

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4598

DATED 23rd November 98

[Despatch Abstract.]

Communicating to the Bd of Reue. G.O. Public Works, Dept. directing that the necessary repairs and improvements to the Iravunda Tank affecting the South Indian Railway in the Nellore district, be carried out by Govt. the expenditure being subsequently recovered from the Shrotrindar concerned.

BACK PAPERS.

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

FURTHER PAPERS.

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

IRRIGATION.

Government (1898) of Madras. PUBLIC WORKS.

Current No. 7913

23/11/98

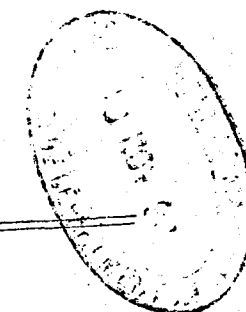
Recd. 19/11

Regd. 19/11

1898.

Enclosures

Spare copies



G.O., No. 858 I., 1st November 1898.

Go his No 45987/22 Nov 1898

NOVEMBER.

Comm'd to the Bd of Rev

19.11.98

H. S. P. M.

17 To the Board of Rev. (Rev. Lett.)
25-11-98

Uragunta Tank

Directing that the necessary repairs and improvements to the —, affecting the South Indian Railway in the Nellore district, be carried out by Government, the expenditure being subsequently recovered from the shrotriendrar concerned.

24
11-11-98

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

Irrigation.

READ—the following papers:—

From E. SCOTT, Esq., Acting Collector of Nellore, to the Secretary to Government, Public Works Department, Irrigation Branch, dated Nellore, 27th August 1898, No. 3339-Ver.

I have the honour to submit the following case for the orders of Government under section 9 of the Railway Protection Act.

2. On the 12th October 1897, a plan and estimate for Rs. 160 for repairing and improving the Urugunta tank in the shrotriempdar village of Buja-Buja-Nellore, Nellore taluk, which affects the South Indian Railway line from Renigunta to Nellore, was received from the Chief Engineer.

3. A notice and a statement under sections 4 and 5 of the Railway Protection Act were therefore served on the shrotriempdar on the 4th December 1897, to execute the repairs estimated for the tank within the 31st March 1898.

4. On the 17th February 1898, the shrotriempdar applied for an extension of time in view of the unfavourable season, but I declined to sanction his request. The Head Quarter Deputy Collector now reports that no repairs have been executed to the tank up to date though more than four months have passed from the date fixed for the completion of the work.

5. I accordingly request that Government may be pleased to direct the immediate execution of the work by the Public Works Department. The notice, &c., served on the party are enclosed.

To the Collector of Nellore, dated 10th September 1898, No. 3964 C.
From " " 30th " " No. 596 G.B./Ver.
To the Government Solicitor " 20th October " " No. 341 M.

From ERNEST BARCLAY, Government Solicitor, to the Chief Engineer for Irrigation, dated Madras, 26th October 1898, No. 482.

I beg to acknowledge receipt of your letter of the 20th instant, No. 341 M., with its enclosures.

2. Section 4 of Madras Act IV of 1886 provides that, whenever it shall appear necessary to the Collector that measures should be taken in respect of any irrigation work for the protection of any railway, he shall cause to be prepared the plans and estimates mentioned in the section, and shall also record a statement showing, with reasons, how far, in his opinion, the landholder in possession of &c, is liable to contribute towards the expenses to be incurred in carrying out the said measures and shall cause copies of a vernacular translation of such statement to be fixed in some conspicuous place in the village to which the said works belong.

3. Section 5 provides that the Collector shall, upon the completion of the plans, &c., send copies thereof to the landholder named in the statement, together with an order in writing requiring the landholder, within a reasonable time fixed in the notice, to carry out the measures specified in the plans and estimates, or to appear before the Collector and show cause why he should not carry out the same.

4. In the case referred to in the correspondence forwarded with your letter under reply, it appears that the notice and statement required by sections 4 and 5 were served on the landholder, the shrotriempdar, on the 4th December 1897, requiring him to execute the repairs estimated for by 31st March 1898. The shrotriempdar did not show cause against the Collector's order but, on the 17th February 1898, applied for an extension of time, which was refused.

5. Section 7 of the Act provides that, if the order is not cancelled by the Collector (as provided in section 6) he shall, by written notice, call upon the landholder to carry out, within a reasonable time, to be named in the notice, the measures specified in the order as originally issued or modified, as the case may be.

6. I am of opinion that the notice referred to in section 7 is necessary only in cases where the landholder has appeared before the Collector to show cause against the original order on one or more of the grounds mentioned in section 6, viz., that the landholder is not the landholder in possession of, or having control over, the works mentioned in the statement, or that other measures than those proposed may be adopted, or that he ought not to bear the whole or any part of the cost and that, where no such steps have been taken by the landholder, the notice provided for in section 7 is not required. The landholder has already been required under section 5 to, within a reasonable time, carry out the measures and the repetition in section 7 of the words "within a reasonable time" shows that the provisions of section 7 are not intended to apply to cases where no cause has been shown under section 6.

7. I return the enclosures to your letter.

No. 279 I.

Note by the Chief Engineer for Irrigation.

The Collector of Nellore brings to notice that as the Urugunta tank in the shrotriempdar village of Buja-Buja-Nellore, Nellore taluk, affects the South Indian Railway line from Renigunta to Nellore, a notice and statement under sections 4 and 5 of Madras Act No. IV of 1886 were served on the shrotriempdar concerned for the execution, within the 31st March 1898, of the repairs and improvements required to be carried out to the tank at an estimated cost of Rs. 160. It would appear that the shrotriempdar applied for an extension of time in view of the unfavourable season, which was not sanctioned. As the landholder did not appear to show cause why he should not carry out the work, the further notice provided for in section 7 of the Act is not required.* The work not having yet been carried out by the shrotriempdar, the Collector urges its immediate execution by the Public Works Department, sanction to which may be accorded.

* Vide paragraph 6 of letter from the Government Solicitor, No. 482, dated 26th October 1898.

(Signed) W. HUGHES,
Chief Engineer for Irrigation.

28th October 1898.

ORDER—No. 858 I., dated 1st November 1898.

The shrotriempdar to whom the Urugunta tank in the village of Buja-Buja-Nellore, Nellore taluk, Nellore district, belongs having failed to carry out the repairs and improvements to the tank which affects the South Indian Railway, and to appear and show cause why he should not carry out the same although the Collector had given

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2. On the 12th October 1897, a plan and estimate for Rs. 160 for repairing and improving the Urugunta tank in the shrotriend village of Buja-Buja-Nellore, Nellore taluk, which affects the South Indian Railway line from Renigunta to Nellore, was received from the Chief Engineer.

3. A notice and a statement under sections 4 and 5 of the Railway Protection Act were therefore served on the shrotriend on the 4th December 1897, to execute the repairs estimated for the tank within the 31st March 1898.

4. On the 17th February 1898, the shrotriend applied for an extension of time in view of the unfavourable season, but I declined to sanction his request. The Head Quarter Deputy Collector now reports that no repairs have been executed to the tank up to date though more than four months have passed from the date fixed for the completion of the work.

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him due notice under section 5 of Act IV of 1886, His Excellency the Governor in Council is pleased to direct, under section 9 of the Act, that the work be carried out by Government, the expenditure incurred thereon being subsequently recovered from the shrotriendar under the provisions of the Act.

2. The Collector will take care that the procedure laid down in the Act is strictly followed before the execution of the work.

(True Extract.)

Shahin
Under Secretary to Government,
Irrigation Branch.

To the Chief Engineer for Irrigation.
" Superintending Engineer, II Circle.
" Examiner, Public Works Accounts.
" Revenue Department.

Exd. Shaik Karim.

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

READ AGAIN G.O., No. _____
189

DATED

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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