

$\frac{O}{g}$ 3,000-17-12-02

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 830

DATED 24th February. 99

[Despatch Abstract.]

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
cu	3048/24						

0
18 4,000-18-10-98.

Revenue (189) Department.

CURRENT No. 1106

Order (in) *From the Public Works Dept. Ry.*

The Government approves the method adopted in the valuation of damages, Subject to this exception that only simple interest should be allowed on the amount of compensation.

No. 63 Ry

Dated 11-2-99

Received 13/2

Registered 13/2

Enclosures 2

Spare copies.

SUBJECT.

Transferring to the from the Colln of the Nilgiris reporting for approval the method of valuation of damages to private estates. This is the 1st time the Ry. has passed

The Board of Rev (A.R.)
" O. W. S. (Ry)
" Collector of the Nilgiris

21/2/99

BACK PAPERS.

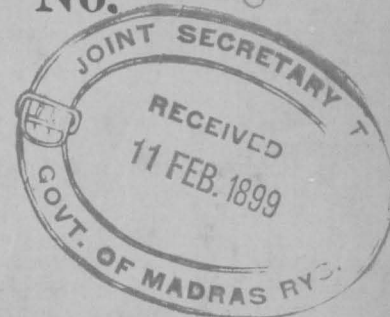
G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

^{works}
Public (1899) Department.

Railway
CURRENT No. 208



urgent

From

No. 63RM dt 11-2-99

Inspector
of
the Nilgiri's
Civ: No. 111/1899

Order

Transferred to Secy. Rev. Dept. in order that order of Govt. may be obtained. The Govt. of India pays for all land for the Nilgiri Ry. This Dept. has no opinion to offer except that if the principles adopted by the Collector are considered to be fair principle it would be desirable that he should be told so without any avoidable delay, because I learn that it is the delay in settling up with the plantation which has made the so very difficult to deal with in the recent emergency when the Railway was urgently wanted to get on to the coffee estate being here & there.

FWS.

11/1/99

Dated 7th February 1899
Received
Registered } 11. 2. 99
Enclosures Two.
Spare copies

SUBJECT.

Nilgiri Railway
Reporting to Government for approval the method of valuation of damages to private estates through which the — line pass.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Cur No. 111
1899

The Nilgiri COLLECTOR'S OFFICE,

Dated, 7th February 1899.

FROM

C. J. Wei Esquire Es

COLLECTOR OF

The Nilgiris,

To

THE SECRETARY TO GOVERNMENT,

Public Works DEPARTMENT, Railway Branch.

Madras.

SIR,

In G.O. dated 18th February 1893
No. 368 R, Public Works, sanction was
accorded for the assessment and
payment of damages resulting
from the acquisition of private
lands for the Nilgiri Railway,
and from that year up to the
end of 1898, the damages done
to the various estates through-
which the Railway passes, beyond
the acquired limits in each,
have been specially recorded
from time to time. These dama-
ges have also been classified by
the Survey Department in accorda-
with

with the Collector's instructions
under the following main heads.

(a) Portions of estates entirely
damaged i.e. rendered unfit for
Cultivation

(b) Portions partly damaged
liable to be reclaimed after
removal of spoil &c. The areas
falling under these heads have
been computed in each case, additional
details being furnished wherever necessary.

2. The fact that no
damages have been omitted to
be brought to account has
been fully verified by the
Railway authorities & also tested
on various occasions by the Collector
& the Dy. Tahsildar of Coonoor.
This has also been recognised
by the estate owners.

3. After the completion
of all these preliminaries, and
in the impression that no further
damages were likely to occur
according to the information
then available, Mr. Butterworth
the Collector proceeded to appraise
the

the damages and assess the amount
of reasonable Compensation —
payable to each estate owner;
and with this object has taken
down statements from the following
persons in respect of the estates
mentioned against each:—

- (1) Cleveland Estate — Mrs. J. H. Jones
- (2) Glenmore Estate — Mr. Alexander Allan
- (3) Lower Tiger Rock Estate — Mr. P. K. Narasingaiah
- (4) New Badaga Estate — Kiriya
- (5) Benhope Estate — Mr. Rhodes James
- (6) Kurumbadi — Messrs. Meenji Saito & Co.
- (7) Millgrove — Mr. A. W. Brodie for the proprietor.

4. In assessing the Compensa-
tion, Mr. Butterworth has adopted
the method discussed by him
in detail in the enclosed
Copy of his Proceedings in regard
to damages in Benhope estate;
and the appended statement
will show the particulars of
damages in all estates which
were finally dealt with by
Mr. Butterworth including Runnymede.
(Special

Special mention is made of Rungme as Mr. Buttsworth considered that an award should be made in this case also even though no claim for damages has been put forward by the proprietors).

5. In the unmentioned estates no damages occurred

(a) Mallanur (b) Mejee

(c) Iruka Land.

The following cases remain undisposed of, (they will be taken in hand as early as possible)

(a) Burligar

(b) Kodamalai Badagas estate.

b. Mr. Buttsworth first intended to complete his enquiry into all the cases of damage, and then address Government as to whether his procedure in the appraisement of damages was correct. As he was, however, been subsequently prevented by illness from concluding the enquiry he desired that the cases

in
the

12) to
2M

in which awards had already been made should be submitted by Government for approval the pending ones being thereafter dealt with on the lines approved by Government. Hence the present reference: and I have the honour to solicit very early instructions so that, if Government decide to accept Mr. Buttsworth's mode I may disburse the amounts awarded to the various estates proprietors from the available balance of the provision of Rs 30,000 for this purpose for the current office year 1898-99.

I have the honour to be,
Sir,

Your Most Obedient Servant

1
8.2.99

Collector.

Butts

Statement Showing the Amount of Compensation awarded for
 estates along the line of the Nilgiri Railway beyond the regular
 limits.

the damages done to the several
 estates.

Estate	Area irrepar- ably da- maged. Acre	Rate per Acre	Amount	Value of loss on irrepar- ably da- maged. Acre Col 5 & 6	Compound interest at 6% per annum for the amount mentioned in Col 7	Local partly damaged Acre	Rate per Acre	Amount of Profit Loss	Cost of Buildings	Value of Seal the acre in Col 13	Compound interest at 6% on the amount mentioned in Col 13.	Total Amount Awarded.	Remarks.	
	2	3	4	5	6	7	8	9	10	11	12	13	14	
Cleveland Estate	80	250	200	30	230	96 3 2						326 3 2	Compound Interest has been calculated for years from 1893 to the end of 1898.	
Denmore Estate	55	600	330	49 8	379 8	143 8					581	196 6	1300 6	for 5 1/2 years from the month 1893 to the end of 1898 for 6 years ending 1898
Lower Tiger Rock									500	65 10		21 9	637 3	(a) for 5 1/2 years at Rs 38-4- for 1 1/2 years 77-6-
Karya Jagi	05	250	12 8	1 13	14 5 5	1 10 7						16		(b) Compound Interest for 2 years
Benhope	1 85	880	1628	244	1872	633	94	931				3941		(c) for 5 years
Kurumbady	1 82	210	382 3 2	57 5	439 8 5	148 8 4	79	118 8				63 6	340 56	(d) for 5 1/2 years for 5 years
Hill Grove	10 x 40 1/2	250	25 3 8	3 12	29 2	10 15 4		49 8		187 8		14 8	76 12	(e) for 6 years at Rs 30-12- 2 years at Rs 31-8-
Rumaymede											62 4			
Total	5 17 x 40 1/2		2577 14 10	386 3	2964 6	1033 14	3 20	1604	500	946 6	295 13	7344 7		

Copied
 9-2-99

Exd
 Ind

Collected

Proceedings of the Select Committee of the Nilgiris
Dated 11th December 1898.

On the 5th Instant, inquiry was conducted at Coonoor into the question of Compensation for the damages caused by the Nilgiri Railway in the following estates:-

- | | |
|----------------|----------------------|
| (1) Benhope. | (2) Maria Jogi |
| (3) Glenmore | (4) Lower Tiger Rock |
| (5) Barliyar | (6) Kurumbadi |
| (7) Hill Grove | (8) Badaga Estate. |

For various reasons, however, the decision in some cases had to be postponed for further inquiry or Consideration and I am in a position now to pass over as regards two estates only, viz Benhope and Maria Jogi's estates.

2. (1) Mr. Rhodes James appeared on behalf of the proprietors of the Benhope estate.

The portion damaged by Railway amounts to 3.81 acres. This has been divided into (a) land irreparably injured (b) land damaged but replanted & (c) land damaged but still bearing old trees.

(2) The area of (a) is 1.85 acres

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P15 Ry eno-208/99

acres. At the time when part of this estate was acquired under the Act (Collector's award of the 11th January 1893) it was decided that the market value of the land with standing coffee was Rs. 880 per acre & I have decided and Mr. James has agreed that this rate should be paid for the land irreparably damaged.

The damage was done mainly in 1893 & 1894, but Mr. James states that some damage was done in 1892 & this may well be because it appears from the Special Revenue Inspector's Spoil book that some damages had been done prior to his appointment early in 1893. As it is impossible or exceedingly difficult to ascertain the exact date when each square yard of land was damaged, it has been decided to compromise by treating all damage as having been completed at the end

end of 1893. Accordingly interest will be paid on the market value of the land for 1894, 1895, 1896, 1897 and thereafter up to date of payment of the Compensation.

As to the rate at which interest is allowed it is stated, and was not disputed when the award was made in connection with the acquisition of part of the estate, that seven years' purchase of the annual average profit of an acre of coffee land is regarded as equivalent to the value of the land. In other words net profits may be taken at 15% and at this rate Mr. James claims interest. But it appears to me preferable to treat the permanently injured land as if it had been formally acquired on the date on which the injury occurred, that is to say, to grant as compensation for it the market value plus 15 percent with interest thereon up to the date of payment. On this principle the Compensation

payable

Payable would be $\text{Rs } 880 \times 1.85 = \text{Rs } 1628$
plus 15 per cent = $\text{Rs } 1872 \frac{1}{2}$ plus —
Compound interest for the five years
ending 1898 at 6% = $\text{Rs } 1872 \frac{1}{2}$ plus
 $\text{Rs } 633 \frac{1}{3} = 2505$ in round figures.

Whereas on Mr. James' principle
he is entitled to receive $\text{Rs } 880 \times 1.85$
= 1628 plus simple interest at 15%
for the five years ending with
1898 say $\text{Rs } 1221$ or in all $\text{Rs } 2849$.

(3) Turning now to the
land which has been injured
and replanted in consequence
we find its area to be 94 cents.

On this land the loss of
profits is estimated at $\text{Rs } 189$
per acre and the cost of re-
planting and bringing into bearing
an acre of Coffee is estimated
at $\text{Rs } 140$.

Mr. Rees in 1892 found
after inspection of seven years
accounts that the average
profits per acre in Benkape
might be put at 170 Rupees
per acre and, as the destruction
of the Coffee took place shortly
after

after 1892 and, as the average price
of Coffee since 1891 is said to have
been rather more than less than the
price in the seven years ending
1891, it seems fair to take
Mr. Rees' figure.

At this rate the profits
for five years which Mr. James has
accepted as a fair period to
name would be $\text{Rs } 170 \times \frac{94}{100} \times 5 = \text{Rs } 799$.
To this must be added the cost
of replanting and bringing into
bearing as to which the figure
named by Mr. James seems reason-
able. The cost at this rate would
be $\text{Rs } 140 \times \frac{94}{100} = \text{Rs } 132$ in round figures.

In all then the Compensation
for the land replanted is $\text{Rs } 931$.

(4) Finally as to the land
which, though injured, is still
bearing old Coffee. The area is
1.02 acres.

Mr. James has agreed to
accept as a fair compromise
for damage, which it is impossible
to estimate with accuracy, half
the rates allowed on the replanted
lands. This seems to me reasonable
because

Payable would be $\text{Rs } 880 \times 1.85 = \text{Rs } 1628$
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he is entitled to receive $\text{Rs } 880 \times 1.85$
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because

because the old trees have been injured in some cases & because replanting is likely to be necessary at an earlier date than if no injury had been done. According to his proposal the compensation for these lands maybe put at Rs 85 x $\frac{102}{100} \times 5 =$ Rs 433 1/2 plus Rs 70 x $\frac{102}{100} =$ Rs 71 2/5 or in all Rs 505 in round figures.

(5) The total Compensation payable for the damage done in Benhope amounts therefore to Rs 2505 + 931 + 505 or Rs 3941.

Mr James has expressed his readiness to accept land in exchange for the sum awarded. The amount will therefore be communicated to him and he will be asked to state at an early date the area & position of the land which he would accept in exchange. Mr James should also file a Power of Attorney from the owner of Benhope.

I may mention that the damage done was inspected by me in company with Mr James & that the Benhope Estate is in a high state of cultivation. The rates of profit allowed in this case is not, therefore, necessarily the rate which will be allowed in respect of other estates.

3. The son of Maria Jago appeared to represent the owner of Maria Jago's estate on the 5th Instant. This is a very simple case. The area of Coffee destroyed is only 5 cents. The land has been removed by excavation. The place was personally inspected by me. The Collector in the ward under the Land Acquisition Act granted Rs 250 per acre for the land in this estate. Some of the land taken up was uncultivated but from the evidence of witnesses it appears that the rate awarded represented the value of the land planted with Coffee such as the 5 Cents now to be compensated for.

The Spail Book shows that the damage occurred in December 1896 & January 1897.

I would allow Compensation at Rs 250 per acre, plus 15% plus Compound interest at 6% (as in the case of Benhope) from the beginning of 1897 up to the date of payment of the Compensation.

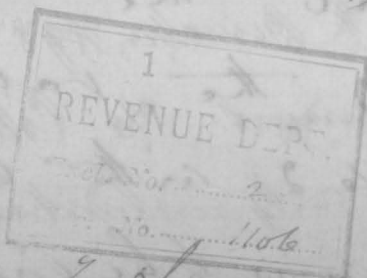
At this date, by the end of the current year, the owner would be entitled to the following Compensation.

viz. $Rs\ 250 \times \frac{5}{100} = 12.5$ plus 15% (Rs 1.84) = Rs 14.34 plus Compound interest for two years (Rs 1.74) = Rs 16 in a round figure.

As it appears that the estate is not owned by Maria Jagi alone, Kiriya, his son, must produce a Power of Attorney signed by all the owners enabling him to act on their behalf.

(Signed) A. Butterworth
Ag/Collector.

(True Copy)



Returned to the Res. Dept. Secy. Office

D
1,000-7-9-98.

B. 2.9

REVENUE DEPARTMENT.

C No. 1106 of 99

From The Public Works Department (By Branch)

Dated 11th February 1899.

FOR ORDERS.

B

In G.O. 368 (P.W.D. - By)

of 18th February 1893, the Government approved the ^{action} taken by the Collector of the Nilgiris for the assessment and payment of damages on account of lands acquired for the Nilgiri

Para 1 of the Collector's Letter of 7.2.99

Railway. The Collector now submits for the approval of Government - the methods of valuation adopted in awarding compensation for damages done since then to the private estates through which the Railway passes.

Cf statement at page 5 of G.O. 368 R. 18.2.93 B.

statement showing particulars of award is appended to the Collector's Letter. The method adopted in assessing the compensation is discussed in detail in regard to two of the estates in the copy of the Collector's Proceedings

E

of 11th December 1898 enclosed with the current. The Collector solicits very early instructions so that if Government decides to accept the

Para 6 of the Collector's Letter of 7.2.99

The Spoil Book shows that the damage occurred in December 1896 & January 1897.

I would allow Compensation at Rs 250 per acre, plus 15% plus Compound interest at 6% (as in the case of Benhope) from the beginning of 1897 up to the date of payment of the Compensation.

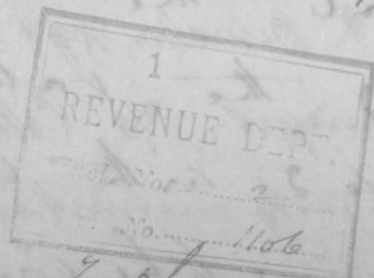
At this date, by the end of the current year, the owner would be entitled to the following Compensation.

Rs. $250 \times \frac{5}{100} = 12.5$ plus 15% (Rs 1.84) = Rs 14.34 plus Compound interest for two years (Rs 1.77) = Rs 16 in a round figure.

As it appears that the estate is not owned by Maria Jagi alone, Hiriyu, his son, must produce a Power of Attorney signed by all the owners enabling him to act on their behalf.

(Signed) A. Butterworth
Ag/Collector.

(True Copy)



Returned to the Rev. Dep't, Sec. Office

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1 1,000-7-9-92.

D
B-2-9

REVENUE DEPARTMENT.

C No. 1106 of 99

From The Public Works Department. (By Post)

Dated 11th February 1899.

FOR ORDERS.

B

Para 1 of the Collector's
Letter of 7.2.99

Cf statement at page
5 of G.O. 368 R
18.1.93

E

Para 6 of the Collector's
Letter of 7.2.99

In G.O. 368 (P.W.D. - By)
of 18th February 1893, the Government
approved the ^{action} taken by the Collector
of the Nilgiris for the assessment
and payment of damages on account
of lands acquired for the Nilgiri
Railway. The Collector now submits
for the approval of Government -
the methods of valuation adopted in
awarding compensation for damages
done since then to the private estates
through which the Railway passes - a
statement showing particulars of
award is appended to the Collector's
Letter. The method adopted in assessing
the compensation is discussed in
detail in regard to two of the estates
in the Copy of the Collector's Proceedings
of 11th December 1898 enclosed with
the current. The Collector solicits
very early instructions so that if
Government decides to accept the

mode of valuation the amounts awarded to the various estate proprietors may be disbursed from the available balance of the provision of Rs 30,000 for this purpose for the current official year. (1898-99).

2. The Public Works Dept. in transferring the papers to this Department; remarks that it has no opinion to offer except that if the principles adopted by the Collector are considered to be fair, it would be advisable that he should be told so without any avoidable delay.

3. In making awards, the Collector has allowed compound interest at 6 per cent per annum on the amount of compensation. vide columns 8 & 14 of the statement. D.

Section 34 of the Land Acquisition Act I of 1894, which provides for the payment of interest, does not specify whether simple or compound interest should be paid.

There are no other points falling for notice.

4. Submitted that the papers may be referred unofficially to the

I don't see how comp. int. can be allowed.

M. J. Simple interest is all that is contemplated in Sec. 28 of the Act. In 5 years it only makes a difference of about 3% if the interest is taken @ 6%; this is perhaps hardly worth haggling about.

to the Board of Revenue for very early remarks.

TH 99
C.D.
14/2/99

See Mr 16/2/99

Yes JH 16/2/99

To the Bd of Rev. no.

M,
we note as to interest above. There is nothing else in the Colr's Proceedings which seems to call for comment.

17-2/99

As simple interest only is allowed on sums decreed by a Court we have good grounds for adopting a similar rule here I think.

17/2

Revenue Department

To The Under Secretary.

For orders as to whether the Collector may be told to allow only simple interest on the amount of compensation.

C.D.
21/2/99

See Mr 21/2/99

Yes JH 21/2/99

Please see draft order on the docket.

C.D.
21/2/99

See Mr 21/2/99

Phase See A4 15/2/99