suggests

(i) the notification of the Survey under Sec. 17(a) of M. Act IV of 1897;

(ii) the appointment of Survey officer under Sec 4(1)

of the same Act.

3. As to whether the survey might be notified by Govt on the Collector's application as the guardian of the proprietor, the Advocate-General was consulted, and his opinion is that the definition of proprietor in M. Act IV of 1897 is unfortunately narrow, and that the general powers conferred on the Collector and guardian by the Guardians and Wards Act (VIII of 1890) do not constitute him the 'proprietor' for the present purpose. The definition of 'proprietor' in Sec. 3 (iii) of M. Act IV of 1897 substantially agrees with that in Sec. 4 of M. Act II of 1894 (The Madras Proprietary Estates Village Service Act). In G.O. No. 604 of 22.10.98, it has been decided to amend the definition of 'proprietor' ~~of~~ in the latter Act and it is submitted that the opportunity may be taken to amend the ~~f~~ definition of the word in M. Act IV of 1897 also. A

(C no. 7814)

SA

redraft of the Bill ~~[illegible]~~ ~~[illegible]~~, and an ~~order~~ order to the Board inviting its very early remarks on it are put up for approval.

4. The Advocate General suggests that action may be taken under Sec. 17(b) of M. Act IV of 1897, or pending a notification under the Act, the Collector may start the survey on his own initiative. In the former case under the proviso to Sec. 19 of the Act, the cost should be borne by Govt. The difficulty may be obviated by following the procedure indicated in the latter half of para 2 of G. O. No. 652 d/ 7.11.98. This procedure is for the Govt. to notify a survey under Sec. 17(b) of the Act, and to obtain a separate agreement from the Collector of Vizianagram to pay the whole cost of the Survey. In this case, however, the cost can not afterwards be recovered from the tenants under Sec. 20 of the Act.

This might be done, I think, but no more JB

page 3 of C.D. 6894 para 5

5. Pending the amendment of the Act, and the issue of a notification under Sec. 17(a), the Collector may, it is thought, start the theodolite survey. He feared, however, that it would not be possible to carry out the whole survey satisfactorily in an unofficial manner. Until the Act is amended action may be taken under Chapter IV of M. Act IV of 1897 for the settlement of disputes. No notification by Govt. being necessary for proceedings under this chapter, the District Collector will intervene of his own motion to settle disputes, if any arise.

6. Please see two drafts below.

KD
23/11/98

J.M.

I think we might run thro' the Bill if not at one sitting, certainly at two. As it is a Bill urgently wanted to correct an omission it involves no new principle.

and under para 5 clauses (1) to (c) & (d) of the Enclosure to India's Legislative letter of 6/10/98 we may introduce the Bill & proceed with it without waiting for the S. of State's previous sanction.

If H.E. agrees the Bill may be put down for next Council & at any rate introduced & if no opposition is apparent passed at the same sitting with the suspension of the Standing Orders. The Bill cd. meantime be published in the Gazette.

A draft Bill is attached

[signature] 26/11/8

I see no objection to the above suggestion — As regards estates under management of the Court of Wards, I shd think it preferable that the District Coll. as agent of the Court shd be deemed to be the Proprietor. HS 28-11-98.

G.O. No 72 d 5/11/98

[illegible] 4767 5-12-98

Takes no objection to the suggestion. I would ask however, with reference to the Hon. Member's Note whether "Dist. Collector", or "Manager" would fit in best with the general tenour of the Court of Wards Regulation.

A.A.H. 3.12.98

H.E. the Governor

[signature] 28/11/8

9

To Secretary

The draft bill to amend act II of 1894 (M) (The Proprietary) Estates Village Service act and act IV of 1897 (M) (The Survey and Boundaries act) having been referred to the Advocate General for opinion (vide G.O. No. 4767 d. 5-12-98) may the draft below authorizing the Theodolite survey of the Vizianagram Zamindari now issue?

Flag C

A

Flag D

It is presumed that the Board will be consulted on receipt of the Advocate General's opinion.

Issue the draft A

KD 7/12/98

[signature] 7/12/8

Rev. Dept.

Read again G.O. No. 604 d/ 22.10.98.

Order

In connection with a proposal for the survey of the Vizianagram Zamindari under Sec. 17(a) of Act IV of 1897 (Madras), it has been pointed out that the definition of 'proprietor' in Section 3 (iii) of the Act precludes the publication of a notification on the application of the guardian appointed under the Guardians and Wards Act (VIII of 1890). H. E. the G. in Council considers that the opportunity afforded by the proposed amendment of Act II of 1894 should be taken to remove this defect. A redraft of the Bill appended to G.O. No. 604 d/ 22.10.98 is forwarded to the Board of Revenue with the request that it will

favour the Govt with its remarks thereon as early as practicable.

To

The Board of Revenue (L.R.)
(with copy of revised bill)

KD
23/11/98

Fold over

Since ordered to be issued vide page 9 of the notes
AV

Rev. Dept

Read letter from the Collr of the Vizianagram Zamindari No 1 d. 2-10-98 (C No 6894)

— O.M. No 245 d. 14-10-98

— O.M. No 246 d. 14-10-98

— Letter from the Collr of Vizianagram Zamindari No 1. d. 22-10-98 (C No 7316)

— — from the Supdt. Revenue Survey No 132 d. 5-11-98 (C No 7609)

— — from the Govt Solicitor No 527 d. 14-11-98 (C No 7814)

G.O. Mis. No 4809 of 7th Decr 1898

The ~~Advocate General's~~ opinion of the Advocate-General forwarded with the last ~~of the~~ paper & read above will be communicated to the Collr of the Vizianagram Zamindari. ~~In view~~ To obviate ~~to remove~~ ~~of~~ the difficulty pointed out, ~~by him~~, the necessary steps will be taken to amend the definition of 'proprietor' in

fav section 3(iii) of act IV
rem of 1897. In the mean-
prac time, the collector
may commence the theodolite
survey of the estate as suggested
by him in paras 5
and 6 of his letter
No 1 d, 2-10-98, any
To disputes arising in
8 the course of it being
decided under
KD 22 chapter IV of the Act.
2. With reference
to para 1 of his letter No
132 d. 5-11-98, the Supdt,
~~Revenue~~ Madras Survey, ~~is~~ will be
informed that the
Cadastral Survey
of the Vizianagram
Estate may be included
in the programme
for the next official
year.

8/12 7/12 81

Page 3 of No 6594

CN 7609

To the Collr of Vizianagram Z
— Supdt Rev Survey
copy to the Advocate Genl
— Board L.R.
Thro Govt Solicitor
Collr of Vizagapatam Dist

Dd 10-12-98

(Why is the Collr of Distrct Smith)
8/12

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

READ AGAIN G.O., No. DATED
189

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

WITH DITTO

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

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